

INTERNATIONAL COURT OF JUSTICE

SPECIAL AGREEMENT

**BETWEEN THE DEMOCRATIC REPUBLIC OF ANTARA (APPLICANT)
AND THE VELAN KINGDOM OF RAVARIA (RESPONDENT)
TO SUBMIT TO THE INTERNATIONAL COURT OF JUSTICE
THE DIFFERENCES BETWEEN THE PARTIES
CONCERNING THE SUTHAN REFERENDUM**

jointly notified to the Court on 13 September 2021

COUR INTERNATIONALE DE JUSTICE

COMPROMIS

**ENTRE LA RÉPUBLIQUE DÉMOCRATIQUE D'ANTARA
(DEMANDERESSE)
ET LE ROYAUME VÉLIEN DE RAVARIA (DÉFENDEUR)
VISANT À SOUMETTRE À LA COUR INTERNATIONALE DE JUSTICE
LES DIVERGENCES QUI OPPOSENT LES DEUX PARTIES
CONCERNANT LE RÉFÉRENDUM SUTHIEN**

notifié conjointement à la Cour le 13 septembre 2021

**JOINT NOTIFICATION
ADDRESSED TO THE REGISTRAR OF THE COURT:**

The Hague, 13 September 2021

On behalf of Applicant, the Democratic Republic of Antara, and Respondent, the Velan Kingdom of Ravaria, and in accordance with Article 40(1) of the Statute of the International Court of Justice, we have the honour to transmit to you for submission to the International Court of Justice an original of the Special Agreement of the Differences between the Applicant and the Respondent concerning the Suthan Referendum, signed in The Hague, The Netherlands, on the thirteenth day of September in the year two thousand twenty-one.

(Signed)

His Excellency Simon Beckman
Ambassador of the Democratic Republic of
Antara to the Kingdom of the Netherlands

(Signed)

Her Excellency Philippa Caron
Ambassador of the Velan Kingdom of
Ravaria to the Kingdom of the Netherlands

SPECIAL AGREEMENT

SUBMITTED TO THE INTERNATIONAL COURT OF JUSTICE BY THE DEMOCRATIC REPUBLIC OF ANTARA AND THE VELAN KINGDOM OF RAVARIA ON THE DIFFERENCES BETWEEN THEM CONCERNING THE SUTHAN REFERENDUM

The Democratic Republic of Antara (“Applicant”) and the Velan Kingdom of Ravaria (“Respondent”) (hereinafter “the Parties”);

Considering that differences have arisen between them concerning the Suthan Referendum and other matters;

Recognizing that the Parties have been unable to resolve these differences by direct negotiations;

Desiring further to define the issues to be submitted to the International Court of Justice (“the Court”) for resolution;

In furtherance thereof the Parties have concluded this Special Agreement:

Article 1

The Parties submit the questions contained in the Special Agreement (together with Corrections and Clarifications to follow) (“the Case”) to the Court pursuant to Article 40(1) of the Court’s Statute.

Article 2

- (a) It is agreed by the Parties that the Democratic Republic of Antara shall appear as Applicant and the Velan Kingdom of Ravaria as Respondent, but such agreement is without prejudice to any question of the burden of proof.
- (b) The parties agree that any reference in this Special Agreement to certain documents or recordings obtained and disclosed without the consent of Respondent is without prejudice to Respondent’s position that these documents should not be accepted as evidence before the Court.

Article 3

- (a) The rules and principles of international law applicable to the dispute, on the basis of which the Court is requested to decide the Case, are those referred to in Article 38, paragraph 1, of the Statute of the Court.
- (b) The Court is also requested to determine the legal consequences, including the rights and obligations of the Parties, arising from its judgement on the questions presented in the Case.

Article 4

- (a) All questions of procedure and rules shall be regulated in accordance with the applicable provisions of the Official Rules of the 2022 Philip C. Jessup International Law Moot Court Competition.
- (b) The Parties request the Court to order that the written proceedings should consist of one round of written Memorials presented by each of the Parties not later than the date set forth in the Official Schedule of the 2022 Philip C. Jessup International Law Moot Court Competition.

Article 5

- (a) The Parties shall accept any judgment of the Court as final and binding upon them and shall execute it in its entirety and in good faith.
- (b) Immediately after the transmission of any judgement, the Parties shall enter into negotiations on the modalities for its execution.

In witness whereof, the undersigned, being duly authorised, have signed the present Special Agreement and have affixed thereto their respective seals of office.

Done in The Hague, The Netherlands, this twenty-seventh day of August in the year two thousand twenty-one, in triplicate in the English language.

