

## Sixty-Third Annual Philip C. Jessup International Law Moot Court Competition

### THE CASE CONCERNING THE SUTHAN REFERENDUM

The 2022 *Compromis* focused on four legal issues: violation of human rights on the internet; data theft; the secession of part of a nation's territory; and foreign election interference.

The parties were the Democratic Republic of Antara (Applicant) and the Velan Kingdom of Ravaria (Respondent), two developed countries located in the Benthamian Peninsula. The entirety of the Peninsula was colonized by the Zemin Empire in the eighteenth century and divided into three administrative districts: Antara in the north; Ravaria in the south; and Sutha between the two.

In 1949, Antara and Ravaria became independent states, with territories corresponding to their colonial district boundaries. Sutha lacked adequate prospects of self-sufficiency to follow its neighbors into full statehood. After years of disagreeing about the status of Sutha, in 1962 Ravaria and Antara signed the Treaty of Singapore, making Sutha part of Antara for twenty-five years and permitting the Suthan Legislative Council and the National Interim Parliament to authorize a referendum in Sutha any time thereafter to determine whether it wished to remain a province of Antara or become an independent state.

In April 2017, a series of cyberattacks hit police departments and hospitals across Antara, resulting in significant losses, delays, and interruptions. The Antaran Parliament responded by enacting the Protect Antaran Cyberspace Act (PACA), which, among other things, established the Data Protection and Cybersecurity Agency (DPCA). One major proponent of Suthan independence was Professor Liam Hunland, a citizen of Ravaria and a legal permanent resident of Antara since he moved to Sutha Province in the 1980s. As a tenured professor of Velan theology at the University of Sutha, Prof. Hunland had for years been a regular contributor to local and international media. By 2019, Prof. Hunland acquired over nine million followers on his personal page on Pano, the most popular social media platform in the region.

In April 2020, in response to the COVID-19 pandemic, Prime Minister Irene Goldman of Antara, by Decree No. 20-32, instated public health measures to prevent the spread of the virus. In November and December, Prof. Hunland publicly posted or shared over eight hundred messages on Pano, asking people to stand together and defend their right of having a free legitimate vote. Between January 11 and February 1, 2021, Prof. Hunland's posts and re-posts (63 percent of his total), were flagged by Pano. On February 5, 2021, the content moderation unit within the Antaran DPCA filed an application for a content takedown and user suspension order to be issued against Pano with respect to Prof. Hunland's posts, in accordance with Section 5 of PACA.

On March 1, 2021, Antara held a referendum on Suthan independence, with 52 percent voting for secession.

On April 4, 2021, the *Sydney Morning Herald* reported that one week before the referendum, DPCA's cybercrime prevention unit had sought and received a court order under Section 8 of PACA for the takedown of what it codenamed "Lunar Botnet." During a closed-door *ex parte* hearing, DPCA provided evidence to a judge in the Federal Court of Upper Antara that Lunar Botnet had infected over 30,000 devices over the three months immediately preceding the referendum. The criminal investigation revealed that the SAD had controlled the Lunar Botnet from servers at its headquarters and used it to advance separatist messages online. The DPCA proceeded to

hack the server remotely, and to launch what it called “Operation Moonstroke” from the server. Operation Moonstroke disabled the botnet, removing thousands of “web shells”—segments of script enabling remote administration—from the affected devices.

On April 25, 2021, Emma Walters, the wife of Ravarian Ambassador Benny Walters, was involved in a fatal car accident. Police took Mrs. Walters into custody and seized a briefcase that was in the car. The briefcase contained five years’ worth of documents outlining a program led by Ravarian Ambassador to fund the Suthan Independence Party (SIP) and the non-profit foundation Suthans Against Domination (SAD) run by controversial Professor Liam Hunland. Ravaria protested that the search and seizure of Mrs. Walters’ briefcase was improper and that any evidence gained as a result of the search should not be admissible as evidence before the Court.

