**Jessup Rules**

1.Review circumstances of the case in the attached document (“Facts”).

2. Based on the facts prepare Memorial in English on behalf of Applicant (Adawa) on the following issue: *“Rasasa’s deployment of the WALL along the border between Adawa and Rasasa is in violation of international law”*.

Your memorial must be no longer than 1000 words (including footnotes).

3. Based on the facts prepare memorial in English on behalf of Respondent (Rasasa) on the following issue: *“Rasasa’s deployment of the WALL along the border between Adawa and Rasasa is consistent with international law”.*

Your memorial must be no longer than 1000 words (including footnotes).

4. Send both memorials as two separate documents attached to one letter **until 12 September 2020, 00:00.**

5. Please write at the top of each document your name, surname and course you are studying at.

You may interprete facts on your own, but you cannot change them or create new ones.

You are allowed to use any sources you can find.

If you have any further questions, please, don't hesitate to contact us via e-mail: **jessup.sfu@mail.ru.**

**Memorial Formatting**

1. **File Type:** Memorials must be in Microsoft Word format and have a .doc or .docx file extension.
2. **Paper Size/Margins**: All pages of the Memorial must be letter size, 821.6 x 27.9 cm, with margins of at least 2.5 cm on all four sides.
3. **Font, Font Size and Line Spacing:** It is recommended that the font and size of the text and the footnotes, be in Times New Roman 12-point. The line spacing is recommended to be 1.5 lines.

Footnotes must be used to identify the source of statements or propositions made in the body of the Memorial. Endnotes are not permitted. Footnotes may include substantive pleadings in addition to the text of the citation itself. Footnotes are included in the word limit.

Examples of proper footnotes:

*Certain Norwegian Loans (Fr. v. Nor.), 1957 I.C.J. 9, 23-24 (July 6) [hereinafter Norwegian Loans].*

*Certain Norwegian Loans (Fr. v. Nor.), 1957 I.C.J. 9, 23-24 (July 6) [hereinafter Norwegian Loans] (holding that France’s reservation in its declaration denying the Court jurisdiction over issues essentially within the national jurisdiction as understood by France could be utilized reciprocally by Norway).*

**Facts**

1. The State of Adawa and the Republic of Rasasa are neighboring countries in the Region of Crosinia (“the Region”). There are four other States in the Region. All six States are dominated by the same ethnic group, speak the same language and share many cultural traditions.

2. The Region is also the only place on Earth where the Helian hyacinth (Hyacinthus solaris) is cultivated. Exports of Helian hyacinth contribute significantly to the GDPs of all six Crosinian States.

3. On 14 July 2012, an unprecedented and catastrophic tropical cyclone, Hurricane Makan, struck the entire Region. The death toll from the cyclone exceeded 8,000 and, in each of the six States, entire towns were inundated, roads and power lines were destroyed, and major urban centers suffered historic flooding. More than 60% of the Helian hyacinths in Rasasa, 20% of those in Adawa, and between 15% and 20% of those in the other four States were destroyed. Unemployment began to increase across the Region as farms, their suppliers, and the businesses that depended on them became no longer viable.

4. In the weeks and months following the storm, crime rates skyrocketed throughout the Region. Armed gangs roamed the countryside, stealing salvageable Helian plants and harvesting and processing equipment from the devastated farms. According to the overwhelmed police forces of the six States, many of the gang members were former Helian farmers whose way of life had been disrupted by the cyclone. Official reports described them as “simple hooligans,” drawn to the opportunity to make easy money with little risk, and noted the broad range of their criminal activities: acts of violence, arsons, vandalism of public and private property, as well as thefts of cash, equipment, and trade goods.

