



BHARATI VIDYAPEETH DEEMED UNIVERSITY  
**NEW LAW COLLEGE,**  
PUNE (INDIA)



**5<sup>th</sup>**

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



*(Quest for excellence in Human Rights)*

*21<sup>st</sup> & 22<sup>nd</sup> March, 2015*

**COMPROMIS**

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**SUBMITTED TO THE INTERNATIONAL COURT OF JUSTICE BY**  
**THE STATE OF KHOJOLAND & THE STATE OF UNITED STATES OF JAMAICA**  
**AND**  
**THE STATE OF TOJOLAND & THE STATE OF DRAGONLAND**  
**ON THE DIFFERENCES BETWEEN THEM CONCERNING**  
**NUCLEAR ARMISTICE AND**  
**OBLIGATION TO PROSECUTE & EXTRADITE PEOPLE GUILTY OF VIOLATION**  
**OF HUMAN RIGHTS HUMANITARIAN RIGHTS AND WAR CRIMES**

*The State of Khojoland/The State of United States of Jamaica and The State of Tojoland/The State of Dragonland*

*Considering* that differences have arisen between them concerning nuclear armistice and the obligation to extradite & prosecute people for the violation 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 Khojoland along with the state oh United States of Jamaica shall act as Applicant and the State of Tojoland and the State of Dragonland 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.

***5<sup>th</sup> Justice P.N. Bhagwati International Moot Court Competition on Human Rights, 2015***

*Article 4*

- (a) All questions of procedure and rules shall be regulated in accordance with the provisions of the Official Rules of the 5<sup>th</sup> P N Bhagwati International Law Moot Court Competition, organized by Bharti Vidyapeeth 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 5<sup>th</sup> P N Bhagwati International Law Moot Court 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 in The Hague, The Netherlands, this Fifteenth day of November in the year two thousand and Fourteen, in triplicate in the English language.

Ambassador of the State of Khojoland  
to the Kingdom of the Netherlands

Ambassador of the State of Tojoland  
to the Kingdom of the Netherlands

Ambassador of the State of United States of Jamaica  
to the Kingdom of The Netherlands

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

## **COMPROMIS**

- 1. Khojotojoland** is an East Asian territory that is divided into two distinct sovereign states, Tojo and Khojo Located on the Khojotojo Peninsula. It is bordered by Dragonland to the northwest and Drasia to the northeast. It is separated from Tanan to the east by the Khojotojo Strait and the East Sea. With the rise of the power and expansion of Shaan Empire in Dragon land (206 B.C to A.D 220). A new iron culture emerged in **Khojotojo** peninsula. Among them, **the state of Fikar** located in southern part of peninsula; (present day in southern Khojo) was the most important as it started conquering and expanded deeper in the Northern part of **Khojotojo** Peninsula. In the Northern part of **Khojotojo** peninsula **the state of Kotyo** emerged by first century A.D in all directions. In the central part of the peninsula – **Silsilla** emerged as the third state. These three states were known as three kingdoms in A.D 246 to 668. Eventually Silsilla allied with Dragon Land and defeated Fikar and Kotyo thus unifying the peninsula by 668. However Khojotojo historians claim Kotyo legacy as the key development in the history. During the period of three kingdoms, Confucian statecrafts and Buddhism were introduced to the peninsula which served as the unifying factor. By 671, Silsilla had seized the Dragonland held territories in the south and pushed the remnants of Kotyo; farther Dragonland commandaries were driven off the peninsula by 676, thereby guaranteeing that Khojotojo people would develop independently without outside influence. Silsilla's indigenous flourished its aristocracy centered in the capital **Katiyar** was renowned for its high level culture. As Silsilla declined, the state of Kotyo emerged in Central peninsula. The **Khyber Dynasty** with its capital at **Khaitan** forged a tradition of aristocratic continuity which lasted till the modern era. The Kyoto elite admired the civilization that emerged from Dragonland and an active exchange of trade goods and artistic style took place during this period. In the nineteenth century, Kyoto was subjected to invasion by the **Changolian Empire**. Once defeated by Changols the Kyoto army participated in the ill-fated Changol invasion of Tanan in 1274 and 1281.
- 2. The Khayaam Dynasty** emerged after the fall Khyber Dynasty with its capital at Senegal. During this era various land reforms took place in the Khojotojo peninsula. The most prominent reforms were state ownership of property and a new tax base. The present class structure of Tojo is attributed to the reforms brought by the Khayaam Dynasty. The Khayaam Dynasty was deeply influenced by Confucianism; a new secular society developed and a new Khojotojan mass culture emerged. Khayaam faced major Tananese invasion in 1592 and 1597 that brought devastation to the peninsula. Although Tanan was defeated and Khayaam began to recover. Khayaam then experienced a long period of peace. Senegal began reforms in an effort to keep foreign powers at bay. By 1900 the Khojotojan peninsula became the focus of an intense rivalry among the foreign powers seeking to carve out sphere of influence in the entire sub-continent. Unchallenged internationally Tanan turned Khojotojo into its colony in 1910.

