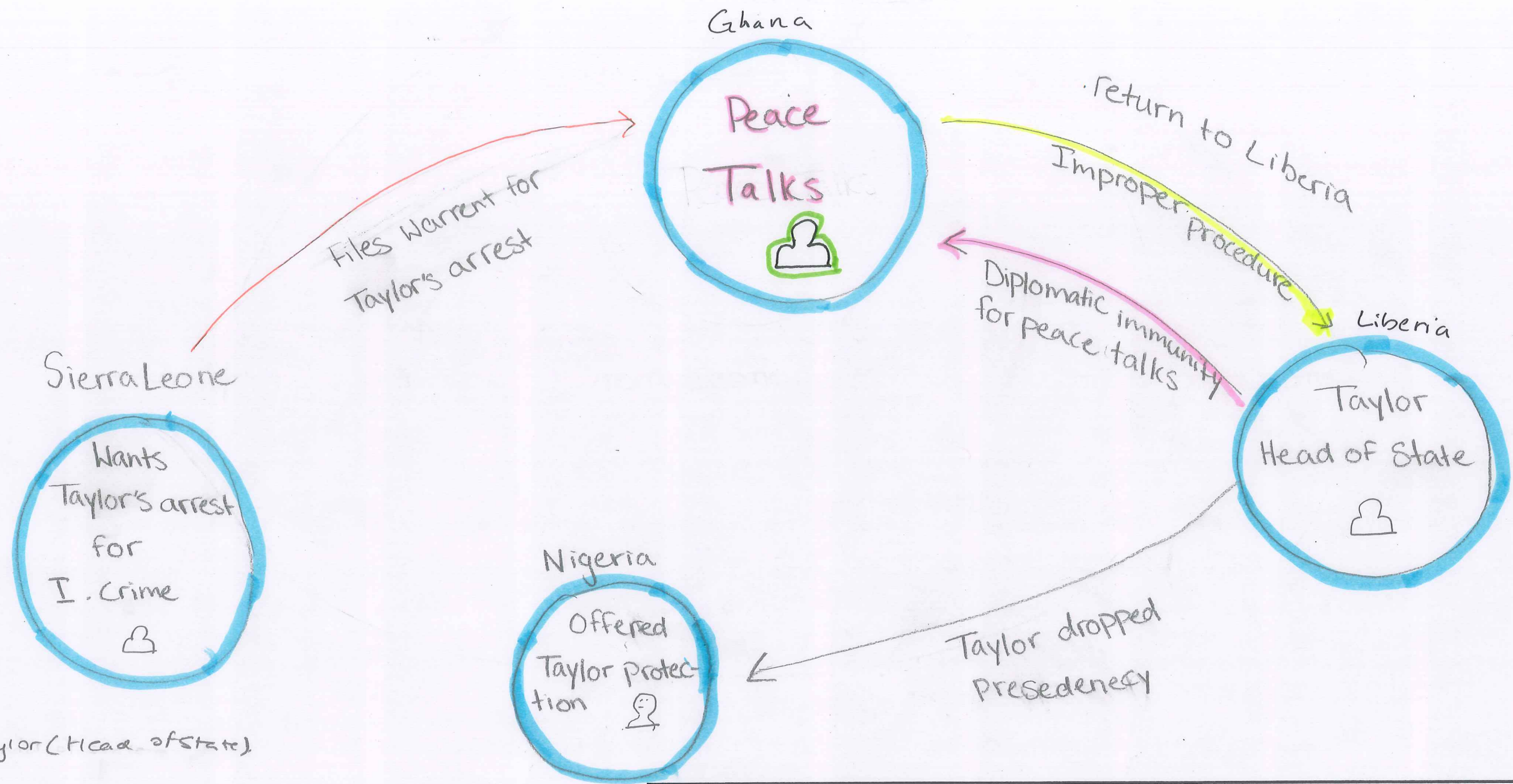


- ATCA
- Article 29 > Head of State Immunity
- Article 31 > Head of State Immunity
- UN Immunity

