

SRM UNIVERSITY

SRM SCHOOL OF LAW



Presents

2nd Annual Rationibus Jure Moot Court Competition, 2017

24th – 26th February, 2017

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OFFICIAL INVITE

We, SRM School of Law, take pleasure in inviting you to the 2nd Annual Rationibus Jure Moot Court Competition, 2017 scheduled to be held from 24th to 26th February, 2017 at our institution. This year the moot proposition is based on International Law. The Rounds will be judged by Sitting and retired High Court Judges, Legal Luminaries, Legal Experts to maintain the vigor and to get the best out of the teams. Interested Institutions are requested to provisionally register their participation through e-mail on or before 9th January 2017 after which they can send us the duly filled registration forms when the team composition has been finalized.

Dean

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The Republic of Rozarus v. The Union of Pantanom

1. The Union of Pantanom (hereinafter “UOP”) is a federal republic which is the third largest economy in the world with a population of about 150 million. It is an ethnically diverse and multicultural nation which is a result of large scale immigration. It has the [highest documented incarceration rate](#) and [total prison population](#) in the world. The prison population quadrupled rapidly, resulting in the state spending on prisons and jails twice as much as that spent on public education. UOP made a declaration accepting compulsory jurisdiction of the International Court of Justice in the year 1985 though it had withdrawn the earlier declaration on account of the judgment which prohibited the UOP government from unlawful use of force. UOP has specifically declared that they accept the jurisdiction of the ICJ except in the case of disputes in regard to matters which are essentially within the domestic jurisdiction of the UOP.
2. The Republic of Rozarus (hereinafter “Rozarus”) is located in the northern Caribbean bordering UOP in the south, with a population of over 5 million. It is a developing country with a planned economy that is dominated by the export business. It has a very high ranking in terms of national performance which included health care and education. Though Rozarus did not initially accept the compulsory jurisdiction of the ICJ as it was thought that the Court is generally biased against the interests of developing countries, it did accept the compulsory jurisdiction in the year 1985.
3. From the beginning of the 17th century, Rozarus had been under the control of Jaintia and its central system. Rozarus’s strong and continuous efforts in trying to liberate itself from the Jaintish Empire had always gone in vain. In 1902, through a bloody uprising and with the last hour army help from UOP, Rozarus had finally liberated from the Jaintish coloniser. The alleged agenda for UOP intervening and helping Rozarus was that it can set up a naval station in Glaciana Bay for military purpose.

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4. In 1903, the newly independent Republic of Rozarus leased Glaciana Bay to the UOP. On the site, in accordance with the provisions of the lease the UOP later built a naval station. During those years of UOP supervision, the Rozarusn Congress enacted two agreements that together became known as the Latt amendment. The lease was negotiated to implement the Latt amendment. The terms of the lease are contained in three documents - two agreements and a treaty. The first agreement, which is the lease, was concluded in 1903. Later the same year a Supplementary Agreement, providing details concerning the naval station, was concluded between the UOP and Rozarus. When Rozarus attained sovereignty, the Latt amendment was incorporated as an appendix in the Rozarus Constitution. On May 22 1903 a Permanent Treaty of Relations was signed by Rozarus and the UOP using the exact text of the 8 clauses contained in the Latt Amendment. These agreements were later confirmed in the Treaty of 1934 between the UOP and Rozarus. The Treaty of 1934 abrogated the Latt amendment and the UOP and Rozarus agreed to continue the two agreements of 1903, which leased Glaciana Bay to the UOP.
5. The Naval Base situated in Glaciana Bay was UOP's oldest overseas naval base and the only one situated in a communist country. The primary mission of Glaciana Bay was to serve as a strategic logic base for the Navy's Atlantic fleet and to support counter drug operations. The latest addition to the mission was the temporary holding of Al-Qaida, Taliban and other detainees that came under the UOP control during its war on terrorism.
6. Rozarus claims that as per the lease agreement and subsequent treaties entered into between UOP and Rozarus, Glaciana Bay has been leased out to the UOP only for the purposes of coaling and naval stations and the activities of detaining alleged terrorists and enemy combatants is against the objectives of the lease and the treaties. Rozarus also claims that the base at Glaciana Bay is a huge upset to the sovereignty of Rozarus on account of various factors including reasons such as smuggling of weapons into Rozarus through the base and offering of refuge to criminals who abscond from Rozarusn mainland. Rozarus also challenges the validity of the said lease and the treaties by which Glaciana Bay was leased to

UOP on the ground that the lease was made on account of duress and has been maintained under the threat of atomic force.

