

# **1st VITSOL Moot Court Competition**

**ON**

**INTERNATIONAL LAW**



*MARCH 4-6, 2016*

**1ST VITSOL MOOT COURT COMPETITION  
ON  
INTERNATIONAL LAW**

**INTERNATIONAL COURT OF JUSTICE**

*THE CASE CONCERNING ARMED ACTIVITIES AND THE TREATMENT  
OF CITIZENS OF THE DEMOCRATIC REPUBLIC OF ORANGIA*

**DEMOCRATIC REPUBLIC OF ORANGIA V STATE OF LEMANIA**

Jointly notified to the Court on 20 October 2015

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**Democratic Republic of Orangia v. State of Lemania**

*The Case Concerning Armed Activities and the Treatment of Citizens of the Democratic  
Republic of Orangia*

1. Orangia is a state geographically situated in the continent of Rania. It got independence from colonialism in 1972. After achieving independence Orangia adopted the multiparty system with periodic elections. Orangia is a multiethnic and multilingual society. 42% of the people belong to Newami ethnicity and predominantly speak Newaron language. 33% belong to Jaimun ethnicity speaking mainly Jaimush language. Remaining others belong to four other ethnic groups speaking different languages. Because of their vote share Newami and Jaimun ethnic groups largely influence the positions of the main political parties.
  
2. Lemania is a State located on the western border of Orangia. They share common border ranging more than 1000 kilometres. Lemania wields a considerable economic power in the region due to its rich oil resources. Geographically it is also the largest country in the continent of Rania. Most of Lemania's oil extracted from oil wells on its eastern territory is exported to countries on its east, which include Orangia and other countries. Lemania exports oil to eastern countries through the pipelines laid through the territory of Orangia.
  
3. An agreement was entered into between Orangia and Lemania in 1985 which governs the oil pipeline through Orangia to eastern countries. The agreement contains the provisions governing the modalities of movement of technical staff of Lemania for the purpose of technical maintenance of pipelines, damages in the event of any accident and payment of transit tariff to Orangia for facilitating the pipeline. The agreement lays down that its review can be initiated at the request of any of the parties at the end of every ten years. Accordingly the agreement was reviewed and amended to enhance the annual transit tariff in 1995 and 2005.

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4. Orangia since its independence has been witnessing differences between Newami and Jaimun ethnic people, particularly in relation to political power sharing. Orangia Democratic Alliance (ODA), which was established during anti-colonial struggle, has been in political power for longer period of time after achieving independence, with intermittent ruling by Peoples' Equality Party (PEP). PEP always has been critical of ODA accusing it of representing only the interests of Newami ethnic people. PEP, though claims to represent all the minority communities of Orangia, is seen mostly as representing Jaimun ethnic people. PEP alleges that because of the pro Newami policies of the successive ODA governments, the Newami people are holding major economic share of the economy of Orangia. They argue that the fact that four of the five billionaires from Orangia are from the Newami ethnicity clearly reflects the biased nature of policies implemented by the successive governments held by ODA. PEP further alleges that ODA governments consistently support Lemania and unfairly facilitate its oil exports to different counties across east through its pipelines laid through Orangia.
  
5. Despite its consistent opposition to the ODA, PEP is generally considered by some as a moderate force in its political views and found to be inadequate to challenge the supremacy of ODA which receives support from the Newami ethnic people who are economically powerful and also has the backing of Lemania. Often several independent groups representing various ethnic minorities were critical of the ODA and the PEP. These groups initiated the process of creating a political platform, alternative to both ODA and PEP. This led to the establishment of the Orangia Minority Unity Front (MUF) in May 2009. They were of the view that there was a need for a radical restructuring of the political and economic systems in Orangia. They clearly expressed their views through their organisational programme of action which demanded that the constitution of Orangia had to be restructured to accommodate political and economic interests of all ethnic minorities. Immediately after announcing the establishment of the MUF they gave a call for one day protest across Orangia on 1 June 2009. On that day thousands of people belonging to MUF took out rallies and conducted public meetings.