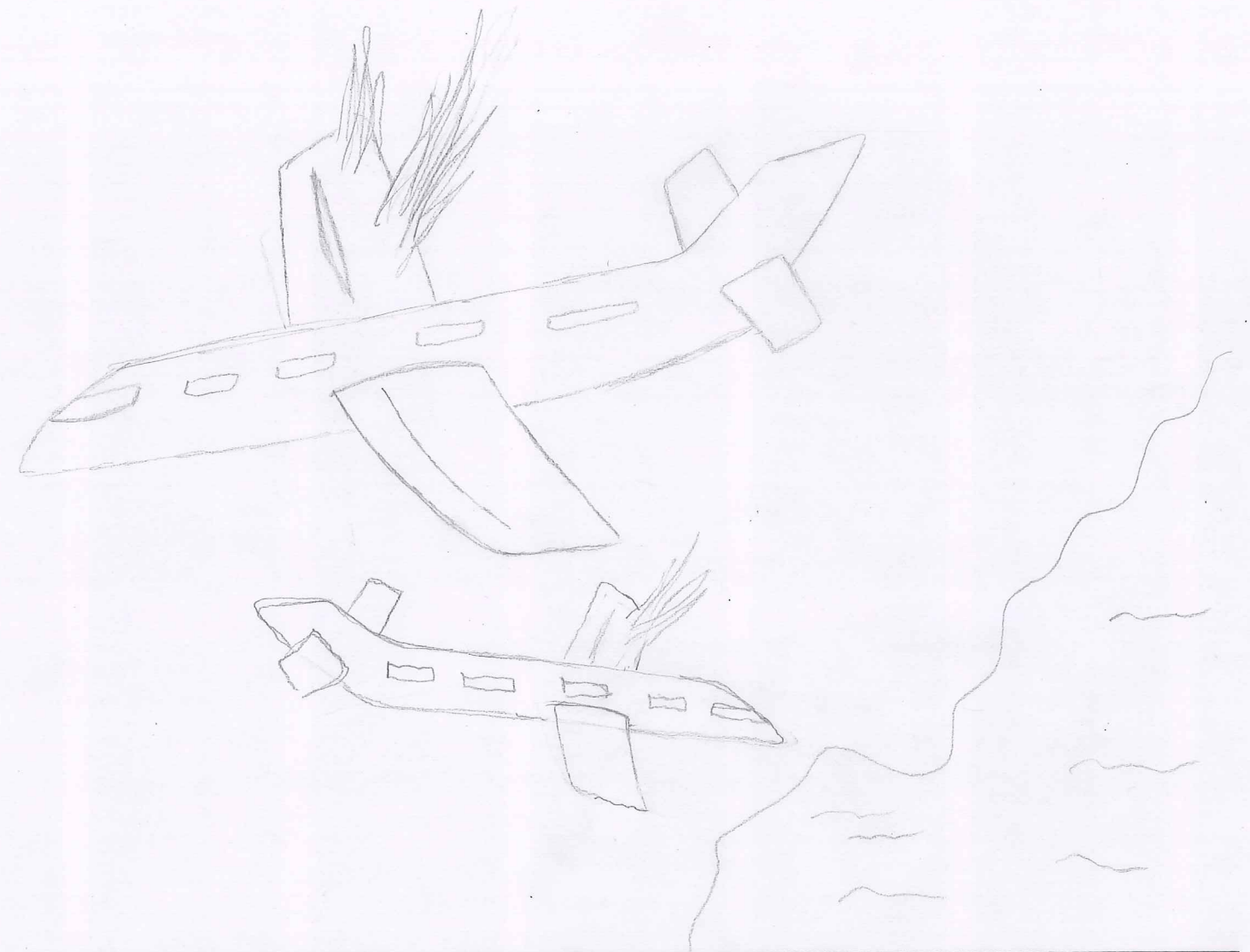
