

THE 5<sup>th</sup> AMITY INTERNATIONAL MOOT, 2015

MOOT PROPOSITION

1. Green Meadows Peninsula is one of the culturally developed and economically progressive regions of the southern hemisphere. The two prominent States of this region are Redland and Blueland. The people of Redland believed predominantly in the 'North Star' faith that included both 'north star' and 'north star orthodox' categories. A minority of their citizens belong to the 'sun' community. They are settled mostly in the north of the country. A meager 1.4% follow other religions. Redland shares its northern border with Blueland. Blueland also consists of people mostly of the 'north star' community. However, a minority of its people in its south belong to the 'sun' community. Over two decades, Redland and Blueland entered into various bilateral agreements in an endeavor to help foster economic development and mutual growth.
2. Mr. Abel, a hardcore activist, staged a military coup in 1974 in Redland. In 1996 Roxy, Abel's eldest son, died in a tragic car crash near the northern border of Redland. Mr. Abel's other son Mr. Boger then became his heir apparent. In 2004, Mr. Abel was assassinated by a rival group of militants. The People's Assembly of Redland then amended their Constitution to lower the minimum age of the President from 45 to 32 years. In July, Boger was elected President through a referendum. It led to a huge uproar. The amendment was challenged in the Supreme Court of Redland. The matter is yet to be decided. The people of Redland believed that the 'Abel' family was misusing its position, with its autocratic rule.
3. In 2012, people of Redland were dissatisfied with the state of affairs and the authoritarian rule of President Boger. They soon started protests against the Government. Crowds rose up carrying placards and chanting slogans. The entire country was militarized in order to keep a check on the growing number of protests. The Government

viewed the uprising as a threat. A group of rebels against the government of Redland created a website called *'freeredland.com'*. They announced that they intended, as part of their protests, to expose misdeeds and ill governance. They vowed to target Government buildings, especially the Presidential Palace, famously called 'Prism', and various police stations. The countries to the east and south of Redland had all in the past witnessed revolts against tyrannical dictators. The citizens had united and overthrown autocratic dictators. Influenced by this colossal wave of movements that favored democracy the protests in Redland rose in intensity and started to turn violent.

4. On 8<sup>th</sup> August, 2012 in the Southern city of 'Zebran' witnessed an incident wherein twelve teenagers, as part of the protest against the Government, spray painted offensive graffiti outside the 'Prism' walls. They were arrested without warrants. Without being told the reason for the arrest, they were kept in police custody. A newspaper *'The Looking Glass'* splashed the story next day, stressing "Freedom of Speech and Expression Denied! The boys were detained and tortured for hours. According to unconfirmed reports, they were subjected to inhuman practices such as water boarding. They confessed their complicity in the 'graffiti incident'.
5. Violent protests broke out in various cities of Redland. The Security Forces including their Para military forces were called out. They used automatic weapons against the protestors to control and suppress the situation. Repressive measures alleged to have included use of bio-chemical weapons. A video was uploaded on *'allvideo.com'*, a popular website, exhorting people to upload their videos showing excesses by the security forces. This video highlighted the Redland Paramilitary Force, surreptitiously using chemical weapons against the protestors. On August 24<sup>th</sup> *'The Looking Glass'* reported that "over two thousand protestors had been killed in the violence between the civilians and the Redland Army." The number of protests increased tremendously

and so did the overall death toll. President Boger tried to control the indignant protesters. He sacked his entire cabinet from the office, and assured to adopt proper reforms aimed at better governance. At the same time, he promulgated an Ordinance banning various forms of protests on the plea that they were against the interests of the state. The President also announced at a press conference that the situation in Redland was the handiwork of external interference and encouragement. "Foreign conspirators are trying to destabilize our State. We will not tolerate this. We will take all remedial action to effectively restore our State back to its former glory."

6. On 26<sup>th</sup> August 2012, a foreigner was apprehended on the premises of 'The Prism'. Before he could be interrogated he swallowed a cyanide pill. The death was instantaneous. The Redland Military intelligence reported having found a high tech weapon on his person together with a blueprint of the 'Prism'. The Government believed that this affirmed the foreign conspiracy theory. The protestors continued to oppose the Government who they held was responsible for their perennial state of disarray. Several agitators were apprehended and locked up under the Redland law. They were given only one hour each to meet their family members and consult lawyers.
7. In September a group of protestors burnt down two police stations in '*Khubsoorat*' city of Redland. Armed personnel reinforced by members of a rival group, responded by using heavy military weaponry including mortars and machine guns against the civilians. This armed group according to various reports belonged to '*Starlight Pvt. Ltd.*' a private agency and militia engaged by Col. Stark, a popular officer in the Para military wing of the Redland army. Seven civilians were killed and 23 grievously injured. Out of those killed, four were children below the age of 16. On 7<sup>th</sup> September, the President in his television speech, vowed to lift Redland's long-standing emergency law, which had in essence removed the concept of habeas corpus. The law had al-

