

8th

**JUSTICE P.N. BHAGWATI MEMORIAL
INTERNATIONAL MOOT COURT COMPETITION
ON HUMAN RIGHTS**

'Quest for Excellence in Human Rights'
(24-25 March, 2018)

COMPROMIS-2018



**THE CASE CONCERNING
THE TAQILA REFUGEES & ALLEGED VIOLATIONS
OF HUMAN RIGHTS**



INTERNATIONAL COURT OF JUSTICE

COMPROMIS

**BETWEEN THE REPUBLIC OF CHINKARA (APPLICANT)
THE ISLAMIC REPUBLIC OF KHAKISTAN (APPLICANT)
THE PEOPLE'S REPUBLIC OF VANGADESH (APPLICANT)
AND
THE REPUBLIC OF THE UNION OF AIYANGA (RESPONDENT)**

**TO SUBMIT TO THE INTERNATIONAL COURT OF JUSTICE
ON THE DIFFERENCES BETWEEN THEM CONCERNING
THE TAQILA REFUGEES & ALLEGED VIOLATIONS OF HUMAN
RIGHTS**

Jointly notified to the Court on 30th January, 2018

**ENTRE LA RÉPUBLIQUE DE CHINKARA (DEMANDEUR)
LA RÉPUBLIQUE ISLAMIQUE DU KHAKISTAN (DEMANDEUR)
LA RÉPUBLIQUE POPULAIRE DE VANGADESH (DEMANDEUR)
ET
LA RÉPUBLIQUE DE L'UNION D'AIYANGA (RÉPONDANT)**

**SOUMETTRE À LA COUR INTERNATIONALE DE JUSTICE
SUR LES DIFFERENCES ENTRE EUX CONCERNANT
LES RÉFUGIÉS DE TAQUILLE ET LES VIOLATIONS ALLÉGUÉES DES
DROITS DE L'HOMME**

notifie conjointement a la cour le 30th January, 2018

**JOINT NOTIFICATION
ADDRESSED TO THE REGISTRAR OF THE COURT:**

The Hague, 30 January, 2018

On behalf of the Republic of Chinkara, the Islamic Republic of Khakistan, The People's Republic of Vangadesh ("the Applicant"), the Republic of the Union of Aiyanga ("the Respondent"), in accordance with Article 40 (1) of the Statute of the International Court of Justice, we have the honor to transmit to you an original of the Compromis for submission to the International Court of Justice of the Differences Concerning The Taqila Refugees & Alleged Violations Of Human Rights, signed in The Hague, The Netherlands, on the Fifteenth day of December in the year two thousand and Sixteen.

Ambassador of the State of Chinkara
to the Kingdom of The Netherlands

Ambassador of the State of Aiyanga
to the Kingdom of The Netherlands

Ambassador of the State of Khakistan
to the Kingdom of The Netherlands

Ambassador of the State of Vangadesh
to the Kingdom of The Netherlands

COMPROMIS

BETWEEN THE REPUBLIC OF CHINKARA (APPLICANT)
THE ISLAMIC REPUBLIC OF KHAKISTAN (APPLICANT)
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RIGHTS

The State of *Chinkara, Khakistan, Vangadesh* and The State of *Aiyanga*:

Considering that differences have arisen between them concerning the Taqila Refugees and alleged violations of human rights

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 Chinkara, Khakistan and Vangadesh shall act as Applicant and the State of Aiyanga 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 8th Justice P N Bhagwati Memorial International Moot Court Competition on Human Rights, organized by Bharati Vidyapeeth University New Law College Pune.

(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 8th Justice P N Bhagwati International Moot Court Competition on Human Rights.

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 in The Hague, The Netherlands, this thirtieth day of January in the year two thousand and Eighteen, in triplicate in the English language.

