

ICJ – DR. ADISH AGGARWALA INTERNATIONAL MOOT COMPETITION - 2014
LONDON, UK; June 22 -23, 2014

COMPROMIS

ENTRE

LA RÉPUBLIQUE DE MOVASSO

(DEMANDEUR)

ET

LA RÉPUBLIQUE POPULAIRE DE COCOCIA

(DÉFENDEUR)

The ICJ – Dr. Adish Aggarwala International Moot Competition 2014 - *Compromi* is conceived by Dr. Ben Chigara, Professor of Law, Brunel University and Ms. Sarah J. Marchington, Director, International Council of Jurists and formulated by Mr. Sudeep Vijayan, Advocate, Supreme Court of India in consultation with Dr. Lisa P. Lukose, the Mooting Co-ordinator and under the guidance of Prof. (Dr.) S. Sivakumar, Moot Administrator (International).

**BEFORE THE INTERNATIONAL COURT OF JUSTICE
AT THE HAGUE, THENETHERLANDS**

SPECIAL AGREEMENT

BETWEEN

THE REPUBLIC OF MOVASSO

(APPLICANT)

AND

THE PEOPLE'S REPUBLIC OF COCOCIA

(RESPONDENT)

JOINTLY NOTIFIED TO THE COURT ON 7 JANUARY 2013

COUR INTERNATIONALE DE JUSTICE

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NOTIFIÉ CONJOINTEMENT

Case concerning liability and compensation

STATEMENT OF AGREED FACTS

Background

The Republic of Movasso is a federal constitutional democracy governed under a parliamentary system. After gaining independence during late 19th Century, the newly formed Movassion government opted for liberalization route and opened up its markets. Due to such policy change, there was a rapid advent of technology and commercialization which turned Movasso into one of the busiest economies in the modern world today. In terms of size, Movasso became the 5th largest country and second rank on account of population density.

Despite having a liberalized market economy, certain key Industries were retained under government control due to the nature of sensitivity involved and its security equation with neighboring country Cocacia. One of the key Industries retained within complete Govt. control was Space Ventures Limited (SVL), which was established in the late 1960's as a premier agency for kicking-off space activities in the country, concentrating on achieving self reliance and developing capability to build and launch communication satellites for television broadcast, telecommunications and meteorological applications; remote sensing satellites for management of natural resources etc. Since Movasso had one of the largest standing armies in the world with 1,248,90 active troops and 760,00 reserve troops, the upgradation/ acquisition of military assets on a regular basis remains to be one of its primary areas of concern.

The neighboring People's Republic of Cococia is also a constitutional democracy governed under a parliamentary system. However, the post-independence history of Cococia has largely been characterized by periods of military rule, political instability and conflicts with neighboring Movasso. On the economic front, Cococia is more self-sustainable due to its vibrant manufacturing and services sector and has consistently clocked a higher GDP rate of 7.8% which is much higher than its neighboring Movassa (which peaks at 5.2%). Cococia has an active space program led by its Space Research Agency (SRA) and unlike SVL, SRA is a private enterprise and the State of Cococia holds 15% shareholding. Its aerospace engineer Dr. Dominic Kate has been the mind behind the Cococian Space Programme and also, supervising the launch of Cococia's first ever telecommunication satellite 'C-MSAT', becoming the 8th country amongst the Commonwealth nations to indigenously develop technology and launch its satellite into space.

Both Movasso and Cococia have a strong ethnic, linguistic, cultural, and historical similarity as they were part of the Commonwealth. However, since the time both Movasso and Cococia have gained autonomy and established themselves as independent nation states they have become arch rivals and are trying to gain dominance in the geo-political landscape. They have even fought three proxy wars between them within a period little over a century but have avoided a full-scale confrontation. Both Movasso and Cococia are geographically separated by a river Garnett in the eastern side.

On the southern tip of Movasso their lay a small country into the White Ocean named Bikruti Islands which after gaining independence from the Commonwealth was never really able to establish a stable government and receive any

recognition as a full state from other nations. There does exist a Government in power at Bikruti islands and is governed by ruling PKM party at Rottbury, the capital city of Bikruti Islands. The only Government which so far has accorded a diplomatic recognition to Bikruti Islands is the State of Cococia. For development of Bikruti Islands as well as to prevent any human rights violation, it receives regular relief packages from different countries including Movasso & Cococia, International Organizations etc. While, the sole reason of funding by the State of Movasso and Cococia is to maintain their strategic interest in Bikruti Islands and establish a friendly form of government in order to dominate the White Ocean region. To a certain extent both Movasso and Cococia have been remotely managing their political movements at Bikruti Islands as well. At this point in time, both the governments has been successful enough to muster up an International-level support approving a plebiscite at Bikruti Islands while, allowing their citizens an option to either accede to Movasso or Cococia or exist as an Independent Nation.