3. From 1910 to 1945, Khojotojo was under the colonial rule of Tanan. Tanan imposed a new central state administration and also a non- Confucian education and the Tananese language were imposed upon the people. This was considered illegitimate and humiliating by Khojotojan people, which led to a Khojotojan nationalism and armed resistance. Out of these deliberations, two great nationalist movements, the Senegal Alliance for Independence Group (SAI) in the southern Khojotojo and the Tojoland Rebellions group (TRG) in northern part emerged as the most powerful rebels in the region challenging the Tananese authorities. Mr. Mukhtar Ali was the leader of SAI and Abraham Soli was heading TRG. Both these leaders came from almost similar background and vowed to free their motherland from the Tananese occupation by whatever means possible. Among these two leaders, Abraham Soli was the most determinate and resolved man who justified violence to achieve freedom while Mr. Mukhtar Ali mostly believed in peace marches and negotiation as effective method to attain peace and overall independence. Widespread movements for freedom and independence started in entire country and almost everyone resented and protested against the Tananese government. The TRG launched a massive armed rebellion against the Tananese government in Khojotojo, killed many Tananese Leaders and occupied major places in the northern part of the country. Similarly, SAI also carried out a countrywide marches and slogans without using violence but still leaving a great impact on the people and Tananese policies.
4. These movements aggravated more movements and ultimately created immense international pressure on Tanan to liberalize and free Khojotojoland from her fists only to provide the people of Khojotojo the desired and require peace and independence. Due to tremendous and unavoidable pressure from the international community, the Tanan was compelled to free Khojotojoland and decided to invite both leaders from two major national groups for an important bilateral discussion. Mr. Mukhtar Ali and Mr. Abraham Soli attended the Round table Discussion with Tananese officials. The Tanan made it clear that it shall not let Khojotojoland declare independence unless Tanan becomes sure of peace and harmony in the region to which they thought as their primary responsibility. Mr. Abraham Soli and Mukhtar Ali agreed to the proposition and signed a peace treaty with Tanan according to which the elections shall soon be called out and elected leader of Khojotojo shall rule the country in accordance with the Senate of Ministers. Consequently, after a long struggle and hardship, Khojotojoland declared its independence on 12 August, 1948.

5. As per the 'Pre-independence Treaty' with Tanan, General elections were held in the Country and SAI party headed by Mr. Mukhtar Ali was elected to govern and rule the country. This became unacceptable to certain fractions of the Khojotojoland and main among other groups was TRG which was headed by Mr. Abraham Soli. Mr. Abraham Soli indeed played a pivotal role in the country's freedom struggle and ultimately was left alone in the game of power and politics. He and his people felt separated, neglected and humiliated from these unfortunate political arrangements which were soon to be major bones of contention in the country. Mr. Abraham Soli decided to challenge Mr. Mukhtar Ali's authority and launched anti-national campaigns with people mostly from Northern region. Within just four weeks of Khojotojo's independence, the people of Northern part being aided and headed by Mr. Abraham Soli decided to liberate and separate from the Khojotojoland. This gave birth to a new country in the form of 'TOJOLAND' which was carved out as a result of continuous struggle of TRG and his great leader. This scattered the country in two pieces i.e. Khojoland (Southern Region) & Tojoland (Northern Region).
6. Thus, **Khojoland, officially the Republic of Khojoland** was established under the leadership of Mukhtar Ali which soon became a developed country ranked 15th in the Human Development Index, the highest in East Prasia. During the Khojotojan War (1950-53), USJ troops and UN forces fought alongside ROK (Republic of Khojoland) soldiers to defend Khojoland from a Tojoland invasion supported by Dragonland and the Drasia. After Mukhar Ali, Mr. Kamaal Khan took over leadership of the country in a 1961 coup. During his regime, from 1961 to 1979, Khojoland achieved rapid economic growth, with per capita income rising to roughly 17 times the level of Tojoland. Khojoland held its first free presidential election under a revised democratic constitution in 1987. In 1993, Mr. Kamaal Khan officially (1993-98) became the first civilian president of Khojoland's new democratic era which continued till his death. Mr. Kamaal Khan won the Nobel Peace Prize in 2000 for his contributions to Khojoland democracy and his "Sunshine" policy of engagement with Tojoland. He died in 2004 leaving his rich legacy to his only son **Mr. Khayum Khan** who was made next President by the people of Khojoland by subsequent election.
7. In terms of average wage, it has Prasia's highest income and the world's 10th highest income. Globally, it is one of the highest ranked countries in education, quality of healthcare, ease of doing business and job security. It is the best performing OECD country in student skills with 64% of 25-34 year old Khojoans holding a tertiary education degree, the highest in the OECD. It became the world's most research and development intensive country and the most innovative country as measured by the Bloomberg Innovation Quotient. Khojoland also became the world's seventh largest

exporter and the leading exporter of flat panel displays and memory chips, driven by high-tech multinationals such as Samsung, Hyundai-Kia and LG. A highly advanced information society, Khojoland has the world's fastest Internet connection speed, ranking first in e-Government, 4G LTE penetration and second in the ICT Development Index and smartphone penetration.

