



The Indian Society
of International Law (ISIL)

2nd International Moot Court Competition 2018

School of Law Ansal University

23rd - 25th Feb'18



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About School of Law, Ansal University

School of Law is recognized by the Bar Council of India and University Grants Commission. SOL offers B.A.LL.B (Hons) and BB.A. LL.B. (Hons) (Five-year integrated law programme) at the undergraduate level and also one year LLM at the postgraduate level. The School of Law was established at Ansal University in 2014 to impart quality legal education intending to produce world-class professionals, scholars and academics in Law. Globalization has posed many new challenges and opportunities, which have created the need for competent Judges, Lawyers and Academicians. The role of Ansal University and the School of Law is to equip its students with such knowledge, skills, and scholarship that most suitably caters the needs of the individual student to achieve success in this era of Globalization. School of Law, to cater the emerging new legal landscape provides a clear framework for its students and help them to be the leaders of the legal profession and beyond. It strives to create a new model in the field of legal education with its emphasis on corporate culture so that its graduates can enter emerging legal career options. Recognized as the 'Emerging Law School of the Year-2016' by INBA and rated No.1 Rank in the category of Promising Law School by GHRDC (Global Human Resource Development Centre), School of Law, Ansal University is a top notch institution with outstanding credentials committed to the cause of excellence in legal education. Justice Mohan Peiris, former Chief Justice of Sri Lanka, Justice A.M. Ahmadi, former Chief Justice of India, Justice Markandey Katju, former Judge, Supreme Court of India, Justice Bhanwar Singh, former Judge, Allahabad High Court, Justice Dharnidar Jha, former judge, Allahabad High Court, Patna High Court Ambassador Asoke Mukherjee, Brigadier M.B. Anand, Prof. Ed Carter (Utah University, USA), Prof. Osamu Arakaki (Tokyo University, Japan), Mr. Ravi Nair (Executive Director, South Asia Human Rights Documentation Centre) and Mr. Abhishek Dubey, Principal Associate, Shardul Amarchand Mangaldas have been some eminent personalities who have graced School of Law. Moot Court and legal aid activities are an integral part of School of Law.



About Indian Society of International Law

The Indian Society of International Law (ISIL), a premier national institution for teaching, research and promotion of international law, was established in 1959, primarily due to the efforts of the late V.K. Krishna Menon. It has indeed been a long and fulfilling journey for the ISIL that it has earned a pride of place among the community of international lawyers throughout the world. In more than four decades of its existence, the ISIL, under the leadership and guidance of distinguished persons, has grown into a prestigious research and teaching centre of international law in India. At present it enjoys the dedicated stewardship of its President Shri Ram Niwas Mirdha. In its endeavour to disseminate international law, the ISIL has traditionally received whole-hearted support and cooperation from the various Ministries, particularly External Affairs, Finance, and Environment and Forests, of the Government of India. The ISIL has benefited from the guidance and support of many judges-present and former-of the Supreme Court of India and Delhi High Court. The ISIL is housed at V.K.Krishna Menon Bhawan, Bhagwan Dass Road, opposite to the Supreme Court of India and next to the Indian Law Institute (ILI).



MESSAGES

I am extremely delighted that Ansal University will host the 2nd International Moot Court Competition (IMCC) from 23-25th February 2018. The Moot Court launch comes after months of systematic and meticulous planning by Dean, Faculty and Students of School of Law. A highly interesting and contemporary problem on International Law will engage the participants to reason and debate with the best in India and beyond. I wish the participants all luck for the Competition and a wonderful opportunity to learn and grow through the practical application of law.

- Dr. Kamlesh Mishra (Vice-Chancellor)

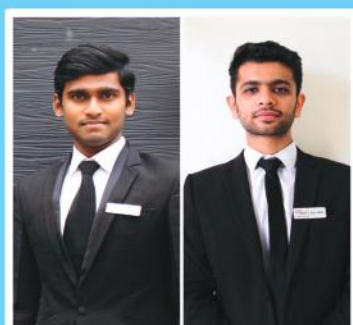


Moot Court is a platform where advocacy skills of budding legal professionals in Law Schools are put to test. No amount of classroom teaching can shape a law student as a moot court competition can do. I am extremely pleased and delighted to announce that the Moot Court Committee of School of Law, Ansal University is organising its 2nd International Moot Court Competition. I sincerely hope this event is a grand success and that everyone involved in it benefits from it. My best wishes for all participating teams.

- Dr. P Lakshmi (Dean In-charge)

The significance of Public International Law has grown exponentially over the years. Mooting in the subject has remained the gold standard for law students across the globe. We at Ansal University take pride in announcing the launch of the 2nd International Moot Court Competition, School of Law, Ansal University to be held from 23-25th February, 2018 keeping this objective in mind. As the Faculty Convener for IMMC and Mooting initiatives in law school, I take the privilege and honour in welcoming Law Schools from India and abroad in what promises to be an intellectual adventure in argumentative reasoning, logical prowess and oratorical brilliance.

-Mr. Abraham Joseph (Asst. Professor)



A grand welcome to you all on behalf of the student conveners for the 2nd International Moot Court Competition, School of Law, Ansal University! It gives us immense happiness to welcome all the participating teams from various parts of the country and the world! We look forward to having a great time with you here at School of Law, Ansal University in making this Moot Competition a memorable one. We would further like to wish all the participants all the very best!