A third state brokered an ad hoc conciliation between the attorneys general of Antara and Ravaria to discuss the potential resolution of the above issues. A few days later, the official transcription of the conciliation meeting was delivered to the two governments. The transcript included an informal exchange between the attorneys general that took place on May 30, 2021, where they did not deny the legitimacy of the content of the documents found in Mrs. Walters’ briefcase.

At the invitation of the Zemin foreign minister, diplomats from Ravaria and Antara continued to meet for another month. Those discussions led to an agreement that the parties would refer all matters in dispute to the International Court of Justice, and for that purpose they drafted and signed a Special Agreement. Antara has indicated that it intends to rely on the documents contained in Ms. Walters’ briefcase and the recording of the conversation between the attorneys general. Ravaria has objected to the admission of those materials into evidence.

#### **Issues to be resolved by the Court:**

- I. Whether the documents obtained in the search of the vehicle driven by Ms. Walters and the recording from the conciliation meeting of May 30, 2021 are admissible as evidence in these proceedings;
- II. Whether Ravaria’s campaign of financial contributions and the dissemination of misinformation intending to influence the outcome of the Suthan referendum were in violation of international law;
- III. Whether Antara’s order suspending Prof. Liam Hunland’s Pano account was consistent with international law; and
- IV. Whether Antara’s actions in taking down the Lunar Botnet, and the effects of those actions on computers and devices in Ravaria, were consistent with international law.

### **SUMMARY OF PARTICIPATION IN JESSUP 2022**

The 2022 White & Case International Rounds marked the second year in a row of online competition on the bespoke Yaatly platform. Following months of national competitions (most held online), the International Rounds began on Thursday, March 24, 2022, and culminated with the World Championship Round on April 9, 2022. With 160 participating teams from eighty-eight jurisdictions, 2022 was one of the largest and most diverse International Rounds ever. The International Law Students Association thanks White & Case LLP, the American Society of International Law, the International Bar Association, and the hundreds of volunteers who contributed their time, talent, and energy to the competition.

## WHITE & CASE JESSUP CUP WORLD CHAMPIONSHIP ROUND

### Final Round Judges

H.E. Hilary Charlesworth  
*Judge, International Court of Justice*

H.E. Georg Nolte  
*Judge, International Court of Justice*

H.E. Bruno Simma  
*Former Judge, International Court of Justice*

### White & Case Jessup Cup World Champion

Harvard University (USA)  
Katherine Shen  
Hannah Sweeney  
Marta Canneri  
Nanami Hirata  
Stephanie Gullo

### Jessup Cup Runner-Up Team

Singapore Management University (Singapore)  
Brian Wong  
Joel Soon  
Wenyee Chang  
Robbie Tan  
Allen Chong

### Stephen M. Schwebel Best Oralist Award (Championship Round)

Marta Canneri, Harvard University (USA)

## OTHER INTERNATIONAL ROUNDS AWARDS

*Best Oralist (Preliminary Rounds):* Berenice Joanna G. Dela Cruz, University of the Philippines (Philippines)

*Best New Team:* University of Oslo (Norway)

*Best Overall Applicant:* University of Oxford (United Kingdom)

*Best Overall Respondent:* University of San Carlos (Philippines)

*Best Applicant Memorial:* University of Oslo (Norway)

*Best Respondent Memorial:* Gujarat National Law University (India)

### *Semi-Finalists*

Universidad Nacional Autonoma de Mexico -UNAM- (Mexico)

Universidade de Sao Paulo (Brazil)

### *Quarter-Finalists*

Hertie School (Germany)

University of New South Wales (Australia)

University of Queensland (Australia)

University of Western Ontario (Canada)

*Octo-Finalists*

Eotvos Lorand University (Hungary)  
Gujarat National Law University (India)  
Universitaet Wien (Austria)  
University of Georgia (USA)  
University of Oxford (United Kingdom)  
University of San Carlos (Philippines)  
University of the Philippines (Philippines)  
WB National University of Juridical Sciences (India)

