

COMPROMIS

BETWEEN

**THE PROSECUTOR
V.
KARATA
&
COLONEL MASTIFA
&
ANTAGONIA
&
MAGNOA
&
CATATONIA**

FACTS

1. The Country of Zanista located in Europe, was one of the largest countries with sprawling territorial boundaries and a population of 75 million. Zanista was comprised of two main Ethnic groups: Suzu and Pucta. Both the groups have been in rivalry since time immemorial. The rivalry concerns the differences between ethnic practices and religious worships between the two communities. Suzus hold a liberal mentality with beliefs in Naturalism and follow practices concerning environment protection, peace, sacrifice, and equality. Puctas on the other hand are a religious community that practices idol worship. They believe in strong religious identity, economic and financial progress above anything. This difference had been a major reason for the conflict between the two communities and has resulted in many riots, massacres, and political instability in Zanista. As per the consensus in 1960 the country had 30 million of Suzus mostly residing in the Northern Zanista and 45 million of Puctas majorly residing in the South.
2. In 1965, a major riot broke out between the two communities in Estanawa City, the capital of Zanista. This riot soon spread like a fire in the entire country and resulted in the massacre of more than 10 million people where both the Pucta and Suzu communities lost almost equal number of the people. The King of Zanista, a Suzu himself, tried to broker peace and contain the massacre but to no avail. Thereafter, in 1968, a Peace Treaty was brokered between the two communities represented by their political leaders, Umunjule who represented the Suzus and Kafke who was the leader of the Puctas. This Peace Treaty led to the conclusion that the partition of the country would be the most viable with the south of Zanista going to the Puctas and the North of Zanista to the Suzus.
3. In 1970, the partition document was signed and enforced which led to another brutal experience for the people belonging to each community and holding properties in the entire country. However, in September 1970 the partition was successful, and two new countries were established Araland, a liberal and socialist democracy in the North, with Suzu as the majority population and Umunjule as the President; and Caraland which

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was an Authoritarian Democracy in the South with Puctas as the majority population led by President Kafke. In both Araland and Caraland a Presidential term is for 5 years with the President being the Commander-in-Chief of the Military, who was allowed to contest in elections as many times as he would like and there was no restriction on the number of times that one could hold the Office of the President.

4. Initially, after the partition, the two countries were still in a position of rivalry. However after a decade, situations got better, and trade relations began to get established. In 2000, the two countries were in a trade relationship where Araland with rich resources of petroleum had established international trade treaties with many countries of the world including Caraland. Araland, with its natural resource of petroleum had a peaceful trade relationship with many countries, however, Caraland had built a closed economy, with only Governmental Contracts as a way of international trade. Caraland had built a strong economy by manufacturing and selling weapons and heavy machinery. It converted their economy as one of the strongest and provided a good hold in the field of weapon manufacturing and trade in the world. Caraland, by the early 2000s became one of the prosperous economies in the world with strong, sophisticated, and developed weaponry system, and stronger trade ties with almost all the countries in Europe and also with the military powers of the world. Araland depended upon its natural resources like petroleum and was able to establish a well-oiled trade alliance with strongest military powers of the world. Araland was also known for its technological development in the field of environmental protection and medical assistance. Araland had the reputation of a free, liberal, and strong democracy. It had a good army with advance military system and well-oiled political relationships with the major powers of the world. Both the countries were doing extremely well with Araland having gained political support and Caraland having a strong closed economy, both the countries have excellent military arsenal, and both the countries were considered as developed nations in terms of their GDP, economy, and trade relations.

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5. In the Presidential Election of year 2000, a new candidate rose in Caraland. Supported by the Kafke, this new candidate propagated to *'Bring back Zanista through Caraland'*. This propagation of expansion of Caraland was instilled by the ideology to occupy Araland and establish the Pucta Religious beliefs across the geographical region. The new candidate named Karata was an enigmatic personality with fantastic oratory skills. He believed in extreme religious identities and was a firm believer in the religious identity propagated by the Puctas. During the 2000 election campaign many slogans were floated across by the Kafke's party supporting Karata, for example *'Bring back Zanista through Caraland'*; *'Support the Pucta Idols'*; *'Worships of Pucta idols is the right way'*; *'Save Pucta, at every cost even when violence presents as the last choice to do that'* etc. When the results were declared, Karata had emerged as the winner. During his first reign of 5 years, Karata worked under the guidance and influence of Kafke and established a strong military with excellent weaponry system, and nuclear power; many international news reports and political scientists of the world called it as the preparation to take over Eastern Europe starting with Araland. Political and economic experts explored the events that transpired in Caraland and published articles where they argued that the *specific steps taken by Caraland and the focus of the governmental policies reflects an alignment of propaganda made in Karata's election campaign and the development of the military.*
6. In 2005, Karata once again won the elections with a more sophisticated and dominating agenda, and propagating slogans like, *'This time we will make Zanista through Caraland'*; *'Come what may, the land of Zanista belonged to the Pucta and the Puctas will get it back'*; *'Use of violence in getting your homeland back requires the spill of blood and that blood is to be worshipped'*. During this period of his government, Karata had a fully functional, strong, independent economy and most developed military weapons along with the most advanced technology to produce dangerous weapons. He once again won the elections in 2010 with major focus on getting Araland into Caraland and his Presidential election speech highlighted his agenda where he mentioned, *'The Natural resources were meant to be shared by both the Puctas and the Suzus, but the*