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6. From the beginning of 2010 onwards several violent incidents took place in Orangia. These incidents mostly involved targeting government property and disrupting transport system, mainly road and railways. Most disturbed part of Orangia was the province of Westoria, which is on the southwestern part of Orangia bordering with Lemania. Two bomb explosions took place in two different places in Westoria on 10 June and 16 August 2010 killing 26 people in two incidents. Several people were arrested suspecting their involvement in these two incidents. Police investigation revealed that those arrested were involved in these incidents and they confessed to belong to MUF. However, MUF did not own either the incidents or the individuals arrested.
  
7. On 23 January 2011 four tourists from Lemania were abducted in Naturia, a hill station known for its natural splendor and serenity in the province of Westoria. They were released after two days. The released tourists told to the media that the abductors did not reveal their political affiliation, however, they were told that they were against Lemania's policies vis-à-vis Orangia and were critical of its support to Orangian government led by ODA. The tourists said that they were warned that Lemania would be their target in future also unless it ceased to support ODA led government which was violating the rights of ethnic minorities in Orangia.
  
8. In April 2012 general elections PEP managed to capitalize antigovernment sentiment developed against ODA led government, as the latter was in power for three consecutive terms till then. PEP won the majority seats and formed the government. It was reported in the media that the MUF actively campaigned against the ODA. Though it did not openly give a call supporting the PEP, it was reported that MUF supported it. After coming to power PEP adopted certain policies which were seen as adversely affecting the interests of Lemania. Most importantly there was a discussion in the Orangian parliament regarding the review of the agreement with Lemania demanding the enhancement of transit tariff by 50 percent. Earlier occasions the annual payment

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was increased by 15 and 20 percent in 1995 and 2005 respectively. The government assured that it would take up the transit tariff enhancement issue in 2015 when the review of the agreement was due.

9. Visa restrictions were imposed on Lemania citizens. Lemania criticized this move and said that it was purportedly meant to hamper trade relations between two countries. Lemanian authorities alerted its borders because they suspected that there were illegal entries from Orangia to create unrest in their country. As a result of increased border patrolling, Lemania arrested several Orangian citizens in September 2012 alleging that they belonged to MUF and were attempting to cross the border illegally. ODA alleged that as a result of the policies of the PEP led government trade relations built over a long period of time were being affected between Lemania and Orangia. ODA gave a call for nationwide protests on 10 December 2012. These protests led to violent clashes between the supporters of ODA and police in several places across Orangia. Hundreds of protestors were arrested. MUF demanded that all diplomatic ties with Lemania should be terminated till it stopped interfering into the internal affairs of Orangia by way of supporting ODA.
  
10. On 10 and 15 February 2013 two bomb explosions took place in the city of Niroba in Lemania. Niroba is situated near the Orangian border. 53 persons were killed in two incidents. In response Lemania demanded that Orangian government take necessary steps to prevent the activities of MUF. On 1 March 2013 the prime minister of Orangia announced that they were taking all necessary measures to maintain law and order in Orangia. In the following week two individuals known to be important in the MUF leadership were arrested from the province of Westoria. In response to these arrests violent incidents were reported across Orangia. In an attack on 15 March 2013 supposedly executed by MUF 38 Orangian paramilitary forces deployed in Westoria on the border with Lemania were killed.

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11. On 10 April 2013 prominent newspapers and the electronic media in Orangia reported that 11 people were killed during the previous night Drone attack near a village called Narla in the province of Westoria. Lemania announced that its national intelligence agency was involved in the Drone action and those killed were terrorists belonging to MUF who intended to cause harm to the people and property of Lemania. MUF claimed that innocent civilians were killed in Lemania's Drone attack and demanded that Orangian government should send a stern warning to Lemania. Orangia's defence minister constituted an enquiry commission in to the incident. The enquiry commission came out with a brief report which said that when the attack took place all those who were killed in the Drone attack were having dinner and were in civilian clothes. The report further said that they could not conclusively establish that they were members of MUF. Lemania rejected the report and asserted that they had reliable information that they were working for MUF and were part of the conspiracy to attack Lemania.
  
