INTERNATIONAL COURT OF JUSTICE

COMPROMIS

**BETWEEN THE STATE OF SYLVANIA (APPLICANT)
AND THE STATE OF FREEDONIA (RESPONDENT)
TO SUBMIT TO THE INTERNATIONAL COURT OF JUSTICE
THE DIFFERENCES BETWEEN THE PARTIES
CONCERNING AN AIRCRAFT ONBOARD INCIDENT**

jointly notified to the Court on xx xxx 2015

**THE 2015 INTERNATIONAL AIR LAW MOOT COURT COMPETITION:
THE STATE OF SYLVANIA V. THE STATE OF FREEDONIA
IN THE MATTER OF AN AIRCRAFT ONBOARD INCIDENT**

I. Background

1. For the purposes of this Case, both of the States relevant to the problem—Freedonia and Sylvania—are parties to the following multilateral agreements:

   a. 1945 United Nations Charter (U.N. Charter)

   b. 1944 Convention on International Civil Aviation (Chicago Convention)

   c. 1969 Vienna Convention on the Law of Treaties

   d. 1963 Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo Convention)

2. For the purposes of this Case, both States are also parties to the 2014 Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft, and the Protocol has entered into force.

3. All subsequent usages of the term "Tokyo Convention" will refer to the consolidated text of the 1963 Convention on Offences and Certain Other Acts Committed on Board Aircraft and the 2014 Protocol referenced in paragraph 2 of the Compromis.

4. On June 1, 2014, Freedonia Airlines Flight 1933 departed from the international airport at Sylvania City, the capital city of the neighboring State of Sylvania, bound for Freedonia City, Freedonia. Freedonia Airlines is 100% owned by the State of Freedonia.

5. About half way through the flight, while the aircraft was still operating in Sylvanian airspace, one of the flight attendants, Gloria Teasdale, glanced out the window while making her rounds and suddenly began screaming that there was a gremlin sitting on the wing of the aircraft. A number of passengers began to panic while Teasdale raced over to the nearest emergency exit door and attempted open it.

6. Sitting adjacent to the emergency exit were a pair of Sylvanian nationals, brothers named Chico and Harpo, who were traveling to Freedonia to visit their older brother Zeppo. Upon hearing Teasdale scream about the gremlin and witnessing her attempts to open the emergency exit they leapt out of their seats and began to physically restrain

Teasdale. She continued to scream and struggled as Chico pulled her away from the fire escape and then Harpo pinned her against the cabin floor.

7. Harpo and Chico were both unaware that Teasdale could not have successfully opened the emergency exit in-flight because of the emergency exits on this aircraft model are subject to electronic controls during flight.

8. Also aboard the flight was a Freedonian in-flight security officer named Rufus T. Firefly. Unfortunately, Firefly was in the lavatory when flight attendant Teasdale first began screaming and did not witness her attempt to open the emergency exit door. Upon exiting and hearing the screaming, Firefly asked one of the other flight attendants what all the commotion was about. The flight attendant admitted that he hadn't seen what had happened, but said that he had just been in a conversation on the cabin phone with the chief pilot, Captain Trentino, who had asked that "somebody get control out there."

9. Firefly immediately ran toward the scene of the disturbance. Upon seeing Harpo pinning a still-screaming Teasdale against the ground, he drew his firearm and yelled "Stop!"

10. Harpo, who was deaf, did not understand the command and continued to struggle with Ms. Teasdale.

11. Firefly, fearing for Teasdale's safety, struck Harpo across the head with his weapon rendering him unconscious. He then approached Chico, who was standing next to Harpo, and fastened restraints around Chico's wrists.

12. Teasdale's screaming persisted until another flight attendant administered tranquilizers that rendered her unconscious.

13. Captain Trentino decided to divert the flight immediately to the nearest airport, which happened to be in the city of Zandar, Sylvania, close to the Freedonian border. Captain Trentino notified the Sylvanian civil aviation authorities that he would be delivering a passenger or passengers to Sylvanian custody.

14. Upon arrival in Zandar, Captain Trentino interviewed Firefly, Teasdale, Chico and some of the other passengers to learn more about the incident. He then informed the Sylvanian police authorities who had come aboard the aircraft that he was delivering Chico and a still-unconscious Harpo to their custody and intended to continue the flight to Freedonia without them.

15. The Sylvanian authorities, after disembarking Teasdale and Harpo for transport to a nearby hospital where they could receive proper medical attention, refused to allow Captain Trentino to resume the flight until they had conducted their own interviews with everyone on board. After a number of hours, they concluded their investigation and decided to take Firefly into custody instead, sending notice to the Freedonian authorities that Firefly would be charged with assaulting Harpo under Sylvanian criminal law.

