

MOOT PROBLEM

INTERNATIONAL CRIMINAL COURT, THE HAGUE

BEFORE THE TRIAL CHAMBER

CASE NO. 69 OF 2016

The Prosecutor v. Kivuos Luhar, et al

1. Pangaea is the largest continent comprising of over 80 states. Zogmai and Sonada are two independent land locked states sharing the common border on the continent of Pangaea. Zogmai lies to the south of Sonada. On the west, stands the gigantic Shivkhola Hills. Beyond it, lies the state of Tukhda, sharing the common border with the states of Zogmai and Sonada. The river of Teesta flows through Zogmai and Sonada and serves as border between Sonada and Tukhda. The inhabitants of this region along the river of Teesta are the followers of the Dothrak religion. The Dothrakis cremate their dead in the gardens of the Bhupi temples.

2. The Dothrakis were known for their diamonds. In the lieu of trade, the Xaroian traders arrived from the continent of Relling in the 15th century. The Xaroian achieved great success and with the march of time, established their dominance over the Dothrakis. They believed in the ‘*many-faced*’ God and buried their dear departed. They started proselytizing the Dothrakis. The

converted Dothrakis were free to pray in their own dialect in the sacred community halls.

3. As per the historical records, the Bawlis were the supreme tribe in Central Pangaea. But, persistent wars amongst the groups of the tribes led to its decline. At present, they are confined to the mountainous terrains of the states of Tukhda, Zogmai and Sonada. The Bawlis are the followers of Bawliism. They are the descendants of the great Sourupan race that once ruled over the entire continent of Pangaea.

4. The supremacy of the Xaroian sovereignty was firmly established in due course of time. The regal administration touched its peak. The entire territory was arbitrarily divided into three administrative districts which showed resemblance to the present territories of Tukhda, Zogmai and Sonada. For the sake of administrative convenience, the Xaroians turned a blind eye to the principle of integrity of the tribes leading to the disunion of these tribes. However, this turned out to be a blessing in disguise for the Xaroians as the Bawlis of Tukhda bestowed ready support to them. The Bawlis of Tukhda looked at it as an opportunity as they had an age-old rivalry with the tribes of Zogmai and Sonada. The Bawlis of Tukhda considered the Bawlis of Zogmai responsible for the downfall of the Sourupan Empire. The high conversion of those tribes to the Xaroian religion added salt to injury. However, after being ruled upon by the Xaroians for over five centuries, a wave of nationalism united them. Finally on 26 January, 2000 the Xaroian Empire broke into three independent countries.

5. Rhenock is the neighbouring country of Xaro. Rhenock is blessed with natural minerals and ores. The country was well known for its production of

coal. It has established many coal-mining companies in and around the world. One of the major players of coal mining industry was the Woolwich Coal Mining Company whose head-quarters are situated in the capital of Rhenock. This multi-national company had been operating around the globe. Among others, it has established itself as a dominant player in many parts of Tukhda and on the western borders of Zogmai and Sonada. The establishment of this company in this region has proved to be beneficial for the Bawli highlanders to a greater extent as the workforce were mostly drawn from the hilly mining region.

6. The Xaroian influence led to the introduction of democracy in the three Pangaeian nations. The democratic experiment in Zogmai led to the rise of three major political fronts on religious lines. It gave birth to a tripartite system comprising of the Xaroian prepotent People's Socialists Alliance (PSA), the Bawli influenced Democratic Congress Party (DCP) and the Dothrak dominated Social Democrats. However, the country practiced the principles of secularism and social tolerance which resulted in the formation of stable governments. On the contrary, the democratic experiment in Sonada proved otherwise. The political religious parties were unable to foster a stable government. Finally, in 2004, the nation witnessed a revolution. The army stepped in and took over the operations of the Government. It was decided that one-third members of the Parliament should comprise of Army nominees and the rest to be elected by open elections, and that the Prime Minister should also be nominated from the army. On the other hand, Tukhda witnessed three successive inconsistent coalition governments only to witness the same fate as Sonada. The army took over the governance of Tukhda in 2007 and it appointed a 15-member Revolutionary Council headed by the Army Chief.

7. Kehsihba Mavihs, born in the Pekka region of Zogmai, was a Xaroian Leader and an advocate of nationalization of all the mining activities in the nation. He was elected as the Prime Minister of Zogmai in the 2013 elections, on the coalition of the PSA and the DCP. He looked at the nation as an agricultural economy and considered nationalization as the sovereign remedy. Mavihs decided to take the first step towards nationalization through an ordinance. However, the President of the country, Kivuos Luhar, acting in contravention to the provisions laid down in the Constitution rejected the request of the Cabinet. It was rumoured that Luhar was an ultra-conservative Bawli. He was considered to have strong bonds with the Woolwich Company. Soon, the nation saw itself split in two different groups supporting the ideologies of the President and the Prime Minister respectively.

