

INTERNATIONAL COURT OF JUSTICE

COMPROMIS

BETWEEN

**THE ISLAMIC REPUBLIC OF NEVERLAND
(APPLICANT)**

&

**THE REPUBLIC OF TOMORROWLAND
(RESPONDENT)**

TO SUBMIT TO

**THE INTERNATIONAL COURT OF JUSTICE
ON THE DIFFERENCES BETWEEN THEM CONCERNING
THE CASE OF SURGICAL STRIKE**

Jointly notified to the Court on February 10, 2018

**ENTRE LA RÉPUBLIQUE DE NEVERLAND
LA RÉPUBLIQUE TOMORROWLAND
SOUMETTRE À LA COUR INTERNATIONALE DE JUSTICE
SUR LES DIFFÉRENCES ENTRE LES CONCERNANT COUP
CHIRURGICAL**

notifie conjointement a la cour le Feburary 10, 2018

JOINT NOTIFICATION

ADDRESSED TO THE REGISTRAR OF THE COURT:

The Hague, 10 February, 2018

On behalf of the Islamic Republic of Neverland ("the Applicant"), the Republic of Tomorrowland ("the Respondent"), in accordance with Article 40 (1) of the Statute of the International Court of Justice, we have the honour to transmit to you an original of the Compromis for submission to the International Court of Justice of the Differences Concerning the Surgical Strike signed in The Hague, The Netherlands, on the Tenth day of February in the year Two Thousand and Eighteen.

AMBASSADOR

Of the Islamic Republic of Neverland
To the Kingdom of the Netherlands

AMBASSADOR

Of the Republic of Tomorrowland
To the Kingdom of the Netherlands

COMPROMIS

**BETWEEN THE ISLAMIC REPUBLIC OF NEVERLAND (APPLICANT)
&
THE REPUBLIC OF TOMORROWLAND
(RESPONDENT)
TO SUBMIT TO THE INTERNATIONAL COURT OF JUSTICE
ON THE DIFFERENCES BETWEEN THEM CONCERNING
THE CASE OF SURGICAL STRIKE**

The State of **Neverland** and The State of **Tomorrowland**:

Considering that differences have arisen between them concerning the Surgical Strikes

Recognizing that the Parties concerned have been unable to settle these differences by negotiation;

Desiring further to define the issues to be submitted to the International Court of Justice (Hereinafter referred to as "the Court") for settling this dispute;

In furtherance thereof the Parties have concluded the following Compromis:

Article 1

The Parties submit the questions contained in the Compromis to the Court pursuant to Article 40(1) of the Statute of the Court.

Article 2

It is agreed by the Parties that the State of Neverland shall act as Applicant and the State of Tomorrowland as Respondent, but such agreement is without prejudice to any question of the burden of proof.

Article 3

- (a) The Court is requested to decide the Case on the basis of the rules and principles of general international law, as well as any applicable treaties.
- (b) The Court is also requested to determine the legal consequences, including the rights and obligations of the Parties, arising from its Judgment on the questions presented in the Case.

Article 4

- (a) All questions of procedure and rules shall be regulated in accordance with the provisions of the Official Rules of the Moot Court Competition, organized by Rajiv Gandhi National University of Law, Patiala, Punjab.

- (b) The Parties request the Court to order that the written proceedings should consist of Memorials presented by each of the Parties not later than the date set forth in the Official Schedule of the Competition.

Article 5

- (a) The Parties shall accept any Judgment of the Court as final and binding upon them and shall execute it in its entirety and in good faith.
- (b) Immediately after the transmission of any Judgment, the Parties shall enter into negotiations on the modalities for its execution.

In witness whereof, the undersigned, being duly authorized, have signed the present Compromis and have affixed thereto their respective seals of office.

DONE at The Hague, The Netherlands, on this Tenth day of February in the year two thousand and Eighteen, in triplicate in the English language.

