



HIGHER SCHOOL OF ECONOMICS
NATIONAL RESEARCH UNIVERSITY

**PHILIP C. JESSUP INTERNATIONAL LAW MOOT
COURT COMPETITION**

WHITE & CASE

JESSUP CUP

2023 – 2024 HSE Team Selection



Contents

SELECTION TIMETABLE	3
HSE AT JESSUP	4
SELECTION STAGES.....	5
WRITTEN MEMORIAL GUIDELINES	6
WRITTEN MEMORIAL TASK & PROBLEM	9
RECOMMENDED MATERIALS	15

Selection Timetable

Written Memorials due	Thursday, 7 September 2023, 23:59
Oral presentations and personal interviews	Saturday, 9 September 2023, online
First team meeting	Saturday, 16 September 2023, in-person in Moscow

HSE at the Jessup

The Jessup Moot is the largest and the oldest moot court, also recognised as the most prestigious international law competition. Teams compete in oral advocacy and memorial writing.

The team starts to prepare immediately after the competition problem is published in mid-September. Effective participation requires a singular commitment and an overriding dedication.

HSE is in the game since 2011.

In these 12 years we:

- 8 times advanced to D.C. rounds;
- twice won the Russian National Cup;
- 5 times appeared in the National Final Game;
- consistently won global memorial awards.

Selection Stages

1st stage. Written Memorial

You are to write a memorial based on a shortened version of a Jessup problem. First, read carefully the **Memorial Guidelines**, then the **Selection Case**. Aspire to use the List of Recommended Materials.

Send your memorial by Thursday, 7 September 2023, 23:59, to the e-mail address hsejessupcup@gmail.com

2nd stage. Oral presentations

You are to deliver a 10-minute presentation of your response to the question that you have addressed in your written memorial. The purpose of the presentation is for us to gauge your capacity to express a legal argument clearly and persuasively in speaking. **There is no need for the presentation to be fully polished**, and you should concentrate instead on dealing with the legal issues at hand as clearly as possible.

Meanwhile, use the recordings of the best oral arguments at Jessup as your guiding models, for instance: <https://www.youtube.com/watch?v=3bj0Oak-ku0>

3rd stage. Personal interviews

You will be asked about your background and your motivation to participate.

Written Memorial Guidelines

1. What is a Memorial?

Memorial is a legal document which presents a party's position on a particular issue or a set of issues. Memorials that are turned in to the court are adversarial memorials, meaning that they are not aimed at analyzing different aspects of the given issue, but rather strictly and argumentatively, in solid and competitive words, put forward the legal position of one party, from its subjective, not objective point of view.

The memorials must not be written neutrally, as they are not meant to be an objective assessment of the legal issue or a retelling of existing scholar/judicial views on the subject matter. At the same time, memorials must not exaggerate the facts of the case to the detriment of the objective truth, meaning that all inferences from the facts must be strictly reasonable.

2. Formal requirements

We ask that you pick only one issue and one side (the Applicant or the Respondent) for the purpose of writing your memorials. Please limit the content of your memorials to the PLEADINGS (arguments) section, meaning that other common parts of memorials, such as the facts of the case, statement of jurisdiction etc. are not to be included.

The word limit is 2,500 words including footnotes.

Interval: 1,5.

Font: Times New Roman, 12.

Page size: US Letter.

3. Structure of your Memorials

Memorials must not contain unstructured blocks of text like a regular essay. There must be headings and sub-headings to logically outline the sub-issues and problems you need to argue upon. Each issue, sub-issue or any structural block of your memorial must reflect the IRAC structure as closely as possible.

The IRAC is a rule of structured legal writing, under which each legal argument (sub-argument) is presented in the following sequence:

- **Issue** (for instance, "The documents published on the Ames Post are not admissible")
- **Rule**, meaning the legal rule derived from an authority that applies in all cases (for instance, "International law prohibits admission of evidence from newspapers whose name starts with an 'A'")
- **Application** of the Rule, meaning the facts of the case vis-à-vis the general rule to demonstrate that the rule has either been complied with or violated (for instance, "In the present case, the documents were published on the Ames Post, whose name starts with an 'A'")

- **Conclusion** as to whether there was a violation of the rule or not (for instance, “Therefore, the documents must be rejected by the Court as coming from a wrongfully named source”)

As a matter of illustration, please see the Jessup memorial available [here](#), having specific regard to its structure.