(Signed)
DR. ISABEL JOSHUA
Minister of Foreign Affairs
Democratic Republic of Antara

(Signed)
PROF. ANDREW KIRTON
Minister of External Affairs
Velan Kingdom of Ravaria

SPECIAL AGREEMENT

CASE CONCERNING THE SUTHAN REFERENDUM

**(DEMOCRATIC REPUBLIC OF ANTARA
v. VELAN KINGDOM OF RAVARIA)**

1. The Democratic Republic of Antara (“Antara”) and the Velan Kingdom of Ravaria (“Ravaria”) are two developed countries located in the Benthamian Peninsula. Antara has a population of 21 million across 152,000 square kilometres. Ravaria lies immediately to the south of Antara. Its population is 12 million, and its area 121,000 square kilometres.
2. Since the early Middle Ages, Vela has been the prevalent religion in the southern part of the Benthamian Peninsula, including present-day Ravaria. The Velan faith has roots in antiquity. It is a monotheistic religion, which venerates those believed to have authored its canonical texts. Its liturgical landmarks include five ancient temples. One of those, the Kuvil Shrine, said to have been built over 1,500 years ago, is in a remote area near the geographic centre of the Peninsula. Observant Velans dedicate their sabbath to reading, study, and attendance at community meetings for worship, and consider it their religious obligation to visit and to pray at each of the sacred temples at least once during their lifetimes.
3. The entirety of the Benthamian Peninsula was colonised by the Zemin Empire in the 18th century. During the colonial period, Zemin divided the Peninsula into three administrative districts, with Antara to the north, Ravaria to the south, and Sutha between the two. All of the significant population centres were in Antara and Ravaria; Sutha was sparsely populated. Unlike the other two, Sutha had no natural harbour and few available natural resources, although the Kuvil Shrine was located in Sutha and generated some economic activity. The population of Sutha began to grow steadily only in the 1920s, when large deposits of gold, copper, and natural gas were discovered in the region.
4. In 1949, after the Second World War and the collapse of the Zemin Empire, both Antara and Ravaria became independent States, with territories corresponding to their colonial district boundaries: Antara a republic and Ravaria a monarchy. Zemin took the position that Sutha did not

have adequate prospects of self-sufficiency to follow its neighbours into full statehood. Ravaria disagreed, urging that Sutha be granted independence; Antara proposed that Sutha be incorporated into its territory. Although Zemin announced its desire to remove itself from the Benthamian Peninsula altogether, the dispute between the two States was unresolved, and Sutha remained under Zemin's colonial control until 1962.

5. According to census reports from 1955, Velans were a minority in Antara, representing 24% of the population, while 47% of Suthans and 85% of Ravarians identified as Velan. Those percentages have not substantially changed to the present day. On 1 February 1957, Vela was proclaimed the State religion of Ravaria, which renamed itself the Velan Kingdom of Ravaria. Over the next two years, both Antara and Ravaria escalated their diplomatic efforts: Antara to annex Sutha into its territory, and Ravaria to promote the cause of Suthan independence. In 1959, the two nations approached the Secretary-General of the United Nations for help in resolving what both regarded as an "intractable" dispute.

6. The U.N. Secretary-General appointed the respected diplomat Aqeel Noorali to devise a peaceful solution to what he called "the vexing situation on the Benthamian Peninsula." On 29 October 1962, Ambassador Noorali announced a breakthrough: an agreement among Zemin, Antara, and Ravaria, signed in Singapore, according to which Sutha would become a province of Antara for at least the next 25 years. Like all of the Antaran provinces, Sutha would have its own locally-elected Legislative Council. The Treaty of Singapore provided that, in 1987 or at any time thereafter, the Suthan Legislative Council and the national Antaran Parliament, by a 2/3 vote of both bodies, could authorise a referendum in Sutha to determine whether it wished to remain a province of Antara or become an independent State (with the proviso that if the voters did not opt for independence, no subsequent vote could be held until 25 more years elapsed). All parties to the Treaty agreed that they would respect the result of such a referendum, and Antara undertook to make the necessary amendments to its Constitution. At the signing ceremony, Ambassador Noorali described the Treaty as "a testament to the parties' respect for the rule of law, and a lantern that may light the way for the peaceful resolution of other disputes around the world." All three parties ratified the Treaty, and it was duly registered with and published by the U.N. Secretariat.

7. Although the Treaty of Singapore was widely hailed as a brilliant diplomatic achievement, it was not universally embraced by the inhabitants of Sutha. According to surveys taken at the time, a small but vocal minority of Suthan adults supported full and immediate independence. The Suthan Independence Party (SIP) was formed in 1963, and over the next 45 years its supporters represented between 10 and 20% of the electorate in local and national ballots.