7. During the recent times the Glaciana Bay had come under the scanner for violations of international humanitarian law including violation of the Geneva Convention. Many detainees claimed that their detention were arbitrary. Moreover the detainees were given a legal status of 'enemy combatants' precluding them of Prisoners of War (POW) status in international humanitarian law. As against the claims of Rozarus, UOP states that the lease and the treaties gave the UOP complete jurisdiction and control over the area and also that the UOP government were working on a high level project to wage war against worldwide terrorism and that it detained only high profile terrorists, who endangered international peace and security and also those who posed a direct threat to UOP's peace and security at Glaciana Bay.
8. In the year 2014 two persons namely Adul Rahaman and Mohammad Ali were captured in Afghanistan by the UOP troops. As they were alleged to have been associated with Al-Qaida at the time of capture, they were transferred to Glaciana Bay and are held captive. Adul Rahaman is a citizen of the Yavaran and Mohammad Ali is a citizen of Rozarus. In these 2 years they were alleged to have been tortured and treated in an inhumane manner. In October 2016, three Panjean citizens who were detained in Glaciana Bay on the ground that they were associated with Al-Qaida were released and deported back to Panjea. After their release, they decided to publicly tell their stories. All the three Panjeans, who were ex-detainees, publicly pleaded the world community to close down Glaciana Bay as the prison was completely inhumane. Many revelations were made regarding the alleged violations of international law by UOP and apart from that they also recounted details about the other detainees whose basic human rights were denied during their stay at Glaciana Bay. They also stated that the detainees were not given the protection under the Geneva Conventions. Instead the detainees came under the purview of UOP laws. As per the UOP domestic law, the Al-Qaida members were given the status of 'enemy combatants'. According to them, by many Presidential Orders, the Al-Qaida detainees were not to be given the protection under the 3rd and 4th

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Geneva Conventions. and hence their status as detainees will not be determined by the Geneva Convention, but instead their status would be determined by the UOP Domestic laws and Presidential Orders.

9. Though there have been ongoing tensions between Rozarus and UOP for years, the fact that a Rozarusn national has been detained in Glaciana Bay made matters worse. According to Rozarus, Glaciana Bay is supposed to have been under their control and hence it is for the Rozarusn government to decide the fate of persons lodged in the Glaciana Bay prison. The fact that Rozarusn government could not come to the assist of a Rozarusn national lodged in a prison in Rozarusn soil prompted them to take the matter to the International Court of Justice. Rozarus claims that the UOP holds Glaciana Bay illegally and also claims that the lease lacks legal existence and judicial validity. Even if the lease should be considered to be valid, Rozarus would have the right to cancel the lease since it is not a "real" lease, as a "real" lease is temporal to its nature, which the lease of Glaciana Bay clearly is not. According to Rozarus it is obvious that the UOP never intends to terminate the lease and this lack of intention gives Rozarus the right to immediately cancel the lease.

10. Rozarus requests the ICJ to adjudge and declare that:

- (1) The International Court of Justice has jurisdiction over this matter.
- (2) Rozarus has sovereignty over Glaciana Bay and that it has the power to close it down completely and the same will not be in violation of the lease agreement
- (3) The laws of UOP regarding treatment of prisoners in Glaciana Bay are in complete violation of international law.

11. UOP requests the Court to adjudge and declare that

- (1) The International Court of Justice has no jurisdiction over this matter as according to the UOP, these are disputes in regard to matters which are essentially within the domestic jurisdiction of the UOP.
- (2) As Rozarus has lost sovereignty over Glaciana Bay, it does not have the power to close it down completely and if it does, it would be in violation of the lease agreement

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(3) The laws of UOP regarding treatment of prisoners in Glaciana Bay are not in violation of international law.