- Vineeth P R & Arjun Malik (Student Conveners)

ORGANISERS

FACULTY

Patron

Dr. Kamlesh Mishra
(Vice-Chancellor)

Dean In-charge

Dr. P Lakshmi

Moot Court Convener

Mr. Abraham Joseph

Faculty Co-ordinators

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Ms. Anjali Dabas
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Dr. Komal
Ms. Richa Sharma
Ms. Ruchika Takker
Dr. Santosh Upadhyay
Dr. Shruti Nath

STUDENTS

Convener

Vineeth P R

Co-convener

Arjun Malik

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Saloni Srivastava, Sonam Chauhan,
Harshita Yadav, Bhavesh Chandna,
Divyansh Mahajan

Design

Surya Malik, Sohal Singh Gehlot

SCHEDULE

1.	Commencement of Registration	28 November 2017
2.	Last date for Clarifications	8 January 2018
3.	Release of Clarifications	12 January 2018
4.	Last date for submission of Memorials	10 February 2018
5.	Date of Competition	23-25 February

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MOOT PROPOSITION

INTERNATIONAL COURT OF JUSTICE

SPECIAL AGREEMENT

BETWEEN THE REPUBLIC OF BLUE WATER (APPLICANT)

AND THE REPUBLIC OF GREEN DESERT (RESPONDENT)

TO SUBMIT TO THE INTERNATIONAL COURT OF JUSTICE THE DIFFERENCES
BETWEEN THE STATES CONCERNING THE UNILATERAL DECLARATION OF
INDEPENDENCE OF PURPLE VALLEY, INTERPRETATION OF THE
CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF
GENOCIDE, 1948 AND DOCTRINES OF SOVEREIGN IMMUNITY AND
UNIVERSAL JURISDICTION FOR INTERNATIONAL CRIMES INVOLVING
INDIVIDUAL CRIMINAL RESPONSIBILITY.

Jointly notified to the Court on 5th October 2017

JOINT NOTIFICATION ADDRESSED TO THE REGISTRAR OF THE COURT

THE HAGUE, 5 OCTOBER 2017

On behalf of the Republic of Blue Water (Applicant) and the Republic of Green Desert (Respondent), in accordance with Article 40 (1) of the Statute of the International Court of Justice, we have the honour to transmit to you an original of the Special Agreement between Blue Water and Green Desert concerning the Unilateral Declaration of Independence of Purple Valley, Interpretation of the Convention on the Prevention and Punishment of the Crime of Genocide, 1948 and the Doctrines of Sovereign Immunity and Universal Jurisdiction for crimes involving individual criminal responsibility.

Markosa Aurovilla

(Ambassador of Blue Water)

Rivera Wilbur

(Ambassador of Green Desert)

SPECIAL AGREEMENT

The Republic of Blue Water and the Republic of Green Desert (hereinafter, after referred to as “the Parties”)

Considering the differences that have arisen over the Unilateral Declaration of Independence by Purple Valley in the wake of the Plutonia Massacre launched at the behest of Blue Water and other issues that follow thereafter.

Recognizing that the Parties concerned have been unable to settle these differences by negotiation; and

Desiring to define issues to be submitted to the International Court of Justice (“the Court”) for settling this dispute;

In furtherance thereof, the Parties have concluded the following Special Agreement:

Article 1

The Parties submit that the questions contained in the Special Agreement (together with Corrections and/or Clarifications to follow) to the Court pursuant to Article 40 (1) of the Statute of the Court.

Article 2

It is agreed by the Parties that the Republic of Blue Water shall act as the Applicant and the Republic of Green Desert 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 based on the rules and principles of general international law and 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.
- c) The parties retain the right to argue on issues of Jurisdiction.

Article 4

- a) All questions of procedure and rules shall be regulated in accordance with provisions of the Official Rules of the 2018 Ansal University International Moot Court Competition.
- b) The Parties shall submit their written submissions (memorials) on or before the last due date set forth in the Official Brochure of the 2018 Ansal University International Moot Court Competition.

Article 5

- a) The Parties shall accept any judgment of the Court as final and binding upon them and shall execute the same *in toto* and in good faith.

Markosa Aurovilla

(Ambassador of Blue Water)

Rivera Wilbur

(Ambassador of Green Desert)

The Moot Proposition has been drafted by Prof. Abraham Joseph, Assistant Professor, School of Law, Ansal University, Gurgaon.

Republic of Blue Water v. Republic of Green Desert

1. The Republic of Blue Water is a European Nation located in the Eastern part of the Continent. Possessing a land area of 1, 78,629 square kilometres, it has a population of 12 million citizens. It is a coastal country with the Western frontier of the country bordering the famed Black Sea. The country has an old civilization that runs back to 1500 B.C. Various ethnic, cultural and religious groups inhabit the country, with the Dolos and the Simbas being the dominant ethnic groups in the country. The Dolos inhabit the southern part of the country (the semi- autonomous territory of ‘Purple Valley’) and constitute 80% of the population of Purple Valley.
2. Blue Water is a Federal Republic. It is divided into 6 federal units of which Purple Valley is the largest, in terms of both area and population. Historically, Purple Valley has remained semi-autonomous with its own Constitution, Judiciary and political apparatus, with ultimate sovereignty lying with Blue Water. Blue Water’s Constitution prohibits the secession of its federal territories under all circumstances. The country proclaims itself a Multi-Ethnic and Secular Nation that respects the interests of all groups. Despite these assertions, there have existed social tensions between various groups.
3. Purple Valley has an area of 46,374 sq.kms. has a population of 5 million inhabitants. As stated above, majority of the inhabitants, belong to the Dolo ethnicity. The Dolos have historically been regarded as a unique people with different ethnic features and animistic religious beliefs, which mark them as distinct from the rest of the country who do not share these traits. They are regarded as an Indigenous Community. The region is rich in natural resources and contributes close to 30% of the GDP of the country. Leading

mining companies of the world have their business interests in Purple Valley. While the Dolos are peaceful, they strongly resist any interference in their internal affairs and way of life. Mining activities over the last few decades has depleted their natural habitat and has threatened their peaceful, serene and non-confrontational approach to existence. Despite their indigenous status, the Dolo were not afforded any protective discrimination status within Blue Water.

