



ILS MOOT COURT SOCIETY

ANNUAL INTRA-COLLEGE NOVICE MOOT COURT COMPETITION, 2021

PUBLIC INTERNATIONAL LAW

IN THE INTERNATIONAL COURT OF JUSTICE
LA COUR INTERNATIONALE DE JUSTICE



AT THE PEACE PALACE, THE HAGUE, THE NETHERLANDS

**CASE CONCERNING THE MILITARY ATTACKS BY STATE OF PICASA AND REPUBLIC OF
HOGSTA**

THE STATE OF PICASA

(Applicant)

v.

THE REPUBLIC OF HOGSTA

(Respondent)

ORDER OF MAY 06-2021



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INTERNATIONAL COURT OF JUSTICE

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**CASE CONCERNING THE MILITARY ATTACKS BY STATE OF
PICASA AND REPUBLIC OF HOGSTA**

(STATE OF PICASA v. REPUBLIC OF HOGSTA)

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

The Hague, 17April 2019

On behalf of the State of Picasa and the Republic of Hogsta, and 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 Special Agreement for submission to the International Court of Justice of the Differences between the Applicant and the Respondent concerning the military attacks by the State of Picasa and by the Republic of Hogsta, signed in The Hague, The Netherlands, on the seventeenth day of April in the year two thousand nineteen.

Bruce Wayne

Ambassador of Picasa

Tony Stark

Ambassador of Hogsta



STATEMENT OF AGREED FACTS

1. Picasa and Hogsta are neighboring states in the continent of Farahi. Both are situated in the Northern part of Farahi. At a point in time, both the states were colonies of Shoto. However, Picasa and Hogsta both gained Independence in 1965 and 1968 respectively. Picasa is situated to the west of Hogsta with a population half of that of the later. Picasa's population is chiefly dominated by Bakugo ethnicity. They constitute around 85% of the total population whereas the rest is constituted by Izuku ethnicity. Hogsta, however, has a majority of Izuku origin population and Bakugo in minority. Hogsta is divided into three provinces – Western, Southern and Eastern Province. Western province is the smallest of the three; it however consists of a majority of Bakugo ethnicity. It also shares a border with Picasa. Although the Hogsta Constitution provides fundamental rights to all its citizens including minority and ethnic rights, there has been a constant resentment among Bakugos of Hogsta for long.
2. In late 19th Century a group was formed by some elements of Western Province Bakugos in Hogsta. The group named itself as Bakugo Rights Unity (BRU). The Primary purpose of the BRU is to attain political and social equality for Bakugos. BRU had organized several protests that resulted into devolution of powers in western province that granted them autonomy at some administrative levels. However only a marginal improvement in the participation of Bakugos was witnessed.
3. In Picasa, some sections of Bakugo believed that United Bakuland should be established which shall include Picasa and the Western Province of Hogsta. These sections of Bakugo populations in Picasa started 'Association for United Bakuland' (AUB). Its central manifesto was also that Bakugo should be governed in accordance with Bakugo ethnic practices. There is no single religious text based on which Bakugo in Picasa make their demands. They argue that the substance of Bakugan spirituality life needs to be drawn from several texts allegedly written by a Bakugan priest in the past.
4. In 2005, AUB came out with a policy paper that proclaimed the establishment of United Bakuland which would include Picasa and Western Province of Hogsta. The paper affirmed that they had the support of all Bakugan people in Picasa along with an



affirmation that Bakugans from Western province would join the policy as well. On the other hand, BRU announced that they would intensify their struggle for their rights and demand for right to self-determination of Bakugan people and for the eventual formation of Bakuland, an independent state.

5. Soon after this announcement, Government started arresting the people belonging to BRU. Media reported that a large number of people belonging to BRU, including its Core Committee members went into hiding in the forest adjoining the border with Picasa. Several violent incidents took place during nights in March 2016. These violent incidents specifically targeted government property and premises. All these incidents were reported from the Western Province. There were regular confrontations of the sort reported in the subsequent months. In one such incident that occurred at Seli, the capital of Western Province, 10 people allegedly belonging to BRU were killed. The security forces confirmed these deaths. The federal government of Hogsta deployed a large number of security forces in the Western Province mainly around the forest near Picasa Border. 78 militants belonging to BRU were killed and 19 security personnel died in the operation.

