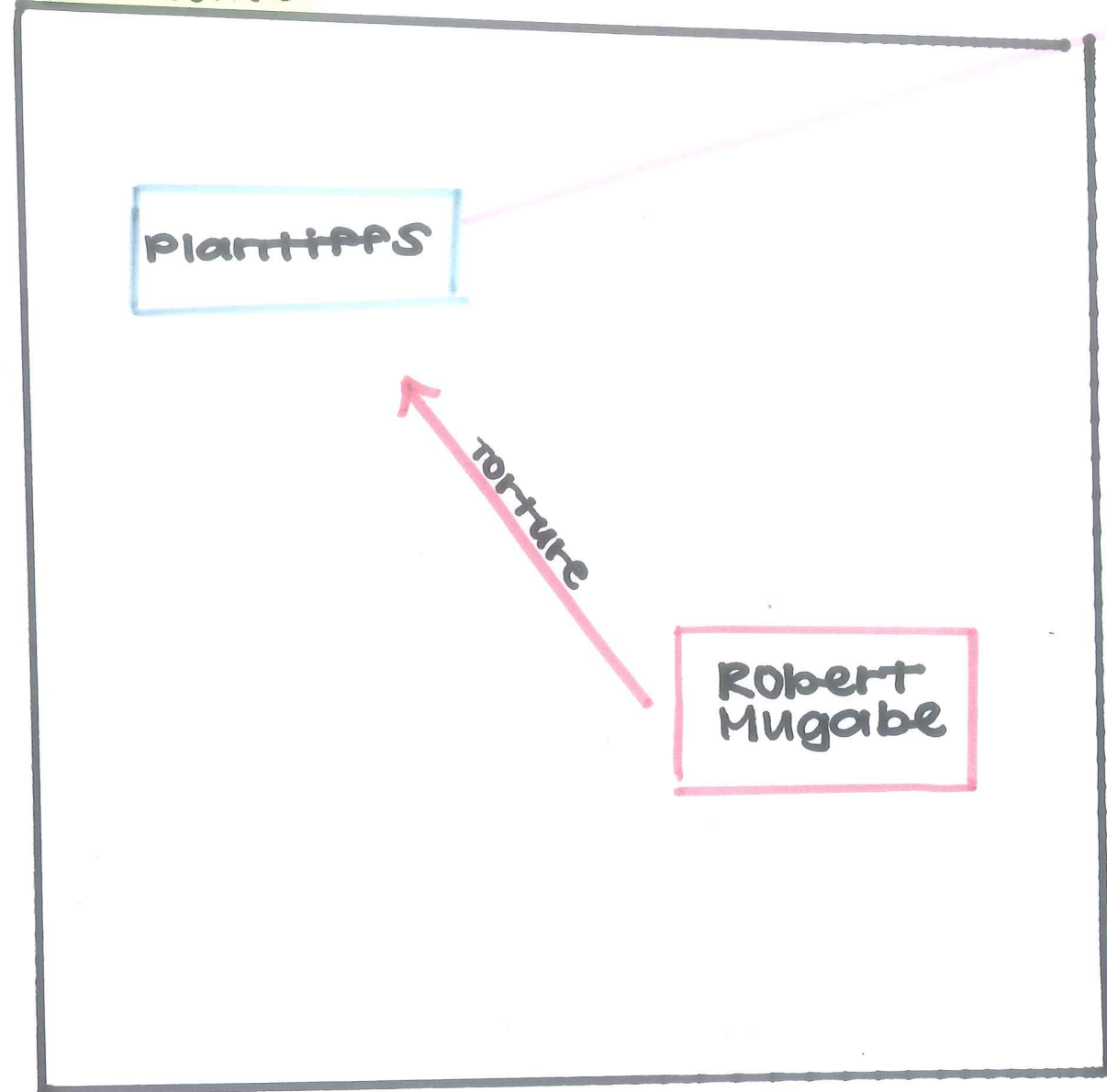