Ambassador
of the Islamic Republic of Neverland
To the Kingdom of the Netherlands

Ambassador
of the Republic of Tomorrowland
To the Kingdom of the Netherlands

COMPROMIS- 2018

1. TOMORROWLAND, officially the Republic of Tomorrowland, is a country in South Krasia. It is the seventh-largest country by area, the second-most populous country (with over 1.2 billion people), and the most populous democracy in the world. It is bound by the Tomorrowlandian Ocean on the south, the Krabian Sea on the southwest, and the Bay of Jungal on the southeast. It shares land borders with Neverland to the west; Rhino, Trepal, and Khaitan to the northeast; and Kurma and Vangadesh to the east. In the Tomorrowlandian Ocean, Tomorrowland is in the vicinity of Janka and the Khives. Tomorrowland's Kush-Mush Islands share a maritime border with Triland and Donesia. Its capital is New Pace-Futura while other metropolises include Timbay, Kata, Chenur, Balore and Mahirabad.
2. NEVERLAND, officially the Islamic Republic of Neverland, is yet another country in South Krasia. It is the fifth most populous country with a population of 60 Million people. In area, it is the 33rd largest country, spanning 881,913 square kilometres. It has 650 miles coastline along the Krabian Sea and is bordered by Tomorrowland to the east, Ganistan to the west and Mihan to the southwest. Its Capital is Drumbum while other metropolises include Barachi, Abedabad and Jamabad.
3. Both Tomorrowland and Neverland were once integral part of a colony of the Kritish Empire for almost long 150 years and witnessed bloodiest history of violence during their combined struggle to liberate their countries towards freedom & independence. At the start of the 19th century, Tomorrowland was ruled by the Best Company – a Kritish trading organisation which had gradually taken over territory as the former Islamic Empires diminished. In a bid to push out its rival, the Best Company gradually built its own private army and ruled much of the country through military and administrative powers or indirectly through local rulers. In 1857, a mutiny of Tomorrowland soldiers in Teeruth sparked a year of rebellions and revolts that came to be known as the Tomorrowland Rebellion of 1857 – an ultimately unsuccessful uprising against Best Company rule. Although the rebellion was contained, it forced the Kritish Parliament to intervene and take control of the country out of the hands of the company and under direct rule of the Crown. Through the Tomorrowland Governance Act in 1858, the Kritish Raj was established.
4. The Kritish Raj ruled almost all of present-day Tomorrowland and Neverland. The country was home to many religions, sects, castes and races. Mainly people belonging to Hindu and Islamic religion were dominant all over the country and lived in harmony. During the period of Kritish rule, the Kritishers invested huge capital expenditure in infrastructure such as railways and mines and developed a legal and educational system. But it also drained Tomorrowland of much of its revenue to pay for the Kritish army, destabilized cropping patterns through commercialized farming and did not reinvest revenue from capital investment into the country – leaving many poorer than before. The Tomorrowland National Senate, set up in 1885, is seen by many historians as the beginning of a new movement that led to the end of the Kritish Raj. Over time the group expanded to have more than 15 million members and by the early 20th century it was the centre of the Tomorrowland independence movement. During the Second World War – in which 2.5 million Tomorrowlandian troops fought alongside Kritish ones - and in response to the Senate's "Quit Tomorrowland" movement, Kritishers promised to grant Tomorrowland independence. And following the end of the war, a bruised Kritishers no longer had the resources or mandate to continue ruling the country.