8. The state of affairs in Zogmai begin to retrograde. The nation moved towards what looked like a civil war. The Bawlis led by Luhar got utmost support of the neighbouring radical Bawli Leaders. The Prime Minister of Sonada, General Raknahj Atimorap, assisted the Bawli group of Zogmai by sneaking in arms, ammunitions and troops in civilian clothes. The Secretary of the Tukhda Revolutionary Council, General Lahsiv Raj considered this to be an act deserving appreciation. General Lahsiv was the active leader and promoter of the terrorist group, Zogmai Liberation Front (ZLF), who were responsible for regular attacks on the Xaroian strongholds along the borders of Zogmai. However, the Chief Colonel DC Keviv as well as the Government of Tukhda ensured that the operations of ZLF were not under their control.

9. The 25th day of August, 2014 portrayed the zenith of Luhar's power. Kehsihba Mavihs was on the way to meet his party members when his car was ambuscaded. He could not survive. The nation was taken aback. The Pro-Mavihs Xaroians believed that this was executed by the Pro-Luhar militants who had crossed the borders of Tukhda. This triggered the civil war to reach to its pinnacle. A national emergency was proclaimed by the President. Without a moment's thought, General Radam Idnar was appointed as the chief of the Zogmain armed forces by Luhar. He was believed to be a close confidant and a Bawli extremist. He was authorised to take all the necessary actions required to suppress the civil war and extirpate all the pro-Mavihs militancy by the official order of 28th August, 2014.

10. The former Home Minister of Zogmai, Nayas Mavihs was the brother of deceased Prime Minister. He stepped into the shoes of the Late Kehsihba Mavihs and took over the leadership of the Pro-Mavihs insurgents. He pledged to teach the President a terrific lesson with the help of a group of Xaroian fighters. He raided the cluster of nine villages in Chumta. The tribes of Chumta were believed to be the firm supporters of the President. The entire population of 15000 including women and children were beheaded. Even the UNESCO protected ancient Bawli temples were completely ruined.

11. Global Security Corp. (GSC), a private security company in Rhenock had contracts with the Zogmain Army to train the Special Armed Forces (SAF). Under the command of General Idnar, the SAF were led by Lt. General Tyrion Pega and partners of the GSC to mount an attack on the Xaroian villages of the Pekka region. The SAF also comprised of mutineers from the states of Sonada and Tukhda. The Pekka region was completely demolished by aerial

bombardments. The 12th century Fort of Dowhill, the esteemed institutions of education and the forests of Winterfell were eradicated forever by the use of Titan-108. All this depicted the urge to seek revenge. Nayas Mavihs, along with 150 of his supporters, somehow, managed to flee. A regiment of SAF led by Col. John Bolton, a partner in GSC, traced them down and killed them.

12. By the end of December, 2014, the civil war had taken away the lives of over a million in Zogmai. The majority of the victims were the Xaroians. Young Xaro boys were forced to convert and join the SAF. Xaro girls were kidnapped and were forced to cohabit with them so that they would bear Bawli children. Brutality crossed its limits as in some cases, the Xaroian children were forced to mutilate and murder their family members. Any hesitation would lead to death.

13. Eventually, the atrocities raised alarm at The United Nations. The UN Secretary-General received various official reports from his regional representatives. Acting under Article 99 of the UN Charter, the Secretary-General convened an emergency meeting of the Security Council. On the very first day of March, 2015, the Security Council finally acting under Chapter VII of the Charter, Resolution 1540, declared that a civil war existed in Zogmai and that; there have been commission of acts of genocide and crimes against humanity. All the parties to the conflict were commanded to abstain from any such atrocities. Further, a UN Peacekeeping Force for Zogmai (UNPFZ) was delegated to restore peace and security.

14. The Prosecutor of the International Criminal Court (ICC) carried out the investigation of the case in consonance with the Pre-Trial Chamber

proceedings. Arraignments were filed before the Pre-Trial Chamber against President Kivuus Luhar , General Radam Idnar, Col. John Bolton , Col. DC Keviv, and Lt. General Tyrion Pega on 28th October, 2015.

15. Zogmai is a party to the Statute of the International Criminal Court, and all other relevant treaties. A joint trial of all the accused persons is scheduled to commence at The Hague from 26th February, 2016. Meanwhile, the Apex Court of Zogmai has been moved for a writ of *mandamus* by the accused persons. They seek the Government of Zogmai to have them tried in the criminal courts of Zogmai. A law officer has been appointed by the Zogmain Apex Court to act as *amicus curiae* in the proceedings at The Hague.