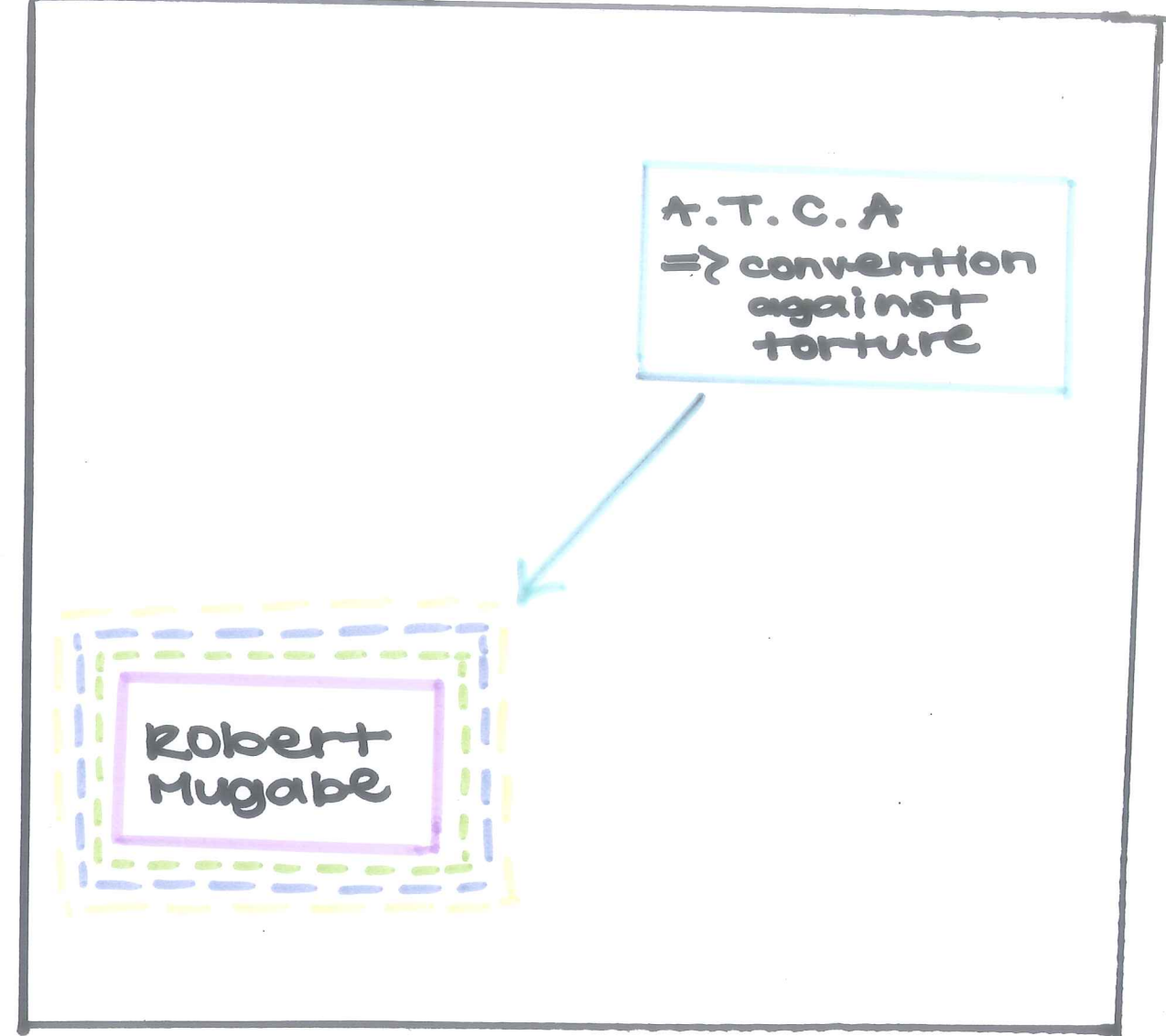