4. Research and citation, sources that can be used in your memorial

For the purposes of selection memorial, research based on Google as well as court databases. (ECHR, ICJ, CJEU), any online libraries and/or online books/journals on international law you may find, including e-journals on international law. It is important to cite such authorities as much as possible in the memorial.

Nothing should be left unsubstantiated by a source of law, as it is not an essay or scholarly opinion. Your personal outlook on the situation is irrelevant, as the memorials must show what the law is and what is the law’s outlook on a particular situation.

At the same time, citations to articles or scholars are by themselves not sufficient. Please make sure you have read and fully understood Article 38 of the ICJ Statute, especially its differentiation between primary and secondary legal rules, as well as the type of scholarly articles admissible before the ICJ (please be especially warned against using *law review* articles as direct sources of your memorial conclusions).

As a general rule, one may not rely on a secondary legal rule in the absence of a primary rule. Secondary rules serve as a means of interpreting, understanding the primary rules, but they may not substitute primary rules. Always make sure each and every one of your legal arguments (sub-arguments) has a primary rule in it, not just a secondary rule.

Written Memorial Task

If you want to become a member of our team, we would like to kindly ask you to draft a short memorial based on one of the issues of this year's Jessup problem.

You may find a shortened version of the Case below. At your discretion, please **pick one issue and one side**. Please note that your memorial shall **not exceed 2,500** words (including footnotes).

In order for us to easily identify you please indicate the e-mail's subject and name your memorial as per example below:

"Side, Issue Number, Name", so your file and subject of your e-mail should read like "Applicant, 1, Ivan Ivanov", if you have chosen to write a memorial on issue 1 on behalf of the Applicant.

Last, but not least, please note that all memorials will be subject to plagiarism check, so make sure that you draft your memorial by yourself and use quotation marks whenever you are citing a particular source.

We encourage all of you to start researching and drafting your memorials as soon as possible, because Jessup problems are always quite complicated.

Good luck and looking forward to reading your memorials!

Selection Case

Aglovale v. Ragnell

1. The Gais Peninsula comprises three countries: the Kingdom of Aglovale, the Federation of Balan, and the State of Ragnell. Aglovale, a constitutional monarchy, is a landlocked state covering an area of 43,000 square kilometers. Its population numbers 13 million, and its nominal GDP is US\$950 billion.
2. Aglovale is bordered by Balan to the north and east, and Ragnell to the south and west. Between Aglovale and the Dozmary Sea lies the Clarent Belt (“the Belt”), a mountainous and largely inaccessible region that is 217 kilometers long and extends inland between 25 and 79 kilometers. In the Belt, only the portion known as “Tintagel Coast,” approximately 1,200 square kilometers, is habitable.
3. Balan is a developing parliamentary republic with a land area of 140,000 square kilometers. Its population was 7.4 million at the 2020 census, and its nominal GDP in that year was US\$150 billion.
4. Ragnell is a constitutional democracy covering 60,000 square kilometers. It has a population of approximately 24 million people, and its GDP is US\$540 billion. Ragnell and Aglovale are each other’s most important trading partners, with bilateral commerce representing 32% and 24% of their economies, respectively.
5. Until the early 1950s, the Belt was universally recognized as part of the territory of Balan. In the early 20th century, Balani commercial enterprises established an industrial park on Tintagel Coast. By the late 1930s, over a dozen major plastics manufacturing facilities had been built there.
6. In October 1951, an explosion whose origins were unclear occurred at the offices of Balan’s port authority in the Belt, killing the executive director and five others. Balan attributed the attack to Ragnell’s secret services and increased its military presence in the Belt. Ragnell strenuously denied these claims, declaring that “by its saber-rattling” Balan was recklessly risking devastating consequences for the region. In the following months Balan placed an army division of infantry, artillery trucks, and battle tanks along the border between the Belt and Ragnell. Ragnell responded by sending 20,000 soldiers, equipped with armored vehicles and tank destroyers, to the border.
7. In June 1952, the standoff between the two States escalated into “the Clarent War.” The heaviest fighting was centered near Tintagel Coast, which was bombed repeatedly. By the end of 1954, although fighting continued, Ragnell had secured control of all of the Belt. It seized the seaport, nationalized the Park’s factories, and rapidly restored the ones that had been affected by the bombing.
8. At the outset of the fighting, King Norton IV of Aglovale proclaimed that his country would remain neutral. The two belligerents accordingly respected Aglovale’s right of access to the sea. When the King died suddenly in 1956, his daughter, Clarine, ascended the throne. In her coronation speech, the young monarch declared: “Years of conflict between our neighbors have left the Gais Peninsula deeply scarred. Under the wise leadership of His late

Majesty my father, Aglovale has avoided entanglement in that conflict. My government now offers its services to steward the way to lasting peace. I dedicate my reign to that goal.”