4. In December 2014, a movement known as the 'Free Dolo Movement' (FDM) led by a group of radical Dolo youth for the liberation of the country from Blue Water's control was initiated. The movement gained steam with more than 4 lakh individuals joining it in the first month of its inception. The rampant exploitation of the county by foreign mining interests with the tacit support of Blue Water was the rationale behind the movement. In addition, fighting for the right of self-determination among the indigenous Dolo people was also a valued objective. Over the next 6 months, an estimated 2 million people in Purple Valley were believed to be associated with the movement directly or indirectly. The movement is indigenous and homegrown and does not have overt or covert external support.
5. The movement, though started on a peaceful note, eventually took on a violent turn with symbols and institutions representing Blue Water being attacked. Central Blue Water forces were also targeted attacked and killed. In May 2016, a referendum was held in Purple Valley on the question of independence. The question for the voters was: *Would you like Purple Valley to secede from Blue Water and become an independent nation, which promises the legitimate self-determination aspirations of the Dolo People?* An overwhelming 60% people voted 'Yes' to indicate the desire for self-determination whereas, 40% voted 'No'. The voting percentage was 42% chiefly because of fear of reprisal from the Central Blue Water government.
6. Blue Water responded by declaring an emergency in Purple Valley, abrogating the Purple Valley Constitution and suspending the application of all fundamental rights in Purple Valley. It refused to accept the results of the referendum terming it as 'illegal'. Central

armed forces, vested with extraordinary powers were deployed across Purple valley. These forces crushed dissent with an iron hand, amidst numerous allegations of human rights violations. Dolo scattered across the country were subject to humiliation, discrimination and violent physical attacks. No further progress happened on the referendum.

7. On 10 August 2016, the armed forces were informed about a mass meeting of Dolo boys and men to discuss the future strategy of the FDM. The meeting was scheduled to take place on 17 August. Blue Water desperate to prevent the meeting and display the might of 'Simba Power' decided to sabotage the meeting. On 17 August, a state sponsored militia entity, 'Simba Warriors' opened fire on the innocent Dolo volunteers who had assembled for the meeting killing an estimated 25,000 people in a single day. The massacre evoked an international outcry and came to known as the 'Plutonia Massacre' (after Plutonia, the place where the massacre happened). Almost all the dead were Dolo's, who the international community believed were targeted because of their ethnic origin and ancestry. Owing to an international outcry, Blue Water was compelled to pull back its forces from Purple Valley, restore Constitutionalism and democratic normalcy in the region. Blue Water acknowledged the massacre and accepted the supervisory control it had over the Simba Warriors. The massacre intensified the pro-independence movement in Purple Valley.

8. The International Commission of Concerned Jurists (ICCJ), The Genocide Research Network (GRN) and the International Association of Genocide Watchers (IAGN) did factual and empirical analysis on the massacre and came to the conclusion that the Plutonia Massacre constituted a 'Genocide' within the meaning of the Convention for the Prevention and Punishment of the Crime of Genocide, 1948 (Genocide Convention). On 22 August 2016, the United Nations Security Council passed Resolution 5221 referring the matter to the ICC for investigation and prosecution. This step according to

the UNSC was essential as Blue Water was not a member of the ICC and individual criminal responsibility for the Plutonia Genocide was the need of the hour. Blue Water staunchly objected to the referral terming it as a 'gross abuse of international law'. Kyna one of the Permanent Members of the UN Security council also objected to Blue

Water's forceful referral to the ICC on the ground that it was not fair and proper to refer a non-party to the jurisdiction of the ICC. However, this country did not block the resolution using its Veto power but merely abstained from voting. The prosecutor of the ICC, pursuant to Resolution 5221 launched a preliminary investigation into the Plutonia massacre and concluded the need for a full-fledged investigation. The Prosecutor's investigation, which concluded on 9 January 2017, made out a sufficient case for the trial of 'General Jack Jupiter', a self-styled state sponsored militia officer who commanded the Plutonia massacre. In addition, the Prosecutor concluded that the Plutonia massacre constituted 'Genocide' with the meaning of the Rome Statute. The Prosecutors report affirmed the need to hold General Jack Jupiter individually responsible for the crime of genocide under the Rome Statute and requested Blue Water to hand over General Jupiter to the ICC for trial. A formal Arrest Warrant issued under Article 58 of the Rome Statute by Pre-Trial Chamber I (PTC-1) was turned down and General Atlanta, the President of the Country appointed General Jupiter as the Home Minister of the country. The President turned down subsequent requests for extradition on the ground of 'Sovereign immunity' and refusal to accept the jurisdiction of the ICC. The Prosecutor realizing that the ICC warrant would not be honored requested the UNSC to secure the arrest of General Jupiter using its powers.

9. To tackle the situation, Resolution 5222 proposed by Green Desert was passed on 10th January 2017 which required Blue Water to hand over General Jupiter either to the ICC or to Green Desert for the purpose of a criminal trial based on the principle of individual criminal responsibility. Blue Water objected to the Resolution terming the same as a gross violation of International Law.
10. Following the Plutonia massacre and the refusal by Blue Water to hand over General Jupiter to the ICC, the semi-autonomous administration of Purple Valley held a referendum on 6 March 2017 for full and final independence from Blue Water. The question for the voters was: *In the wake of the Plutonia massacre, which is the most recent illustration of genocide and violence against the Dolo people, should the Dolo People sever all ties with Blue Water and Unilaterally Declare its independence from*

the country? A resounding 85% of the voters of Purple Valley voted ‘Yes’ as opposed to 15% who voted no. The voter turnout for the referendum was 94%. On 10 March, the administration of Purple Valley unilaterally declared independence from Blue Water. Within 48 hours, 105 countries recognized Blue Water as an independent nation and initiated plans to start diplomatic relations with the new nation. These countries made public statements justifying the Unilateral Declaration of Independence (UDI) by Purple Valley.