12. Two other Drone attacks took place on 25 April and 15 May 2013 resulting in the killing of 15 and 18 people respectively. MUF argued that in both the incidents civilians were targeted and killed. MUF also demanded explanation from Orangian government. MUF leaders issued a statement that Lemania committed an act of aggression and Orangian government was incapable of preventing future such actions. They threatened to disrupt the oil pipelines of Lemania passing through Orangia.
  
13. On the southern side of Lemania and Orangia is the Orange Sea. Partisa is one of the major cities of Lemania located on the Orange sea coast. It has one of the biggest ports of Lemania, known as Diamond Harbour. Partisa is closer to the border of Orangia's province of Westoria. On 28 July 2013 at around 11 pm a truck drove towards the port. Despite the efforts of the security personnel at the main gate to prevent it, the truck moved into the port area at a high speed and hit the erected platforms. As a result of the impact of the collision there was a big explosion from the truck. Its impact was felt within a radius of nearly two hundred metres. As result of lethal explosion 159 civilians were killed as it was the time for change of shifts in the port working hours. Most of

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them were daily wage employees engaged by the contractors. There was also large scale damage to the port property.

14. During the same time another truck proceeded towards Lemania Trade Centre (LTC) which was the venue at that time for the Rania Trade fair. The security forces suspected the truck movement and stopped it for security check nearly 100 metres before the LTC main gate. When they asked the driver to open the rear doors of the truck, he opened fire and attempted to run away. Two security personnel were killed and others opened fire. In the exchange of fire driver of the truck was killed. It was informed by the security forces that the truck was full of explosive ammunition and had it not been stopped it could have caused large scale casualties and damage to the property. The recovered ammunition from the truck was displayed to the media.
  
15. In a press meet next day morning, President of Lemania expressed deep condolences and sympathy to the members of the families of the deceased. He alleged that attacks were planned in Orangia by MUF. He sternly warned that those involved in the planning and execution would be punished. He said it was an attack not only on the sovereignty of Lemania but it was an attack on all peace loving and democratic countries, therefore they would take along all other willing countries in their action against these terrorists. He further warned that Orangia should take the responsibility for this attack on Lemania's sovereignty under international law.
  
16. On 30 July 2013 it was reported in the media in Lemania and Orangia that Lemanian navy and air force were being alerted and naval ships were moving towards Orangia in the Orange Sea. Lemanian air force planes were being flown to the Lemanian air bases near the Lemania- Orangia border. On the night of 5 August 2013 two air strikes hit the city of Siminalu, the administrative capital of Westoria province. The target of the air strikes was the military bases of Orangia. Air strikes continued intermittently for the next one week across Orangia targeting specifically military areas causing large scale damage to the military property and the death of military personnel. Orangian forces

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resorted to counter attacks and as a result of their missile attacks two military aircraft of Lemania were destroyed on the hilly terrains of northwest Orangia killing pilots also.

17. From 16 August 2013 Lemania intensified its air strikes which resulted in the collapse of air strike capacity of Orangia. It was reported that the Orangian prime minister and his cabinet colleagues moved to an undisclosed location in Westoria. The president of Lemania announced in a statement on 21 August that they were moving their ground forces to take control of Orangia. He also announced that three other countries were joining the Lemanian forces in solidarity and as a coalition. Two days after this announcement, the chief of armed forces of Lemania General Mc Donald declared that Orangia's capital Aplone had come under the control of their coalition forces.
  