8. The Treaty of Singapore also provided that Ravarian pilgrims wishing to visit the Kuvil Shrine would be free to do so. Antara agreed to provide security in the area of the Shrine and on its grounds, but to “abstain from any restriction on freedom of worship for those participating in peaceful religious activities” there.

9. As required by the Treaty of Singapore, Antara amended Article 119 of its Constitution to provide for the referendum. Under the amendment, if a majority of Suthan residents voted for separation, a two-year transition period would commence, at the end of which Sutha would become independent. Ravaria accepted that provision as consistent with the Treaty.

10. Since 1962, relations between Antara and Ravaria have remained friendly. Both nations became centres of technological innovation and entrepreneurship. By the late 2010s, Antara and Ravaria were both technologically advanced, with over 80% of the populations of the two countries having smartphones and access to high-speed internet.

11. Pano is an online social media platform that allows internet users to message one another, post and share content on their feed, livestream videos, and create private groups of up to 10,000 users. By 2018, Pano was the most popular social network in the Peninsula. It currently has an average of approximately 12 million daily active users, including four million in Antara. No other social media platform has achieved this level of market penetration in Antara or the broader Peninsula. Pano is owned by the Panoptest Corporation, a public company incorporated in Zemin, which has a market capitalization of €54 billion.

12. In April 2017, a series of cyberattacks hit police departments and hospitals across Antara, resulting in significant losses, delays, and interruptions. Although there was no lasting damage, the national Parliament enacted the Protect Antaran Cyberspace Act (“PACA”), which among

other things established the Data Protection and Cybersecurity Agency (“DPCA”). Excerpts from PACA are attached as Annex 1.

13. Professor Liam Hunland is a citizen of Ravaria and a devout Velan, who has been a legal permanent resident of Antara since he moved to Sutha Province in the 1980s. A tenured Professor of Velan Theology at the University of Sutha, Prof. Hunland has for years been a regular contributor to local and international media. By 2019, Prof. Hunland’s personal Pano page acquired over nine million followers, the third largest contingent in the Peninsula.

14. Prof. Hunland has long been an advocate for Suthan autonomy. In 2009, he became affiliated with the SIP, and later that year, authored a new manifesto for the Party. Over the next decade the popularity of the Party rapidly increased: in 2008, it had 10 of the 130 seats in the Suthan Legislative Council, and 12 of the 250 seats in the national Parliament. By 2016, it had 55 seats in the Legislative Council, and 41 in the Parliament.

15. In April 2020, in response to the COVID-19 pandemic, Prime Minister Irene Goldman of Antara by Decree No. 20-32 introduced national mask mandates in all public venues, including places of worship, and prohibited the gathering of groups of more than five people, even for religious purposes. The government also took steps to close its land borders, including the border with Ravaria, to non-essential travel, denying Ravarian Velans access to the Kuvil Shrine. The Ravarian Ambassador to Antara, Benny Walters, immediately delivered a note of protest to the Foreign Ministry, contending that the border restrictions were a violation of the Treaty of Singapore. When some Ravarians attempted to evade the border closure, and local Suthans gathered at the Shrine in groups of prohibited size, there were several arrests, but no serious injuries were reported.

16. Between April and June 2020, Prof. Hunland posted over 600 public messages on his Pano page. Rather than stressing the cause of Suthan independence, he focused on dissatisfaction with the Antaran government generally, claiming that the COVID restrictions were an unjust infringement of the freedoms of religion and assembly. And he signed some of these posts, “Liam Hunland, Intellectual Leader of the Opposition.” Prof. Hunland also established a Sutha-based non-profit foundation called Suthans Against Domination (“SAD”), which he described as “a think

tank and research institution dedicated to the promotion of Velan culture and Suthan autonomy.” Between June 2020 and August 2021, SAD published a number of monographs and scholarly articles about the history of the Velan religion and the demographics of Sutha Province. It also presented four widely-attended webinars on those topics, endowed an essay competition for college students, and funded the salary of Prof. Hunland’s research assistant at the University of Sutha.

17. On 12 May 2020, the Internet Law and Security Assembly (“ILSA”), a global non-governmental organization, issued an urgent report citing unusual activity on Pano. The paper, authored by a team of cybersecurity experts, reported that over 180,000 new accounts had been registered in Antara in the first two weeks of May, far more than the previous average of about 2,000 per week. ILSA further noted that those accounts (many of which lacked characteristics typical of authentic users, such as profile pictures or personal details) had been utilized to generate and amplify misinformation concerning Antara’s pandemic-related measures, specifically those concerning Sutha Province. One viral post described purported plans by Prime Minister Goldman to declare martial law in Sutha. The claims in that post were denied by the government and various media organisations established that they were false. The post was nonetheless shared by Prof. Hunland with the caption: “Military law??? How far is this regime prepared to go? Is a massacre in the planning stage?”