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Suzus are declining to let us have what was always ours.... We need to get what is ours back by hook or by crook.’ He also knocked on the psyche of the Puctas by saying ‘The Puctas are religious peace-loving people, and we do not harm anyone, however, if someone denies us our rights, we know how to take it back and we are not afraid of doing it.’

7. Araland under the leadership of a new political figure Nambe, continued as a peace-loving Nation with a socialist and liberal democracy and with good trade relations with many nations of the world. However, Araland was not ignorant of the developments in Caraland’s governmental structure and ideologies. Araland paid heed to the arguments made by the political and economic scientists of the world and was under the impression that they should be prepared for the same for which they took steps. In 2011, Araland wanted to become a member of an International Organization called the *All Nations Protection Alliance (ANPA)*, which is a military alliance between 15 countries of Europe who have signed the treaty to provide political and military support to the member nations in case of threat of political sovereignty from other Nation State. Caraland, had always been against Araland’s ANPA membership. However, in October 2011, when all the Member States on ANPA were in support of Araland becoming a permanent member of ANPA, Caraland not only opposed the membership but on the midnight of November 7th, 2011, attacked Araland’s petroleum pipeline that provided the movement of petroleum from one side of the country to another. Caraland under the leadership of Karata was attacking Araland’s towns sharing the borders with Caraland. Caraland’s military had occupied 2 towns on the borders and there were videos which were released on social media depicting this occupation of the towns. One of those videos also depicted a Caralandic Soldier holding up 12 Aralandic innocent civilians at gunpoint. There was also a video that showed Aragonia, a soldier of Caraland, was standing with 6 Aralandic girls who were made to sit on their knees with their battered faces exposed.

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8. After this attack, there was an upheaval in the International Community where Caraland was not only held responsible for the attack but the occupation of Aralandic towns by Caraland was considered as an illegal occupation. The United Nations General Assembly asked Caraland and President Karata to stop this illegal occupation immediately. Many Human Rights Groups across the world came to help the situation of Araland and provided humanitarian aid to the civilians. News channels around the world reported this incident as one of the most brutal incidents in the current history. Human Rights Activists and Defenders went to Araland and produced reports on this incident. One reporter belonging to a group named 'HRA World', which is the most renowned Human Rights Groups shared pictures and named this attack as, '*the most unnecessary brutal attack on the sovereignty and humanity*'. To all these accusations, Karata responded that this was not an attack by Caraland, but an action of protection and Karata claimed that there were 5 Aralandic Nationals who intruded Caraland first and killed their border police. The main argument being that this is being done to protect Caraland from an imminent attack. However, there was no evidence for the same, except for a dead body of a Caralandic Military officer. This occupation of Caraland under the leadership of Karata went on for another two months, during which there were political pressures and many requests made by the General Secretary of the United Nations to Karata to stop the intrusion. The situation turned a much alarming when many videos of military atrocities started showing up on the internet and were being shared with the world population. One of those videos depicted the flogging of an innocent Aralandic civilian in a closed room with no natural light, this incident was recorded and shared on social media platform twitter. The brutality depicted in the video required Twitter to take steps and they banned many videos from being published and shared on their website. Twitter banned several clippings of such atrocities shown by Araland. After two months in January 2012, Caraland finally withdrew his officers from the Aralandic towns, but the petroleum pipelines were destroyed by then and around 35 innocent civilians lost their lives and 29 civilians had gone missing or reported missing by their family members.