Ambassador of the State of Chinkara
to the Kingdom of The Netherlands

Ambassador of the State of Aiyanga
to the Kingdom of the Netherlands

Ambassador of the State of Khakistan
to the Kingdom of The Netherlands

Ambassador of the State of Vangadesh
to the Kingdom of The Netherlands

COMPROMIS- 2018

1. **AIYANGA** officially the Republic of the Union of Aiyanga and also known as Karma, is a sovereign state in Southeast Prussia. It is bordered by the Chinkara and the Vangadesh to its west, Bhailand and Braos to its east and People's Republic of Rhino to its north and northeast. To its south, about one third of Aiyanga's total perimeter of 5,876 km forms an uninterrupted coastline of 1,930 km along the Bay of Jungle and the Anda Sea. The country's 2014 census counted the population to be 51 million people. As of 2017, the population is about 54 million. Aiyanga is 676,578 square kilometers in size. Its capital city is Tiku, and its largest city and former capital is Banyan. Aiyanga has been a member of the Association of Southeast Prussian Nations (ASEPN) since 1997.
2. **CHINKARA**, officially the Republic of Chinkara, is a country in South Prussia. 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 bounded by the Chinkarian Ocean on the south, the Krabian Sea on the southwest, and the Bay of Jungal on the southeast. It shares land borders with Khakikistan to the west; Rhino, Trepal, and Khaitan to the northeast; and Kurma and Vangadesh to the east. In the Chinkarian Ocean, Chinkara is in the vicinity of Janka and the Khives. The Chinkara's most prominent and capital city is New-Chinku while, other metropolises include Timbay, Kata, Chenur, Balore and Mahirabad.
3. **KHAKISTAN**, officially the Islamic Republic of Khakistan is another country in South Prussia and on junction of West Prussia, Central Prussia and East Prussia. It is the fifth-most populous country with a population exceeding 207.77 million people. In terms of area, it is the 33rd-largest country spanning 881,913 square kilometres/ Khakistan has a 1,046-kilometre coastline along the Krabian Sea and Gulf of Roman in the south and is bordered by Chinkara to the east, Junghanistan to the west, Miran to the southwest, and Rhino in the far northeast, respectively.

4. **VANGADESH**, officially the People's Republic of Vangadesh is a country in South-Asia. Vangadesh largely shares land and maritime borders with Chinkara and Aiyanga. Trepal, Khaitan and Rhino are located near Vangadesh but do not share a border with it. The country's maritime territory in the Bay of Jungal is roughly equal to the size of its land area. Vangadesh is the world's eighth most populous country. Raka is its capital and largest city, followed by Chitty, which has the country's largest port.
5. **THE TAQILA PEOPLE**, historically also termed Makranese Chinkarians, are a stateless Chinkari-Aryan people from Taqilabag State, Aiyanga. There were an estimated 1 million Taqila people living in Aiyanga before the 2016-17. The Taqila population is concentrated in the historical region of Makran, an old coastal country of Southeast Prussia. It is not clear who were the original settlers of Makran. Aiyanga nationalist claims that the Taqila people inhabited Makran since 3000 BCE are not supported by any archaeological evidence. By the 4th century, Makran became one of the earliest civilized kingdoms in Southeast Prussia. The first Makranese state flourished in Kabil. Power then shifted to the city of Pinjara. Sanskrit inscriptions in the region indicate that the founders of the first Makranese states were Chinkarians. Makran was ruled by the Chandrakanta dynasty. Due to its coastline on the Bay of Jungal, Makran was a key center of maritime trade and cultural exchange between Aiyanga and the outside world, since the time of the Chinkarian Gupta Empire. Kharab merchants had been in contact with Makran since the third century, using the Bay of Jungal to reach Makran. Starting in the 8th century, Kharab merchants began conducting missionary activities, and many locals converted to Islam. Some researchers have speculated that Muslims used trade routes in the region to travel to Chinkara and Rhino. Kharab traders are recorded in the coastal areas of southeast Jungal, bordering Makran, since the 9th century. The Taqila population trace their history to this period. Besides locals converting to Islam, Kharab merchants married local women and later settled in Makran. As a result of intermarriage and conversion, the Muslim population in Makran grew. Modern day Taqila people believe they descended from these early Muslim communities.