16. The Sylvanian authorities also advised that, in their view, there was no reason to charge Chico with any crime. They consulted with Chico who said that he was anxious to continue to Freedonia City to make contact with his other brother, Zeppo, to inform him of what had happened. The Sylvanian authorities refused to allow Captain Trentino to deliver or disembark Chico, instead recommending that he be taken as contracted to Freedonia City with the rest of the passengers on Flight 1933.

17. Furious, Captain Trentino told the Sylvanian authorities that he intended to deliver Chico to Freedonian custody as soon as he crossed the Freedonian border.

18. After Flight 1933 resumed operation, the cabin was eerily silent as the remaining passengers, including Chico, sat in a state of shock. Captain Trentino, still fuming at the response of the Sylvanian authorities and observing that the aircraft had now passed over Freedonian territory, followed through on his threat to divert the aircraft again. This time the chosen airport was the Freedonian city of Marxiana. There Captain Trentino disembarked Chico and delivered him to the local Freedonian authorities in Marxiana, explaining what had happened. The local authorities decided to charge Chico under Freedonian criminal law for his actions aboard the flight under Freedonian law.

19. Flight 1933 then, finally, completed its flight to Freedonia City.

20. Following the completion of the flight, the Freedonian ministry of foreign affairs contacted the Sylvanian government about the arrest and detention of Firefly, which the ministry claimed to be illegal given his special status as a Freedonian in-flight security officer. Sylvania insisted that the actions of its authorities in Zandar were entirely authorized by and consistent with the Tokyo Convention, an assertion Freedonia disputed.

21. Two days later, the Sylvanian authorities received a complaint from a Sylvanian national living abroad in Freedonia named Zeppo who was concerned about the

whereabouts of his brothers who had been traveling to see him. Zeppo said that his requests for information from Freedonia Airlines had gone unanswered.

22. Upon learning the details of Captain Trentino's delivery of Chico to Freedonian authorities in Marxiana, and Freedonia's exercise of jurisdiction to prosecute Chico for his actions aboard Flight 1933, Sylvania accused Freedonia of acting in violation of the Tokyo Convention and threatened that such a violation could jeopardize Freedonia's rights under the bilateral air services agreement between the States.

23. Sylvania and Freedonia proceeded to prosecute and sentence Firefly and Chico respectively under each state's national criminal laws. Both received mild punishments and have since exhausted all appeals and local remedies and their judgments have now become final.

24. Freedonia asked that the matter be submitted to arbitration, but when it became apparent that the States would not be able to even agree on the terms of arbitration, Sylvania referred the dispute to the International Court of Justice seeking a declaratory judgment about the legality of each State's actions under and interpretation of the Tokyo Convention, leaving aside any national law claims.

II. Action

1. The State of Sylvania has asked the International Court of Justice to rule that:

    a. Sylvanian authorities acted consistently with the Tokyo Convention in refusing the disembarkation of Chico at Zandar.

    b. Captain Trentino's actions in delivering Chico to the authorities in Marxiana were inconsistent with the provisions of the Tokyo Convention, as was the failure to notify Sylvanian authorities of the actions taken against Chico.

    c. The Tokyo Convention grants Sylvania the jurisdiction to arrest and prosecute Firefly for his actions on board Flight 1933.

    d. Firefly's actions with regard to Harpo and Chico were inconsistent with the Tokyo Convention and the actions of the Sylvanian authorities in detaining, arresting, and prosecuting Firefly were consistent with the Tokyo Convention.

2. The State of Freedonia has asked the International Court of Justice to rule that:

    a. The Sylvanian authorities acted in violation of the Tokyo Convention by refusing to allow Captain Trentino to disembark or deliver Chico in Zandar.

b. The actions taken by Captain Trentino and other Freedonian representatives with regard to Chico's delivery and detention in Marxiana were entirely in accordance with the Tokyo Convention and sufficient notice was provided.

c. Sylvania lacks jurisdiction over Firefly's actions because of his status as an on-duty, in-flight security officer operating on board a Freedonian Airlines flight, and because Captain Trentino had neither disembarked nor delivered Firefly to Sylvanian authorities.

d. Firefly's actions with regard to Harpo and Chico were entirely consistent with the Tokyo Convention, or alternately, were immunized by the Tokyo Convention and as a result the Sylvanian authorities were wrong to prosecute him under Sylvanian law.