

Telders Moot Court Competition – Internal Free University Selection Round

The Roundsian Rescue Dispute

A commercial aircraft of Roundsia with 90 Roundsian nationals (passengers and crew) on board and 10 passengers of other nationalities is hijacked by five heavily-armed, unidentified individuals. Due to inclement weather, the hijackers make an emergency landing in Achtagonia on 31 December 2013. The aircraft lands at a rural airport, near the border between Achtagonia and Roundsia, and the hijackers take the passengers and crew to an abandoned building in the airport complex.

Roundsia is a small, developed country with a unitary central government and – due to longstanding restrictive immigration policies – an ethnically homogenous population. Achtagonia is an ethnically diverse developing country composed of four provinces governed in a loose federal system. Roundsia and Achtagonia share a 100 km border, and this border is entirely along territory of the Achtagonian province of Quad.

After the 31 December 2013 hijacking and through the first week of January 2014, the authorities of Roundsia are in continuous contact with those of Achtagonia at the highest political and diplomatic levels. Roundsia's Prime Minister urges Achtagonia's President to take all action necessary to bring the situation to an end and to safeguard the passengers and crew who remain detained. Achtagonia takes no action in response to Roundsia's demands.

At 2.00 am on 7 January 2014, under heavy cloud cover, and without any notice to Achtagonia, the special forces of Roundsia undertake what its Prime Minister refers to later as a rescue mission. All the remaining passengers and crew are returned safely to Roundsia or their other home states. All the hijackers are killed. All of the members of the special forces unit also return to Roundsia.

Task: You are Legal Adviser of Roundsia's Ministry of Foreign Affairs. You have been asked by the Minister to prepare legal opinion (memo) as how to justify Roundsia's (special forces) actions under international law.

In this regard, Minister wants you to:

- prepare maximum 3 page written memo with your legal argumentation citing relevant case-law, state practice or scholarly position on the matter by 26th of October 2013 – to be sent before midnight;
- present your written memo before the Minister in 5 minute presentation (specific time to be determined by 26th of October 2013);