18. In August 2020, Antara held regularly-scheduled parliamentary elections, in which Prime Minister Goldman’s party lost its majority. SIP’s vote increased nationally, with the party capturing 52 seats. In his election-night speech, Prof. Hunland remarked that the vote was “the first step toward true democracy; next comes the vote for a free Sutha!”

19. A month later, the SIP put forward resolutions in both the Suthan Legislative Council and the Antaran Parliament, proposing for the first time a referendum on Suthan independence in accordance with the Singapore Treaty and Article 119 of the Constitution. When Parliament reconvened, no party had an absolute majority. The new Prime Minister, Michaela Lubinsky, formed a coalition, including the SIP, and promised a popular vote on Suthan independence. She said, on the floor of Parliament:

This administration is committed to freedom for all, all religions, all backgrounds, and all areas of the country. If our sisters and brothers in Sutha wish to be heard on whether to continue to share in Antaran prosperity or to leap into the risks and dangers that independence would bring, we will not stand in their way. But I am sure that wiser heads will prevail, and our union will survive.

20. The votes on whether to go forward with the referendum were scheduled for the week of 11 October 2020. A few days before that, Queen Sonia of Ravaria attended the dedication of a new Velan house of worship in the Ravarian capital. In her brief televised remarks, she said, “Let this magnificent building remind all who enter it of the ideals of our great Velan legacy, handed down from the sages. And let us resolve to protect those who seek to uphold those traditions, as they throw off their political shackles and overcome the impediments in their path.” The following day, *The Ravaria Times* ran a banner headline on its front page: “Her Majesty Supports the Velan Separatists in Sutha!” Asked for comment, the Palace spokesman declined to respond.

21. On 13 October 2020, the Suthan Legislative Council passed the referendum proposal by a vote of 100 to 25. Early in the morning of 22 October, at the conclusion of an unusual all-night session, the national Parliament also adopted it, by 191-59. Prime Minister Lubinsky, again expressing her “confidence that the future of Sutha is secure with us,” voted “aye.” The referendum was scheduled for 1 March 2021.

22. Shortly after the resolution was passed, SAD launched a grassroots campaign to mobilize and register voters. The campaign included public posts to Pano, some of which portrayed the referendum as a religious fight, calling on all Velans to vote to “shed the yoke of oppression by those who would desecrate our Shrine and deny our traditions.” Prof. Hunland shared that post with the caption: “This is what is at stake!” He also criticized the restrictions on social gathering imposed by Decree 20-32, claiming that they were motivated by the government’s desire to repress Velan worship services. Yet other Pano posts were not directed at Velans, but sought to persuade non-Velan citizens of Sutha that were the referendum to fail, the government would eliminate the Province’s local autonomy, subjecting it to direct rule from the national Parliament. The spokeswoman for the Prime Minister denied that claim as “total nonsense.” SAD’s financial reporting for its fiscal year 1 April 2020 through 31 March 2021 showed income from donations

of around €32.5 million, triple the amount raised by any other organization involved in the referendum.

23. In November and December 2020, Prof. Hunland publicly posted or shared over 800 messages on Pano, many of which were shown by independent observers to be false. Among them were the following:

- a. [4 November] “The plans are already in place: if Sutha does not become independent, the Kuvil Shrine will be turned into an amusement park! I have seen the contract with the developers, already signed by the Interior Minister in a secret meeting in his office on 20 July!”

The next day, the Minister posted a picture of his passport on Pano: the stamps on its pages showed that he was not in the country on that day.

- b. [22 November] “The government’s claims that large numbers of people in Sutha have been dying of COVID are totally debunked! There have been no COVID deaths in the Province since June, and I have proof! They are just trying to justify the erosion of our freedoms! Independence is the only answer!”

Health Ministry records, reproduced in the national media, demonstrated that there were over 2,500 COVID deaths in Sutha between April and November 2020.

- c. [8 December: a re-post, from an unidentified source] “It is time to fight back! If the government will not back down, we have to take the situation into our own hands! We have been sheep for too long: we need to be lions! We did not end the tyranny of Zemin colonial rule to be subjected to oppression by Antara. Fellow Suthans, do you really think the vote will be free? The fix is in! Antara will not give up our beautiful land without a fight, and we will give them one!”