5. The Tomorrowland Muslims feared that as they will be in huge minority in Hindu dominated country, they created an All Tomorrowland Muslim League (ATML), a national alliance of Muslim People which demanded a separate country i.e. Neverland to be carved out of Tomorrowland. The Britishers and towering Political Leaders of Tomorrowland initially neglected these demands made by ATML. As the independence and freedom was ready to embrace the Tomorrowland, communal riots between the Hindus and Muslims sect rocked the country. As the violence between Muslims and Hindus continued, British Viceroy Abu Mount advised the country should be partitioned to create a predominantly-Muslim territory and a separate country for the majority of Hindus.
6. It was at this background that the Tomorrowland and the Neverland breathed freedom and secured independence. As a result of partition, millions of people rushed to switch sides of the border - fearing they would be discriminated against because of their religion – and the two countries began fighting over the territory of Taimur. The contested land – which both countries claim in full – has been divided since and central to the testy and violent relationship between the two states. Since independence, four wars have been fought between them. Both countries have performed nuclear tests and have accused each other of funding and arming militants. The territory of Taimur has been the main cause whether direct or indirect, of all major conflicts between the two countries.
7. The Epoch Times, an international daily published an extensive report called “Training the Demons inside Neverland”. The report widely alleged Neverland to be the host country of deadliest militant organizations in the world. The report claimed that Neverland was a perfect hide out and a capacious home to the “*Kal Fayda*”, one of the world’s most dangerous terrorist organizations which carried out some of the worst various terrorist attacks in some powerful nations and is especially targeting to liberate Taimur from the Tomorrowland. Surprisingly the report emphasized that on various occasions, the terrorists easily crosses the borders and infiltrate in the territory of Tomorrowland with the help secretly rendered by the Neverland Military officials. The report steered worldwide controversy over the activities of Neverland.
8. In 2008, a standoff between the two nations took place as a result of highly planned and co-ordinated terrorist attacks that took place in the Capital of Tomorrowland Pace-Futura. The attack was brutal as it claimed 307 lives of civilians. Following the incident, tensions heightened between the two countries since Tomorrowland claimed that it was Neverland on whose instructions these terrorists’ attacks were carried out. Neverland placed its air force on alert and moved troops to the Border voicing concerns over provocative movements of Tomorrowland Army. The tensions defused in short time and Neverland moved its troops from border and peace was restored.
9. However, the so-called peace was short-lived and on various counts there were reports that revealed the illegal infiltration of militants from Neverland to Tomorrowland on regular basis. The Prime Minister of Tomorrowland invited the President of Neverland to talk over these issues at Pace-Futura.
10. The two leaders did meet at Pace-Futura on 10th December, 2010 and an Agreement to ceasefire and to Maintain a Line of Control (popularly came to be known as) “The Pace Futura Agreement” (*See. Annexure*) was signed which banned any armed activity at the border, prohibited illegal infiltration and strictly provided to maintain a line of control.

11. On September 18, 2016, militants from Neverland crossed the borders and attacked the Tomorrowland army's brigade headquarters at Purvi, a small village near the border and killed 35 soldiers and 10 civilians during the ambush. The attack came after two months of extreme unrest in Taimur caused due to killing of one of the Deputy Commanders of Kal Fayda named 'Kala Khaton' in an encounter with Tomorrowland Security forces. The Tomorrowland Prime Minister issued a public statement directly accusing Neverland responsible for Purvi attacks and pledged to avenge the same.

12. Amid high tensions and risk of escalation along the line of control, ten days after the Purvi attack, on September 29, 2016 the Tomorrowland army carried out a military raid in Neverland occupied part of Taimur, targeting launch pads along the Line of Control, the de facto border between Tomorrowland and Neverland. A Tomorrowland soldier was captured by the Neverland army the next day, but it was claimed that he inadvertently crossed the border and that his capture was unrelated to the 'surgical strikes' conducted the night before.

13. On September 30, 2016, the Director General of Military Operations (GDMO) of Tomorrowland, Dr. Gurmeet Singh Arora issued a statement:

"Yesterday night, the Tomorrowland Military carried out an extensive operation of cleansing the militants in the valleys of Neverland occupied Taimur. It successfully eliminated at least 67 militants among them several were members of the Neverland armed forces. It was a well-coordinated military surgical strike with desired outcomes. The operation was basically focused to ensure that these terrorists do not succeed in their design of infiltration. Victory is simply the creation of a better political situation. It does hold true in the context of the recent extraterritorial surgical strikes carried out by the Tomorrowland armed forces"

14. On October 1, 2016, The Minister for External Affairs, Neverland, Mr. Adaab Jamura issued a counter-statement:

"It has come to our government's notice that the Tomorrowland army had claimed to have carried out a surgical strike at Neverland occupied territory of Taimur. However, on initial inspection, we come to the conclusion that our army bases are quite intact & undamaged. No such strikes were carried out by the Tomorrowland army and it is unnecessarily tapping its own back for the false victory. We bluntly wish to warn Tomorrowland that any such act, attempted or committed, shall not be tolerated by the Neverland and it shall forthrightly provide a fit answer to any such act".

15. The United Nations Secretary General, Mr. Chand Nawab, issued a statement on October 2, 2016:

"The UN Observer Group in Neverland occupied Taimur did noticed that there was a heavy exchange of firing and Bombs were exploded especially in the village of 'Kutchi-Gudi' near the border. The Kutchi-Gudi village was spanned roughly over eight Kilometres & was one of the villages carrying rich natural resources from coals to crude oil. Many foreign investors who invested in the local coal and oil businesses went bankrupt overnight. Besides this, the village was also adjacent to one of the major rain-forest valleys in the region. Due to heavy bombings, the whole village was set on fire and the adjacent rain-forest valley was totally demolished causing a huge environment devastation and enormous loss not only to the Neverland but to the World. UN Observers were saddened to watch the catastrophic effect of the attacks and condemned it strongly. We at the United Nations would like to caution the States that deviates from its behaviour to be aware of the legal consequences at the international forum".