lowed the military forces to apprehend and detain individuals indefinitely. It had not granted individuals a right to silence. The President later revoked the emergency law. According to the opposition, the Act was merely symbolic, and was not really a step towards progress. The courts in Redland were ill equipped to handle the situation primarily due to the paucity of judges as well as intimidation of those in service. On 24<sup>th</sup> September, 2012 the Western Union of States imposed an arms embargo on Redland. On 28<sup>th</sup> September the UN Security Council censured and imposed sanctions against Redland.

8. A few days later in the northern part of Redland, close to the border it shared with Blueland, a 13 year old boy was arrested. He was said to be the ring leader of stone throwers. He was tortured in police custody resulting in his death. Pictures of the dead body circulated on social media, explicitly highlighting the brutality with which he was killed. Protests ensued throughout the country especially in the north. The grieving locals went on a rampage setting fire to government buildings, attacking shops and schools, etc. 120 soldiers were seriously injured in the northern city near the Blueland border.
9. In the conflict that consequently escalated, the soldiers of the Redland Army swamped the area. They announced that they had evidence about the protestors targeting and killing military personnel. The conflict then turned more violent with a huge number of both protestors and soldiers being killed. Thousands began to flee the country. Some crossed over to Blackland, a neighboring country. Blueland demanded that the state of civil war in Redland be immediately brought under control. Blueland then approached the UN. It raised the issue of 'the atrocities being committed against the citizens of Redland, at the hands of the Government and military of Redland'. Blueland enumerated serious breach of various provisions of the Geneva Conventions

by the Redland army. This was however refuted by Redland allies. They countered that this was an internal affair, which did not involve Blueland, or call for any international action. Other countries had divergent opinions on the Redland situation. 'Alpine Land', one of the most influential nations of the Western block, voiced its concern and berated Boger's Government.

10. Blueland opened its borders to the refugees from Redland. It set up a chain of refugee camps. It actively took part to provide aid and humanitarian support to the victims in consonance with the 1951 Convention relating to the status of Refugees and also in accordance to the 1967 Protocol (The Instrument removed geographical and temporal restrictions from the Convention). The resentment against the Government thus intensified in the northern region of Redland close to its border with Blueland. The Redland military was put on high alert in order to prevent further violence and check the alarming increase in the number of protests in this region. The army recruited more soldiers, including 2900, below the age of 16, to boost its strength. It also sought help from external sources.

11. On 1<sup>st</sup> October there was a large demonstration by thousands of civilians, completely unprecedented in nature. The crowd included women and elderly. In order to respond to this challenge, the Redland Para- Military and the Redland Army were dispatched to the northern part of the country. Curfew was imposed in all the northern cities of Redland. The soldiers used sophisticated arms to quell the rebellion. Due to their lack of training and firing inaccuracy their volley of fire crossed the de-jure border into Blueland to hit the civilian settlements. The Embassy of Alpine Land expressed solidarity with the protestors and voiced serious concerns on human rights abuse by the men in uniform against women. Redland soon retaliated with greater force and repressive measures. According to the statement from the 'Prism', there was evidence of ex-

ternal involvement in creating chaos in Redland in collusion with many other countries.

12. Owing to the violent nature of the conflict, a group of Redland Army soldiers defected from the Redland Army and created '*Free Redland Force*' (FRF) pledging retaliation against the actions of the Government and to stop the use of unnecessary force against the people of Redland. FRF consisted of defected soldiers, retired army officers apart from university students. Newspaper reports including an interview in '*Worldwide News*', renowned for its accuracy and efficiency in the field of international news, stated that the FRF was financially supported by the Alpine Land. According to Human Rights Watch, hospitals and schools were destroyed and targeted amongst others by FRF and also the other side.

13. Meanwhile, in Blackland, an extremist army of men of the 'orthodox north star' community headed by Mr. Zeta, a self styled Maj Gen and a believer in the use of force, considered to be their religious leader unleashed a campaign to purge the state of Blackland and the rest of the world from impurities by 'eliminating' people of religions other than north star orthodox. They wore green berrets. They wanted to establish a state purely for the North Star orthodox community and people of the same belief. Sensing the uncertainty and chaos in Redland, Zeta supporters infiltrated Redland, in order to expand the territory under the reign of the 'Green Berets' and expand their area of influence. They made lightening advances into Redland which confounded the global community. Reports by various international experts claimed that the soldiers of the 'Green Berets' were trained and supported by an infamous terrorist group.