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9. There were international summits, and several committees were constituted by the United Nations but there were no strict sanctions as Caraland was a permanent member of the United Nations Security Council. While there were ongoing discussions in the United Nations about this attack, and what steps should be taken in future, Araland had still not become the member of ANPA, and Karata in July 2012 gave an interview where he said addressing his people and the world *'What do you do when rats enter your house?'* which became a worldwide news.
10. In October 2015, Araland asked major military powers of the world, the ANTA and Europe to come to their help as there was a fear of another attack by Caraland. Neither the major military powers, nor the ANPA, Europe, or the United Nations come for help of Araland. In December 2015, after Karata won another election, he had a full-blown military attack on Araland starting with its bordering towns and districts. It was alleged that Karata had instructed his Military Chief Colonel Mastifa to make sure *'to win this battle as it is not just for their country but also to make the world free from dirt.'* The towns and districts were occupied, there were airstrikes, and usage of deadly weapons. Military Chief of Caraland, Colonel Mastifa sent the orders to the military commanders to plan and execute the attack on Araland. It is argued that the Military Chiefs of Carland instructed their troops not to violate any principle of international humanitarian law and proper training was provided to them. Colonel Mastifa mentioned that he had further instructed his soldiers not to commit any crime against humanity or war crime, against any civilian, women, children, or prisoner of war. Still some posts and videos on social media depicting the atrocities being conducted by the soldiers of Caralandic army on the civilians went viral where one of these videos depicted a Caralandic soldier with the name Catatonis brutally whipping an Aralandic civilian at the public sphere in one of the towns. There were other videos that came to the surface depicting many other brutal incidents. Once again there was an uproar and amidst this armed conflict, the representation by various news channels along with the HRA World showed the entire world the actual scenario of this armed conflict. One News Report in the United World, one of the most reputed newspapers in the world, reported this attack as, *'the most inhuman brutally furious attacks on the civilian population of the decade,'* some

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reporters also reported it as, ‘*second genocide after the holocaust.*’ The armed conflict went on for two years costing more than 5 million lives including the 2.5 million deaths of civilians. During this armed conflict, there were destructions of a magnanimous amount. There was loss of lives and destruction of cultural property. Araland, when responding to air strikes and other attacks by Caraland used their own weaponry. There was destruction of cultural properties by Araland army, they had to take measures in self-defence. Araland army had also established bases in multiple sites of destroyed cultural properties, hospitals, and schools. Aralandic Lieutenant Magnoa was reported to have made a plan to convert a part of the roof of the cultural building as a safe place for his troops to take cover in the midst of several air strikes by Caralandic army in the region. The armed conflict ended in April 2017, with Caraland occupying the territory of Araland. Caraland had occupied 75% of the geographical area of Araland with the remaining 25% still in the hands of the democratic government of Araland. The 75% of the occupied territory was under the *de facto* control of Caraland’s military. Caraland is not a party to the Rome Statute.

11. In June 2017, the United Nations Security Council referred the situation to the Prosecutor, under Chapter VII of the United Nations and in accordance with Article 13 of the Rome Statute, of the International Criminal Court under the following charges:

- i.** Karata is accused of crime of incitement to genocide, where he made comments and used propaganda for his election to instil the feeling of necessity to kill the Aralandians. His statements of the election campaign of 2000 and 2005 are reflective of his crimes where he uses the term like *rats and dirt* to refer to Aralandians.

- ii.** Military Commander of the Aralandian Military and the Commander-in-Chief Colonel Mastifa of the Caralandian Military have been accused that they have allowed their soldiers to perpetrate war crimes.

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- iii. Lieutenant Magnoa of Aralandic army is charged with destruction of and using cultural property as a safe base during the armed conflict.
- iv. Soldiers Aragonia and Catatonis have perpetrated war crimes on the innocent civilian population of Araland. Aragonia is charged for the atrocities that precipitated on the civilian in 2011 and Catatonis for the atrocities in 2015. The videos and other documentations by Human Rights Groups, including the newspaper articles are reflective of that.

Note:

1. Caraland is not a party to the Rome Statute, and Araland is a party to the Rome Statute.
2. The moot problem raises the question of individual criminal responsibility in situation of armed conflict and illegal occupation of territories.
3. Concerned legal issues. However, any other sub issues as the teams deem fit can be added as sub issues to the most relevant legal issue/s.
4. Principles of International Criminal Law, Human Rights Law, International Humanitarian Law along with Rome Statute or any other relevant Conventions can be used.
5. Relevant legal cases of national and international courts could be used if the teams are able to cite the reason and relevance of using such cases.ⁱ

*The moot proposition has been drafted by Dr. Garima Tiwari, Associate Professor of Law, School of Law, Bennett University and Ms. Swarnim Swasti, Assistant Professor of Law, School of Law, Bennett University. Any contact with them regarding the proposition shall constitute an offence of scouting and attract disqualification or any other punishment deemed fit by the Organisers.