18. On 1 September 2013 UN Security Council passed a resolution taking note of the situation in Orangia and recognizing that Orangia was under the occupation of Lemania led coalition forces. Lemania established an Interim Authority to oversee the administration in Orangia. During the period of occupation Lemania led forces were attacked at different places in Orangia. These incidents took place frequently in the province of Westoria. It was accepted by Lemania led forces that they had several casualties in Westoria. General Mc Donald informed the media on several occasions that MUF was continuing to indulge in its terrorist activities and the coalition forces were dealing with them sternly to maintain law and order.
  
19. The Interim Authority promulgated two orders on 1 November 2013. The first order IA 4/2013 empowered the Lemania led forces to detain the citizens of Orangia on suspicion of having links with MUF for a period of 30 days without any legal proceedings. Preamble of the order stated that this measure was meant for preventing the terrorist attacks by MUF on innocent civilians and on the Lemania led forces. The second order IA 5/2013 was 'Criminal Law Measures' which established the adversarial system of criminal courts in the place of existing criminal justice which the Interim Authority argued adversely affected the rights of the accused. The preamble of the order stated

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that 'Criminal Law Measures' order was meant for protecting the rights of the accused and to bring fairness into the criminal justice system in Orangia.

20. On 5 January 2014 MUF issued a press statement in Siminalu in which it accused the Interim Authority of exercising excessive authority over Orangia in violation of international law. The press statement mentioned that since the Interim Authority took over more than 1000 people were detained across Orangia on the suspicion of being supporters of MUF. The detained people were being subjected to torture and some of them were being sent to neighboring countries where they were being tortured and inhumanly treated.
21. On 1 October 2014 an interim government was established with people predominantly from the ODA. Elections were held in November 2014 under the supervision of UN officials. A Newly emerged political alliance Orangia Unity Forum (OUF) formed the government on 25 November 2014. It was declared that occupation ended with the formation of the OUF led government. Lemanian forces officially left Orangia in the first week of December 2014. After OUF took over, there has been political pressure to enquire into the illegal activities committed by Lemanian forces during war and during the days of occupation. The major allegation was that Lemanian forces arrested hundreds of Orangian citizens on the suspicion of being supporters of MUF and were subjected to illegal detention and torture within Orangia and in other undisclosed locations suspected to be in countries in alliance with Lemanian.
22. Human Rights Observers (HRO), an international human rights NGO, conducted a fact finding enquiry and interviewed 128 citizens of Orangia who were alleged to have been subjected to illegal detention and torture. 85 of them said that they were detained for longer periods of time and were subjected to torture. Common feature of all their testimonies is that they were subjected to sleep deprivation by way of playing high decibel music in a brightly lit room for days together. 55 of them said that they were flown blindfolded to different places and tortured. Some of them said that they could

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gather from the conversation of the flight personnel that they were being flown in Lemanian air force planes.

23. There were demands on OUF led government to renegotiate oil pipeline agreement with Lemania and demand Lemania that it accepts its obligations for the violations of international law, specifically for the acts of aggression and for violations of its obligations under international human rights law and humanitarian law for the acts of illegal detention and torture of Orangian citizens in and outside Orangia. The OUF government of Orangia initiated diplomatic discussions on these issues. Lemania insisted that its drone attacks were in accordance with international law dealing with terrorism and its attacks on Orangia was in exercise of right of self-defence under international treaty and customary law. It also did not incur any responsibility under international law for alleged acts of illegal detention and torture as it has no international human rights law obligations outside its territory and also its actions were very much in accordance with the law of occupation.
  
24. Diplomatic discussions did not lead to any conclusions. Both States decided to refer the matter to the International Court of Justice (ICJ). Accordingly Orangia and Lemania enter into this special agreement on 10 October 2015 and submit the same to the International Court of Justice in accordance with Article 40(1) of the Statute of the Court. It is agreed in the special agreement that Orangia would act as Applicant and Lemania as Respondent.