16. On October 9, 2016, , The Minister for External Affairs, Neverland, Mr. Adaab Jamura, once again issued a statement:

“On deeper inquiries being made by our Central Investigation Team (SIT) over the surgical strike claimed by Tomorrowland, we regret to confirm the attack. However, the attack has caused great harm not only to the lives lost but also to the natural environment which highlights flagrant violations of international law. We shall certainly seek an answer from the international community.

17. On October 10, 2016, the Minister for Foreign Affairs of Tomorrowland, Mr. Abu Hamza, issued a clarification statement:

“We wish to inform the World today that surgical attacks were certainly carried out by the Army in Neverland. However, the Village of ‘Kutchi-Gudi’ was not the targeted region. We have targeted only few villages excluding ‘Kutchi-Gudi’. It has brought to our knowledge that the local businesses surrounding ‘Kutchi-Gudi’ including some where few of the powerful Neverland government officials had vested interests owed a large sum of money to the foreign investors including one who happened to hail from Tomorrowland. Thus, it seems to be a clear trap laid down on us by the Neverland to pay their foreign debt through these lethargic means and wild allegations. The Republic of Tomorrowland shall never fall prey to these traps”.

18. On December 12, 2016, the Neverland instituted arbitral proceedings against the Tomorrowland for the alleged armed activities in its border and sought compensation for the environment damage done to the Neverland. The arbitration proceedings to which both the countries agreed were held in ‘Janta-Garage’, a city in South-east Prussia and capital of Kuberia. Just before ten days of the arbitral award, the Tomorrowland raised an objection stating that the Neverland has allegedly lured some of the Arbitrators by illicit means citing an anonymous phone call which was made using a Kuberian Micro Sim Card and an email with untraceable IP, as its resource. However, this does not bother the arbitrators and nonetheless, on April 12, 2017, the Arbitration Panel commenced the award in favour of Neverland and asked the Tomorrowland to hand over 1 billion USD as compensation to the Neverland. The Tomorrowland declared that it shall not obey the arbitral award as it was made in arbitrary manner nor it is liable to pay any compensation to the Neverland.

19. On June 2, 2017, the Neverland instituted proceedings against the Tomorrowland for the violations made under general international law at the International Court of Justice. Subsequently, the International Court of Justice notified to the Government of Tomorrowland of the proceedings instituted by the Neverland and asked to file its written submissions. On August 8, 2017, preliminary objections were made by the Tomorrowland where it raised questions on the jurisdiction of the Court to try the matter. The International Court of Justice had apparently dismissed the preliminary objections made by the Tomorrowland. Thus, the Republic of Tomorrowland consented to be a party to the present Compromis.

20. Both The Islamic Republic of Neverland and the Republic of Tomorrowland are members of United Nations the parties to the United Nations Charter, Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, 1966, and International Covenant on Economic, social and Cultural Rights, 1966. Both the states are also signed, but not ratified all four Geneva Conventions of 1949, However, the Republic of Tomorrowland has signed but not ratified the UN Framework Convention on Climate Change, 1992, the Rio Declaration on Environment and Development, 1992, and the Paris Agreement under the United Nations Framework Convention on Climate Change, 2015.

21. **The Islamic Republic of Neverland**, *inter alia*, requests the international Court of Justice to:

- a) That the Republic of Tomorrowland has bluntly violated the “Pace-Futura” agreement and carried out surgical strikes in the Neverland.
- b) That the Republic of Tomorrowland has caused tremendous damage to the natural environment by destroying valuable natural resources which surrounded the village ‘Kutchi-Gudi’.
- c) That the Republic of Tomorrowland has violated the territorial sovereignty of the Neverland.
- d) That the Republic of Tomorrowland has flagrantly violated the customary international law by using ‘force’.
- e) That the Republic of Tomorrowland has violated the procedural & safeguarding norms international law by not informing of its decision of carrying an armed attack to the United Nations Security Council which is mandated under the United Nations Charter.
- f) That the Republic of Tomorrowland has violated the general international humanitarian law
- g) That the Republic of Tomorrowland is liable to pay compensation for the environmental damage caused to the Neverland.