On December 13, 2013, a Movassion State Airliner (Commercial) had left town of Cape Monde, Walladen at 17:00 Hrs and was destined to reach Movassion Capital on December, 14, 2013 at 02:00 Hrs. However, en-route the Movassion Airline with 231 passengers onboard was hijacked in-flight by certain unknown terror-suspects and diverted to Bikruti Islands instead and secured landing at Rottbury airbase following an SOS protocol. Once the Movassion jet landed at the airbase at Bikruti islands, the radio-link between the airliner and the Movassion ATC was snapped.

In the absence of a consular mission/ establishment at Bikruti Islands due to an un-recognized political regime, Movasso had to take-up a number of measures in

order to establish an actual ground-level contact with the Airliner. The Prime Minister of the ruling PKM party of Bikruti Islands assured Movassion authorities of all possible help and their armed forces surrounded the Airliner.

On December 14, 2013, the hijackers in their first ever radio contact with Movassion authorities made certain 'demands' including the passing of resolution in favor of Bikruti Islands recognizing it as an Independent State and release of certain high-profile political criminals who were serving their jail term in Movassion prison. During the period of negotiation between Movassion authorities and the Hijackers, the Movassion authorities picked-up certain encrypted messages especially during those intervening period when the contact-link was suspended with the Airliner.

On decryption of those messages it came to light that those messages were possibly being wired to the hijackers from certain remote locations which traced its origins to Cococia. The messages as well as flight data were now monitored on a real-time basis by the Movassion authorities who then came to a preliminary view that, this hijacking incident could be the handiwork of Special Cococian Intelligence Services (SCIS) and the possible reason for drifting of Movassion Airliner from its flight-path had occurred due to interference by Cococia's new Advanced ATC Signal Management System (AASMS).

On December 15, 2013, at around 03:00 Hrs. Movassion Standard Time (MST), the Movassion Army started to mobilize three specialized columns of armoured forces to certain undisclosed locations at the Southern side of Movasso and put its Naval Carrier Strike Group as well as two Virginia Class Nuclear powered submarine who were in the White Ocean on high alert.

Meanwhile, this huge movement of troops across Movasso was picked-up by 'C-MSAT' and the data for the same was shared with the authorities at Bikruti Islands through official sources. This knowledge about troop movement through exchange of data was received with great hostility by the Bikruti Administration and was criticized by the International Community as a threat to sovereignty of Bikruti Islands. Upon knowledge of such large-scale troop movement by Movasso, Cococia deployed two naval ships already stationed at the White Ocean nearer to Bikruti Islands and instructed them to remain on stand-by.

The State of Movasso while, succumbing to International pressure and to ensure safety of its passengers on board the Airliner, then had no option but to give in to the demands made by Hijackers. Accordingly, Movasso ordered move back of its troops and released certain high-profile political criminals as demanded. In addition to the above, the Movassion authorities issued a diplomatic note granting official recognition to the government at Bikruti Islands. Once the demands of the Hijackers were acceded to, they freed all 231 passengers back to Movassion authorities and destroyed the Airliner as a sign of victory by the Hijackers.

Dispute

After persistent diplomatic efforts having failed to resolve the disputes between the States, Movasso and Cococia jointly agreed to refer the dispute to the International Court of Justice.

Movasso claims that:

- (i) Cococia is liable for aiding/ abetting a criminal conspiracy to hijack Movassion state Airliner. Criminal punishment should ensue to all personnel individually responsible through trial by an appropriate Court of law;
- (ii) Cococia is liable to Movasso to provide compensation to families of those who were stranded at Bikruti Islands, including but not limited to the loss of aircraft suffered by Movasso; and
- (iii) SRA had violated its sovereignty through use of 'C-MSAT' for 'military purposes' and hijacking of airliner through usage of 'advanced ATC signal management system'.
- (iv) Declare the recognition of 'Bikruti Islands' as a nation State through its diplomatic resolution as non-est;
- (v) The claims made by Cococia are untenable.

Cococia claims that:

- (i) Movasso is liable for threat to sovereignty of Bikruti Islands;
- (ii) SRA is not responsible to compensate Movasso the cost of its Airliner as well as compensation to victims of the air tragedy; and
- (iii) The claims made by Movasso are untenable.

Both Movasso and Cococia are Member States of the United Nations.

Movasso is party to all five United Nations space treaties, Chicago convention, four airspace treaties as well as the Vienna Convention on the Law of Treaties. Cococia was party to all five United Nations space treaties Chicago convention,

four airspace treaties but neither signed nor ratified the Vienna Convention on the Law of Treaties.

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