8. In much similar way, **Tojo** officially the **People's Republic of Tojoland** became an independent country in East Prasia, in the northern part of the Khojotojan Peninsula with a constitution with limited rights. The capital and largest city is Scarlet. Tojo shares a land border with Dragonland to the north and north-west, along the Aalu and Sunman rivers. A small section of the Sunman River also forms Tojo's short border with Drasia to the northeast. The Tojo also marks the boundary with Khojo. The legitimacy of this border is not accepted by either side, as both states claim to be the legitimate government of the entire peninsula. It covers an area of 120,540 square kilometers (46,541 sq. mi). Tojo shares land borders with Dragonland and Drasia to the north, and borders Khojo along the south. To its west are the Mud Sea and Khojotojan Bay, and to its east lies Tanan across the Sea of Tanan. Some 80% of Tojo is composed of mountains and uplands, separated by deep and narrow valleys. All of the Khojotojan peninsula's mountains with elevations of 2,000 meters (6,600 ft.) or more are located in Tojo. The coastal plains are wide in the west and discontinuous in the east. A great majority of the population lives in the plains and lowlands. According to a report in 2003, forest covers over 70 percent of the country, mostly on steep slopes. The longest river is the Aalu River which flows for 790 kilometers. Tojo claims 12 nautical mile territorial Sea and Exclusive economic zone of 200 nautical miles in both east (In the sea of Tanan) and west in the Mud Sea it has also maintains military boundary of 50 nautical miles. Any ship in the area without the permission of Tojo is banned. The population of the state of Tojo is estimated to be 24,895,000 with the sex ratio of 1.05 males/ female. The education rate as per the government of Tojo is 99% till the age of 15. There is social status system (class) followed in Tojo.
9. Traditionally religion in Tojo primarily consisted of Buddhism, Confucianism and Shamanism. Since the arrival of Europeans in the 18th century, there was a significant Christian population in Tojo, with Scarlet as an important Christian center. With the split of Tojoan peninsula most of the Northern Christians fled to Khojo. New religions based on the philosophy of the people of various parts of the country have evolved during the last century, the most prominent one being Cheondoism, based on traditional shamanism with the incorporation of traditional Buddhist and Daoist philosophies. Tojo is officially an atheist state in which much of the population is nonreligious. The state of Tojo has long had a

socialized, centrally planned, and primarily industrialized economy. Tojo's major natural resources include coal, copper, fluorspar, gold, Graphite, iron ore, lead magnesite, pyrites, salt, tungsten and zinc.

10. While balancing relations with both a newly unified and communist-led People's Republic of Dragonland and the Drasia, Abraham prepared for war with the Khojoland. Khojo, with United States of Jamaica (USJ) help, had suppressed the guerrilla threat in the South, but Abraham ordered his troops across the thirty-eighth parallel, and the Khojotojoland War, or, as the North Tojoans call it, the Motherland Liberation War (MLW-1950–53) broke out on June 25, 1950. Tojo's successful drive deep into the South was countered by the combined U.S.J. and Khojoan attack all the way to the Aalu River in the fall of 1950. At that point, Dragonland sent its own troops to fight with the Tojoan People's Army, and the U.S.J–South Khojoan forces were driven out of the North. After a two-year stalemate, an armistice was signed on July 27, 1953, and a demilitarized zone (DMZ) was established at the thirty-eighth parallel. The armistice and the heavily guarded DMZ are still in effect and are symbolic of both the division of the Khojotojan Peninsula and the commitment of the USJ to contain the North.
11. A Marxist-Leninist political model of autonomy and self-reliance—called 'Abraham Politico' was popularized starting in 1955 as the guiding ideology in politics, economics, national defense, and foreign policy. By 1956, Abraham had achieved unchallenged supremacy in the Tojo. With tight control over all aspects of the Tojoan polity and society, Abraham became the "**Great Leader**" and the object of a pervasive personality cult. After years of intransigence between Khojo and Tojo, meetings were held that led to the July 4, 1972, announcement that both sides would seek reunification peacefully, independent of outside forces, and with common efforts toward creating a "*Great National Unity*" that would transcend the many differences between the two systems. Despite this announcement, when the United States of Jamaica dropped its decision to withdraw troops from Khojo in 1979, while Tojo upgraded its army and began building invasion tunnels under the DMZ. In the early 1980s, there were three-way talks among the United States of Jamaica, Tojo, and Khojo, and Dragonland sponsored talks between Tojo and USJ. U.S.J-Drasia also mitigated Tojo's warlike stance, although Khojo's growing prestige and economic success put Tojo on the defensive.
12. The 1990's era brought some peace and development for Tojoland as the Government's priority shifted towards the development in all aspects of economy, technology and most importantly creation of a strong Army which will provide an answer to almost all its enemies. Various education policies were drafted and inculcated among the citizens. Developments in the field of agriculture were made.