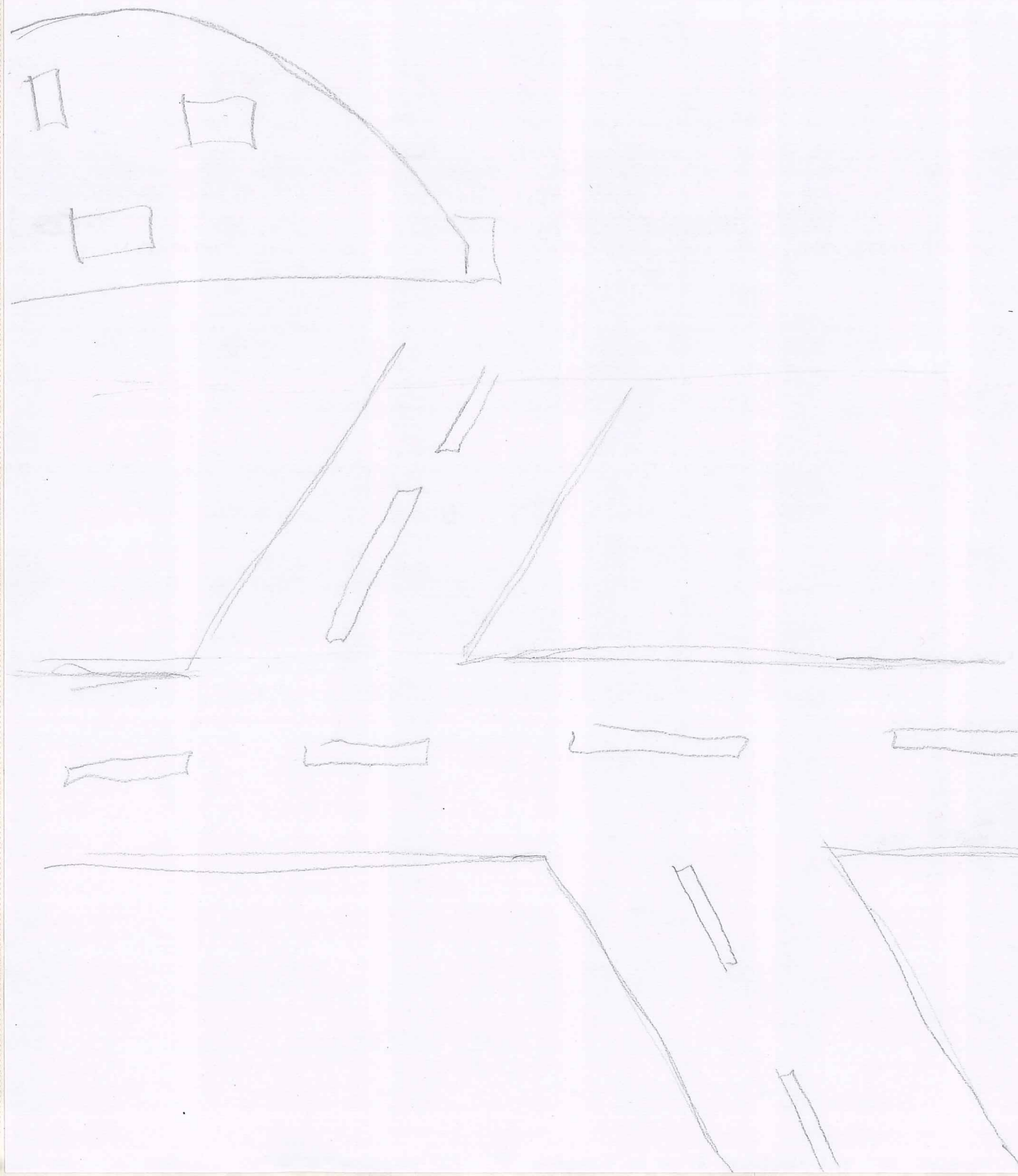
RATIO

