

MOOT PROBLEM - I

State of Suzistan v. Republic of Kanadistan

Eastern part of Asia consisting of seven nations formed a distinct geographical elevation. Out of seven, three nations achieved independence from British rule simultaneously with concerted efforts from the leaders of all three nations. The common freedom struggle, common geographical outlook, common genetic pool and same level of development intertwined the interest of all three nations.

Kanadistan, the largest of three nations, is situated at the middle of the three nations. It has common border with China as well as other two nations. It is predominantly agriculture based nation having distinct demographic advantage. The initial thrust and investment on education has led to creation of large pool of highly educated and skilled youths. The State of Kanadistan is under pressure to provide suitable job opportunity of such highly educated and skilled youths. The report from International Organisation on Youth has branded the State of Kanadistan as a 'Developing Nation with Underemployed Youth'. 70% of its population belongs to Kanadu Religion, 19% belongs to Suzura religion, 8% Christians and the remaining belongs to other religions. Kanadistan hosts people belonging to every religion that is found in the world and as a result it is termed as a Bowl of World Religions.

The neighbouring nation Suzistan is the smallest among the cluster of three. It shares common border with other two nations. The remaining side is blocked by the Indian Ocean. In fact Suzistan was carved out as a separate nation from at the time of Kanadistan's independence. It resulted in massive migration from both the countries and communal rights. Right from independence, both countries have hostile relations. 90% of its population belongs to Suzura Religion, 7% belongs to Kanadu religion, 3% Christians.

The third nation of the cluster is State of Benzistan. It is midsized. Sharing common border with both Suzistan and Kanadistan and remaining sides are covered by Indian Ocean. This nation is highly hilly terrain and dogged with religious fundamentalism.

After the independence, Kanadistan choose to become secular country where Suzistan chose Suzura as its official religion. In 1995 with the relentless efforts made by Mr. Kailash Swamy the then Prime Minister of Kanadistan a regional Alliance was formed between seven states called (West Asia Regional Association of Commonwealth States (WARACS)).

WARACS met periodically and discussed the pressing issues in reducing hostilities among the member states, ranging from economic to environmental issues. WARACS became a major force to be reckoned with.

However, a coupe in Suzistan in 2005 resulted in establishing a military government under the leadership of Mr. Hamza Surza. Mr. Hamza established a secret society Suzistan Internal Security Agency (SISA) in the year 2006. It was widely believed that SISA is responsible in intensive training of young Suzistans to destabilize Kanadistan. Several terrorist outfits that are fighting against Kanadistan were linked to SISA. The activities of SISA became notorious after losing its prime place due to dethroning of Mr. Hamza and electing a new democratic government headed by Mr. Zaman Uzman in 2010.

During this time many officers of SISA were believed to be involved in training and providing strategic support to Jaish E Suza and Kurdban who were mastermind behind at least 10 terrorist attacks that had taken place in Kanadistan between 2010 to 2015 resulting in widespread destruction of property and human lives. A detailed story was published in Times in USA giving account of activities of SISA and how it financially and strategically helped the terrorist groups particularly Jaish E Suza. However, Suzistan vehemently denied its involvement in those attacks. Kanadistan made several efforts before the UN and G7 countries to garner their support to put pressure on Suzistan to stop supporting terrorism.

In 2014 Kanadistan succeeded in passing a resolution by WARACS declaring two outfits by name Jaish E Suza and Kurdban as terrorists and declared that no Member of WARACS should host them nor give any support. In 2015 USA also declared these two outfits as terrorist. In 2015 both the Prime Ministers of Kanadistan and Suzistan met in the capital of Kanadistan and signed a historic agreement for maintaining peace and improving economic relations between two nations. This paved the way of opening road and rail routes between Kanadistan and Suzistan. Several violent protests were organized in Suzistan opposing the peace agreement and several news papers both national and international reported that SISA is behind these protests.

On 15th August midnight a military outpost at Jodhankot in Kanadistan was attacked by a group of terrorists. Jodhankot is situated at the border of Kanadistan and Suzistan. It is very important military base for Kanadistan strategically located and described to one of the toughest military base to attack. Nearly 50 members attacked the military base and cause severe damage to several military aircrafts, tanks and missile equipment. It took nearly a week time to the Kanadistan Military to regain the base. The interception of the phone calls made by the terrorists located to a village called Zukeri in Suzistan. It is a border village close to Jodhastan about 3 K.m. away.

The weapons recovered from the terrorists were made in China and it was confirmed by the Chinese government that those weapons were sold to the Suzistan. The group that carried out the attack belong to Jaish E Suza. The leader of the group Mr. Janis Zarin was caught by the Kanadistan Army. During the interrogation a narco-analysis was used to get information from Janis and Janis confessed that he was trained in Suzistan and also revealed four training camps that were organized in two villages Zukeri and Saklit in Suzistan near the border.

The attack was widely covered by world media and several condemnations were aired against the role of SISA. Based on the information Kanadistan Commandos who were trained in guerrilla warfare crossed the border entered into Suzistan territory and carried a secret mission 'Operation Victory' in Zukeri and Saklit villages and completely destroyed both villages on 15th October. The media in Kanadistan hailed 'Operation Victory' and the Government of Kanadistan publicly announced that anyone who attacks Kanadistan in future would receive the same fate.

Suzistan strongly condemned 'Operation Victory' and termed it as an external aggression by Kanadistan as it violated their sovereignty. Further, it was argued that terrorist have no state affiliation as they have no nationality and in fact they are also affected by terrorist activities. Kanadistan justified its Operation on the ground of self-defence pursuant to the Chapter VII of UN Charter.

'Operation Victory' escalated tensions between Kanadistan and Suzistan and there loomed a threat of imminent war. An envoy from UNO visited both Kanadistan and Suzistan and succeeded in diffusing the situation by referring the dispute to International Court of Justice. Both the countries agreed to the jurisdiction of ICJ. The following three major issues were raised before ICJ:

1. Whether Suzistan is internationally responsible to Republic of Kanadistan for aiding and promoting terror acts?
2. Whether Operation Victory of Kanadistan stands justified on the ground of self-defence under Chapter VII of UN Charter?
3. Whether Operation Victory violates the Sovereignty of Suzistan?

Counsels are permitted to raise other issues as well.