*Round of 32*

Shantou University (China)  
Symbiosis Law School, Pune (India)  
American University, Washington College of Law (USA)  
University of International Business and Economics (China)  
University of Virginia (USA)  
Bucerius Law School (Germany)  
Cornell University (USA)  
Westfaelische Wilhelms Universität Münster (Germany)  
East China University of Political Science and Law (China)  
Universitas Katolik Parahyangan (Indonesia)  
Case Western Reserve University (USA)  
Universidad de Buenos Aires (Argentina)  
Zhongnan University of Economics and Law (China)  
National University of Singapore (Singapore)  
George Washington University (USA)  
Jindal Global Law School (India)

*Run-Off Teams*

Airlangga University (Indonesia)  
Arizona State (USA)  
Bond University (Australia)  
Boston College (USA)  
BRAC University (Bangladesh)  
Central South University (China)  
Centro de Investigacion y Docencia Economicas, AC (Mexico)  
China University of Political Science & Law (China)  
Chinese University of Hong Kong (Hong Kong China)  
Chongqing University (China)  
Emory University (USA)  
Gadjah Mada University (Indonesia)  
Graduate Institute of International and Development Studies (Switzerland)  
Hebrew University of Jerusalem (Israel)  
Hong Kong University (Hong Kong China)  
ILS Law College (India)  
Ivane Javakhishvili Tbilisi State University (Georgia)  
Kathmandu University School of Law (Nepal)  
Katholieke Universiteit Leuven (Belgium)

Kings College, London (United Kingdom)  
Koc University (Turkey)  
Kutafin Moscow State Law University  
Law Society of Ireland (Ireland)  
MGIMO University  
Multimedia University, Melaka (Malaysia)  
National University of Advanced Legal Studies (India)  
Norman Manley Law School (Jamaica)  
Pontificia Universidad Catolica de Chile (Chile)  
Riga Graduate School of Law (Latvia)  
Royal University of Law and Economics (Cambodia)  
Sciences Po, Campus Europe - Asie au Havre (France)  
Seoul National University (South Korea)  
Shanghai JiaoTong University (China)  
Sun Yat-sen University (China)  
The Honourable Society of Grays Inn (United Kingdom)  
Universal College Lahore (Pakistan)  
Universidad Autonoma de Madrid (Spain)  
Universidad Carlos III de Madrid (Spain)  
Universidad Catolica Santa María La Antigua (Panama)  
Universidad de Chile (Chile)  
Universidad de La Sabana (Colombia)  
Universidad de Los Andes (Colombia)  
Universidad del Istmo (Guatemala)  
Universidad Panamericana Campus Mexico City (Mexico)  
Universidad Rafael Landivar (Guatemala)  
Universidade Federal da Bahia (Brazil)  
Universita degli Studi, Roma Tre (Italy)  
Universitas Pelita Harapan (Indonesia)  
Universiteit van Amsterdam (Netherlands)  
University of Bucharest (Romania)  
University of Cebu-Banilad (Philippines)  
University of Colombo (Sri Lanka)  
University of Johannesburg (South Africa)  
University of Melbourne (Australia)  
University of Padjadjaran (Indonesia)  
University of Pennsylvania (USA)  
University of Toronto (Canada)  
University of Windsor (Canada)  
Victoria University of Wellington (New Zealand)  
Washington University, St. Louis (USA)  
Westminster International University in Tashkent (Uzbekistan)  
Xiamen University (China)

*The Hardy C. Dillard Award*

(Award for the best memorials from the Qualifying and White & Case International Rounds)

First Place: Université de Geneve (Switzerland)

Second Place: (TIE) Hidayatullah National Law University (India)

Second Place: (TIE) Gujarat National Law University (India)

Fourth Place: (TIE) Singapore Management University (Singapore)

Fourth Place: (TIE) Chinese University of Hong Kong (Hong Kong China)

*The Richard R. Baxter Award*

(Top Overall Applicant and Respondent Memorials)

Best Applicant Memorial: Université de Geneve (Switzerland)

Best Respondent Memorial: Singapore Management University (Singapore)