22. **The Republic of Tomorrowland**, *inter alia*, requests the international Court of Justice to:

- a) That the Islamic Republic of Neverland has violated the “Pace-Futura” agreement, by regularly indulging in illicit infiltration activities.
- b) That the Islamic Republic of Neverland has violated the customary international law by allowing the terrorists organizations to flourish and carry out activities against the Tomorrowland.
- c) That the Republic of Tomorrowland by launching a surgical strike has acted in Self-Defence.
- d) That the Republic of Tomorrowland has not violated the territorial sovereignty of the Neverland.
- e) That the Republic of Tomorrowland has employed force keeping in mind its international obligations and utmost respect for international law.
- f) That the Republic of Tomorrowland has not violated the UN Charter by not informing its move to the United Nations Security Council as it is only a formal and procedural mandate by UNSC.
- g) That the Republic of Tomorrowland is not liable to pay compensation to the Neverland as there was no damage reported to be caused on the natural environment by the armed personnel.

ANNEXURE: 1

**“THE PACE FUTURA
AGREEMENT”:
AGREEMENT TO CEASE FIRE &
TO MAINTAIN A LINE OF
CONTROL**

December 10, 2010

**AGREEMENT BETWEEN THE ISLAMIC REPUBLIC OF NEVERLAND AND THE
REPUBLIC OF TOMORROWLAND TO CEASE FIRE & TO MAINTAIN A LINE OF
CONTROL**

- *Bearing in mind the sacredness of the peace to be conferred upon all individuals*
- *Bearing the significance of Territorial Sovereignty under international law*
- *Realizing the horrors and the consequences of violence and genocide*
- *Realizing the peace and prosperity remains the focal point for human progress*

**The State of Republic of Tomorrowland
&
The State of the Islamic Republic of Neverland**

Have agreed as follows:

**Article.1. Obligation to establish peace in the territory of both Neverland and the
Tomorrowland and adherence to the principle of non-intervention**

The Parties agree to establish, by mutual efforts, peace in the territory of both the Nations and to decline to resort to any violent activities and to refrain from intervention of any kind into each others' affairs.

Article.2. Obligation to maintain a line of Control

Both the parties remain under obligation to maintain a strict line of control which no one pledges to violate under any circumstance.

Article.3. Obligation to Cease Fire

Both the parties remain under obligation to cease fire especially in the Taimur region and alongside the border areas.

Article.4. Promotion of Human Rights

The Parties shall make every attempt to promote the respect for human rights and shall take initiatives to spread awareness on human rights.

Article.5. Obligation to make use of territory detrimental to each other

The Parties undertakes to take measures to ensure that their territories should not be used in a way as to detriment the interests of the other state.

Article.6. Dispute Resolution

In any case of dispute as to the application of the provisions of this treaty arises, any of the party may bring the matter before any negotiation or arbitration proceedings. The decision of the Arbitration Panel shall be binding on parties.

Article.7. Application of the Treaty

No other State is bound by the provisions of this treaty except for the State of the Islamic Republic of Neverland and the Republic of Tomorrowland.

Article.8. Termination of the Treaty

Either State may terminate this treaty at any time by giving written notice to the other State through the diplomatic channel. The termination shall be effective six months after the date of receipt of such notice.

IN WITNESS WHEREOF,

The undersigned being duly authorized by their respective Governments have signed this treaty.

DONE at Pace-Futura, Capital of the Republic of Tomorrowland on December 10, 2010 at 2.30 p.m.

For the Government of Neverland

For the Government of Tomorrowland

* **DISCLAIMER:** All characters, names and events mentioned in 'this Compromis' are entirely fictitious and used for purely academic purposes only. Any similarity to actual events or persons, living or dead, is purely con-idental.

* **NOTE:** The present Compromis has been framed for solely academic purposes, for exclusive use at Rajiv Gandhi National University of Law, Patiala, Punjab. Any use of the Compromis without prior permission of the Vice Chancellor, RGNUL, Punjab shall be violation of laws relating to '*copyright*' and '*plagiarism*'.