

## 1<sup>st</sup> SURANA & SURANA & RGNUL

### INTERNATIONAL LAW MOOT COURT COMPETITION, 2017

#### MOOT PROPOSITION

**Mr. Wahab Hasan, Mr. Zaheer Usman & the Islamic Republic of Trobokistan**

v.

**Mr. Micky Trump & United States of America**

1. The Islamic Republic of Trobokistan (“**Trobokistan**”) is an Islamic nation located in the middle-east Asia. The country is home to various ethnic and religious groups including Muslims, Christians, Jews and Hindus. Out of the total population of Trobokistan, 80% population is Muslim while Christians, Jews and Hindus constitute 18%, 1% and 1% respectively. Also, out of the Islamic population of Trobokistan, approximately 70% are Sunnis while remaining 30% are Shiites.
2. Historically, Trobokistan was a French colony and attained its independence in the year 1945 after the end of the World War II. Even though Trobkistan was formed as a democratic and republic nation but soon the conflicts emerged between different religious sects and groups in the country.
3. In the year 1964, General Ahab, a military general of armed forces of Trobkistan and a Shia leader, led a military coup and overthrew the democratic and civilian government and declared himself to be the President of the country. From 1964 onwards, General Ahab has imposed emergency laws in the country thereby suspending all the fundamental and civilian rights guaranteed to the people of Trobokistan.
4. General Ahab was succeeded by his son Wahab Hasan, who was appointed as the President of Trbokistan in 2000. Wahab Hasan upon appointment as the President under took various measures for advancement, development and modernisation of military and armed forces. Amongst various programmes started for modernisation of the armed forces, one of program named Mission Jihad aimed at development of ballistic missiles and nuclear warheads. The armed forces of Trobokistan in 2005 successfully conducted the test of nuclear warheads developed indigenously under

Mission Jihad. Such indulgence in nuclear technology development led to imposition of economic sanctions by the United Nations Security Council.

5. In the year 2008, Trobokistan faced a series of economic problems which included increased inflation, unemployment and economic slowdown. There was widespread criticism by the people of the policies of the government. Moreover, the government was facing international non-cooperation due to the Mission Jihad resulting which the value of currency depreciated, trade deficits increased and there was tremendous increase in fiscal deficit of the government.
6. Owing to worsening economic condition of Trobokistan, various sections of the society started agitating against the government and demanded reforms in governance and administration. One of the key demands of the people protesting was revocation of emergency and conducting elections in the country.
7. In 2011, one of the protestors self-immolated himself outside the Parliament of Trobokistan against the government's policies and rejection of all the demands of the protestors. This action sparked off a violent protests in Trobokistan. Large number of people came on the streets and demanded immediate resignation of Wahab Hasan. However, Wahab Hasan refused to resign but ordered his security forces to open fire at the civilians and take strong measures to control the law and order situation in the country.
8. Mr. Zaheer Usman, the leader of opposition in Trobokistan, was an ambitious and prominent Sunni leader. For years he has been contesting for a majoritarian rule in Trobokistan. Sensing an opportunity in the political turmoil in the country and witnessing that majority of the population was unhappy with the existing regime, Zaheer Usman held a major rally in the city of Zion. He called for taking up of arms against the government and recruitment of fighters who would fight against the government and help him overthrow Wahab Hasan to establish and set up a Sunni regime in the country. The people responded in large numbers to the call of Zaheer Usman. He was also lent support by various units of the armed forces of Trobokistan who turned against the government which led to the formation United Rebel Group (“URG”).

9. URG launched various offensive against the government and the armed forces. The Government considered the protest and turmoil to be a law and order situation and was not prepared against such offensive. Consequently, URG made significant gains and was able to gain control of the southern part of Trobokistan. The Trobokistan government also launched attacks on the URG and on the southern part of the country with intent to recapture the area.
10. Both URG and Trobokistan armed forces were fighting at various fronts. The attacks also took place within the cities and civilians in those regions were at the mercy of the forces of both the groups. The minorities including Christians and Hindus were forced to leave the region and seek refuge in the neighbouring countries.
11. The peaceful protest which began in early 2008 as a bid to change the government and bring in economic reforms had by the end of 2012 converted into a civil war between to the URG – which was Sunni faction and the government which currently had Shia leader.
12. To make the situation worse for Trobokistan, the Islamic State, another Sunni militant organization which had annexed areas in the neighbouring states of Trobokistan launched an attack on the northern borders of Trobokistan and captured the North-western part of the country.
13. The United States which had been countering the menace of the Islamic State in the neighbouring countries of Trobokistan also launched attacks on the North-western part of Trobokistan controlled by the Islamic State The attacks were mainly in the formed of aerial attacks targeting the Islamic State base camps based on military inputs.
14. In 2013, a report by a leading Human Rights NGO stated that the aerial attacks by the United States had led to heavy civilian casualty including deaths of women and children. The report also stated that more than 10,00,000 people have fled Trobokistan and have taken refuge in other countries and more than 10,000 people including women and children have died due to the civil war.
15. In a bid to end the civil war and in an attempt to bring the democratic reforms in Trobokistan, the United States started supporting the URG. Even though the United States did not get directly involved in the civil war, yet the armed forces of the United

States provided ground and aerial support to URG and provided arms and ammunition to URG to fight against the government forces. From 2014 onwards, the United States started attacking the Trobokistan army camps and bases in addition to launching attacks against the Islamic State.