Zimbabwe



United States

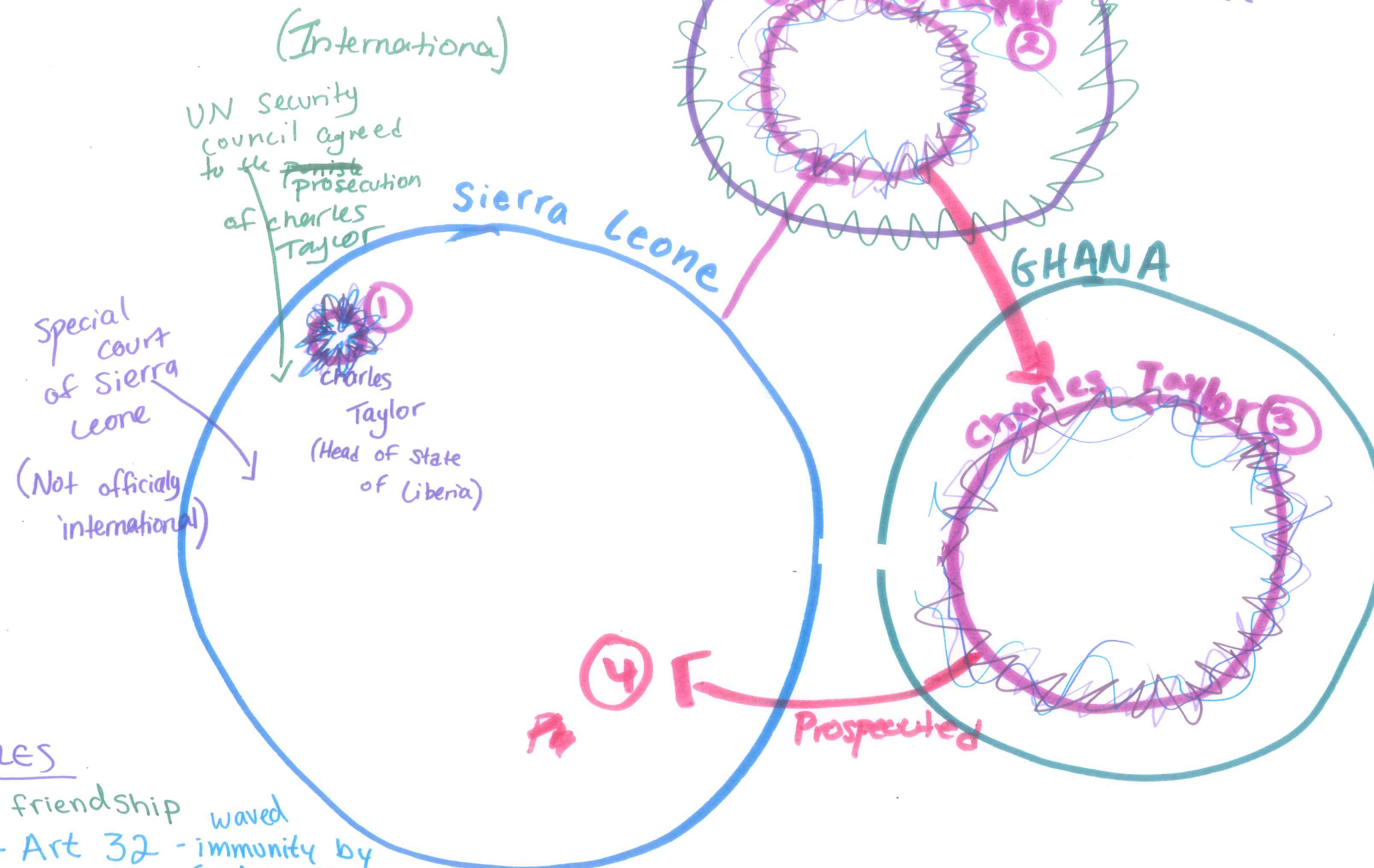


Legend

- Mugabe's Political Party
- Plaintiffs
- Head-of-State immunity
- Article 1. + Article 31
- sovereign immunity
- UN immunity
- A.T.C.A (Alien Tort Claims Act)

RATIO

Head of State (immunity) is the strongest immunity for leaders who have engaged in domestic misconduct when prosecuted abroad. For prosecution to occur the illegal action must be committed through official government action.