Due to Mugabe being in the US, a head State business is the strongest head of state immunity applies against the domestic legal action in foreign Country (ATCA).

**RATIO**

An individual possessing the title of Head of State or other high ranking positions shall enjoy not personal immunity from criminal immunity under international law. In addition, transmission of relevant documents from one governing body to another does not violate the sovereignty of the receiving body as merely requesting assistance cannot constitute the violation of State sovereignty.

- ① Can the state ship have access to doctrine of permissible entry into foreign territory in distress.
- ② Is only military aircraft & war craft.

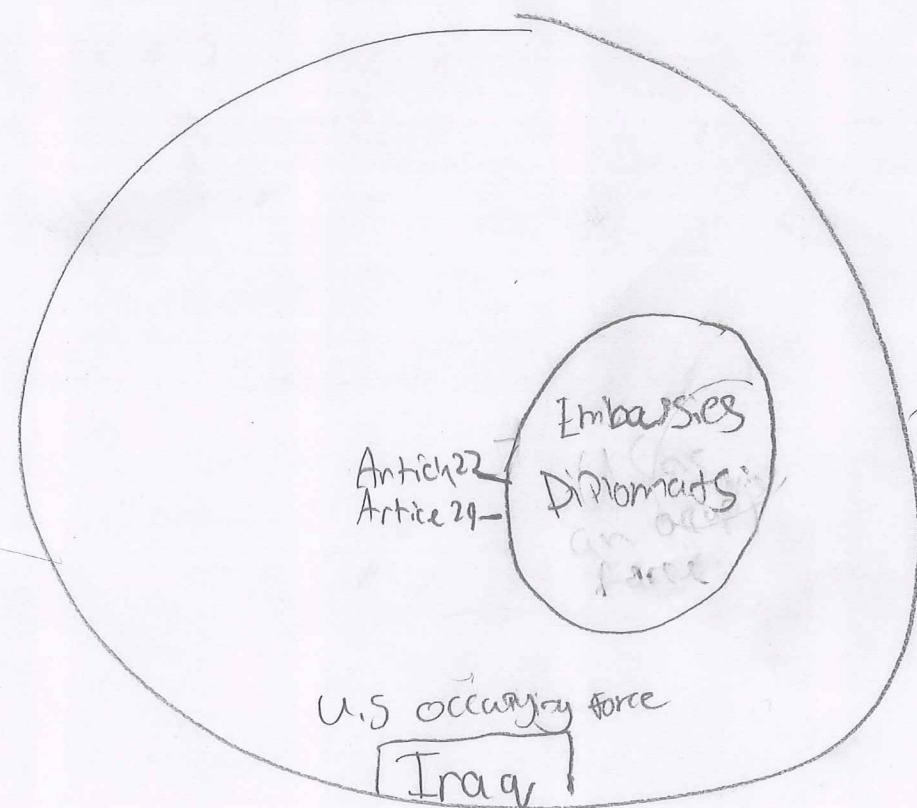


RATIO Though the crew was released within a fortnight the ship was returned within 6 months. This is a clear precedent to prove question 1 while question 2 is unanswered.

Fact Pattern Sketch

D

- The US raid on the Palestinian Embassy (Amirghadd)
- Occupation and diplomatic relations of the occupied state
- Continued diplomatic status of existing missions
- On March 20th 2003



- Article 9 Persona non Grata (Entire mission) //
- Article 22 inviolability of premises of the mission //
- Article 29 the person of a diplomatic agent inviolable (from arrest, detention, duty to prevent attack on person, freedom, dignity)
- Article 32 immunity may be waived by sending receiving state