Technologically the country developed to some extent. However, the subjects were not allowed for its use. The 90's phase was referred to as the best phase ever in the normal life of Tojoland. These developments were interrupted by the death of the Great Leader Mr. Abraham Soli in 1999, in the aftermath of which the thrown shifted to his only son Mr. Zakir Abraham Soli. Zakir Abraham Soli was married with **2 sons and 1 daughter** who married to Mr. **Shahnawaj Shaikh**. Out of these two sons, **Zahir** was the elder son, a regular drug consumer and was caught by the Tananese authorities at Rokyo Airport for illegally being in possession of drugs while on travel. This act of Zahir made him lose the trust of his father and thus, more expectations arose from Zakir's younger son named **Changez Zakir Soli**, who completed his education recently from Doxford University, Lindon. Initially, Zakir was seen influenced by his father's legacy and principles of maintaining peace with neighboring countries and notions self-development. He firmly believed in the foundational tenets which were laid down by his great father. However, he was surrounded by an elite Group which was otherwise also known as 'The Shahi-Salaahakars'. This group always remained behind the scenes but was involved in every decision of Mr. Zakir in some way or other. The Salaahakars infused and introduced a new philosophy of governance known as '*Badshahat Farmaan*' a prerogative order of the Supreme by virtue of which development could be sought in the Tojoland and even violence on the part of King's men was justified. This gave a vital blow to the republican nature of the country and indirectly established the King's rule. Zakir rule brought many changes to the Country's constitution and major amendments were done to its basic shape. The freedom of speech and expression was made limited and was subject to government control. The Criminal Code of the Country was also been amended and death penalty was imposed on crimes which were vaguely defined. The international relations which were maintained delicately by the '*Great Leader- Mr. Abraham Soli*' were further deteriorated. Especially, the hatred with regard to Khojoland and U.S.J. was increased in the minds of people of Tojoland. The Khojoland's rising height in the international community brought Khojo much sympathy and support and thus, Khojoland expanded in never before manner leaving far behind Tojo in all matters except a Strong and efficient Army.

13. Mr. Changez Zakir Soli returned to his homeland in the year 2004, after completing his education and receiving a degree in International Relations and World Politics. Unlike his elder brother, he was a man with a mission and always saw himself as the future Ruler of Tojoland. However, he was disturbed by the improper laws and regulations laid down unnecessarily upon the subjects by the Government. Being a favorite son of his father, he was made soon a minister of Arms and ammunitions and in next two years he rose to become the second most important political figures in Tojo politics. In the year, 2005, Mr. Changez Zakir Soli proposed some major amendments in the Constitution and also in some local laws of Tojo. This proposal aggravated and angered Mr. Zakir Soli and he immediately ordered the cessation of amendment and reduced Mr. Changez Soli's rank to a '*Badshah Subhedar*', i.e. one who carries the orders of King relating to arms and ammunitions. Feeling humiliated by this act of his Father, Changez Soli secretly with his loyal army personnel started

preparing a force who favored his cause. However this could not be hidden for long time from the Tojoland Intelligence Agency (TIA) which found out the intentions of Mr. Changez Soli and wasted no time in informing Mr. Zakir Soli. Mr. Changez Soli was arrested by the Army officials on the direct orders of his father and was kept under strict military scrutiny in Scarlet Army Jail (SAJ).

14. Changez Soli's all education of world politics seemed a total waste as he found himself in barracks by his own father and with no one to help. Albeit his activities in Jail were strictly monitored, he somehow plotted his master plan to escape and to give the people of Tojoland a fair and deserved justice which was long due. He bribed the floor Superintendent of Jail and somehow managed to send a confidential letter to Mr. Shahnawaj Shaikh, who was also a Minister of Revenue in Zakir's Ministry. Shahnawaj Shaikh responded to the letter and conspired to make Changez Soli's release in much secret ways. He secretly communicated the very floor Superintendent of the Jail who brought Changez's Letter previously and order him to manage a huge but harmless fake fire scene near Changez's Cell which will pave an escape root for Mr. Changez Soli. As conspired, the news of Changez Soli's escape reached Zakir Soli and he suspected a great conspiracy against him. He was now coming to believe that his decision to select his younger son as his next kin was wrong. He immediately ordered his beloved son Mr. Zahir Soli to take his wife to Dragonland for a small Vacation Trip to which Zahir did not questioned.
15. As the fate has it, Mr. Changez Soli's all beliefs and theories regarding family and politics changed and these events have affected, shaken and damaged his democratic thoughts in a drastic manner. Though escaped from SAJ, he still did not have power to challenge his father's rule in Tojoland. He found his temporary refuge in Shahnawaj Sheikhs' secret place in Tojo and gathered his trusted force. With the support of some top army officials and His Uncle by his sister's marriage, he challenged his father's rule in Tojo and established Military de coup. At the very first opportunity, Mr. Changez Soli issued '*Badshaahat Farmaan*' and order the immediate arrest of Mr. Zakir Soli who he thought was the man behind all his misfortunes. Changez Soli brought his father the same Cell in SAJ where he himself was kept imprisoned and subjected his father to a great deal of torture. Mr. Itibar Ali Khan was born as a man in the land of Tojo. At the age of 6 he was castrated and was turned into a eunuch. During Changez Soli's reign as a Minister of Arms and Ammunitions, Itibar Khan, the eunuch, came close to him and soon became his secret agent. It was believed that due to his personal tragedy, Itibar Ali Khan was the most brutal and cruel man in the efficient Army of Changez Soli. Changez made Itibar Ali Khan as his Supreme Commander in Charge of the SAJ to make sure that his father suffers for his deeds.
16. Mr. Changez Soli declared a new Constitution while still maintaining the republican nature of Tojan Polity. As a prize to Mr. Shahnawaj Shaikh's loyalties, Changez made him the '*Supremo*' the second top-most position in Changez's ministry and gave him wide powers to curb and eliminate the groups which stand against Changez Soli. The Salahakaars were given a new role in Tojo and Changez entrusted these