24. On 11 January 2021, following repeated calls by users and political groups to remove a number of Prof. Hunland’s posts because they were “spreading misinformation,” “incendiary,” “inflammatory,” or “incitements to violence,” Pano released the following statement:

We are aware that certain Pano accounts, including some that seem to be inauthentic, have been posting false or malicious content on our platform, concerning the upcoming referendum in Sutha. Some posts shared by political leaders and other high-profile users violate our terms of service and policies. Starting immediately, relying on user-generated reporting and algorithmic analysis, our Civic Integrity and Election Team will flag these

posts, requiring users to click on an additional screen to see them. The notice will read: “The Pano rules about abusive behaviour and deceptive content apply to this post. While it may be in the public interest for the post to remain available, we advise users to act with caution before clicking this screen.”

Between 11 January and 1 February 2021, 240 of Prof. Hunland’s posts and re-posts (63% of his total), were flagged by Pano.

25. On 31 January 2021 Prof. Hunland staged an outdoor rally in Sutha to encourage voters to go to the polls. Despite early commitments by the organisers to hold the event online in compliance with COVID-related restrictions, 7,500 people attended. Antaran police arrived to break up the rally, and there were violent altercations. While it is unclear how the violence broke out, 225 people were injured, and three people later died of their injuries. The police response to the rally was broadly condemned in both Antara and Ravaria. Pano pages were filled with tributes to the injured and deceased, many including calls for Suthan independence. On his Pano page, Prof. Hunland denounced what he called “another Antaran campaign to silence the voices of Velans.” He also reposted a photograph alleged to be of a police officer beating a woman who seemed to be kneeling to pray at the rally, with the caption “This is the fate that awaits us all. Freedom now!” Pano flagged the photograph as inauthentic.

26. On 5 February 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. The 74-page petition was submitted to the Federal Court of Lower Antara and included detailed examples of what the DPCA alleged were inaccurate and misleading statements of fact, both directly and by sharing the posts of others, on Prof. Hunland’s Pano account. In the petition, the DPCA argued that Prof. Hunland had continued to make these statements despite repeated warnings. It claimed that they were “likely to undermine the inviolability of the referendum and to incite imminent violence in connection with it.”

27. Having been informed of the application, in a public Pano post on 10 February 2021, Prof. Hunland submitted a written statement arguing that his use of social media represented an exercise

of free speech protected by international law. On 15 February 2021, the presiding judge issued a suspension order against Pano. The ruling read, in relevant part:

In disseminating false statements concerning the referendum, and in his persistent calls to action based on those statements, Prof. Hunland has created a serious risk of violence. While freedom of expression is an important right in a democracy, it is not absolute. Our laws protect our electoral system, defend the integrity of our political structure, and promote security in our land. I specifically reject the Professor's argument that he was merely exercising his right to free speech: there is no right to spread lies or to incite bloodshed, putting lives at risk and threatening public order. I hereby order the removal of Prof. Hunland's social media posts, and the suspension of his accounts for a period of one year, beginning today.

The legal representative of Pano in Antara immediately confirmed that the company would comply with the order. Prof. Hunland's account was suspended, and all of his posts were removed from the platform.

28. On 20 February 2021 Prof. Hunland gave a televised interview from his vacation home in Ravaria, in which he said:

My right to free speech has been snatched from me, but that is not what is important. What is important is that the Antaran government has again aligned itself with repression, not democracy. It cannot win the electoral battle without cheating, and that is what is now happening. With its friends from Pano and its fixers disgracing the judicial robes they wear, the government is stacking the deck. When Sutha is independent, these corrupt social media companies will never again be allowed to infect our electoral process, and our judges will be free from political interference. That I promise, and I invite the people of this land to hold me to that promise.

Prof. Hunland filed suit against Pano in Zemin, seeking to have the restrictions set aside, but the action was summarily dismissed, as under Zemin law social media platforms are not liable for content moderation decisions. He also applied to an Antaran federal court for an injunction against the suspension order, but the court rejected the application for lack of standing.

29. When asked to comment on the DPCA action in a news conference on 22 February 2021, Ravarian Minister of External Affairs Prof. Andrew Kirton responded: "What is happening in Antara is troubling. Silencing any of our nationals, let alone a respected religious scholar, in the lead-up to a referendum when tensions are already running high, is unworthy of a democracy."

30. The referendum took place as scheduled on 1 March 2021, and the results were announced the following morning. With 67% of those eligible going to the polls, 52% voted for secession, and 48% voted to remain. On 2 March 2021, Prime Minister Lubinsky solemnly acknowledged the result, and stated that her government would begin the two-year process of transition to the separation of Sutha from Antara.

31. On 4 April 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. While the identity of the person or persons running the botnet was unknown, the patterns of behaviour of the botnet and the IP addresses of the infected devices all indicated a connection to the growing spread of misinformation online in the weeks and months leading up to the vote in Sutha.