11. Pursuant to the UDI by Purple Valley, the United Nations Security Council acting under Chapter VII of the Charter passed Resolution 5223 on 9 March 2017 recognizing Purple Valley as a State and making it mandatory for Blue Water to free the nation and grant it full independence. The Successful Resolution was introduced by Green Desert, a P5 member of the United Nations. Blue Water rejected the Resolution as being illegal and having no binding effect. It claimed the UDI and the Resolution to be violative of its territorial integrity.
12. With Blue Water refusing to comply with Resolutions 5221 and 5222, Green Desert acting through its foreign office issued an international arrest warrant for General Jupiter, requesting members of the international community to arrest the latter if he happens to visit their territory. In addition, the foreign office of Green Desert called an international press conference wherein they promised to use all measures possible to secure the arrest and trial of General Jupiter.
13. Owing to international pressure, Blue Water agrees to form a domestic tribunal to try General Jupiter. However, the country asserted that the trial would be an in-camera trial, which would not be accessible to members of the international community except 5 journalists to be nominated by the United Nations with the approval of Blue Water. In addition, Blue Water stated that General Jupiter could be tried only in 2022 after the end of a constitutionally mandated 6-year term. This condition was not acceptable to the ICC or Green Desert who pressed ahead with the enforcement of the UNSC resolutions.

14. Unable to solve the stalemate and failing to arrive at a negotiated settlement, the Republics of Blue Water and Green Desert agree to submit the dispute to the International Court of Justice. Both countries agree (subject to jurisdictional reservations) that the case involves interpretation of complex questions of international law.

15. The applicant Blue Water submits that:

- a) UN Security Council Resolution 5221 passed at the behest of Green Desert that forcefully referred Blue Water to the International Criminal Court despite its staunch reservations and objections in the absence of its membership of the Rome Statute and the ICC is a violation of International Law. A state cannot be subject to treaty obligations it does not voluntarily assume.
- b) UN Security Council Resolution 5222 passed at the behest of Green Desert that requires Blue Water to forcefully hand over General Jupiter to the ICC or Green Desert is a violation of International Law. Since Blue Water is ready to domestically try General Jupiter, albeit conditionally, its stand is consistent with the principle of complementarity. In addition, UNSC Resolution 5223 is violative of the Genocide Convention, 1948 that mandates that States assume Jurisdiction for the offence committed in their territories. By compelling Blue Water to hand over General Jupiter either to the ICC or Green Desert, the Resolution violates *jus cogens* and treaty prohibitions which impose obligations on States to directly assume jurisdiction and create strong domestic frameworks for prosecuting genocide. The manner and method of domestic trials is a concern of municipal law and not international law. International Criminal Law should subordinate itself to domestic criminal prosecutions irrespective of how imperfect the domestic mechanisms may be.
- c) UN Security Council Resolution 5223 passed at the behest of Green Desert, which ratifies the UDI of Purple Valley and compels Blue Water to grant unconditional independence to Purple Valley is a violation of International Law.

- d) The issue of an international arrest warrant by Green Desert against General Jupiter is illegal and violative of international law. General Jupiter enjoys ‘Sovereign Immunity’ as long as he serves as the Home Minister of the country.

16. The Respondent Green Desert submits that:

- a) The referral of Blue Water to the ICC by the UNSC by way of Resolution 5221 is consistent with International law since the Rome Statute permits the referral of a non-state party to the jurisdiction of the ICC. The ICJ cannot adjudicate on the *vires* of a globally ratified treaty instrument. This measure is genuine and lawful exercise of global power under Chapter VII of the UN Charter, essential to maintain international peace and security and is not subject to review, judicial or otherwise by any authority.
- b) UNSC Resolution 5222 is legal as it gives effect to the mandate of the ICC. The ICJ cannot give a verdict that renders the ICC and its powers nugatory. Furthermore, Complementarity has to be unconditional and not a potential abuse of the process. An in-camera trial for an alleged *Genocidaire* violates the principles of open justice and fair trial for the victims and the international community, which has an interest in protecting the rights of Purple Valley and the Dolo people. In addition, postponing the trial until 2022 was unacceptable as it is a direct contravention of international obligations. ICC, its mechanisms and jurisprudence is today part of Customary International Law.
- c) The issue of an international arrest warrant by Green Desert against General Jupiter is legal as any immunity pertains to actions taken during the office and not prior. Since the General committed the acts in question prior to his assuming office, he enjoys no immunity. In addition, since General Jupiter was referred to the ICC by the UNSC, the latter is under an obligation to aid the ICC in the arrest and prosecution of the General. This assumes added significance in light of the fact that the ICC and the international community has no global police force that can take enforcement actions.

- d) The Principle of Universal Jurisdiction has today evolved since the days of the prior judgments of the Court and the creation of the International Criminal Court and the rise of individual criminal responsibility jurisprudence.
- e) The ICJ cannot sit in judgment over Resolution 5223 as it an Independent Organ of the United Nations over which the ICJ enjoys no jurisdictional power. Even if the ICJ assumes jurisdiction, the ratification of the Universal Declaration of Independence of Purple Valley by the UNSC was essential to give effect to provisions of the Montevideo Convention, protect the human rights of the Dolo People and essentially a justifiable measure to 'maintain peace and security' within the mandate of Chapter VII of the UN Charter. Non-intervention by the UNSC would have been an abdication of its Chapter VII obligations.
- f) Unilateral Declarations of Independence are not illegal in International Law. UNSC resolutions are the only effective means for a territory to mature into an independent state, and the resolution is a recognition of this principle.

Appendix 1 (Relevant Provisions)

1. UN Security Council Resolution 5221 (Relevant aspects):

“Recognizing the gravity and seriousness of the Plutonia Massacre and taking cognizance of the International Community’s call for urgent action on the Purple Valley situation, the UN Security Council refers the investigation and inquiry of the massacre to the office of the Prosecutor of the International Criminal Court. All member states of the United Nations, especially those who are members of the Rome State should endeavour to fully co-operate with the Prosecutor of the International Criminal Court. This Resolution requires Blue Water to fully cooperate with the ICC Prosecutor”. This Resolution is passed under Chapter VII of the UN Charter”.