*Salaahakars* with the task of expanding economies and establishing new international relations. Some small faction of these *Salaahakars* still adhere the old principles and was loyal to Mr. Zakir Soli but remained silent. They were waiting for the right time to arrive to see the shift in power.

17. **Mr. Zahir Zakir Soli** was vacationing in Dragonland with his family when he received the news of his brother's de coup. He also received an invitation to return to his country from his brother. However, some 'Salaahakars' tendered their secret advices to Zahir not to return to the Country unless some more time passes. Mr. Zahir Sakir Soli, who till now, was out of the Tojoan Polity, was being forced to be a part of it irrespective of his will and wishes. In the aftermath of the political development of his country, he secretly met Mr. Som Shanghai in Dragonland and discussed the future prospects of his country with Dragonland. The TIA Chief Mr. Kaabool Khan got the news of meeting through his agents who were deployed in Dragonland and smelled a conspiracy. He communicated the details of this meeting to Mr. Changez Soli. Ignoring the concerns rose from some the *Salaahkars*, Mr. Zahir Soli returned to Tojoland while leaving his other family in Dragonland in 2008. He was warmly welcomed by his younger brother Changez Soli who also managed a grand welcome party for his brother in the Royal Palace of Tojoland. After some days, Mr. Zahir Soli requested Changez to make the release of their father Zakir Soli and ensured his father's inactiveness in politics in future. However, Changez refused bluntly and reminded him of his own solitary confinement in SAJ. He stressed that his father's arrest was mandatory and had become a necessity to secure and protect his own life. Unsatisfied with the answers, Zahir reminded him of his being the elder one and his inherited right over the crown besides other rights but all was in vain. The very next day, Mr. Zahir Soli left the Palace to live in different city named *Trumplet*. He met certain top *Salaahkars* including his own confidential elites and devised various plans to overthrow the Changez's government. By next six months, he formed a new party called '*Liberation of Tojoland*' (LOT) with its base in Trumplet which included some of the former Members of armed forces and such members who have fought Guerilla wars with Khojoland & USJ troops in the reign of Abraham Soli.
18. Unfortunately, LOT did not subscribe to the principles of peace and democracy. Within a very short span of time LOT proved to be a dominant force to defeat. It started launching operation against the Government and its important ministers. Initially, LOT started with small and minor frequency of attacks and in later period with vital blows to the government's economy by looting the major financial institutions and thus hurting national economy. On **12<sup>th</sup> February, 2009**, a major bomb-blast occurred in the City of Scarlet causing the instant death of 800 citizens including women and children and thousand others with serious wounds and serious injury. International community condemned this act of violence and dubbed as 'barbaric'. This also angered Mr. Changez Soli in many ways, which in turn summoned Mr. Shahnawaj Shaikh and made him directly responsible for the acts. Mr. Changez Soli directed Shahnawaj Shaikh to launch secret operations against LOT and specially to hunt down Mr. Zahir Soli. Mr. Shahnawaj Shaikh with all help

from TIA carried an extensive search operation around the city of Scarlet and Trumplet. After the long search operation of 5 months, TIA informed and clued Mr. Shahnawaj Shaikh the probable place of hiding of Mr. Zahir Soli. Mr. Shahnawaj immediately deployed heavy armed force to the Venue where Zahir was hiding and issued warnings of unconditional surrender. However, Mr. Zahir and his selected men combated unlawfully and thus, in the consequence Mr. Zahir was captured alive.