32. Acting on the court order, DPCA discovered that the command-and-control server at the centre of the Lunar Botnet was physically located in Antaran territory and was masking its identity by operating through the "dark web." The DPCA proceeded to hack the server remotely, and to launch what it called "Operation Moonstroke" from the server on 26 February 2021. Operation Moonstroke disabled the botnet, removing thousands of "web shells" – segments of script enabling remote administration – from the affected devices. DPCA subsequently notified the affected internet service providers and confirmed that, although it still could not verify the exact location of the botmaster, roughly 20,000 of the hacked devices were situated in Antaran territory, 5,000 in Ravaria, and the rest in other countries (or their location could not be determined).

33. On 5 April 2021 DPCA issued a public statement:

This Agency commenced a criminal investigation in February 2021 to determine the facts and to purge a persistent botnet used to maintain and escalate unauthorized access to Antaran computers and networks. With court authorization, Operation Moonstroke has allowed us to take down the Lunar Botnet, preventing possibly irreparable harm. While it now appears that many of the infected devices were located outside of our territory, this

was not an act of government overreach: it was a necessary act of cyber defence. As the Lunar Botnet exemplifies, territory is irrelevant on the internet highways. The court order and our response demonstrate Antara's resolve to fight cybercrime wherever it takes place, and to disrupt hacking activity using all legal tools at our disposal. The unauthorized access to computers and networks in our country and the installation of malware are also violations of our criminal code. We will vigorously pursue the criminal investigation we have begun, and we will bring the perpetrators behind this botnet to justice.

34. That day, Ravaria's Ministry of External Affairs issued a *note verbale* to its Antaran counterpart, expressing "dismay at what can only be described as a brazen act of extraterritorial enforcement in clear violation of international law." Such an operation, the note continued, "without prior notification and consent from us, or from the thousands of private owners of the computers you knowingly hacked, is an infringement of our sovereignty, the property rights of our citizens, and your obligations under the Budapest Convention."

35. In the early hours of 25 April 2021, Emma Walters, wife of Ravarian Ambassador Benny Walters, left a SAD Gala in Antara, driving a rented vehicle. Sixty kilometres from her home, she hit a pedestrian, 19-year-old student Carlos Francis, an Antaran citizen. Police arrived at the scene within minutes and found Mr. Francis dead and Ms. Walters apparently heavily intoxicated. When they asked to see her license and registration, she reached into a briefcase beneath the passenger seat. The officers seized the case and found in it her license and her diplomatic passport. Ms. Walters was arrested and charged with vehicular homicide. She offered no statement and made no protest against her arrest.

36. The arresting officers delivered Ms. Walters and the briefcase to the duty sergeant when they returned to the station but did not mention that Ms. Walters was connected with a foreign embassy. She was placed in a holding cell, where she promptly fell asleep. The sergeant opened the briefcase and found what appeared to be records of financial transactions and records of meetings going back five years, outlining a program led by the Ravarian Ambassador to fund SIP and later SAD. According to the records, Ambassador Walters had arranged for the Embassy to make financial contributions to Velan religious organizations across Sutha, knowing that the

money would be funnelled to the political party and the foundation, in support of the cause of Suthan independence.

37. The sergeant promptly delivered the briefcase and its contents to the Antaran National Intelligence Agency which reviewed them, revealing the following:

- a. The plan to use Embassy funds to support the pro-independence campaign had been authorized by senior members of the Ravarian government. Since 2020, a total of close to €25 million in Ravarian Embassy funds had been channelled to SAD and SIP.
- b. The Ambassador had received emails from the Ravarian External Affairs Ministry, describing how to automate registration for a Pano account working around the normal identity verification process (which required a unique email address and telephone number for each account and the use of two-factor authentication). The emails also contained information on what types of pro-independence content had gone viral in Sutha in the past and offered various suggestions on how to “mask” content to make it appear as if it had come from indigenous Suthan or other Antaran sources.
- c. With the approval of the Ravarian External Affairs Ministry, SAD was operating the Lunar Botnet from a server within its headquarters. The misinformation operation was intended, according to emails quoted in meeting minutes, to “make Suthans understand that they can never be assured of freedom so long as they remain in Antara,” and to “guide the hearts and minds of those voters towards secession.”
- d. The Ravarian Intelligence Service had formulated a plan, marked “TOP SECRET,” for the initiation of a propaganda campaign to persuade citizens of Sutha, once separated from Antara, to “join the Velan Kingdom of Ravaria, uniting the communities of believers and bringing the Kuvil Shrine to our land.” One element of the plan was to promote the candidacy of Prof. Liam Hunland to become president of the independent Suthan State.