6. In 2017, AUB in a released press note declared to support BRU in its legitimate struggle for the right to self-determination. The Core Committee of the BRU also informed that their struggle for independent Bakuland would continue and they have the support from the people of Western Province. Following this spirit, Western Province experienced six bomb explosions. In all these explosions, suicide bombers specifically targeted security forces, resulting in the killing of 123 security personnel. The chief of security of Hogsta informed the media on 5th May 2017 that they had credible information that bombing was carried out by AUB militants coming from Picasa. Picasa was urged to take an immediate action against the AUB militants and prevent its activities. Picasa responded in agreement.

7. On 6th July, 2017; two suicide bombers exploded themselves at the security checkpoint in the western province in which 36 security personnel lost their lives. The Government of Hogsta spokesperson also conveyed that they would take stringent action against those who support AUB. He also alleged that Picasa had failed to take necessary action against



11. On 25th July, 2017, Picasa's Ministry of Foreign Affairs issued a statement informing that their air force had attacked three military bases of Hogsta that morning. These military bases were the same from which the bombing of 21st July was allegedly carried out. They had credible information that there would be a military attack on Picasa; therefore, they undertook these measures furthering the civilian attacks by Hogsta.

12. Consequently, the spokesperson of Hogsta issued a statement on 26th July 2017 which read:

“The attacks undertaken by the Picasan Air Force aircraft on the 25th July 2017 on the military bases of Hogsta clearly amounted to the violation of the United Nations Charter and international law. Hogstan Air Force bombings on 21st July only targeted the AUB training centers and they were executed as a measure of self-defense because Picasa was unwilling and unable to take action against the AUB which is indulging in activities specifically targeting Hogsta. Therefore, the bombings by Hogstan Air Force on 21st July 2017 were very much in accordance with international law.”

13. Regional Organizations appealed to the parties to stop military confrontations and engage in Negotiations. The Failure of which resulted in the parties referring the legality of the matter to the International Court of Justice. The State of Picasa and Republic of Hogsta entered into a special agreement on 17th April, 2019 and submitted the same to the International Court of Justice in accordance with the article 40(1) of the Statute of the Court. It is agreed in the agreement that Picasa would act as Applicant and Hogsta as the Respondent.

14. Accordingly,

Picasa requests the Court to adjudge and declare that:

- a) Hogsta's bombings on the territory of Picasa on 21st July 2017 are in violation of sovereignty and territorial integrity of Picasa and amounted to the violation of the provisions of the United Nations Charter on the use of force and other relevant international law.



- b) In consonance with the above, Picasa's attack constitutes valid countermeasure and thus is legal under International law.

15. Hogsta requests the Court to adjudge and declare that:

- a) Hogsta's bombings on the territory of Picasa on 21st July 2017 were undertaken as a measure of right of self-defense and, therefore, were not in violation of sovereignty and territorial integrity of Picasa and did not amount to the violation of the provisions of the United Nations Charter on the use of force and any other relevant international law.
- b) In consonance with the above, Picasa's countermeasures are invalid in the need and in action and thus, Picasa is in contravention of the International law.

16. Some of the relevant treaties to which Picasa and Hogsta are parties are:

- a) United Nations Charter
- b) Fourth Geneva Conventions of 1949
- c) Additional Protocols of 1977
- d) International Covenant on Civil Political Rights of 1966
- e) International Covenant on Economic, Social and Cultural Rights of 1966
- f) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984
- g) Vienna Convention on the Law of Treaties of 1969

*The moot proposition has been drafted by **Tushar Rajput** (III B.A.LL.B) and **Prachi Kaushik** (III BA.LL.B), ILS Law College, Pune for Novice Moot Court Competition, 2021.*