2. UN Security Council Resolution 5222 (Relevant aspects):

“In the wake of the Prosecutors final report unearthing sufficient evidence against General Jack Jupiter for the crime of Genocide and the issue of an Arrest Warrant by PTC-I necessitating a trial, Blue Water is required to take all steps to hand over General Jupiter to ICC authorities at Hague. This entails his immediate removal from his high executive office and end of any immunities he may have enjoyed by virtue of his office. Any denial/refusal of this mandate would entail action from the UNSC acting under Charter VII for the maintenance of international peace and security”. This Resolution is passed under Chapter VII of the UN Charter”.

3. UN Security Council Resolution 5223 (Relevant aspects):

“Recognizing that it is impossible for the indigenous Dolo people of Purple Valley province of Blue Water to exist under the Federal framework of the country, save, with grave dangers to their life and property, the UNSC ratifies the UDI passed by the

appropriate authorities of Purple Valley and accepts the same to have legal effects of a formal and legitimate secession of a peaceful people exercising a legitimate claim of self-determination as victims of a Genocidal attack”. This Resolution is passed under Chapter VII of the UN Charter”.

4. International Arrest Warrant issued by the Republic of Green Desert:

“Green Desert is fully authorized to secure the arrest of General Jack Jupiter, Home Minister of Blue Water, wanted by the ICC for the offence of Genocide. The international community is requested to exercise the warrant by arresting General Jack Jupiter if he happens to come to their respective territories, notwithstanding claims of immunity which may be made, as such claims do not exist for individuals wanted for mass crimes demanding individual criminal responsibility”

Appendix 2

1. Both the Republic of Blue Water and Green Desert are members of the United Nations. Blue Water is not a member of the ICC whereas Green Desert is. Both the nations are members of all other relevant international treaties including the Genocide Convention, 1948.
2. All the Resolutions against Blue Water have been proposed and initiated by the Republic of Green Desert.
3. Participants are free to incorporate additional issues, which may be relevant to the problem.

COMPETITION RULES AND REGULATIONS

1. ADMINISTRATION & GENERAL RULE

- 1. Organizer** - The School of Law, Ansal University, Sector 55, Gurgaon.
- 2. Competition** - 2nd International Moot Court Competition, 2018- School of Law, Ansal University.
- 3. Participating Team/ Institution** means the team that has registered itself for the competition as per the rules.

2. TIME, DATE & VENUE

- 1.** The 2nd **INTERNATIONAL MOOT COURT COMPETITION, 2018- SCHOOL OF LAW, ANSAL UNIVERSITY**, shall be held during 23rd-25th February 2018.
- 2. Venue:** School of Law, Ansal University, Sector 55, Gurgaon, Haryana 122001.

3. LANGUAGE

- 1.** The official language for the Competition shall be English only.

4. ELIGIBILITY

- 1.** The Competition shall be open for '*bona fide*' students who are pursuing an integrated **5 year LL.B. Programme or 3-year LL. B Programme** from an institute/university in India. Such institution must be recognized by the Bar Council of India.
- 2.** Only one team can register from a particular law school/ College/ Institution/University to participate in the Competition.
- 3.** The Competition shall be open for Foreign University students pursuing an Undergraduate or Postgraduate Degree in law or pursuing any degree relating to International laws/relations.

5 TEAM COMPOSITION

- a)** Each participating university/college/institute shall nominate only one team consisting of three student members, out of whom, two will be speakers and one will be the researcher.
- b)** Any additional member/faculty will not be entitled to local hospitality. He/she shall also be not entitled to any kind of prize/ award in the competition.
- c)** The Researcher may be permitted to argue as Speaker in case of illness OR any unforeseen event. Prior permission of the organizers of competition in such case shall be mandatory.

6. DRESS CODE

1. Participants are required to adhere to the following dress code while present in any court room during the Competition:
 - I. *Ladies*: White shirt and black pant/black skirt along with black tie, black coat and black shoes.
 - II. *Gentlemen*: White shirt, black trousers, black tie along with black coat and black shoes.

Strict adherence to the dress code is solicited. Failure will result in disqualification.

7. ACCOMMODATION

1. The accommodation shall be provided to the participating teams within close vicinity of the Campus radius.
2. The accommodation facility shall be restricted to only Three Members of a particular team, which in any case shall not change.
3. The participating teams are supposed to intimate the details of their arrival and departure as mentioned in **TRAVEL & ACCOMMODATION ONLINE FORM (which will be circulated after registration)**.

8. TRANSPORTATION

Ansal University being in the heart of city has good metro connectivity. No pickup and drop facility will be available. Ansal University is approximately 18 Km away from Indira Gandhi International Airport, travel time being approximately 30 minutes. Distance between Gurgaon Railway station and Ansal University is 17 kms (approx.), taking approx. 20 to 25 minutes. Distance between Delhi Railway station and Ansal University is 34 kms (approx.), taking approx. 45 to 50 minutes. Kindly note, all traveling time is subject to variation depending on traffic.

Once the participating team reaches the accommodation, the University shall provide pick up and drop facility from the hotel to the University and vice versa (back and forth) according to the schedule.

Teams, as per convenience, can use the opportunity to roam around and explore Gurgaon. No pickup and drop facility are provided for the same. University is under no obligation to provide any transportation facility for purposes outside ambit of the moot court competition. All are to take informed choices for which assistance in terms of advice would be given by transportation committee. Kindly, feel free to ask transportation committee about good and safe places in and around Gurgaon to visit.

9. REGISTRATION

1. The registration of a team is considered to be complete, once the **registration fee is paid and the registration form is e- mailed with all necessary details.**
2. Registration fees once paid will not be refunded.
3. Every team which has registered under the Rules shall be allotted a unique code. Once the unique code has been allotted, every team must use the team code for any communication with the Organizers during the course of the Competition.