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Accordingly

25. Orangia requests the Court to adjudge and declare that:

- a) Lemania's drone attacks and the use of force are in violation of sovereignty and territorial integrity of Orangia and amounted to the violation of the provisions of the UN Charter on the use of force and other relevant international law.
- b) Detention and ill treatment of Orangian citizens by Lemania are in violation of its obligations under international humanitarian law, specifically dealing with occupation and the relevant human rights treaties specifically the International Covenant on Civil and Political Rights of 1966 and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984 and under other relevant international law.

26. Lemania requests the Court to adjudge and declare that:

Orangia's failure to prevent MUF activities against Lemania is in violation of its obligations towards Lemania and therefore Drone attacks by its national intelligence agency and subsequent use of force by Lemania were in the exercise of right of selfdefense in accordance with the UN Charter and other relevant international law.

- a) Lemania's actions on the territory of Orangia were in accordance with its obligations permitted under the intentional humanitarian law applicable to situations of occupation and other relevant international law and Lemania cannot be held accountable for international human rights obligations beyond its territory and jurisdiction.

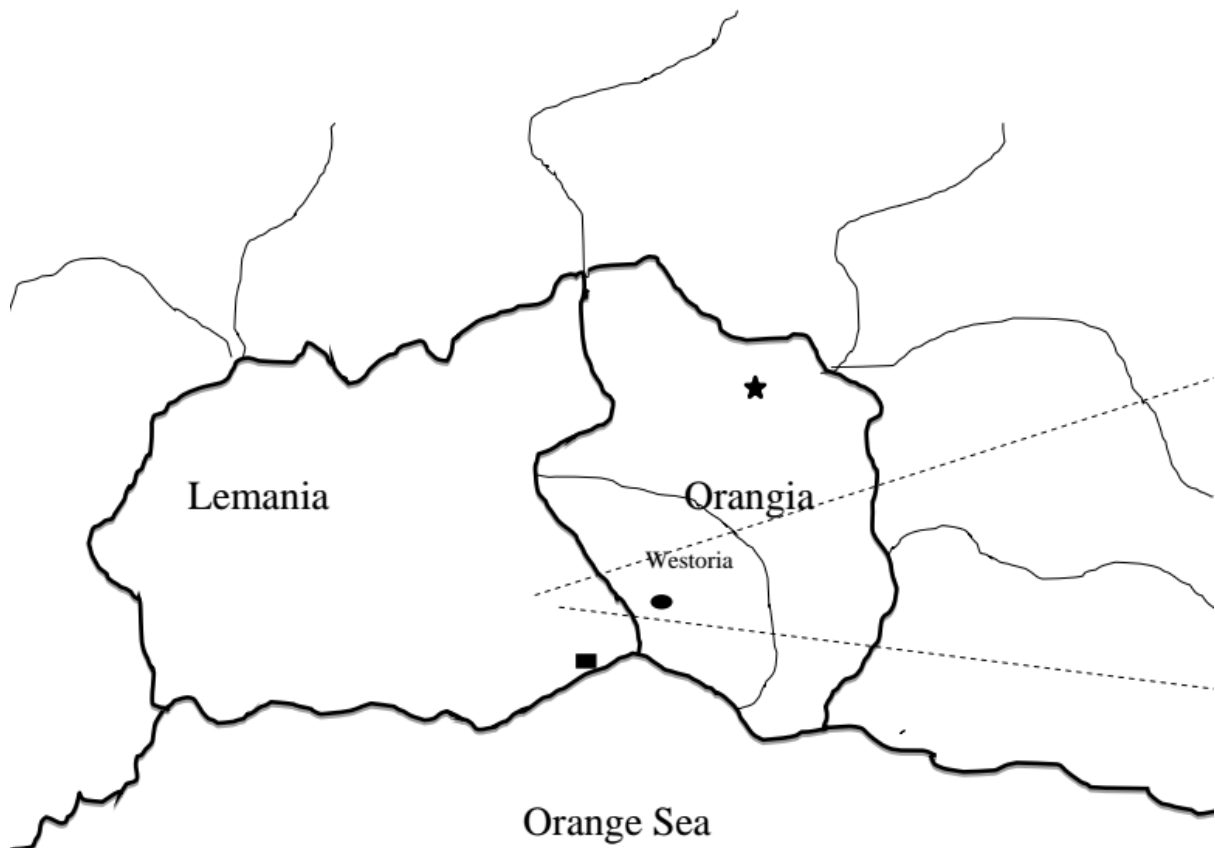
Orangia and Lemania are members of the United Nations. Both the States are parties to the four Geneva Conventions of 1949 and the two Additional Protocols of 1977, International Covenant on Civil Political Rights of 1966 and the Convention against