19. Mr. Itibar Ali Khan, who was the Supreme Commander of SAJ and a eunuch by fate, was summoned to Royal Palace of Changez Soli in Scarlet city. When he reached the palace, Changez Khan gave him a packet with his specific instructions and sent him back to SAJ. The next day Mr. Zakir Soli who was imprisoned by his own son in SAJ was not provided with any food until evening time. When Mr. Zakir Soli sat for his Dinner, his plate was covered by a scarf. Hungry since morning and tired with severe torture at SAJ, Mr. Zakir removed the scarf in haste from his plate only to find to his shock the severed head of his elder son. Zahir. He fainted and immediately became unconscious.
20. This was the most brutal act of Mr. Changez Soli to begin which was condemned by the international community and soon horrified the entire world with his cruel mentality. Mr. Changez Soli started a *Nuclear Weapons Development Programme* for Tojoland to give nuclear independence to Tojo. This was again criticized by world community at large. The Tojoland's development totally came to a standstill with worst human rights scenario. International human rights organizations assess Tojoland as a category of its own with no parallel in the contemporary world when it comes to human rights violations. Despite numerous rights being enshrined in the country's constitution, in practice there was no right to free speech, and the only radio, television, music and news providers that are deemed legal are those operated by the government. It is estimated that between 150,000 and 200,000 political prisoners were detained in concentration camps much on *the line of Nazis of World Wars*, where they perform forced labor and risk summary beatings, torture and execution. The Tojoan government made it very difficult for foreigners to enter the country other than for tourism and strictly monitored their activities when they do. Aid workers are subject to considerable scrutiny and excluded from places and regions the government does not wish them to enter. Since citizens cannot freely leave the country, it was mainly from stories of refugees and defectors that the nation's human rights record has been constructed.
21. The unrest and unhappy state of mind among the people of Tojoland gave birth to yet another National Political Group in the form of **Tojoan Rights Movements (TRM)** which was headed by **Mr. Zafar Ali Khan**, a leader who advocated human rights and guaranteed basic rights to all individuals living in the land of Tojo. A nationwide peace march was organized by Zafar Khan protesting the Government and asking the government to hand over the power to other democratic and more irresponsible individuals of Tojoland. Nearly 80,000 citizens joined this march in the city of Scarlet outside the Royal Palace. Mr. Changez Soli decided to deal with this

in different way and deployed his armed forces to send the crowd back to their places. The encounter was peaceful for first few hours. However, it turned violent after some citizens indulged in violence by throwing fire bottles in the palace. Approximately 20,000 people died in the hustle while many others were injured.

22. Two days after the incident, the Chief of Army, **Mr. Sohail Kureshi** established military de coup by letting Mr. Changez Soli and Mr. Shahnawaj to abscond from the region. He issued a Press Statement that the situation was getting worse in Tojoland and Army since long period has nothing to do but to act on the directions of these dictators. Now the time has come for the Army to take certain firm actions and establish a new and proper Government by following principles of law & justice in the best interest of all those living in the Great land of Tojo. This military takeover of the Tojoan and Changez's government was welcomed all over Tojoland and abroad. Mr. Sohail Kureshi declared the Tojoland under directly military control until next general elections. After two months, elections were declared in the Tojoland and TRM won the elections with thundering majority. **Mr. Zafar Ali Khan** was made the new President of Tojoland due to his previous records in the field of human rights. From the Royal Palace of Scarlet, he delivered his first presidential speech and the excerpts mainly included the following:

*“From small and big battles won and lost, our Country has won the great war of justice and arrived at this momentous turn in history. I assure you all basic individual rights without which one just cannot survive.....Soon; our scientists have confirmed that by next year we will become one of the countries in world with Nuclear Power”.*

23. The above presidential speech, though liked by Tojoans, was seen as a global threat to everyone and international community and other bodies suspected the conduction of nuclear tests clearly in the violation of customary International law. **Mr. Zafar Ali Khan** who was initially seen as the crusader of human rights now completed changed his priority to consolidation and creation of a greater armed force and to stockpile the weapons in large number. Also, the situation relating to human rights was the same as it was in the period of Changez Soli now even worse than ever. Thousands of political prisoners were kept in Concentration camp and were subjected to cruel and torturous treatment.
24. The previous leader of Tojo Mr. Changez Soli and his uncle Mr. Shahnawaj Shaikh were hiding for a long time and ultimately found refuge at one of the Minister's place in Trumplet. Initially, search operations were carried out to find both in order to bring them to justice but actions were without any particular results. After six months, Mr. Changez Soli and Mr. Shahnawaj Shaikh began appearing in public and political life of Trumplet. It was reported by the Local newspaper in Scarlet that Mr. Changez and Shahnawaj both were sheltered by Mr. Sohail Kureshi after they have entered into a secret arrangement with him. It was also reported that Mr. Kureshi somewhere convinced Mr. Zafar Ali Khan that both were indeed needed to survive their political aspirations. This indirectly accorded in-house political asylum for both

Mr. Changez and Mr. Shahnawaj who now supported and carried campaigns in favor of Zafar Government in entire Tojoland.