Crimes Committed (all in Liberia)

- Crimes against Humanity

- War crimes

- Serious violations of international humanitarian law

Accused of:

- Terrorizing the civilian population of Sierra Leone (SL)

- Unlawful killings

- Sexual and physical violence

- Use of child soldiers

- Abductions

- Forced labor

- Looting

- Burning

- Attacks on peacekeepers and humanitarian assistance workers

ARTICLES

WW - friendship waved

WW - Art 32 - immunity by sending state

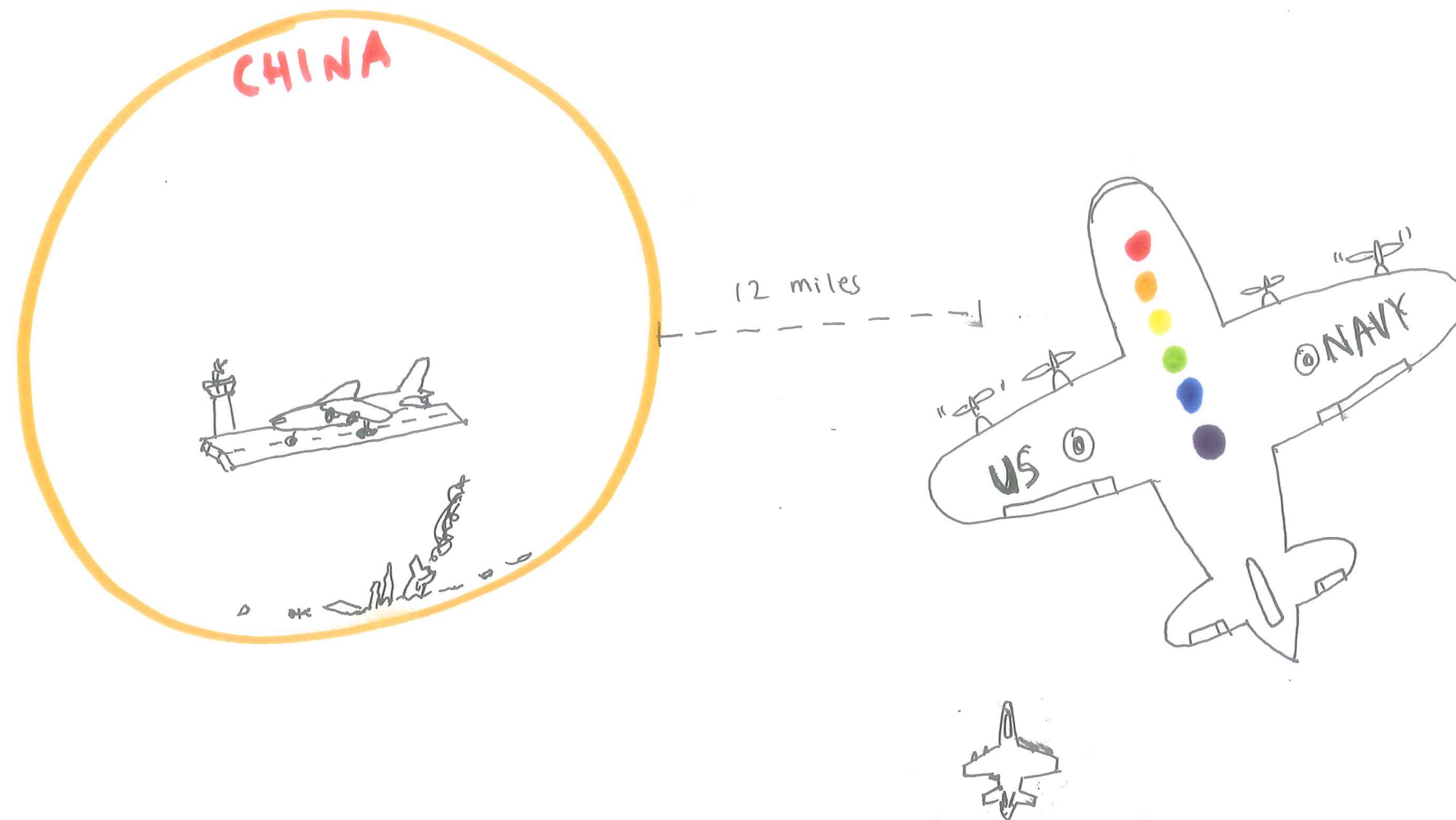
WW - Art 26 - freedom of movement & travel in receiving state territory

WW - Art 1

WW - Art 38

RATIO

↳ the case demonstrates the limitations of head-of-state immunity, as the crimes against humanity committed by Charles Taylor "crimes that shock the conscience must be prosecuted". diplomatic agents must not hide behind their diplomatic immunity in other states or at all.