10. STRUCTURE OF THE COMPETITION

1. The formal commencement of the competition shall be on 23rd February, 2018 with the registration of teams, allotment of rooms for the participants, draw of lots and exchange of memorials. Registration of the teams will be closed by 23rd February, 2018. Any team which reaches late will not be allowed to participate in the competition.
2. The competition will start with inaugural ceremony on 23rd February. The preliminary rounds and Quarter finals will take place on 24th February. Semi-finals and finals will take place on 25th February which will be followed by the valedictory ceremony. Certificates and prizes will be distributed only during the valedictory ceremony. No prize/certificate will be given to participants who are not present at the valedictory ceremony.

11. PRELIMINARY ROUNDS

1. There shall be two preliminary rounds on 24th February, 2018, and every team shall be given the opportunity to argue for each side. The lots for the Preliminary rounds will be drawn on 23rd February, 2018,
2. The Petitioner shall be allotted a total of 15 minutes to speak, including any surrebuttals. The Respondent shall be allotted 15 minutes for rebuttal and arguments.
3. Any extension of time beyond the specified period shall be subject to the discretion of the judges.
4. The division of time between the speakers is the discretion of the team members, subject to a maximum of 8 minutes for one speaker.
5. Before the commencement of each round, each team shall indicate to the 'court officer' as to how they wish to allocate their time.
6. At the end of the preliminary rounds, the top 8 teams will qualify for the Quarter Finals. The top 8 teams will be selected on the basis of number of rounds won.
7. A team shall be credited with a win, if its total marks in the respective session are higher than those of its opponent team.
8. In the case of a tie, combined total marks of both the preliminary rounds shall be considered.
9. The team with the higher score will advance to the Quarter Finals. If the situation of the tie still persists, it would be resolved by considering the memorial scores.

12. QUARTER FINALS

1. The Quarter Finals will be Knock-out round and will take place on 24th February, 2018. The top 4 teams, with the highest total scores in these oral rounds shall qualify for the semi-final rounds.
2. The side to be represented by a team shall be determined by way of draw of lots with the teams picking the lots after the completion of the preliminary rounds.
3. Each team shall get a total time of 20 minutes to present their case and this shall include the time for 'rebuttal' and 'Surrebuttal'. Any extension of time beyond the specified period shall be subject to the discretion of the judges.
4. The division of time between the speakers is the discretion of the team members, subject to a maximum of 12 minutes for one speaker.
5. Before the commencement of the round, each team shall indicate to the 'court officer' as to how they wish to allocate their time.

13. SEMI-FINALS

1. The Semi-Finals will be held on 25th February, 2018.
2. The Semi-Finals will be knock-out round. The top 2 teams, with the highest total scores in these oral rounds shall qualify for the Final rounds.
3. The side to be presented by the team shall be determined by way of draw of lots with the teams picking the lots after the completion of quarter-finals rounds.
4. Each team shall get a total of 30 minutes to present their case. This time will include the time for 'rebuttal' and 'Surrebuttal'. Any extension of time beyond the specified period shall be subject to the discretion of the judges. The division of time between the speakers is the discretion of the team members, subject to a maximum of 18 minutes for one speaker.
5. Before the commencement of the round, each team shall indicate to the 'court officer' as to how they wish to allocate their time.

14. FINALS

1. The Final will be held after the Semi-Finals on 25th February, 2018.
2. A team will be credited with a win in the Final if the total marks are higher than those of its opponent team.
3. Each team shall get a total of 45 minutes to present their case. This time will include the time for 'rebuttal' and 'Surrebuttal'. The division of time between the speakers is the discretion of the team members, subject to a maximum of 25 minutes for one speaker.
4. Before the commencement of the round, each team shall indicate to the 'court officer' as to how they wish to allocate their time.

15. MEMORIAL RULES

1. General Rule

1. All memorials submitted for all purposes of the Competition shall strictly adhere to the rules of the Competition.
2. Each Team participating in the Competition must prepare one Memorial on behalf of Applicant(s) and one on behalf of the Respondent(s).
3. Each team has to submit **6 hard copies** of the Memorials from each side at the registration desk on 23rd February 2018. Non-compliance will entail a penalty of deduction of marks.
4. The mode of citation throughout the memorial shall be **19th Edition of Harvard Bluebook** or **20th Edition of Harvard Bluebook**.
5. Applicant memorials are required to have a **light blue cover** and respondent memorials are required to have a **bright red cover**.
6. The memorials shall not contain any form of identification apart from the team code. If any such identification or mark, symbol, etc. which has the effect of identifying the team is found on the memorial, then it shall result in instant disqualification.
7. The hard copy of memorial must be exact replica of the soft copy submitted with the Organizers. Any difference in the same will result in disqualification from the Competition.
8. Each team must send a soft copy of their memorials in Word or PDF format only for evaluation by February 10th, 2018 before 11:59 P.M. to **mootcourt2018@ansaluniversity.edu.in** with the subject —**Submission for 2nd International Moot Court Competition 2018- School of Law, Ansal University** followed by TEAM CODE. Memorials shall be sent as an attachment with the mail in the form of single file for each side of memorial

Guidelines for Formatting:

All memorials shall be prepared to the following specifications:

1. Memorials shall not be more than 30 typed pages.
2. Memorials must be typed and submitted on standard A4 size paper.
3. Font and size of the text of all parts of the memorial (excluding footnotes) must be the same and must be in Times New Roman 12 font size.
4. The texts of all parts of each memorial must be double line-spaced, with one-inch margin on both sides.
5. The text of footnotes may be single line spaced. The font size of footnotes must be in Times New Roman 10 font size.
6. There must be double spacing between separate footnotes and between each heading and the body text of the memorial.
7. Quotations of sources outside of the memorial of fifty words or more in any part of the memorial shall be block quoted and single-spaced.
8. The table of Contents, Index of Authorities and Case Title are not included in the 30 typed page limit.