25. On 26<sup>th</sup> November, 2013, a series of Bomb Blasts were reported in the Capital of Khojoland killing almost 2,000 citizens while many others were seriously injured. Upon the prima facie investigation, the Intelligence Agency of Khojoland investigated and in two days, released a press note which suspected the Tojoland's government behind this brutal attack and more particularly made Mr. Changez Soli and Mr. Shahnawaj Shaikh directly responsible for the attack. The Khojoland government immediately sent a letter via its Embassy in Scarlet demanding the prosecution or handing over of two offenders i.e. Mr. Changez Soli and Mr. Shahnawaj Shaikh to them so that they can be brought to justice and punishment they deserve. The Khojoland Government made both the offenders directly responsible for war crimes and crime against humanity thereby demanding justice. However, the Government of Tojoland declined in the light of no evidence from the side of Tojoland.
26. In December, 2013 Tojoland declared that it had developed a nuclear weapon, and probably possesses a small stockpile of relatively simple nuclear and chemical weapons. Since the Changez's period, Tojoland is no longer a party to the Nuclear Non-Proliferation Treaty. In the last week of December, 2013, Tojoland announced it had successfully conducted its first nuclear test. An underground explosion was detected, its yield was estimated at less than a kiloton, and some radioactive output was detected. On January 6, 2014, the Tojoan government further confirmed that it had nuclear weapons. In April 2014, reports surfaced that Tojo has become a "fully fledged nuclear power", an opinion shared by Tojoan Atomic Research Institute (TARI) in Scarlet. On May 25, 2014, Tojoland conducted a second nuclear test, resulting in an explosion estimated to be between 2 and 7 kilotons.
27. The international community condemned these entire tests as gross violations of international law and States like USJ and Krance etc. imposed economic and political sanctions against Tojoland. The Tojoland agreed for a Six-Party Talks between Tojoland, Khojoland, Tanan, Dragonland, Drasia, and the U.S.J. with the goal of denuclearizing the Tojoland and to bring peace and security in the Prasian Territory. However, due to support from Dragonland and stubbornness of Tojo, these talks have been suspended with no specific result. Heavy sanctions were imposed by almost every nation including more specifically USJ, Qurope, Jafrica and other important states against Dragonland and Tojoland. The USJ army started aiding Khojoland to curtail the military power of Tojo while Dragonland supported Tojo as usual. After 2 months, Tojoland literally was isolated from rest of the world except Dragonland and the Tojoland began to realize the effect of isolation when a Famine visited the country.

28. Thus, Zafar Ali Khan decided to pursue talks alongside Dragonland in his side with Khojoland and USJ. An Agreement in the form of 'Obligation to Prosecute or Extradite offenders and Nuclear Armistice' (OPENA) was concluded between the parties to reach at some conclusion. It was contemplated specifically in the agreement that the offenders shall be prosecuted or extradite on request from Khojoland or USJ if they are guilty of Crimes against Humanity and other war crimes. Also, it was stipulated that Tojoland shall not carry any further nuclear tests in its territory nor it shall allow any person or organization to conduct nuclear related activity in the territory of Tojoland. In return, the USJ agreed to withdraw all its sanctions and mainly it agreed to withdraw its army which had made their base in border city of Khojoland which was adjacent to Tojoland. The Dragonland assured and became a guarantor of the actions to be taken from the side of Tojoland.
29. With the help of OPENA treaty, Khojoland requested Tojoland either to prosecute Mr. Changez Soli and Mr. Shahnawaj Shaikh or to extradite them both to the Republic of Khojoland. The Foreign Minister of Tojoland, Mr. Hussain Khatoon assured Khojoland of a firm action against them and promised that they will be punished in the matter of some time. After a month, both Mr. Changez Soli and Mr. Shahnawaj Shaikh were arrested in Scarlet and a formal Trial began against them. However the trial lasted for another two months and ultimately acquitted both of them on the ground of lack of evidence and witnesses. This was widely criticized by the international media and condemned by many other states in the region of Prasia, UJS and also in other part of the World. Apart from this, On October 11, 2014, the U.S.J. Geological Survey detected a magnitude 5.1 seismic disturbance, reported to be a *third underground nuclear test*. Tojoland has officially never reported about any such nuclear test but the Minister of Defense from the Zafar's Government confirmed that a test with a lighter warhead that delivers more force than before was indeed conducted, but has not revealed the exact yield. Multiple Tojoan Government sources estimate the yield at 6–9 kilotons.
30. The negotiations were held between the Tojoland, Khojoland and U.S.J which did not result into any agreement. However, Khojoland & U.S.J. decided to bring the matter to the International Court of Justice and filed an Application on November 15<sup>th</sup> 2014, invoking Article 36(2) of the Court's Statute as Tojoland, Dragonland, Khojoland and U.S.J. had unconditional declarations recognizing the compulsory jurisdiction of the Court on file with the Registrar.
31. Tojoland, Khojoland and U.S.J. are members of the United Nations, and are parties to the United Nations Charter, the Statute of the International Court of Justice, the Vienna Convention on the Law of Treaties, the International Covenant on Civil and Political Rights, the four Geneva Conventions of 1949. Tojoland has signed the Convention on Genocide without ratifying the same.