6. ON 4th JANUARY 1948, the Aiyanga became an independent republic, named the Union of Karma, with Lao Mui as its first President and Angara as its first Prime Minister. Unlike most other former British colonies and overseas territories, Karma did not become a member of the Commonwealth. A bicameral parliament was formed, consisting of a Chamber of Deputies and a Chamber of Nationalities, and multi-party elections were held in 1951–1952, 1956 and 1960. The geographical area Karma encompasses today can be traced to the Mui Agreement, which combined Karma Proper, which consisted of Lower Karma and Upper Karma, and the Frontier Areas, which had been administered separately by the British. When the non-Karman ethnic groups pushed for autonomy or federalism, alongside having a weak civilian government at the center, the military leadership staged a coup d'état in 1962. Though incorporated in the 1947 Constitution, successive military governments construed the use of the term '*federalism*' as being anti-national, anti-unity and pro-disintegration.
7. On 2 March 1962, the military led by General Khao Sui took control of Aiyanga through a coup d'état, and the government has been under direct or indirect control by the military since then. Between 1962 and 1974, Aiyanga was ruled by a revolutionary council headed by the general. Almost all aspects of society including business, media, and production were nationalized or brought under the direct government control under the Aiyanga Way to Socialism, which combined Soviet-style nationalization and central planning. A new constitution of the Socialist Republic of the Union of Karma was adopted in 1974. Until 1988, the country was ruled as a one-party system, with the General and other military officers resigning and ruling through the Karma Socialist Programme Party (KSPP). During this period, Aiyanga became one of the world's most impoverished countries.
8. In 1988, unrest over economic mismanagement and political oppression by the government led to widespread pro-democracy demonstrations throughout the country known as '*the 1988 Uprising*'. Security forces killed thousands of demonstrators, and General Khao Sui staged a coup d'état and formed the State Law and Order Restoration Council (SLORC). In 1989, SLORC declared martial law after widespread protests. The military government finalized plans for People's Assembly elections on 31 May 1989. In May 1990, the government held free elections for the first time in almost

30 years and the National League for Democracy (NLD), the party of **Chui Mui**, won 392 out of a total 492 seats. However, the military junta refused to cede power and continued to rule the nation as SLORC until 1997, and then as the State Peace and Development Council (SPDC) until its dissolution in March 2011.

9. The goal of the Karmese constitutional referendum of 2008, was the creation of a "discipline-flourishing democracy". As part of the referendum process, the name of the country was changed from the "Union of Aiyanga" to the "Republic of the Union of Aiyanga", and general elections were held under the new constitution in 2010. Observer accounts of the 2010 election describe the event as mostly peaceful; however, allegations of polling station irregularities were raised, and the United Nations (UN) and a number of Western countries condemned the elections as fraudulent. The military-backed Centre Solidarity and Development Party (CSDP) declared victory in the 2010 elections, stating that it had been favoured by 80 percent of the votes. However, the claim was disputed by numerous pro-democracy opposition groups who asserted that the military regime had engaged in rampant fraud. The military junta was dissolved on 30 March 2011. Opinions differed whether the transition to liberal democracy was underway. According to some reports, the military's presence continues as the label "disciplined democracy" suggests. This label asserted that the Karmese military is allowing certain civil liberties while clandestinely institutionalizing itself further into Karmese politics. Such an assertion assumed that reforms only occurred when the military was able to safeguard its own interests through the transition—here, "transition" does not refer to a transition to a liberal democracy, but transition to a quasi-military rule.
10. Since the 2010 election, the government has embarked on a series of reforms to direct the country towards liberal democracy, a mixed economy, and reconciliation, although doubts persist about the motives that underpin such reforms. The series of reforms includes the release of pro-democracy leader Chui Mui from house arrest for which she was awarded with Global Peace Prize, the establishment of the National Human Rights Commission, the granting of general amnesties for more than 200 political prisoners, new labour laws that permit labour unions and strikes, a relaxation of press censorship, and the regulation of currency practices. In 1 April 2012 by-elections, the NLD won 43 of the 45 available seats, previously an illegal organization, the NLD had not won a single seat under new constitution.

The 2012 by-elections were also the first time that international representatives were allowed to monitor the voting process in Aiyanga.