38. The following morning, when Ms. Walters awoke, she identified herself as the wife of the Ravarian Ambassador. She was released from custody, although the criminal charges against her were not withdrawn. The Ravarian Embassy immediately protested her arrest and demanded return of the briefcase. The Intelligence Agency delivered the documents to the Embassy, but informed the Ambassador that it had photocopied them “for reasons of national security.”

39. A criminal investigation was opened the following day, which revealed that the SAD had controlled the Lunar Botnet from servers at its headquarters and used it to advance separatist messages online. The investigation was also able to confirm the financial transactions mentioned in the original documents, in which Ravarian Embassy money was channelled to the SIP and SAD. The investigators concluded that the funding scheme did not violate Antaran domestic campaign finance laws.

40. On 5 May 2021 Prime Minister Lubinsky made a televised speech, in which she said:

We now know what we have long suspected. Ravarian agents have engaged in coercive and illegal intervention in our domestic affairs. The disinformation campaign that was carried on during the run-up to the recent referendum was a deliberate effort by a foreign power to interfere with an election on our territory. The result was a pre-planned and orchestrated denial of the right of our citizens to exercise free political choice. That fundamental human right was violated by Ravaria, not through physical force, but by insidious financial and cyber manipulation. We will continue to negotiate with the representatives of Sutha as our Constitution dictates, but I promise the people of Antara today: we will not permit any country to engage in this dangerous game of cyberwarfare, and we will make sure that nothing like this ever happens again.

41. The Ravarian Minister of External Affairs responded in a speech of his own two days later:

A country that sends cyber constables into Ravaria's domestic computer networks has no right to educate us on information warfare. A country that silences one of our nationals should not presume to lecture us about human rights. Nor can we accept that Antara, which imprisoned our ambassador's wife and has illegally taken possession of our diplomatic correspondence – both flagrant violations of international law – may preach to us about sovereignty. Her Majesty's government makes no apology for its investment of resources in the promotion of Velan ideals globally. We do this with pride, in accordance with the tenets of our religion. But the bottom line is simple: we have done nothing wrong. The exercise of political influence, by assisting political candidates and causes, enhancing and amplifying political speech, and providing aid to parties and foundations, is not illegal. Indeed, these are widespread practices, in which we will continue to engage. We reject Minister Lubinsky's charges against us, and we intend to ignore the threats that they seem to imply.

42. As rhetoric escalated between the two countries, the Foreign Minister of Zemin, a personal friend of Ambassador Walters, was able to broker an *ad hoc* conciliation meeting between the

Attorneys-General of Antara and Ravaria, to discuss potential resolution of all of the issues that seemed to be in increasingly heated dispute between the two countries.

43. To facilitate the preparation of a fully accurate transcript after the meeting, the participants agreed to create an audio recording of the proceedings. The conciliation concluded on 1 June 2021. The two States' representatives signed an agreement whereby the Ambassador and Ms. Walters would return to Ravaria, and the Ravarian government would pay an undisclosed sum as compensation to Mr. Francis's family. Antara agreed to apologise for the arrest of the Ambassador's wife but refused to make any concessions regarding the documents.

44. A few days later, the official transcription of the conciliation meeting was delivered to the two governments. The recorder had captured the following exchange between the Attorneys-General that took place on 30 May 2021, during the second day:

Antaran AG: "OK: our Prime Minister will apologize for the arrest. Now we need to turn to the briefcase, eh?"

Ravarian AG: "Well, what is there to say? You know very well that law enforcement should not have touched that briefcase. It was a shocking violation of proper procedures. I accept that not every cop in our country is familiar with the Vienna Conventions either, but my goodness! Your guys should have known better than this! Anyway, what's done is done: you are not about to roll back the decisions made on the basis of your illegal search. We both know that."

Antaran AG: "My friend, what is most important is something else we both know. What our investigators found is true. I have not heard you denying it, and frankly, if you did no one in my country would believe you. These papers have revealed a serious assault on our sovereignty, regardless of how they were obtained. Understanding how this happened is vital to the future security of our electoral process."

Ravarian AG: "I am baffled at why an experienced diplomat like Benny would leave such sensitive materials in his wife's hands. I have no explanation. I am not denying that the papers say what you have reported. All I can tell you is that I wish this had never happened: we have enough to talk about without it."

45. At the invitation of the Zemin Foreign Minister, diplomats from Ravaria and Antara continued to meet for another month in an attempt to resolve their remaining differences. 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 this Special Agreement.

Antara has indicated that it intends to rely on the documents contained in Ms. Walter's briefcase and the recording of the conversation between the Attorneys General. Ravaria has objected to the admission of those materials into evidence.

46. Antara and Ravaria have at all relevant times been parties to the Charter of the United Nations, the Statute of the International Court of Justice, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Council of Europe Convention on Cybercrime (the Budapest Convention), the Vienna Convention on Diplomatic Relations, and the Vienna Convention on the Law of Treaties. They are not parties to any other treaty or convention of potential relevance in this Case.