2. Contents of Memorial

The memorial must contain the following parts:

1. Table of Contents
2. Index of Authorities (including corresponding page numbers)
3. Statement of Jurisdiction
4. Statement of Facts
5. Identification of Issues
6. Summary of Pleadings
7. Pleadings including and /
8. Conclusion/Prayer for Relief

16. MARKING SCHEME

I.ORAL ROUNDS

Knowledge of Facts and evidence on Record	Correct Articulation of Issues; knowledge of law and its interpretation and Application	Skill of advocacy, persuasiveness and response to questions	Use of Authorities	General Impression and Court Manners	Total Points [25 Points]
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Note for participants - To ensure uniformity in marking in each court room to do away with subjectivity to an extent, follow the points scheme given as under-

Excellent	Very Good	Good	Average	Poor
5	4	3	2	1

2. MEMORIAL

S.NO.	MARKING CRITERIA	MARKS ALLOTTED
1.	Proper inclusion of parties, identification of issues and nature of relief sought	10
2.	Knowledge of facts & law	15
3.	Applications of law to facts	10
4.	Analysis and organization	10
5.	Use of authority	15
6.	Proper citation & correct format	10
7.	Originality in presentation	10
8.	General impression and clarity of thought	10
9.	Grammar and style of presentation	10
	Total	100

17. RESEARCHERS TEST

- The researchers test would comprise of an objective test of 30 questions of 1 mark each.
- 1/2 mark shall be deducted for every wrong answer.
- The highest scorer shall be awarded with the Best Researcher Award.
- In case of a draw, the memorial score would be the deciding factor.

18. AWARD

- Winning Team: Rs. 50,000
- Runner up Team: Rs. 30,000
- Best Speaker 1: Rs. 5,000
- Best Speaker 2: Rs 5000
- Best Memorial : Rs 5,000
- Best Researcher: Rs 5,000

1. Certificates for participation will be given to all the participants.
2. Separate Certificates will be provided to the Quarter-Finalists, Semi-Finalists, Runners-up and Winners.
3. All Certificates and awards will be presented to the participants only at the Valedictory Ceremony on the evening of 25th February, 2018. The participants are advised to finalize their travel plan accordingly.
4. The certificates will not be provided to any participant who is not present at the Valedictory Ceremony and the same will not be sent by post/courier to any participant under any circumstances.

19. PENALTIES

- a. **Scouting:** No member of any participating team shall view any other oral rounds while the team is still in the competition. If such an incident comes to the notice of the organizers, the scouting team shall be subject to disqualification. Teams may file a written complaint of scouting to the Organizers. The decision of the Organizers shall be final and binding.
- b. **Non – Disclosure of Identity:** Teams shall not disclose their identity, i.e. the name of their institution, city, etc. or any other information which has the effect of disclosing their identity and affiliation with a particular university or institution. Such disclosure shall result in disqualification subject to the discretion of the Organizers.
- c. **Copyright:** The copyright with regard to the memorials submitted for the participation in the Competition is assigned by participants and shall also vest completely and fully with the Organizers. The participants shall certify the originality of the memorials and the materials used and shall be responsible for any claim or dispute arising out of further use and exhibition of these materials. The Organizers shall have the right to publicly display, distribute either electronically or otherwise and they shall not be responsible for any liability to any person for any loss caused by errors or omissions in this collection of information, or for accuracy, completeness or adequacy of the information contained in these materials.

20. IMPLEMENTATION AND INTERPRETATION OF RULES:

- a. Regarding Competition practice and procedures, the final decision on the interpretation and implementation of rules lies with the organizers.
- b. ***The Organising Committee reserves the right to amend/change the rules & regulations with prior notice to all registered teams***

21. MISCELLANEOUS

- a. Upon completion of the competition, the organising committee reserves the exclusive right to use the memorials submitted to them, as they deem appropriate.
- b. Participating teams should carry with them required study or reference materials for their own use during the oral rounds of competition.
- c. Participating teams shall be expected to maintain the proper decorum of the courtroom during the proceedings and shall conduct themselves in a manner befitting the legal profession.
- d. The organising committee reserves the right, at its sole discretion, to take appropriate action for any unethical, unprofessional and wrongful conduct during the entire period of the competition.
- e. The organising committee's decision as regards the interpretation of these rules or any other matters related to the Competition Court competition shall be final and binding. If there is any situation, which is not covered by these rules, the decision of the organising committee shall be final.
- f. The organising committee reserves the right to amend, modify or repeal any of the rules if so required and as they deem appropriate. Participating teams shall receive adequate notice of any/all such amendments or modifications to the rules.

22. WEATHER

- The high seasonal norm is 26° C. The minimum is 16° C. Thus, the mean temperature average in this month of February in Delhi is 21° C.
- Sunrise is at 07:00 and sunset is at 18:11.

23. THINGS TO DO AROUND DELHI AND GURGAON

The participants of the 2nd Ansal University international moot court competition have an opportunity to visit various tourist attractions in and around Delhi, the heart of India. In the capital city, one can visit the Qutub Minar which is a UNESCO world heritage site. Next can be the magnificent Red Fort which was the residence of the emperors of the Mughal dynasty for about 200 years. Near the Red Fort is the holy Sis Ganj Gurudwara, a Sikh temple with splendid architecture and a spiritual atmosphere. Nearby the Sis Ganj Gurudwara is the famous Connaught place market which is the frenetic business and financial hub of Delhi with a Georgian style architecture and a variety of restaurants, global chain stores and vintage cinemas. In Vasant Kunj, we have luxury malls like DLF Emporio and DLF Promenade which are favourite destinations for shopaholics. Near the university in Gurgaon is the cyber hub which is yet another famous hotspot for foodies. Just 6 km away from Cyber Hub is the Ambience Mall which is yet another destination for food and shopping. Getting around the city is very convenient and economical when you use Ola or Uber. One can also use the Delhi Metro to cover long distances in short intervals at a nominal price. The nearest metro station to the university is the Sector 54 Chowk-Rapid Metro station which connects you to Delhi metro line in a very short period.