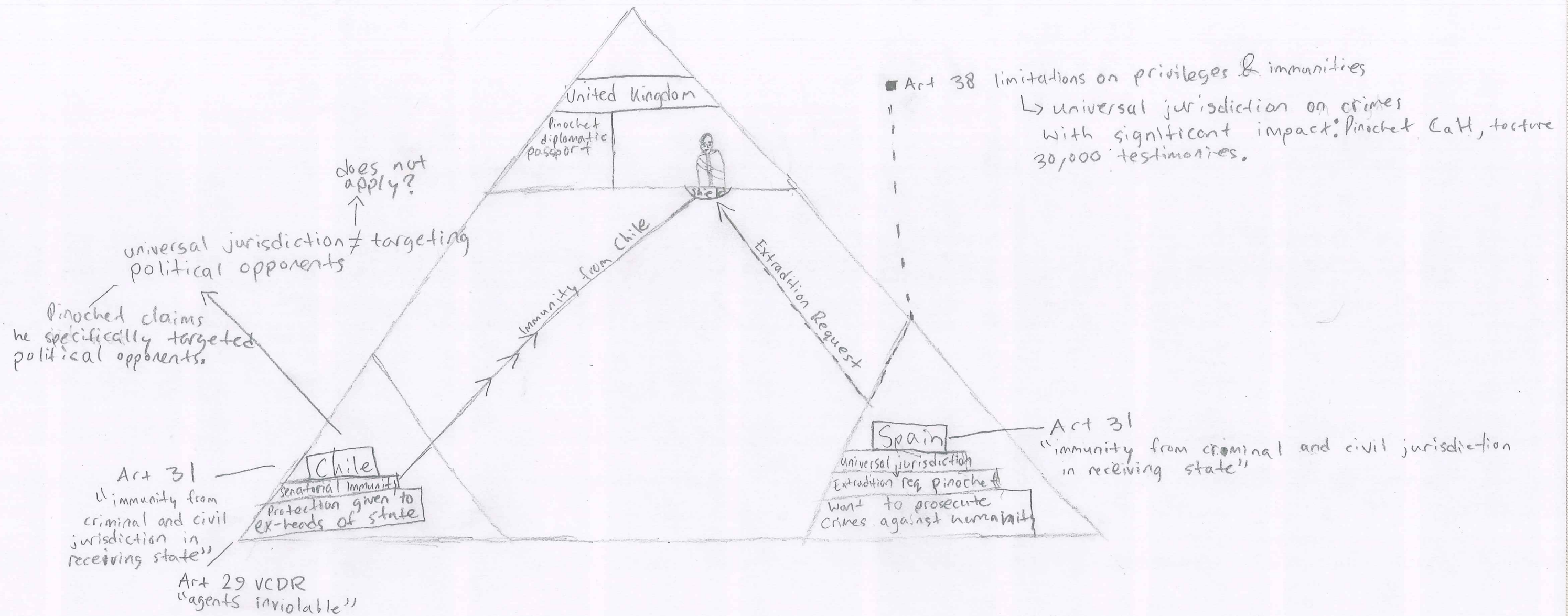
Jotani, Peter, Phillip

RATIO

Official status of diplomatic missions are not dependent on the existence of the government that originally accepted them. After regime change, occupying powers are not able to erase or grant accreditation to diplomatic missions. The U.S. position contradicts the 1979 Tehran hostages case, making their argument inviolable.