● Customary Law → Doctrine of sovereign immunity
(Similar to diplomatic immunity)

● CHICAGO Convention

↳ ships in distress can dock at other states

↳ The Schooner Exchange

↳ Aircraft are analogous to warships when in distress

● Art 22 VCDR - inviolability of "premises of mission"

● Art 24 VCDR - inviolability of documents

● Art 27 VCDR - free communication must be protected
↳ equipment

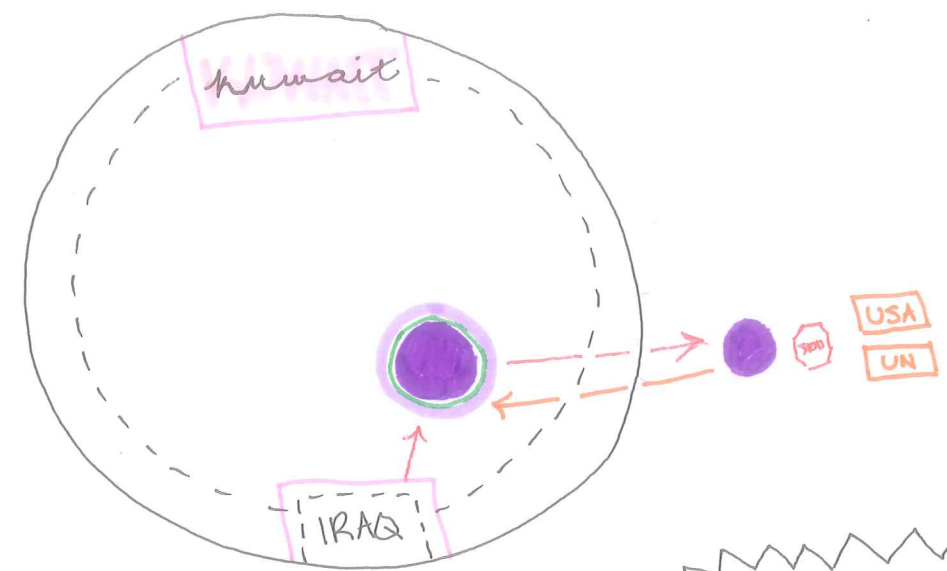
● Art 29 VCDR - diplomatic agent inviolable from
↳ detention, freedom, dignity

RATIO The U.S. NAVY Reconnaissance aircraft has immunity to land in China because it was an aircraft in distress. The Schooner Exchange case decided that warships in distress have immunity to dock at other states, aircraft can be analogous to warships in distress.