47. Antara respectfully requests that the Court adjudge and declare that:

- a. The documents obtained in the search of the vehicle driven by Ms. Walters and the recording from the conciliation meeting of 30 May 2021 are admissible as evidence in these proceedings;
- b. 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;
- c. Antara's order suspending Prof. Liam Hunland's Pano account was consistent with international law; and
- d. 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.

48. Ravaria respectfully requests that the Court adjudge and declare that:

- a. The documents obtained in the illegal search of Ms. Walters's vehicle and the 30 May 2021 recording are inadmissible as evidence in these proceedings;
- b. Ravaria's alleged financial contributions and cyber operations in connection with the Suthan referendum were consistent with international law;
- c. Antara's order suspending Prof. Hunland's Pano account was in violation of international law, and Antara must therefore rescind the order; and
- d. Antara's interference with computers and devices operating on Ravarian soil, resulting from the decision to take down the Lunar Botnet, was in violation of international law.

Annex 1

Protect Antaran Cyberspace Act of 2017

[excerpts]

[. . .]

PART III: RESPONSES TO CYBERSECURITY THREATS

[. . .]

Section 5: Content Moderation

1. In this and the following sections of this Act, unless the context otherwise requires –
 - a. “DPCA” means the Data Protection and Cybersecurity Agency established under this Act.
 - b. “Election Misinformation” means false or misleading allegations or statements of fact likely to alter or otherwise impact the outcome of an election, or to incite imminent lawless action in connection with such election.
 - c. “Online Platform Operator” means a supplier of services, advertisements, or other content within a digital environment, which makes this platform accessible in Antara and whose activity exceeds two million Antaran users;
 - d. “Content Takedown and User Suspension Order” means an order by a federal court directing that messages constituting Election Misinformation posted on an online platform be deleted, and/or that a certain user posting such messages not be permitted to continue to do so. Such a suspension may be ordered for a period not to exceed two calendar years.
2. An application by the DPCA for a Content Takedown and Suspension Order directed against an Online Platform Operator shall be treated as a civil proceeding. The person(s) responsible for the posting of the alleged Election Misinformation that is the subject matter of the petition shall have the right to be heard by the court upon his, her, or their request.
3. A federal court may issue a Content Takedown and User Suspension Order under subsection (1) only if the court finds by a preponderance of the evidence that the Order is necessary to prevent or counter a threat to the national security, public order, or public safety of Antara.
4. In determining whether the requirement under subsection (3) is met, the federal court shall take into account the following considerations:
 - a. the threat of irreparable harm if the court denies the order;
 - b. the balance between the threatened harm and the harm that would result were the order granted;

- c. other reasonable measures that might be available to the DPCA to achieve its legitimate aims; and
 - d. the effects of the court's decision on the public interest.
5. Any failure of an Online Platform Operator to give effect to a Content Takedown and User Suspension Order issued pursuant to this Act may result in an administrative fine of up to €500,000, or one-tenth of the reported profit of the Online Platform Operator in the previous year, whichever is higher.

[. . .]

Section 8: Botnet Takedown

1. In this section of this Act, unless the context otherwise requires –
 - a. “Malware” means a malicious software program that performs repetitive and predefined tasks and is installed on a private computer without the owner's knowledge or consent.
 - b. “Botnet” means a network of private computers each of which is infected with Malware and is remotely controlled as a group by a hacker (or Botmaster).
 - c. “Botnet Takedown Order” means an order by a federal judge to search, seize, copy, or delete electronically stored information from a Botnet, or from the servers used to manage the Botnet's infected devices.
2. The DPCA shall have the authority, when it has probable cause to believe that a Botnet has infected devices in the territory of Antara with Malware, to initiate a criminal investigation. Based on the results of that investigation, the DPCA may seek a Botnet Takedown Order from a federal court; and/or it may refer the matter to the Public Prosecutor for further action.
3. A federal court may issue a Botnet Takedown Order *ex parte* if, upon application by the DPCA, the court concludes that an internet-connected device within the territory of Antara has been infected with Malware as part of a Botnet, and the Order is necessary to prevent or counter a threat to the national security, public order, or public safety of Antara.
4. In determining whether the requirement under subsection (3) is met, the federal court shall take into account the considerations set out in Section 5(4) of this Act.
5. The authority of the court to issue a Botnet Takedown Order under subsection (3) may be exercised even if that Order also affects servers or devices outside the national territory.
6. A Botnet Takedown Order must include an instruction that the DPCA take reasonable steps to notify all owners of media subject to the Order once their identities are known to the DPCA.