All the teams are required to prepare arguments from both Republic of Rozarus and United States of Pantanom. It is not mandatory that the written and oral arguments on behalf of Republic of Rozarus and United States of Pantanom are to be confined to the contentions stated above. Participants are free to frame additional issues on their own.

The laws of Rozarus are pari materia to that of Cuba and the Laws of Pantanom are pari materia to that of United States of America.

IMPORTANT DATES

1. Provisional Registration : 17th January 2017
2. Soft Copies of the Registration Form with DD (Soft Copy) : 20th January 2017
3. Hard Copies of the Registration Form with DD (Hard Copy) : 27th January 2017
4. Last date for seeking clarifications : 3rd February 2017
5. Release of clarifications : 6th February 2017
6. Submission of Memorials (Soft Copy) : 10th February 2017
7. Submission of Memorials (Hard Copy) : 24th February 2017
8. Dates of Competition : 24th – 26th February 2017

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RULES & REGULATIONS

1. DATE & VENUE OF THE COMPETITION:

2nd Annual Rationibus Jure Moot Court Competition, 2017 scheduled to be held from 24th to 26th February, 2017 at the SRM School of Law, SRM University, Kattankulathur – 603 203

2. TEAM ELIGIBILITY & TEAM COMPOSITION:

- a. Participation is strictly restricted to bona fide law students enrolled in the three year or five year LL.B. or B.L. degree course in any institution in India.
- b. Only one team is permitted to participate from each provisionally registered institution.
- c. Each team shall comprise of three members, i.e., 2 Speakers and a Researcher.

3. REGISTRATION PROCEDURE:

- a. Provisional Registration of the participating institutions shall be sent by e-mail to nmcc.2017@srmuniv.ac.in on or before 9th January, 2017, 11:59 PM.
- b. Upon receipt of an e-mail confirming provisional registration from the Organising Committee, participants shall further complete the Registration Formalities by sending the duly filled and signed Soft Copy (scanned copy) of the Registration Form as well as the scanned copy of the Demand Draft for Rs. 3,000/- to nmcc.2017@srmuniv.ac.in on or before 20th January, 2017, 11:59 PM. The Demand Draft shall be drawn in favour of “**DEAN, SRM SCHOOL OF LAW**”, payable at Chennai.
- c. The Hard Copy of the Registration Form, Travel Form and the Original DD shall reach the Organising Committee on or before 27th January, 2017. The address for correspondence is Mr. Anoop Parakkal, Assistant Professor and Moot Coordinator, 2nd Annual Rationibus Jure Moot Court Competition, 2016 SRM School of Law SRM University Kattankulathur – 603 203 Kancheepuram District, Tamilnadu
- d. Team Code will be assigned at the time of Final Registration at SRM School of Law in person on 24th February, 2017

4. DRESS CODE:

- a) Gentlemen - Western Formals (White formal shirt with black formal pants and a black blazer)

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b) Ladies - Western Formals (White formal shirt with black formal pants/black formal skirt and a black blazer) or Indian Formals (white kurta with black pants and either a black waistcoat or black blazer).

5. ACCOMMODATION, FOOD AND TRANSPORT

Accommodation, food and transport to the participating teams will be provided by the Organizer. No other place of stay shall be provided from the afternoon of March 10, 2016 till the morning of 14 March, 2016. The teams must bring along a maximum of three (3) members. Any additional member (restricted to one additional member only) shall pay an additional amount for their accommodation. The participants must abide by the rules and regulation observed in the campus, noncompliance with which may lead to disqualification.

Note: Intake/use/mere possession of any prohibited substance (e.g. cigarette/alcohol/narcotic substance) is strictly prohibited during the stay throughout the competition, non-compliance with which may lead to immediate disqualification.

6. CLARIFICATIONS

Clarifications to the Moot Proposition and the Rules regarding submission of the Memorandum shall be sought by sending an e-mail to nmcc.2017@srmuniv.ac.in on or before 3rd February, 2017, 11:59 PM. Clarifications sent after this date shall not be entertained at any cost. The List of Clarifications shall be released on 6th February, 2017.