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Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984 and  
the Vienna Convention on the Law of Treaties of 1969.

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Annex-A



- Oil Pipe lines
- ★ Aplone
- Siminalu
- Partisa

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**IMPORTANT DATES**

<b>PARTICULAR</b>	<b>DATE</b>
Deadline for Provisional Registration	11:59 PM IST, January 8, 2016
Deadline for Submitting Scanned Copy of Duly Filled-in Registration Form	11:59 PM IST, January 15, 2016
Deadline for Submission of Soft Copy of Memorials	11:59 PM IST, February 12, 2016
Deadline for Submission of Hard Copy of Memorials	February 16, 2016
Deadline for Submission of Duly Filled-in Travel Details Form	Along with confirmation of participation in the oral rounds

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REGISTRATION FORM

Date: \_\_\_\_\_

Name of the Institution: \_\_\_\_\_

Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TEAM DETAILS

Speaker 1

Name: \_\_\_\_\_

Gender: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Contact Number: \_\_\_\_\_

REGISTRATION FORM

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Speaker 2

Name: \_\_\_\_\_

Gender: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Contact Number: \_\_\_\_\_

Researcher

Name: \_\_\_\_\_

Gender: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Contact Number: \_\_\_\_\_

Speaker 1

Speaker 2

Researcher

Please affix your  
self-attested  
passport size  
photo

Please affix your  
self-attested  
passport size  
photo

Please affix your  
self-attested  
passport size  
photo

REGISTRATION FORM

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Accommodation:  Y  N

Number of Male Members: \_\_\_\_\_ Number of Female Members: \_\_\_\_\_

DECLARATION

We the undersigned declare that the institution and its team members will abide by all the rules of the competition set out as official and as notified to us from time to time throughout the period of the competition. We also declare and confirm that all the information provided in the registration form is true and accurate.

SPEAKER 1: \_\_\_\_\_

SPEAKER 2: \_\_\_\_\_

RESEARCHER: \_\_\_\_\_

FACULTY ADVISOR: \_\_\_\_\_ (SIGNATURE WITH INSTITUTION SEAL)

Signature of the Head of Institution

Seal of Institution

[Please mail the scanned copy of the duly filled-in Registration Form to [chennai.vitsolmcs@vit.ac.in](mailto:chennai.vitsolmcs@vit.ac.in) ]

REGISTRATION FORM

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**TRAVEL DETAILS FORM**

Name of College/University: \_\_\_\_\_

<b>Name of Participant (With Contact Number)</b>	<b>Date and Time of Arrival</b>	<b>Mode of Arrival &amp; Name of Airport/ Station</b>	<b>Date and Time of Departure</b>	<b>Mode of Departure &amp; Name of Airport/ Station</b>

Any additional information: \_\_\_\_\_

\_\_\_\_\_

**Note:** The teams invited to participate in the oral rounds and coming for the same are requested to send this via e-mail to [chennai.vitsolmcs@vit.ac.in](mailto:chennai.vitsolmcs@vit.ac.in) along with the confirmation e-mail.