

9th Amity International Moot

Court Competition-2019

18-19th October, 2019

International Criminal Court

Prosecutor v. Jeremy Kaloch *et al*

1. Manochistan is the South Asian country based on religious identities of Manoch people to follow Manochi religion. Being an erstwhile British colony, it had to negotiate several pacts with various princely states to assimilate them in the Union of Manochistan and to broker peace. One such princely state was that of Kaloch tribes residing in a small province of Kalochistan. Kaloch people have their own tribal laws and religious beliefs. The Kalochi religion is different from that of Manoch people in various aspects.
2. As per the treaty of accession executed between the Union of Manoch and the tribal province of Kaloch, the Kaloch people would administer themselves by their tribal laws and the State of Manochistan shall only be responsible for trade, communication, and defense of Kalochistan.
3. Rhina is a giant South Asian country which is emerging as world economic superpower. Rhina's global ambition and slow rate of growth in its territory have prompted it to look beyond and to capitalize on the connectivity of Asian countries with that of the world and to establish international trade posts. One initiative of Rhina, namely the grand road of the world (GROW), aims at connecting Rhina with rest of the world through roads and rail network. The State of Manochistan is a signatory to GROW initiative and has allowed the Republic of Rhina to construct massive roads and rail network to the tribal areas of Kalochistan, connecting Rhina with other Asian and African nations through a combined network of roads and rails.
4. The people of Kalochistan have always protested this GROW initiative passing through their tribal areas, demanding that it interferes with their laws and orders and undermines the autonomy granted to them under the 1950 accession treaty. On the other hand, the State of Manochistan and the Republic of Rhina further strengthen their cooperation and issued a joint statement by their respective foreign secretaries stating that,

“The Republic of Rhina and State of Manochistan are committed to the idea of mutual growth and prosperity by exploring newer areas of international trade, both the states are committed to developing the tribal areas of Kalochistan an international trading hub. Both the states agree to owe the vast and diverse mineral resources of Kalochistan; there is a possibility of large scale exploration and export of minerals, gas, and precious stones.

Both states recognize that the current state of law and order maintained in Kalochistan by the tribal chieftains is not adequate and that the Republic of Rhina shall be responsible for the security of commercial establishments of tribal areas of Kalochistan to the republican guards of Rhina.”(16th June 2017)

5. This joint statement by both the countries led to large scale protests by Kaloch people, on the ground that this statement is in violation of the original 1950 accession treaty. Several Kaloch revolutionary organizations, including Kaloch Liberation Front, caused bombings and attacks on commercial and other establishments constructed under GROW scheme.
6. In this whole process, some civilians including three republic guards of Rhina were killed, which led the State of Manochistan to launch operation ‘*eliminate them all*’ under the command of Joseph Willer in which the Manoch army was deployed to lead counter-terrorism activities against Kaloch terrorist organizations. Several army helicopters with multi-barrel guns were deployed to monitor the difficult terrain of tribal areas of Kalochistan. Manoch information bureau in its press release dated 19th November 2017 informed that Manoch army has successfully neutralized 3000 terrorists within six months of operation.
7. Manochistan wing of Amnesty International released an annual report in which it states that the Manoch army along with local leader of Kalochistan, Jeremy Kaloch has caused large scale

atrocities and violations of human rights and have killed at least 5000 civilians to clear areas for construction of roads and establishments for GROW initiative. The report indicates that at least 20000 people have been displaced and are left homeless without any compensation.

8. These displaced people are represented by the organization named 'Displaced Community of Kaloch People' (DCKP). DCKP started documenting various atrocities committed by Manoch army and the republican guards of Rhina in the tribal Kaloch areas and submitted a detailed dossier to the state of Manoch and Republic of Rhina, apprising them of the illegal acts of their army. The dossier by DCKP alleges, *among other things*, the following atrocities:
 - a. It is alleged that the republican guard of Rhina is forcibly keeping the displaced tribals in their concentration camps to use them as free labor.
 - b. It is alleged that to ensure compliance and subservient, these captive tribals are kept hungry in a bare minimum condition which has caused multiple deaths of the captive tribals.
 - c. The DCKP alleges that the captive tribal women are trafficked to the Republic of Rhina for illegal sex trades, and it only the male that remain in the concentration camp to be utilized as labor.
9. In June 2017 a private Manoch news channel released a sting operation of the defence minister of State of Manochistan wherein in the video Mr. Daneil Manoch was seen as saying that it is only better that the republican guards of Rhina are taking the Kaloch women away as this will lead to exodus of Kaloch people, and finally there will be peace in that tribal areas, and the writ of State of Manochistan will prevail in the areas. It further states that one company of Republic of Rhina namely Kooching Rhina International, has been given tender to explore minerals in the Kaloch areas and for effective implementation, they will be given judicial powers to remove Kaloch residents from the areas where minerals are found.

10. The president of DCKP, Mr. John Kaloch in his press conference called the Kaloch tribals to show resistant to the oppressive forces and not to allow Kooching Rhina International to work in that area. After this statement, several incidents of riots and fire were reported at Kaloch region under the command of Jeremy Kaloch and the Republic of Rhina increased the number of republican guards to protect its establishments. In its 2018 report, Human Rights Watch stated that the tribal areas of Kalochistan are witnessing very intense armed conflict caused by the acts of oppression, pillaging, sexual slavery, human trafficking, forced labor, extrajudicial murders and mass deaths at concentration camps leading to violations of Geneva Conventions 1949.
11. The president of DCKP, Mr. John Kaloch, approached the International Criminal Court as both the Republic of Rhina and State of Manochistan are signatories to Rome Statute and parties to the International Criminal Court. Prosecutor conducted a year-long investigation and found that following war crime and crimes against humanity were allegedly committed in the territory of Kalochistan by Manoch army, Commander Jeremy Kaloch and republic guards of Rhina between 21st March 2016 and 21st March 2018, under the leadership of Mr. Jabralter Manoch and Lucifer Rhina: murder and attempted murder, imprisonment of severe deprivation of liberty, sex trade and sexual slavery, torture, rape, pillaging of private properties, recruitment of child soldiers, enforced disappearance and persecution. Pre-trial chamber allowed prosecutor's findings and case is now before the trial chamber of ICC.
12. Another news report published in Manoch Times stated that the state's anti-terror squad has traced funding links between DCKP and Kaloch Liberation Front. It was stated that DCKP gathers fund for the liberation front to terrorist fume activities in Manochistan mainland.

13. Several victims including civilians and organizations have approached the International Criminal Court requesting to allow them to participate in the ongoing proceedings and seek reparations for the damages done to them in the armed conflict under the commandship of Jeremy Kaloch, Mr. Jabralter Manoch and Lucifer Rhina.