32. **Khojoland & U.S.J.** requests the Court to adjudge and declare that:

- a) Tojoland & Dragonland have violated the OPENA treaty
- b) Tojoland had violated the principle of international human rights and humanitarian laws.
- c) Tojoland which is backed up by Dragonland has no legal international authority to conduct nuclear tests in violation of OPENA
- d) By conducting unauthorized nuclear tests, Tojoland has harmed the very spirit of customary international law
- e) By providing shelter to Offenders who are accused of War crimes and crime against humanity, Tojoland has violated rules of international law
- f) Tojoland is under obligation to extradite the offenders to Khojoland so that justice can be delivered in both letter and spirit
- g) To order the State of Tojoland to refrain from the any violent activities in the State of Khojoland
- h) To set all political prisoners free who are languishing in the Concentration Camps carried out under the direction of Tojoland's government.
- i) TO order the Dragonland to lend their support to illegal activities carried away by Tojoland.
- j) To order Tojoland to refrain from conduction of any nuclear test in future in violation of international law

33. **Tojoland & Dragonland** requests the Court to adjudge and declare that:

- a) ICJ does not have jurisdiction to try the case as war crimes and Crime against humanity falls in the jurisdiction of International Criminal Court and not ICJ
- b) Tojoland & Dragonland have not violated the provisions of OPENA treaty
- c) Tojoland had not violated the principle of international human rights and humanitarian laws.
- d) Tojoland has a right of self-determination and to be independent and self-reliant on Military equipment for becoming a developed nation
- e) Nuclear tests were conducted in accordance with international law
- f) Tojoland does not tolerate the criminal behavior and provide justice to all by giving them opportunity of a fair and just trial
- g) Tojoland is under no obligation to extradite the offenders to Khojoland so as it affected the Trial of Mr. Changez Soli and Mr. Shahnawaj Shaikh
- h) To order the State of Khojoland and USJ to refrain from the any interference in the State of Tojoland & its relationship with Dragonland
- i) To lift all sanctions issued against Tojoland and declare the same as bad in eyes of international law.
- j) To grant Tojoland the freedom to be self-reliant and to develop a unique nuclear weapons development policy in tune of international human rights standards

**\*NOTE\***

*\* The issues framed under the compromis are not exhaustive. The participants are free to refer to these or more issues in the present context*

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**ANNEXURE NO. 1**

*THE TREATY ON OBLIGATION TO  
PROSECUTE & EXTRADITE AND NUCLEAR  
ARMISTICE (OPENA)*

*The Treaty on Obligation to Prosecute & Extradite And Nuclear  
Armistice (OPENA)*

*Bearing in mind the Guiding Principles for Crime Prevention and Criminal Justice in the  
Context of Development and a New International Economic Order,*

*Realizing the horrors and consequences of violence and genocide,*

*Realizing that the adverse effects of weapons of mass destruction and promotion and protection  
of national security and public order is vital to nation's overall development,*

**THE STATE OF TOJOLAND/ THE STATE OF DRAGONLAND**

**AND**

**THE STATE OF KHOJOLAND/ THE STATE OF UNITED STATE OF JAMAICA**

Have agreed as follows:

**Article. 1. Obligation to establish peace in the territory of Khojotojo Peninsula**

The Parties agree to establish, by mutual efforts, peace in the territory of Khojotojo Peninsula and also to decline to resort to any violent activities.

**Article. 2. Nuclear Armistice:**

The Parties agree to refrain from making use of weapons of mass destruction, more particularly, Chemical and Nuclear Weapons.

**Article. 3. Promotion of Human Rights**

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

**Article. 4. Mutual Assistance**

Each party shall assist and provide every possible aid and mutual assistance to each other in the matters of maintaining peace and order.

**Article. 5. Priority to be given to the cases concerning national security and integrity and violation of human rights:**

In case, a question of national security and integrity is involved in pursuance of the treaty, the State shall give priorities to such matters and shall cooperate with each other.

**Article. 6. Obligation to prosecute and extradite:**

- (a) Every party shall extend assistance to the other party with respect to prosecute & extradite the offenders guilty of any acts such as violation of human rights, humanitarian rights and war crime
- (b) The provision shall not be applicable if the extradition is to be done to a state with prevalent capital punishment
- (c) The extradition can only take place if the state agrees for that no capital punishment will be awarded to the extradited person.

**Article. 7. Disputes to be decided by ICJ**

In case of any dispute as to the application of the provisions of this treaty arises, any of the party may bring the matter in dispute to the International Court of Justice at Hague, Netherlands and the decision of the Court shall be binding .

**Article. 8. Application of the Treaty:**

No other State is bound by the provisions of this treaty except for The State of Khojoland; the State of Tojoland and United States of Jamaica.

**Article. 9. Termination**

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.

***5<sup>th</sup> Justice P.N. Bhagwati International Moot Court Competition on Human Rights, 2015***

**IN WITNESS WHEREOF**, the undersigned, being duly authorized by their respective Governments, has signed this Treaty.

DONE at New Port, United States of Jamaica, on July 26, 2014, at 2.30.p.m.

FOR THE GOVERNMENT OF THE TOJOLAND/

FOR THE GOVERNMENT OF DRAGONLAND

FOR THE GOVERNMENT OF KHOJOLAND/

FOR THE GOVERNMENT OF THE UNITED STATES OF JAMICA