16. In the year 2015, the government armed forces launched a fierce attack against URG when it launched an offensive on the city of Al-shabab, a major city within the control of URG. The attack which was launched on land as well as through air saw usage of heavy ammunition, missiles and artilleries to counter the threat of URG which also possessed the most sophisticated weapons. The attack which began on April 15, 2015 ended after 3 days on April 18, 2015. The government press statement read as under:

*“The Armed Forces of Trobokistan launched an attack on Al-shabab based on the inputs that several leaders of URG had assembled in Al-shabab. The armed forces had a major breakthrough as the offensive resulted to killing of more than 100 URG fighters without any major casualty being caused to the Armed Forces. The Government and the Armed Forces are committed to defeat URG and restore peace in Trobokistan.”*

17. However, several reports from human rights observatories and NGOs emerged after the attack, that the government had manipulated the number of people killed in the attack. According to the reports there was usage of chemical weapons during the attack which was confirmed by the forensic test conducted on the mortal remains of the people killed during the attack. Moreover, there were reports that not only URG fighters but more than 1500 civilians were killed and specially targeted by the Armed Forces.
18. Wahab Hasan denied all such allegations and stated in his defence that no chemical weapons were used during the attack and all precautions and measures were taken to protect the civilians residing in Al-shabab. However, the United Nations Security Council further imposed sanctions on Trobokistan and asked the government of Trobokistan to destroy any and all chemical weapons and other weapons of mass destruction including nuclear weapons.
19. By the end of 2016, the Trobokistan had become a sectarian war ground where URG, a Sunni outfit backed by the United States and other regional Sunni governments was fighting against the government of Trobokistan which had Shia regime and was backed

by regional Shia regimes. On another front, the United States and the Trobokistan were fighting the Islamic State.

20. On January 15, 2017, in another attack there were reports of usage chemical weapons during the, attack. Even though there was no evidence that the chemical weapons were used by the armed forces, but the deaths and the attacks were attributed to the government and the armed forces on the ground that the bodies of the victims had the presence of nerve agent which killed more than 200 people. However, the government had blamed the URG for such an attack stating its commitment to the United Nations wherein it has destroyed all the chemical weapons.
21. As a retaliatory measure, the United States launched a direct aerial attack on against the armed forces of Trobokistan. The United States launched its air-to-land ballistic missile on the capital city of Trobo which according to the reports led to deaths of more than 1000 people. The United States in its statement post attack stated that:

*“The United States is committed to the values of democracy and is against the autocratic and anarchical rule. The United States believes in the protection of human rights and is committed to act against any outfit which transgress human rights, in its role as a global leader. On January 15, 2017 the Trobokistan government in violation of its commitment to the United Nations attacked URG held areas with the weapons of mass destruction killing innocent civilians which are in nature of crime against humanity. Thus, the United States in its support with the people of Trobokistan launched an aerial attack on the military camps of the armed forces to make evident that the United States stand with the people of Trobokistan and further atrocities by the regime would be retaliated with equal measure.”*

22. Trobokistan objected to the involvement of the United States into the ongoing civil war as it believed that the ongoing armed conflict was domestic issue of Trobokistan and any attack by any foreign country as the attack done by the United States was in violation of the sovereignty of Trobokistan. These objections were also raised before the United Nations and were duly taken note of.
23. A delegation of nation states led by India, sought a formation on UN observatory which would mediate and reconcile the efforts to end civil war in Trobokistan. The United

Nations Security Council passed a resolution forming a five member observatory which would look into the measures to resolve the crisis. However, both URG and government refused to surrender their arms and end the conflict and all suggestions made by the observatory were out-right rejected by both the groups.

24. In its report the Observatory noted the failure of negotiations but at the same time also observed the widespread violations of human rights of civilians and atrocities being committed on the people especially of other sects or belonging to minority religion.
25. Based on the report by the Observatory, the United Nations Security Council passed a resolution referring the matter to the International Criminal Court for investigating and prosecuting Mr. Wahab Hasan and Mr. Zaheer Usman.
26. On the other hand, Mr. Wahab Hasan also filed a case against Mr. Mickey Trump, the President of the United States for the attacks launched by it in Trobokistan alleging commission of crime against humanity.
27. The International Criminal Court has taken cognizance of the matter and has issued a look out notice against Mr. Wahab Hasan and Mr. Zaheer Usman for arresting them on the grounds of human rights violation. Also, the International Criminal Court has clubbed the case filed by Trobokistan against the United States with the matter against Mr. Wahab Hasan and has framed following issues:
  - a. Whether the application filed before the International Criminal Court is maintainable?
  - b. Whether the Islamic Republic of Trobokistan has committed crimes against humanity as stated in the Rome Statute?
  - c. Whether Mr. Wahab Hasan can be held personally liable for the on-going dispute in the Islamic Republic of Trobokistan?
  - d. Whether Mr. Zaheer Usman is liable for committing crimes against humanity as stated in the Rome Statute?
  - e. Whether the acts of the United States of America under the executive order of Mr. Mickey Trump are in violation of the Rome Statute

**Note: The Parties may raise any other issue in accordance with the facts stated in the moot proposition**