9. Queen Clarine convened a first round of peace talks between Ragnell and Balan in Stirling, Aglovale’s capital. The negotiations stretched over two years, and on 16 September 1958, at the Queen’s invitation, the leaders of Ragnell and Balan met at her Royal Residence to sign the “**Trilateral Treaty of Lasting Peace**”.

10. The three parties committed to “demilitarization of the Clarent Belt,” “cessation of hostilities,” and restoration of “friendly relations” among them. Balan retained sovereignty over the Belt, but agreed to lease the entire territory of the Belt to Ragnell for a specified annual payment. The lease was for a 65-year term, after which the territory would be returned to Balan. For the duration of the lease, Ragnell assumed responsibility for maintenance of public order and provision of government services. Aglovale agreed to monitor the other parties’ compliance with the terms of the Treaty.

11. On 19 September 1958, Ragnell withdrew its troops from the Belt, and Aglovale deployed 1,400 lightly armed peacekeeping forces. The presence of Aglovalean peacekeepers in the Belt was routinely renewed by all Parties, in accordance with Article 6.2 of the Treaty, until 2018.

12. Although the Treaty was met with widespread support in all three States, a group of Balani military veterans, many of whom had lost loved ones in the Clarent War, loudly opposed it. “Unityk Ai Chyvon” (“UAC”) (“United and Whole” in Balani) organized annual protests and marches across Balan. Over the following decades UAC expanded its activities: it founded veterans’ aid centers and student societies focused on social activism, and sponsored survival skills workshops and other outdoor activities along the Belt’s mountain range. UAC members also staged annual reenactments of historical battles and distributed pamphlets and flyers to encourage national awareness of the Belt’s continuing importance to Balan.

13. By the turn of the 21st century, new factories in the Belt, most of them operated by Ragnellian corporations, produced a wide variety of plastics-based items for the biomedical and healthcare industries. As the Park’s activities expanded, the population of Tintagel Coast also increased. At the end of 2015, 4,000 workers and their families (nearly 10,000 people in total) resided there. According to census reports, approximately 50% were Balani nationals, 31% were Ragnellian nationals, and 16% were Aglovalean nationals.

14. The “Ragnellian Progressive Party” (RPP) was formed in 1967, with a central manifesto of deregulating commercial activities, strengthening Ragnell’s military and economic power, and protecting Ragnellian interests in the Belt. The RPP gradually gained a following, and by the mid-1980s it was one of the country’s two major political parties.

15. In 2018, Dan Vortigern ran as the RPP’s presidential candidate, campaigning on a platform that was openly skeptical about international institutions and treaties. Vortigern’s rhetoric increased concern in Balan regarding the future of the Belt. Starting in August 2018, UAC student societies produced a string of viral videos, which attracted significant media attention. The videos presented Vortigern’s potential election as a catastrophe that would lead Ragnell to renege on its commitment to withdraw from the Belt in 2023, as required under the Treaty. They called upon Balanis to stand together to defend their ancestral territory against any effort by Ragnell to delay or cancel the withdrawal.

16. On 12 November 2018, Vortigern was elected President of Ragnell. With Vortigern's election, UAC's membership increased within Balan, and its tactics began to shift from informational campaigns to sporadic physical attacks and cyber-attacks against factories owned by Ragnellians in Tintagel Coast and Ragnell's law enforcement units in the Belt. The frequency and severity of these incidents increased sharply over the next several years.

17. According to reports from Aglovale's monitoring forces in the Belt, UAC members carried out at least 233 raids between 2019 and 2021, causing increasingly serious damage. More than 40 people were killed and 35 injured in these incidents. Ragnell repeatedly called on Balan to take effective measures to prevent violence committed or instigated by UAC. Balan responded that it was already undertaking such efforts, including police raids on UAC clubs in Balani cities and arrests of members believed to have been involved in incidents in the Belt. Balan agreed to take the additional step of inspecting the contents of commercial vehicles crossing into the Belt and confiscating any weapons or other forms of contraband.

18. On 1 July 2020, during a press conference, President Vortigern addressed the escalating unrest: "I am grateful to Prime Minister Dalfer for his acknowledgment that UAC violence is coming from Balan. But he and his government must do much more. They cannot be passive in the face of the UAC terrorist attacks. If the government of Balan does not care about protecting property and saving lives, I do. If they cannot or will not act, I will."