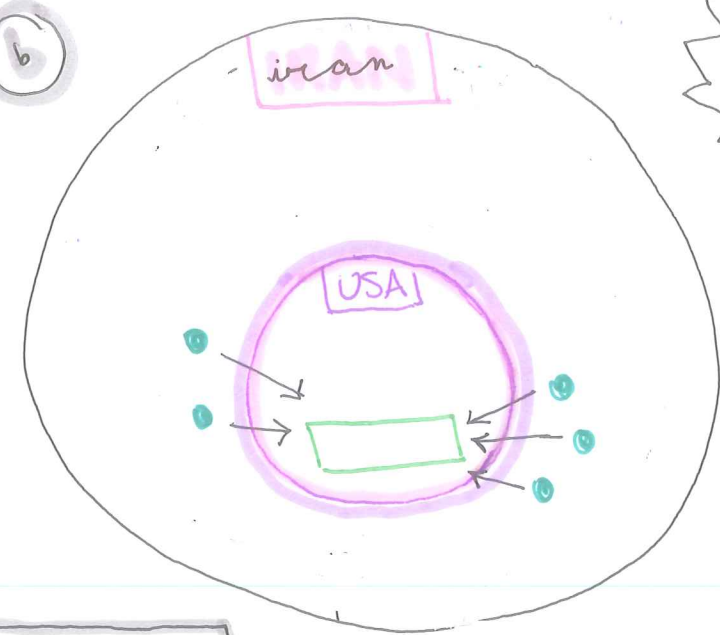
Vic, Braeden, Fiona, Scarlett

precedent cases

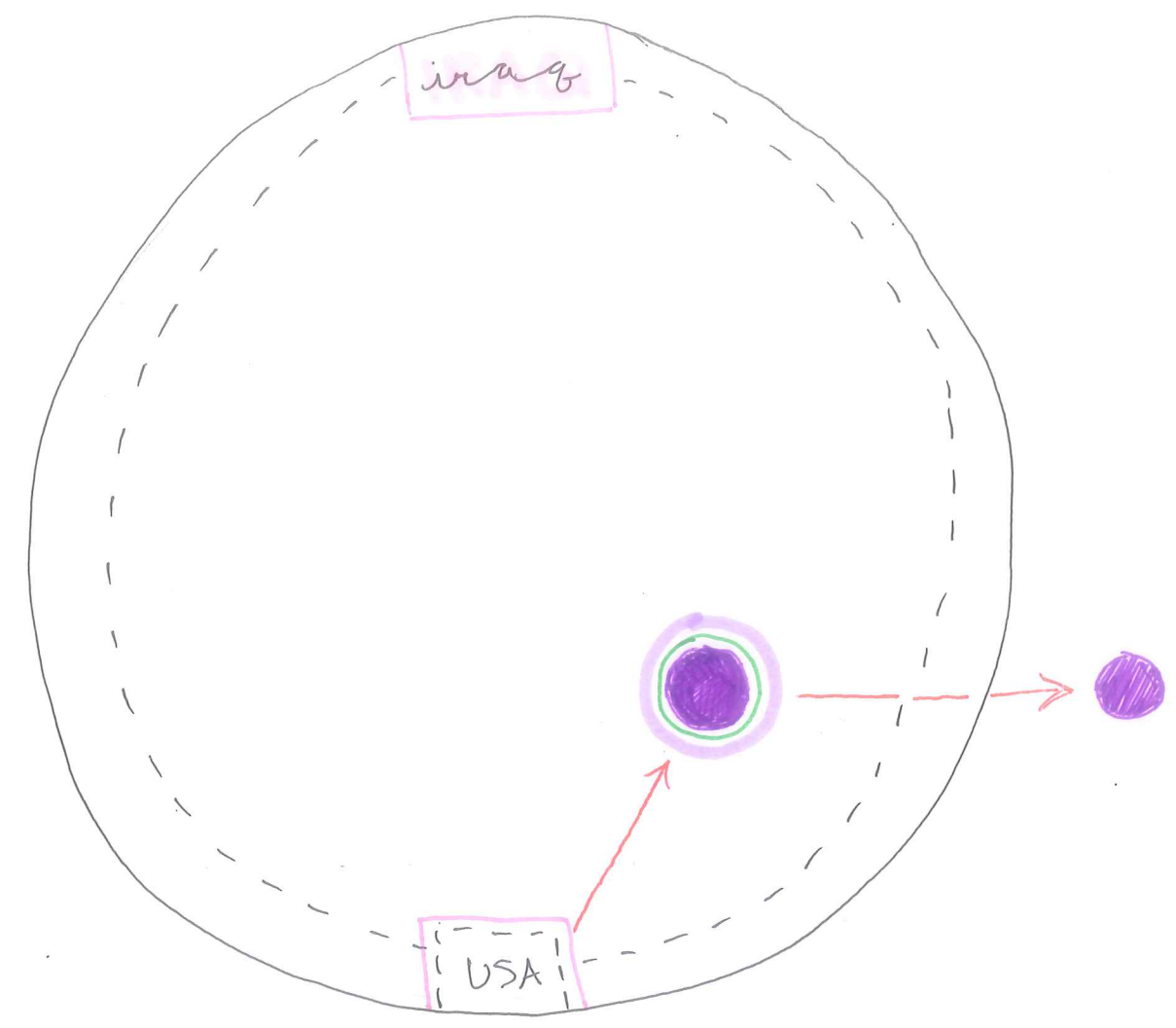
a



b



USA showed support for a & b



legend

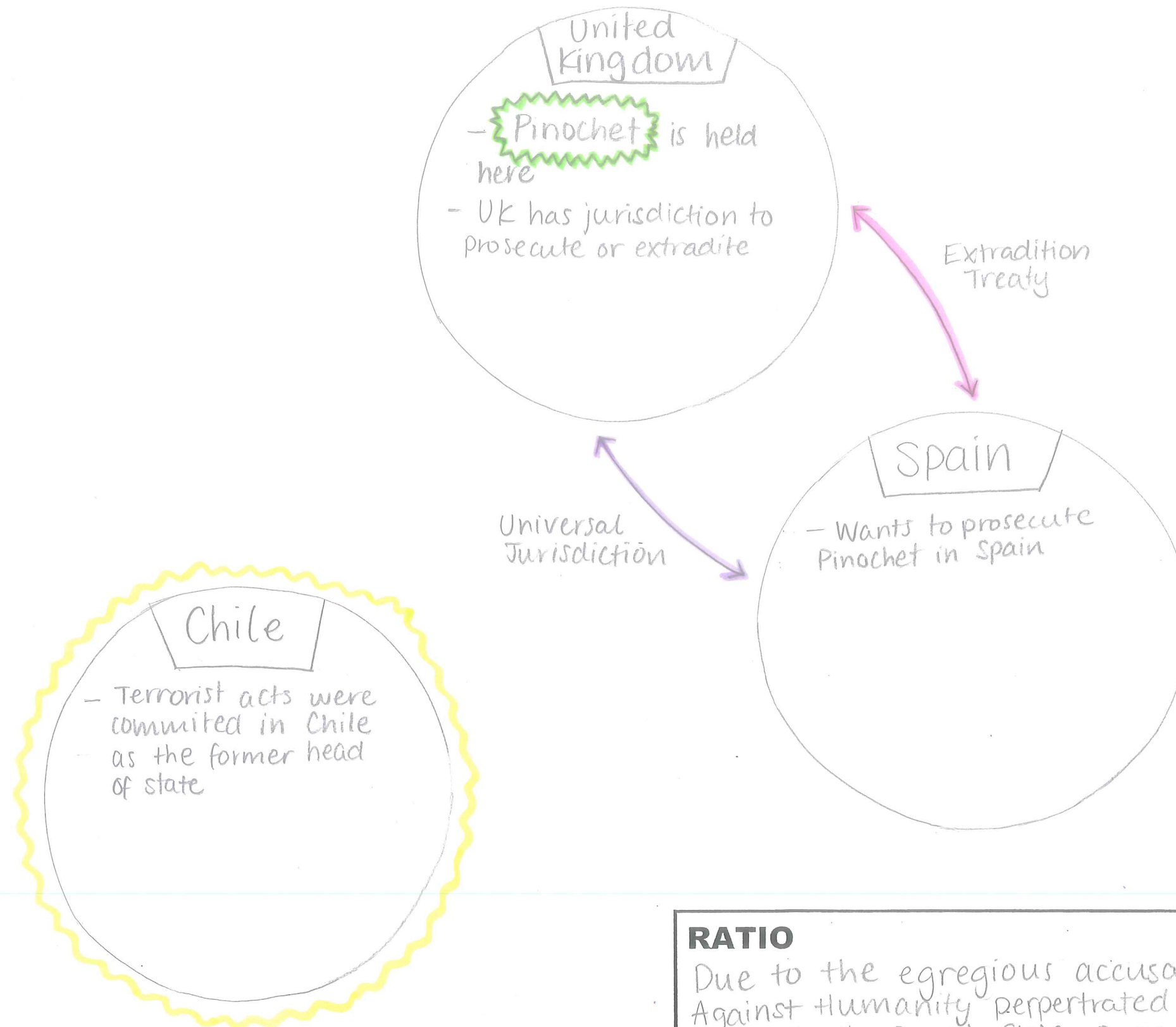
- art. 22
- foreign diplomats
- art 1
- occupying power
- third parties
- non-state actors
- art. 29
- voiding accreditation

elk, alessandro, nenna / feb 25-2020

RATIO : The occupying country takes over the duties of the gov't it deposed, including upholding the Vienna Convention (Art 22, duty to protect, Art. 1 accreditation), in a time where it is important to continue int'l relations.

Additionally, the USA has, in precedent cases of Kuwait and Iran, supported the Vienna Convention, which is in direct conflict with their position in Iraq.