5. In October 2012, the President of Rasasa, Beta Tihmar, convened a meeting of major Rasasan corporate executives to elicit ideas on how to address the increasingly serious crime wave that the police had been unable to staunch. Notes of the meeting later released to the media reported it was offered “to devote Rasasan’s Robotic Company (“RRC”) expertise and resources to spearhead the development of a ground-breaking autonomous security system to suppress criminal activities in Rasasa and throughout the Region.” Ms. Grey referred to the system she had in mind as the “Weaponized Autonomous Limitation Line” (or “the WALL”). Its principal feature, she contended, was that it would deploy advanced technology to deter and apprehend criminals, while using force only when absolutely necessary and when the chance of targeting innocents was reduced to virtually zero.

6. President Tihmar expressed great interest in the concept and asked Ms. Grey to prepare a formal proposal. In January 2013 the President notified the other five CHC Member States that Rasasa had contracted with RRC to undertake research and development of the WALL.

7. On 2 February 2013, RRC distributed further technical details in a report signed by 15 police and military technology experts from 12 States, including all six Crosinian Region States. The report disclosed that the WALL employed machine learning algorithms, developed from a large quantity of “training data” acquired from the Rasasan police and the police and military forces of 10 other States, in order to identify threats. The training data included millions of images, video footage, computer models, and other information derived from prior instances of armed conflict, civil unrest, and criminal activities during peacetime. According to RRC, the WALL featured an advanced form of “supervised learning,” in which the training data had been meticulously “tagged” by teams of software engineers from RRC working in cooperation with Rasasan police officers and military officials. The tagging highlighted aspects of the training data that indicated armed threats, as well as indicators of retreat, surrender, incapacity, and other factors.

8. By April 2013, police in the other four Crosinian States had gained the upper hand, and crime levels were restored to pre-Hurricane Makan levels.

9. Research and development of the WALL proceeded steadily over the next two years, including a review by advisers from the Rasasan government for compliance with international law. The system was subjected to hundreds of thousands of computer simulations and field tests under the close supervision of representatives of police, military, and engineering experts from the Rasasan and Adawan governments.

10. On 6 July 2015, the completion of the project was announced. At a meeting of ministerial-level representatives of Rasasa and Adawa, the WALL was described as follows:

*The physical infrastructure of the WALL consists of 10-meter-tall metal towers, each topped with an advanced surveillance and response unit. With 360-degree motion-sensing, high-definition, and infrared cameras, each surveillance unit can closely monitor all ground and aerial activity within a 130,000 square meter area around the base of its tower, enabling the towers to be placed as far as 200 meters from one another without sacrificing coverage. To respond to threats, each unit is equipped with an array of lethal and non-lethal options, ranging from speakers broadcasting audible warnings, all the way to fully automatic .50 caliber machine guns mounted on 360-degree turntables.*

*But the true genius of the WALL lies in what you cannot see. The system is fully autonomous and independent of human control, in a way the world has never seen before. Once deployed and activated, each unit is in constant communication with every other unit, sharing data and responses over secured, encrypted wireless channels. Using advanced artificial swarm intelligence, the WALL can instantaneously and appropriately decide whether and how to respond to any given threat, without any intervention by human actors. In fact, decisions are made so rapidly that second-guessing by humans is practically impossible. Finally, this distributed approach to decision-making means that the destruction or incapacitation of a single unit will not impair the efficacy of the entire system.*

11. Teams of Adawan and Rasasan scientists then presented their conclusions based upon the simulated and field tests. They explained that each element of the system, as well as the system as a whole, had been extensively peer-reviewed and tested by government and private experts in more than 30 countries. The head of the Adawan team spoke next:

*Naturally, the testing team paid particular attention to the question of whether the WALL might deploy deadly force when the situation does not warrant such a response. Although it carries lethal potential as a last resort, the WALL is unimaginably more reliable than human police or soldiers.*

*During months of testing, it demonstrated a ‘false positives’ rate of less than 0.0001% – meaning that the system, or any unit of the system, will make a mistake no more than one time in one million encounters. And with embedded rules instructing the software to favor non-lethal*

*deterrence, our testing indicates that the WALL would mistakenly use excessive force no more than once in two hundred million encounters.*

12. Throughout this period, violent and property crime rates continued to dwindle in both Adawa and Rasasa. However, in August 2016, relying upon arrest records and eyewitness accounts, the Rasasan Border Police reported what they termed “an alarming new trend” along the border: “The small Adawan gangs that arose in the wake of Hurricane Makan have apparently organized themselves into larger armed groups, and have turned the resources, personnel, and weapons they previously used for localized crimes towards crossborder crime into Rasasa.”