11. Once again, General elections were held on 8 November 2015. These were the first openly contested elections held in Aiyanga since 1990. The results gave the National League for Democracy an absolute majority of seats in both chambers of the national parliament, enough to ensure that its candidate would become president, while NLD leader Chui Mui was constitutionally barred from the presidency. The new parliament convened on 1 February 2016 and, on 15 March 2016, Nitin Kite was elected as the first non-military president since the military coup of 1962. On 6 April 2016, Chui Mui assumed the newly created role of State Counsellor, a role akin to a Prime Minister.
12. The Taqila people shared a long bloody history of discrimination and persecution in Aiyanga. In 2012, riots broke out as a result of a series of conflicts between Taqila Muslims who formed the majority in the Northern Taqilabag and ethnic Buddhist who form the majority in Southern Taqilabag. Before the riots, there were widespread fears among the Makran Taqilists that they would soon become a minority in their ancestral state. The riots occurred after weeks of sectarian disputes, including a gang rape and murder of a Makranese woman by Taqila Muslims and killing of ten Taqila Muslims by Makranese Taqilists. As per the reports of some Media agencies, there was evidence that the pogroms in 2012 were incited by the government asking the Makranese men to defend their "race and religion". The government denied having organized the pogroms, but has never prosecuted anyone for the attacks against the Taqilas. *The Economist* argued that since the transition to democracy in Aiyanga in 2011, the military has been seeking to retain its privileged position, forming the motivation for it to encourage the riots in 2012 and allowing it to pose as the defender of Karman against Muslim Taqilas. On both sides, entire villages were "decimated" According to the Karmanese authorities, the violence between ethnic Taqila Karmanese and Taqila Muslims left 78 people dead, 87 injured, and up to 140,000 people displaced. The government has responded by imposing curfews and deploying troops in the region. On 10 June 2012, a state of emergency was declared in Taqilabag, allowing the military to participate in the administration of the region.

13. On 9 October 2016, unidentified individuals who the Aiyanga government claimed were insurgents attacked three Karmese border posts along Aiyanga's border with Vangadesh. According to government officials in the mainly Taqilabag border town of Kabali, the attackers brandished knives, machetes and homemade slingshots that fired metal bolts. Several dozen firearms and boxes of ammunition were looted by the attackers from the border posts. The attack resulted in the deaths of nine border officers. On 11 October 2016, four soldiers were killed on the third day of fighting. Following the attacks, reports emerged of several human rights violations allegedly perpetrated by Karmese security forces in their crackdown on suspected Taqila insurgents. Shortly after, the Aiyanga military forces and extremist Karmanese started a major crackdown on the Taqila Muslims in the country's western region of Taqilabag State in response to attacks on border police camps by unidentified insurgents. The crackdown resulted in wide-scale human rights violations at the hands of security forces, including extrajudicial killings, gang rapes, arsons, and other brutalities. The military crackdown on Taqila people drew criticism from various quarters including the United Nations, human rights group Amnesty International etc. The de facto head of government Chui Mui has particularly been criticized for her inaction and silence over the issue and for not doing much to prevent military abuses. Government officials in Taqilabag State originally blamed the Taqila Solidarity Organization (TSO), an Islamist insurgent group mainly active in the 1980s and 1990s, for the attacks. However, on 17 October 2016, a group calling itself the Makran Taqila Salvation Army (MTSA) claimed responsibility.
14. One of the Karmanese monks, **Manila Naarangi**, who was the Leader of the Karman Revolutionary Monk- Guards (KRMG) issued a public statement that if the Taqila Muslims do not stop their insurgent activities, his organization would be forced to take firm actions to teach lessons to Taqila Muslims. In the following days, six other groups released statements, all citing the same leader. In November, 2016, the World was stunned to witness that nearly 4,000 Taqila Muslims mostly women and children, were forced to enter an abyss over which a bulldozer was rolled thereby burying everyone alive. In another incident, similar pit-holes were made and people were forced to be inside and burnt alive. If anyone tried to come out due to pain and misery, the bystanders were shown to beat them hard only to send them back in those holes and make their death more brutal. The Aiyanga Army announced on 15 November 2016 that 69 Aiyanga insurgents and 17 security forces (10 policemen, 7 soldiers) had been killed in recent clashes in

northern Taqilabag State, bringing the death toll to 134. A police document obtained by Reuters in March 2017 listed 423 Taqila Muslims detained by the police since 9 October 2016, 13 of whom were children, the youngest being ten years old.