19. At 23:00 on 7 July 2021, UAC members carried out attacks on three Ragnellian factories in the Belt, bringing their operations to a temporary halt and killing 50 employees. President Vortigern communicated to the leaders of both Balan and Aglovale that the situation had reached "a degree of seriousness, and of harm to our citizens and our enterprises, that requires me to take firm and decisive action. And regretfully, it appears that we must do this alone. So be it."

20. The following week, Vortigern announced the launch of "Operation Shining Star," a "limited and temporary military campaign" with the declared aims of "wiping out the UAC terrorist cells on Tintagel Coast, saving lives, and restoring regional prosperity." Armored vehicles and Ragnellian military battalions entered the Belt for the first time since the end of the Clarent War.

21. Queen Clarine appeared on national television, imploring Vortigern to end the operation and calling on both sides to "commit to a prompt diplomatic resolution, preventing further violence and bloodshed." The next day, Foreign Minister Laudine announced, "because of the increasing risks to our men and women in uniform, our peacekeepers will return home from the Clarent Belt immediately and will not be redeployed until further notice."

22. At Aglovale's request, on 22 July 2021 the UN Security Council convened an emergency meeting to address the situation in the Gais Peninsula. Aglovale's Permanent Representative circulated a draft resolution expressing "grave concern" over developments in the Belt, calling on Ragnell to cease its military operations, and seeking a UN peacekeeping force to restore order. Balan's Representative presented a summary of the situation on the ground in the Belt since the start of the operation, citing an exponential increase in property destruction and casualties. Twelve states voted in favor of the resolution, but it was vetoed by three permanent members.

23. By September 2021, the situation in the Belt worsened, as sustained fighting broke out between UAC and Ragnell's forces. As UAC continued to recruit volunteers from within

Balan, various news outlets reported intercepts of communications among senior Balani military commanders admitting that “We are unable to establish control over the situation in the Belt, and our efforts to stanch the flow of people intent on violence appear to be futile.” UAC fighters had well-established command and control structures and carried arms openly. They took positions throughout the Belt, attacking Ragnell’s forces and facilities owned by Ragnellian corporations in the Park. UAC’s arsenal was limited, consisting chiefly of improvised explosive devices and grenade launchers, personal defense weapons, and assault rifles. Nonetheless, its guerrilla warfare tactics including ambushes and sabotage raids continued unabated.

24. Attacks by UAC fighters and bombings by Ragnell’s forces continued, with casualties mounting into the hundreds. In early March 2022, Ragnell determined that a factory commandeered by UAC militants, called Compound Ardan, was being used to launch ground attacks against its forces. A Balani worker who claimed to have detailed knowledge of the situation reported to Ragnell’s military that all the occupants were UAC fighters engaged in active combat. The informant provided a map of the Compound and cellphone photographs seeming to show that UAC activities were chiefly concentrated in four buildings, while another smaller structure – Warehouse 15 – was being used to store weapons and ammunition. On 7 March 2022 Ragnell’s military leadership, having concluded that there were no civilians in or around the Compound, authorized a bombing raid on the four buildings and on Warehouse 15.

25. After the attack, the Ragnellian military determined that in fact no ammunition was stored in Warehouse 15, and eight Aglovalean aid workers had been hiding there, and were killed in the attack. A public investigation later conducted by Ragnell’s Parliamentary Subcommittee for Intelligence Oversight concluded that “despite his assurances, the Balani informant had a history of providing inaccurate and misleading intelligence to our military personnel.”

26. On 22 April 2022, Aglovale’s Parliament enacted sanctions legislation against Ragnell, which included:

- a. Freezing bank accounts belonging to Vortigern, his cabinet ministers, and senior RPP members and financial supporters, and seizing the assets of anyone of Ragnellian or other nationality engaged in direct or indirect attempts to circumvent these sanctions;
- b. Imposing travel bans on those same individuals;
- c. Freezing the funds of Ragnell’s central bank and ten other major Ragnellian banks operating in Aglovale’s territory; and
- d. Prohibiting companies incorporated in Aglovale and Aglovalian citizens from entering into new contracts with, providing goods or services to, or receiving goods or services from, business enterprises operating in Ragnell’s industrial, aviation, transportation, or security sectors.