13. Adawan criminal gangs regularly entered Rasasa under cover of night and attacked small villages, assaulting and even killing villagers, returning to Adawa with Helian bulbs, growing and processing equipment, and virtually anything else of value. The Rasasan Border Police observed that there had been a marginal but constant increase in the frequency of such raids every month since January 2016.

14. In its annual report delivered to the Rasasan Parliament in February 2017, the Rasasan Border Police reported that, “The border issue has fundamentally changed in its character. What were once disorganized gangs have become organized militias, and their crimes are no longer limited to opportunistic thievery.” The report indicated that Adawan nationals had established permanent and well-defended encampments within Rasasan territory, which they were using as bases for international trafficking in illegal drugs. The report concluded, “These new militants are well armed and well-organized, and the police are simply unable to remove them.”

15. On 1 June 2017, the militia simultaneously attacked nine Rasasan Border Police stations, killing 21 officers. Eyewitnesses stated that the raiders were “heavily armed with militarygrade weapons and equipment,” and that the attacks indicated “a high level of prior planning and training.”

16. On 25 June 2017, Rasasa authorized the deployment of the Rasasan Army against the militia camps within Rasasa, as well as the purchase of the WALL from RRC and its installation along the Rasasa-Adawa border. Rasasan government simultaneously sent a message to Adawan President which read, in relevant part:

*I have today given my authorization to the Rasasan Army Engineers Battalion to begin installation of the WALL along the entire length of our shared border. This is a step necessitated by critical national security concerns. As you are well aware – since your government was involved in the development of this weapons system – it is infinitely more reliable than any in the history of mankind. The WALL will be erected and deployed entirely on Rasasan soil, and each tower will surveil up to 200 meters on each side of our shared frontier. The system is designed to detect threats, and to prevent them from becoming reality. It will deploy, on the basis of graduated sequencing, demonstrative measures (alarms, verbal warnings of increasing volume and urgency) to preset levels of force (dispersal of disabling chemicals, non-targeted explosions, and finally gunfire), based upon its training data, against anyone attempting to cross the border illegally, in either direction.*

17. Adawan President responded, saying:

*Mr. President, while your words apparently intended to provide comfort, the WALL will still involve the deployment of lethal weaponry along our border. So long as the possibility exists that this autonomous system might be unleashed against our people or on our soil, its deployment will be incompatible with international law. We are firmly of the view that your proposed installation of the WALL would be a flagrant violation of international law.*

18. President of Rasasa announced the completed installation of the WALL on 10 January 2018. He declared, in a televised address:

*With vanishingly close to 100% accuracy, the WALL will prevent illegal border crossings, while virtually guaranteeing that no mistakes will be made and no innocents will be harmed. Law-abiding Rasasans and our Adawan neighbors need have no concern; they may go about their lives just as they did before, and so long as they do not act out of intent to injure our country, they will do so in safety and tranquility.*

19. The Defense Ministers of the two States agreed to meet to discuss the issue of the WALL, and the joint task force was created. The task force reviewed reports from both States’ national police forces, which indicated that, in the four months following the deployment of the WALL, reports of trans-border incidents decreased more than 80 percent.

20. Since January 2018, the WALL has never deployed lethal force. It has on approximately 100 occasions issued verbal warnings and in five instances non-lethal “warning shots.” No injuries are known to have occurred as a result of these measures.

**Position of the Applicant (Adawa):** *“Rasasa’s deployment of the WALL along the border between Adawa and Rasasa is in violation of international law*”.

**Position of the Respondent (Rasasa):** *“Rasasa’s deployment of the WALL along the border between Adawa and Rasasa is consistent with international law”.*