

IN THE SUPREME COURT OF THE UNITED KINGDOM

B E T W E E N

THE DIRECTOR OF ATHENIAN PROSECUTIONS

Prosecutor

-and-

ALEXANDER III OF MACEDON

(also known as ALEXANDER THE GREAT)

Defendant

INDICTMENT

The Prosecutor, pursuant to the universal jurisdiction to prosecute war crimes, charges the Defendant, **Alexander III, King of Macedon**, son of Philip II of Macedon, with **violations of the laws or customs of war** as set out below:

Background

1. The Defendant became king of Macedon in 336BCE. In spring 334BCE, he personally led the Macedonian Army in its invasion of the Persian Empire, including in battles at the River Granicus (May 334BCE) and Issus (November 333BCE) The Defendant was crowned as Pharaoh of Egypt (Nov 332 BCE) and consulted the oracle of Ammon at Siwa (spring 331 BCE). A further battle between the Macedonian Army and the Persian Army took place at Gaugamela (1 October 331BCE), with the Macedonian Army being victorious.
2. Following the battle of Gaugamela, the Defendant accepted the surrender of the Persian cities of Babylon and Susa, which the Macedonian Army took control of peacefully and without wanton killing or destruction of property.
3. In December 331BCE, the Defendant led the Macedonian Army towards the capital of the Persian Empire, Persepolis. En route, the Macedonian Army defeated a Persian force at the Battle of the Persian Gates, opening the path to Persepolis. The city subsequently offered its cooperation to the Defendant.

The Macedonian Army captures Persepolis

4. Notwithstanding this offer, the Defendant stated to his commanders that Persepolis was to be destroyed and its inhabitants murdered, because it had been the seat of those Persian rulers who had invaded Greece in 490 and 480 BCE.
5. On arrival at Persepolis, the Defendant turned the city (save for its palace complex) over to the Macedonian Army. The Macedonian Army slaughtered all whom they encountered. They looted and destroyed homes and public buildings, stealing silver, gold and other valuable items. Substantial parts of the city were burned. The Defendant eventually gave an order that women were to be spared from death; they were enslaved instead.
6. The pillaging, murder, enslavement and destruction at or of Persepolis lasted for an entire day.

The burning of the palace complex

7. Subsequently, the Defendant and the Macedonian Army wintered in Persepolis until spring 330BCE. Before they left, the Defendant either ordered or permitted the palace complex to be burnt down.
8. Both the sack of Persepolis at the point of capture and the burning of the palace complex were acts of revenge for the invasion of Greece by the Persian Empire in the early 5th century BCE. They took place in the context of an international conflict.

Charges

9. Consequently, the Defendant is charged with four counts of violation of the laws and customs of war in that:
 - a. **Count 1:** he ordered the extensive pillaging and/or destruction by the Macedonian Army of the city of Persepolis, which was not justified by military necessity and carried out unlawfully and wantonly, in violation of the laws and customs of war;
 - b. **Count 2:** he ordered the wilful killing *en masse* by the Macedonian Army of those Persian civilians present in the city of Persepolis;
 - c. **Count 3:** he ordered or permitted the enslavement *en masse* by the Macedonian Army of female Persian civilians present in the city of Persepolis;
 - d. **Count 4:** he ordered or permitted the destruction of the palace complex, a historic monument, when this was not imperatively demanded by the necessities of war and was not a military objective.

A note on the destruction of the palace at Persepolis (Count 4)

There is no dispute in the ancient sources that the palace at Persepolis was burned by Alexander and his army. Archaeological excavations support this: a three-foot deep layer of ash was discovered when the palace complex was excavated, although no precious metals or other treasures.

However, in this case Alexander argues that the burning was not a political act of deliberate destruction, but a drunken act against something that was now his own property. Both sides agree that if this is not a war crime, then Alexander would be immune from prosecution as a head of state for any offences arising.

The case for the prosecution

The prosecution say that the palace at Persepolis was a cultural site that ought to have been protected rather than destroyed. The burning of the palace was a war crime because it was a continuation of the deliberate decision to sack and destroy Persepolis – both the city and the palace were symbols of the Persian Empire and Alexander wanted them both erased. Ancient sources derived from the account of Ptolemy (one of Alexander's generals and later ruler of Egypt) treat the destruction of the palace as part and parcel of the destruction of the city, and suggest that Alexander intended the burning as retribution for the destruction of Athens by the Persians in 480 BCE, 150 years earlier. One source records that Alexander was advised not to burn the palace by his advisor Parmenion: after all, it was his own property now. The absence of treasures found on excavation also suggests pre-meditation.

The case for the defence

Alexander relies on historical accounts derived from his own court historian, Cleitarchus. These say that after sparing the palace when the city was captured, some months later Alexander and his commanders were having a drunken banquet. Thaïs, a courtesan, suggested burning down the palace and this idea was enthusiastically taken up. They gathered torches, proceeded from their camp to the palace, and set it on fire.

Alexander's explanation for why other sources treat this as a deliberate political act is that they are trying to protect Thaïs – those sources derive from Ptolemy, and she was, either at the time or later, his mistress (and perhaps wife).

It will be for the jury to decide whether this was a deliberate political act that should be punished as a war crime, or simply drunken behaviour.