27. In light of the sanctions, many companies registered in Aglovale voided contracts with their Ragnellian partners. At Aglovale’s urging several of its allies adopted similar measures, as a result of which many multinational retail and fast-food chains shuttered operations in Ragnell, and social media platforms suspended accounts belonging to Ragnellian nationals. Many factories owned by Ragnellians, including most of those still

operating in the Park, suspended production because they were unable to access the necessary foreign parts and supplies. Several hospitals in Ragnell reported that they were unable to acquire stocks of medicine and other vital needs, including insulin, vaccines, saline solution, and surgical instruments.

28. The volume of Ragnell's trade contracted sharply. The International Monetary Fund reported that the country's economy would contract by 15.5%, inflation would reach 34%, unemployment would triple to 18.6%, and imports would fall by nearly 25% in value before the end of 2022.

29. On 1 May 2022, President Vortigern addressed an audience of military cadets during Ragnell's traditional Independence Day address. He said: "Aglovale is attempting to force us to accept an untenable situation, with sanctions that are illegal and morally unacceptable. At this difficult time, let me assure the brave citizens of Ragnell that our economy and our way of life will survive. We will not surrender to this outrageous aggression. Our foreign partners and business allies will not tolerate it either. They will continue to trade with us, in a broad-based international condemnation of what we can only describe as schoolyard bullying."

30. On 4 May 2022, Aglovale seized Prydwen Place, the Aglovalean summer home of Kay Ector, a Ragnellian national and a primary donor to the RPP. In a press release, Aglovale's Justice Department noted that the move fully complied with the sanctions resolution and was justified by credible reporting that Ector was utilizing his connections with third-country nationals to evade the sanctions. Ector denied these allegations and filed suit in civil court in Aglovale to overturn what he called "this act of expropriation." The trial court dismissed the suit, holding that the seizure was valid under the statute, and that the law itself was consistent with the Constitution. On an emergency appeal, the Aglovalean Supreme Court affirmed the dismissal.

31. In addition to the treaties and other international agreements referenced elsewhere in this Case, Aglovale and Ragnell have at all relevant times been Member States of the United Nations and the World Trade Organization, and parties to the Statute of the International Court of Justice, the Vienna Convention on the Law of Treaties, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the four Geneva Conventions of 1949 and their two Additional Protocols of 1977. Neither Aglovale nor Ragnell is a party to any other treaty of relevance to this case.

32. Aglovale, as Applicant, respectfully requests the Court to adjudge and declare that:

- a. Ragnell violated its international law obligations in launching "Operation Shining Star" and must pay reparations to Aglovale for the deaths of the eight Aglovalean nationals;
- b. Aglovale acted in accordance with international law in imposing unilateral sanctions against Ragnell and Ragnellian nationals, and has no obligation to withdraw the sanctions, to return any property, or to compensate Ragnell for their impact.

33. Ragnell, as Respondent, respectfully requests the Court to adjudge and declare that:

- a. The initiation of "Operation Shining Star" was in conformity with international law, and does not give rise to any obligation to compensate;

- b. Aglovale violated its obligations by unilaterally imposing disproportionate and coercive sanctions against Ragnell and Ragnellian nationals, and must immediately withdraw those sanctions, releasing all Ragnellian property frozen and reinstating all assets seized pursuant to them, and compensate Ragnell for their impact.

Recommended Materials

I. MATERIALS POTENTIALLY RELEVANT FOR BOTH ISSUES:

1. [Charter of the United Nations](#)
2. [Statute of the International Court of Justice](#)
3. [Vienna Convention on the Law of Treaties](#)
4. [International Covenant on Economic, Social and Cultural Rights](#)
5. [ILC, Articles on Responsibility of States for Internationally Wrongful Acts](#)
6. UN Audiovisual Library

II. MATERIALS POTENTIALLY RELEVANT FOR THE 1ST ISSUE:

1. Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), ICJ Judgement (1986)
2. Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda), ICJ Judgment (2005)
3. Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign Against the Federal Republic of Yugoslavia (2000)
4. Al-Skeini and Others v. UK, App. No. 55721/07, ECtHR (7 July 2011).

III. MATERIALS POTENTIALLY RELEVANT FOR THE 2ND ISSUE:

1. Unilateral coercive measures: notion, types and qualification, Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights
2. Tom Ruys, Sanctions, Retorsions and Countermeasures: Concepts and International Legal Framework, in Research Handbook on UN sanctions and international law (Edward Elgar Publishing) (2016).
3. Zachary Mollengarden & Noam Zamir, The Monetary Gold Principle: Back to Basics, 115(1) Am. J. Int'l. L. 41 (2021).

Please note that in your research you are neither limited by this list nor required to use them at all.