24. FOR FURTHER DETAILS, CONTACT:

1. Regarding the Competition problem-

Clarifications regarding the Competition proposition will only be entertained through email. Queries must be addressed to mootcourt2018@ansaluniversity.edu.in with subject line — **International Moot Court Problem or Queries.**

Note: The last date for seeking clarifications regarding the Competition proposition is 8th January, 2018.

All such clarifications shall be responded to by the 12th of January, 2018.

2. Regarding the rules of the competition or any other queries please contact any of the following members of the Organizing Committee between 10 am and 9 pm.

Mr Abraham Joseph (Faculty Coordinator)

+91- 9599734366

Mr. Vineeth P R (Convener)

+91-9643256183

Mr. Arjun Malik (Co-Convener)

+91-9810017346

Email:

mootcourt2018@ansaluniversity.edu.in

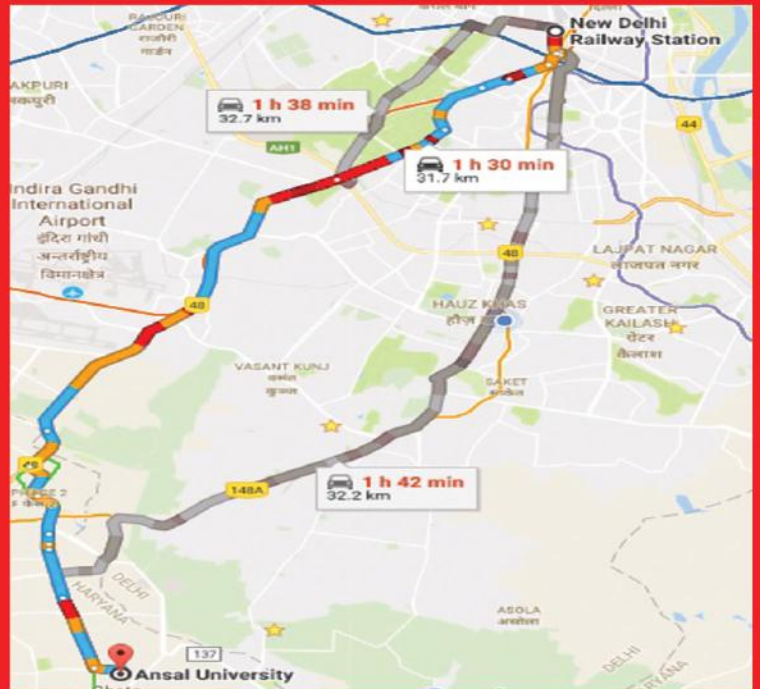
For any further inquiries and updates follow our Facebook Page:
www.facebook.com/inmcc2018

LOCATION

From Airport to Ansal University



From Railway St. to Ansal University



Golf Course Road, Sector 55,
Gurugram, Haryana 122003

**2ND INTERNATIONAL MOOT COURT COMPETITION, 2018,
SCHOOL OF LAW - ANSAL UNIVERSITY.**

REGISTRATION FORM
(Please fill in capital letters)

Name and Address of the Institution:

Faculty In-charge: _____

Contact No. Of Faculty In-charge: _____

Email of Faculty In-charge: _____

Details of the Participants:

SPEAKER 1:

NAME: _____

PROGRAMME & SEMESTER: _____

SEX(M/F/O) _____ **MOBILE:** _____ **EMAIL ID:** _____

SPEAKER 2:

NAME: _____

PROGRAMME & SEMESTER: _____

SEX(M/F/O) _____ **MOBILE:** _____ **EMAIL ID:** _____

RESEARCHER:

NAME: _____

PROGRAMME & SEMESTER: _____

SEX(M/F/O) _____ **MOBILE:** _____ **EMAIL ID:** _____

PASTE THE
PASSPORT
SIZE PHOTOGRAPH
OF
SPEAKER 1

SPEAKER 1

PASTE THE
PASSPORT SIZE
PHOTOGRAPH OF
SPEAKER 2

SPEAKER 2

PASTE THE
PASSPORT
SIZE PHOTOGRAPH
OF RESEARCHER

RESEARCHER

Accommodation Required: YES/ NO

REGISTRATION FEE: ₹ 3500/- INR (Three Thousand Five Hundred Only)

ONLINE PAYMENT:

- **NEFT (Fund Transfer)**

NAME OF BANK: YES BANK LTD.

**ADDRESS: PLOT NO:11/48,
SHOPPING CENTRE
DIPLOMATIC ENCLAVE,
MALCHA MARKET,
CHANAKYAPURI,
NEW DELHI -110021**

- **A/C TYPE: SAVINGS**
- **A/C NUMBER: 00380200001999**
- **IFSC NO: YESB0000003**

The details of online payment i.e. Account Holder Name, NEFT number, Date & Amount along with the complete registration form should be e- mailed to mootcourt2018@ansaluniversity.edu.in

DECLARATION: WE THE UNDERSIGNED DECLARE THAT THE INSTITUTION AND ITS TEAM MEMBERS WILL ABIDE BY ALL THE RULES OF THE COMPETITION SET OUT IN THE RULES AND AS NOTIFIED TO US FROM TIME TO TIME THROUGHOUT THE PERIOD OF THE COMPETITION. WE ALSO DECLARE AND CONFIRM THAT ALL THE INFORMATION PROVIDED IN THE REGISTRATION FORM IS TRUE AND ACCURATE.

SPEAKER 1: _____

SPEAKER 2: _____

RESEARCHER: _____

**FACULTY
INCHARGE:** _____

DATE: _____

HEAD/DEAN OF SCHOOL: _____

(SIGNATURE WITH INSTITUTION SEAL)

Note:

- 1. During registration, a Passport Sized Photograph of the Participating Student Should Be brought Along with The Name of the Student Written On the Back Side of the Photograph for the ID card to be issued on the date of the competition.**
- 2. Registration Will Be Considered as Complete Only After Receiving the Details of Online Payment Along with Registration Form to the mentioned mail address..**