Pinochet Crimes Against Humanity Case

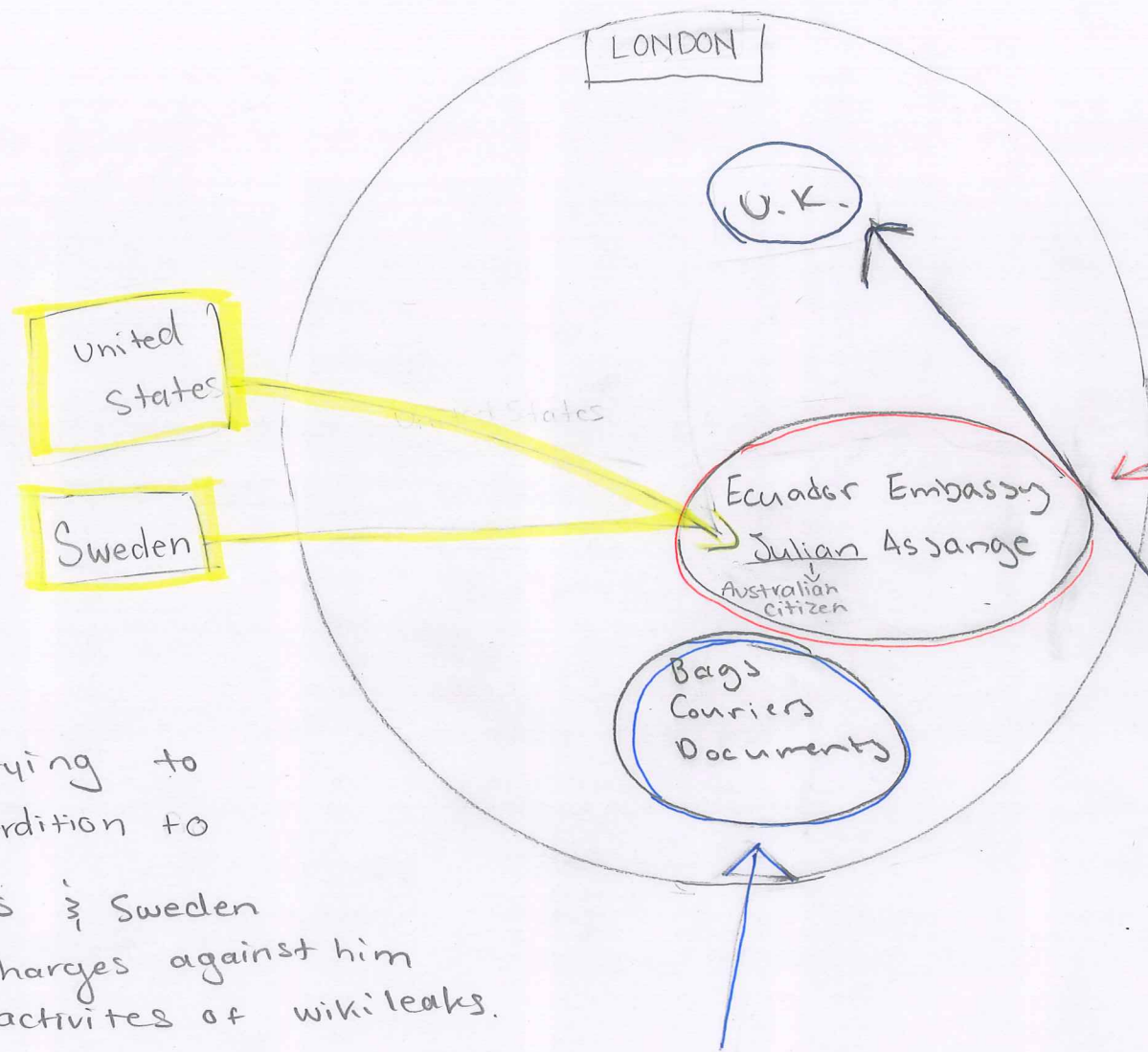
E



RATIO: The Pinochet Case further develops future cases regarding the prosecution of crimes against humanity and the principles of universal jurisdiction. Complications arose in the Pinochet case while prosecuting due to the complex nature of universal jurisdiction, Spain had other issues as a result of Chile giving senatorial immunity to Pinochet. The legal process ended with the death of Pinochet, an important landmark case, showing how drawn out and complex prosecution can be under certain circumstances.

Assange and the Law of Diplomatic Relations

F



Art. 22 VCDR - "premises of the mission shall be inviolable. The agents of the receiving state may not enter them, except with the consent of the head of the mission."

Art. 22(3) VCDR - transport of a mission "immune from search, requisition, attachment or execution"

1987 U.K. Diplomatic and Consular Premises Act - "a state ceases to use land for the purposes of its mission or exclusively for the purposes of a consular post; or (b) the Secretary of the State withdraws his acceptance or consent in relation to the land." only if "permissible under IL"

Assange is trying to prevent extradition to United States & Sweden because of charges against him relating to activities of WikiLeaks.

Art. 27 VCDR - "free communication must be protected (diplomatic correspondence, bags, couriers, codes, etc.)"

RATIO

A person not defined or is a member of diplomatic staff who's granted asylum. Will not be acknowledged by other states as they do not have diplomatic immunity

Assange is not a member of diplomatic staff. without diplomatic immunity, Assange's asylum in Ecuador's embassy was not acknowledged by other states