SO, in a regime change, the Vienna Convention still applies on Diplomatic Relations



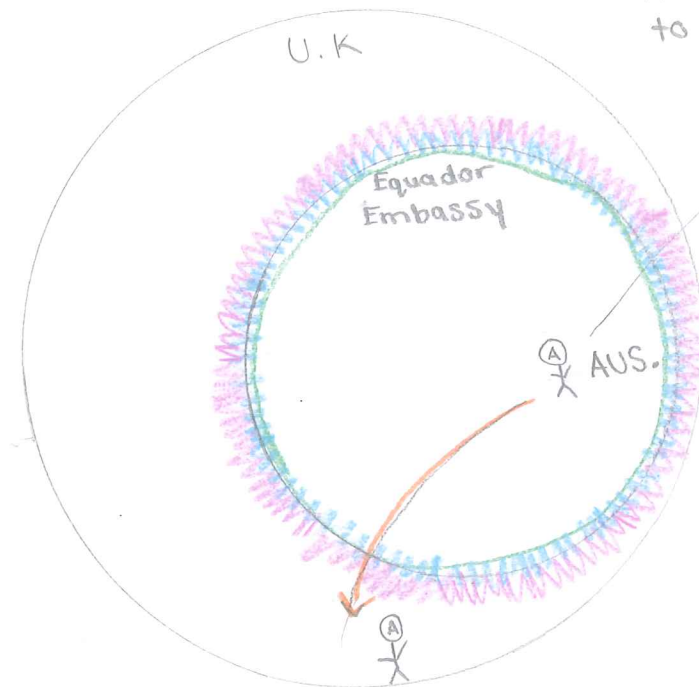
- = Parliamentary Immunity
↳ Appointed as Senator for life in Chile, preventing him to be prosecuted
- = Arguable Diplomatic Immunity
- = UK and Spain have both recognized the alleged crimes as Crimes Against Humanity and Terrorism under the ratified Convention against Torture
- = UK and Spain have condemned these acts under Universal Jurisdiction

RATIO

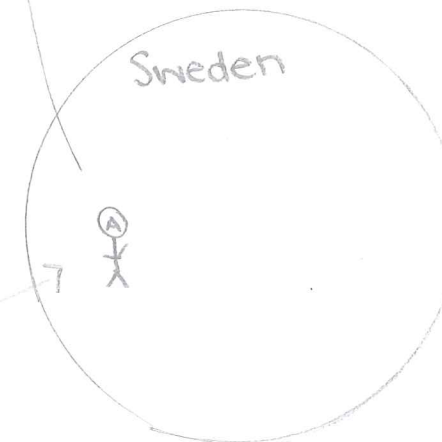
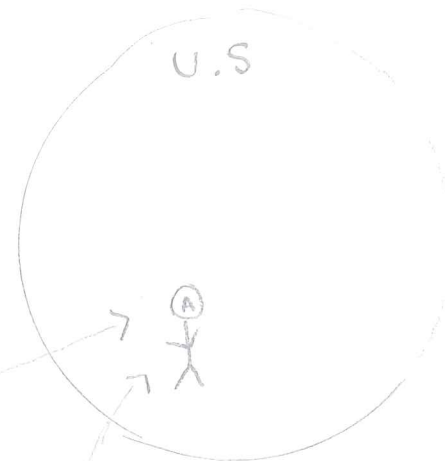
Due to the egregious accusations regarding Terrorism and Crimes Against Humanity perpetrated in Chile, presented against General Augusto Pinochet by the Spanish State, Pinochet does not enjoy diplomatic immunity. UK and Spain have recognized the alleged crimes as acts of terrorism under the Convention Against Torture. This permits Pinochet's extradition to Spain under Universal Jurisdiction.

UK can extradite if it does not violate Art. 22.

Option #2
UK sends Assange straight to US.



Option #1:
UK extradites Assange to Sweden and Sweden send him over to the US.



Art. 9. persona non grata

Art. 22. "inviolability of premises & special duty to protect"

Art. 38 limitations on privileges & immunities

A Assange

RATIO

Ultimately, the state has no obligation to grant asylum to a foreigner seeking it. In addition, the host state is not required under International Law to acknowledge the embassy's grant of asylum or provide safe passage out of their country.