



**ILS MOOT COURT SOCIETY**

**ANNUAL INTRA-COLLEGE NOVICE MOOT COURT COMPETITION, 2021**

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**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)*

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**ORDER OF MAY 06-2021**



ANNUAL INTRA-COLLEGE NOVICE MOOT COURT COMPETITION, 2021

INTERNATIONAL COURT OF JUSTICE

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**06 May 2021**

**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 19<sup>th</sup> 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





the AUB bases in Picasa despite the credible evidence that they had submitted to Picasan Authorities. In spite of this, the acts of AUB continued to persist.

8. On 21<sup>st</sup> July, 2017, the spokesperson of the Ministry of Defense of Hogsta informed that the Hogstan Air force bombed six locations in Picasa, specifically targeting AUB training centers, and they were successful in killing several militants and destroying their equipment. On the same day the Spokesperson for Picasa affirmed the acts of the Hogstan Air force but also informed that there were a second set and a third set of bombings in an interval of 12 hours post the first the bombing that hit civilian localities leading to several casualties of civilians. The Hogsta Ministry of external affairs denied the allegations of civilian deaths, however, did not dispute the three bombings. The International media reported that 32 civilians were killed in the bombing apart from the recorded deaths. Meanwhile, the permanent representative of Hogsta to the United Nations had already submitted a letter to the president of the United Nations Security Council informing their attacks on the AUB Militants along the border of Picasa as a furtherance of Self Defense.

9. On 23<sup>rd</sup> July 2017, the Ministry of Foreign Affairs of Picasa issued a statement. The Statement read:

*“The three rounds of bombings in a span of 36 hours undertaken by the Hogstan Air Force aircraft on 21<sup>st</sup> July 2017 clearly amounted to a violation of the sovereignty and territorial integrity of Picasa. They were in violation of the UN Charter and other relevant international law. The round of bombings resulted in the killing of civilians in two villages at the border. The targeting of civilians was in violation of international humanitarian law as no military person lost life and there was also no military objective near the bombing site.”*

10. On 24<sup>th</sup> July 2017, The Ministry of Foreign Affairs of Hogsta issued a statement. The Statement read:

*“The bombings undertaken in the element of Self-defense have come to an end. Hogsta’s aim to curb the activities of the AUB has been fulfilled. The government reaffirms that no further actions will be taken regarding the same.”*



11. On 25<sup>th</sup> 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 21<sup>st</sup> 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 26<sup>th</sup> July 2017 which read:

*“The attacks undertaken by the Picasan Air Force aircraft on the 25<sup>th</sup> 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 21<sup>st</sup> 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 21<sup>st</sup> 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 17<sup>th</sup> 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 21<sup>st</sup> 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 21<sup>st</sup> 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.*