15. Stunned by the atrocities, refugee crisis and multiple human rights violations in Aiyanga, Khakistan, Vangadesh, the countries where Taqila population was equally similar to that of Aiyanga, alongside Chinkara requested Aiyanga to agree upon certain terms so that peace could be brought to the region. At first, Aiyanga stated that Taqila Muslims are the product of Vangadesh and must go back but later it agreed to attend the meeting. Thus, a meeting of these states was convened where the Aiyanga agreed to cease any kind of violent activities provided, it receives an annual fund of 1 Billion USD for 5 years) from all the concerned states and also to accommodate the fleeing Taqila Muslims from Aiyanga to which the States agreed. To save the Taqila people from the scourge of continued violence a special agreement was signed which came to be known as “**REGIONAL CO-OPERATION, REFUGEE PROTECTION AND PEACE TREATY**” (RCRPPT).
16. However, KRMG and the Karmese Military continued to target and hunt down Taqila Muslims with even more brutal tactics of torture and inhumane barbaric acts. Khakistan, Vangadesh and Chinkara once again warned Aiyanga and demanded to handover the Leader of KRMG and the Head of Military Mr. Kiyon Tong so that a separate case can be filled against them in the International Criminal Court. However, the Aiyanga refused to do the same and avoided direct confrontation with these three concerned states.
17. In December 2017, to escape violence and persecution, thousands of Taqila Muslims moved from Aiyanga to Vangadesh, collectively dubbed as '**Boat People**' by international media, to Southeast Prussian countries including, Khakistan, and Chinkara by rickety boats via the waters of the Strait of Malaika and the Jindaman Sea. However, all these three states refused to give entry to Taqila refugees stating that Aiyanga had violated the RCRPPT and thus, they are under no obligation to entertain these refugees.
18. The United Nations High Commissioner for Refugees estimates about 25,000 people have been taken to boats from January to March in 2017. There are claims that around 100 people died in Chinkara, 2000 in Vangadesh, and

3000 in Khakistan during the journey. An estimated 3,000 refugees from Aiyanga and Vangadesh have been rescued or swim to shore and several thousand more are believed to remain trapped on boats at sea with little food or water. A Chinkarian newspaper claimed crisis has been sparked by smugglers. However, the *Economist* in an article in late December, 2017 wrote the only reason why the Taqilas were willing to pay to be taken out of Aiyanga in squalid, overcrowded, fetid boats as "... it is the terrible conditions at home in Taqilabag that force the Taqila people out to sea in the first place."

19. All the states, Aiyanga, Khakistan, Vangadesh and Chinkara met for an urgent subsequent Diplomatic Negotiation talks in New Chinku, capital of Chinkara, where again the final rounds of negotiations took place. These negotiations did not proved to be of much help and rather created further tensions between four states.
 20. All the states involved are not party to the Refugee Convention, and the Rome Statute. However they are parties to many regional co-operation treaties and major human rights multi-lateral treaties such as the Universal Declaration on Human Rights, 1948, International Covenant on Civil and Political Rights, 1966, International Convention on the Law of Sea, 1982, and the Geneva Conventions of 1949.
 21. The Khakistan, Vangadesh and Chinkara believed that there were gross human rights violations resulted from the systematic crack-down of Taqila Muslims in the Aiyanga and that Aiyanga had violated RCRPPT. However, The Chinkara, Khakistan and Vangadesh jointly decided to bring the matter to the International Court of Justice and filed an Application on December, 15th 2016, invoking Article 36(2) of the Court's Statute as all states concerned in the case had unconditional declarations recognizing the compulsory jurisdiction of the Court on file with the Registrar. The final written and oral arguments from both the parties are due in March, 2018.
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