14. Zeta enlisted hundreds of soldiers into his army of green berets. More than half of these enlisted soldiers were between the age of 12-16 years. Soon Zeta declared that he

wanted a 'pure state'. A series of mass beheadings ensued. All were against the non-orthodox North Star community and the members of Sun community. Several videos started appearing on 'allvideos.com' where members of the Sun community were beheaded. The perpetrators of the alleged gruesome crime were reported to have stated "we shall eliminate the entire Sun community one by one."

15. Alpine Land vehemently criticized the state of affairs in Redland. It especially blamed Boger's Government for the ensuing chaos. The Green Berets, continued targeting non-orthodox North Star community members and members of the Sun community in Redland. The internal conflict in Redland turned worse. The opposition organized public meetings to seek the possibility of a referendum for change. This war like situation carried on for two years. According to the statement of the Redland Ambassador, in February 2014, the Free Redland Force leading the front against their Government was being supported directly by 'Alpine Land' and other nations. Reports soon emerged that the Free Redland Force was being targeted both by the Redland Official Army and the Green Berets. *Free Redland Force*, working for a state free from autocratic rule, faced a tirade of attacks and suffered heavy casualties. The people of Redland in turn faced a humanitarian crisis, and witnessed shortage of basic amenities and medical care.

16. On 4<sup>th</sup> April 2014, the Redland Paramilitary Force launched a bio-chemical attack in Blueland. Several members of the FRF along with other wounded civilians were attended to by the medical experts and volunteers of humanitarian and medical organizations. The attackers were led by Maj Gen Wahabi, the commander of the PMF of the Redland Army. His objective was to retaliate against the aid provided to the individuals who had allegedly committed treason against Redland. The military forces sprayed an asphyxiating gas, through large canister like vessels. The gas had the ef-

fect of immobilizing human beings. It could be lethal if inhaled in large quantities. The gas was still in its experimental stages. The scientists were not quite sure if the damage caused by the infliction of such a gas could be reversed. The men of the Green Berets then opened fire on the already unconscious crowd with automatic rifles. Unconscious civilians and doctors alike were dragged. Two journalists of *'The Looking Glass'* spotted members of an armed group transporting the victims across the border to Redland.

17. Four days later, members of the green berets uploaded a video on *'allvideos.com'*. It showed 18 civilians and four medical relief volunteers having been shot dead. The weapons used appeared to be rifles bearing the logo of the Redland Army. The voice in the background announced it to be a lesson to all those who tried to help communities that Zeta denounced as impure. Newspapers reported that various camps located in Redland were being used by an armed group of soldiers to facilitate sexual slavery. The reports showed that over the last eight months over 52 women and children under the age of 15 had gone missing. This further incited the members of the 'Sun community' as seven of those killed belonged to their community. The forensic report about the age of the victims was not available. On an inspection of the remains of the 'free first-aid' ground, various rifles were found bearing the logo of the Redland Army.

18. The Government of Redland denied any connection with the Green Berets or to the incident involving the abduction of Blueland citizens. They disclaimed any use of chemical weapons. Col. Stark argued that Blueland was not as innocent as it claimed to be and was secretly raising a regiment of child soldiers that were specifically trained in stone pelting. Blueland had hired children from impoverished families by luring them with the promise of regular employment and remuneration at the rate of Euro 100 for throwing 75 stones within two hours.



19. Both the States are parties to the four Geneva Conventions of 12 August 1949, the 1977 Protocols Additional (Protocol I and II) to the Geneva Conventions of 1949, the 1998 Rome Statute of the International Criminal Court, the 1984 UN Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and other IHL conventions which prohibit the use of certain bio- chemical weapons during the hostilities. Both Redland and Blueland are signatories to the biological weapons convention. The matter has been taken cognizance of by the International Criminal Court.

20. The Prosecutor under Article 15 of the Rome Statute has initiated the following two cases:

- 1) Prosecutor v. Mr. Boger (President of Redland)
- 2) Prosecutor v. Maj Gen. Zeta (Religious leader of the Green Berets)

Mr. Boger was charged with the following crimes:

- a) Crimes against humanity against the people of Blueland falling under Article 7(1)(e), “Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law”, and under Article 7(1)(i), “Enforced disappearance of persons” under the principle of command responsibility under Article 28 of the ICC Statute.
- b) The War crimes under Article 8 (2) (a) and (b) respectively.

Maj Gen. Zeta was charged with the following crimes:

- a) The Crime of Genocide against the people of the Sun community as under Article 6 of the ICC Statute.

- b) Crimes against humanity of Murder, Extermination and Persecution as under Article 7 (1) (a), (b) and (h) respectively as under the principle of Command Responsibility as per Article 28 of the ICC Statute.