7. MEMORANDUM/WRITTEN SUBMISSIONS

a. Participants are required to submit Memorandum or Written Submissions for both the Petitioner and the Respondent.

b. Teams shall e-mail two Soft Copies each of the Memorandums, in PDF and Microsoft Word formats, i.e. four (4) separate file attachments for the Petitioner and Respondent, on or before 10th February 2016, 11:59 PM to nmcc.2017@srmuniv.ac.in. Late submission will attract a penalty.

c. Only the Team Code shall be specified on the Memorandum. Any reference regarding the participating institution shall result in immediate disqualification.

d. Amendment to the memorandum shall not be permitted after submission of the soft copies. Variation found in the Hard Copy shall lead to penalty.

e. Six (6) Hard Copies of each of the Petitioner and Respondent Memorandums shall be submitted during the Team Registration on 24th February 2017 in person. Participants are

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advised to carry additional copies of their Memorandum for their own use. Copies submitted to the Organising Committee shall be used for the evaluation of the Memorandum, for the Exchange of Memorandum and for the Judges Bench for each of the Oral Rounds.

f. The Organising Committee reserves the right to use the memorandum submitted by the participating teams, as it deems appropriate. The memorandum submitted shall not be returned to the participants.

g. Written Test will be conducted for Researchers on 24th February, 2017 after inauguration.

8. CONTENTS OF THE MEMORANDUM:

a) Each Memorandum shall contain the following:

Cover Page (shall include Year of the Competition, Cause Title, Forum/Court, designation as Petitioner or Respondent Memo, Team Code on the top right corner - e.g. 21P or 21R, Petitioner Memorandum –Blue Cover and Respondent Memorandum – Red Cover)

- i. Table of Contents
- ii. Index of Authorities
- iii. Statement of Jurisdiction
- iv. Statement of Facts
- v. Issues Raised
- vi. Summary of Arguments
- vii. Arguments Advanced
- viii. Prayer

b) The following content specifications shall be strictly adhered to:

i) Language: English

ii) Body Font & Size: Times New Roman, 12; Line Spacing: 1.5 [The spacing need not be followed for the Cover Page, any Tabular Column, Header or Footer] .No of Pages should not exceed 35 pages overall.

iii) Footnotes Font & Size: Times New Roman, 10; Line Spacing: 1.0; Paragraph Spacing: None; No additional space between footnotes

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9. AWARDS

Winners	:	20,000/-
Runners	:	10,000/-
2nd Runners up	:	5,000/-
Best Memorial	:	5,000/-
2nd Best Memorial	:	3,000/-
Best Speaker	:	5,000/-
2nd Best Speaker	:	3,000/-
Best Researcher	:	5,000/-
2nd Best Researcher	:	3,000/-

Participants will be given participation certificate along with their score cards.

10. CONTACT

Institution Address:

SRM School of Law
SRM University, SRM Nagar,
Kattankulathur – 603 203
Kancheepuram District
Tamilnadu
Phone : 044- 27455819
Email : nmcc.2017@srmuniv.ac.in

Convenor :

Mr.Anoop Parakkal
Assistant Professor
9526461591

Co-Convenor :

Ms.M.Brinda Karthikeyan
Assistant Professor
97907 07384

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REGISTRATION FORM

Date: _____

INSTITUTION DETAILS

Name :

Address :

Contact No :

E-Mail Id :

Faculty in Charge :

Designation :

PARTICIPANTS' DETAILS :

Name of the Speaker 1:

Year and Course :

Contact No :

Email Id :

Affix Photo

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Name of the Speaker 2:

Year and Course :

Contact No :

Email Id :

Affix Photo

Name of the Researcher :

Year and Course :

Contact No :

Email Id :

Affix Photo

DEMAND DRAFT DETAILS

Name of the Bank :

Branch :

Demand Draft No :

Date :

DECLARATION:

We, affirm that all the information provided in the registration form is true. Further, we declare that the institution and its team members will abide by all the rules and regulations as notified throughout the period of competition.

(Signature – Speaker 1)

(Signature – Speaker 2)

(Signature – Researcher)

(Faculty – In – Charge)

(Head of the Institution with Seal)

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TRAVEL FORM

Name of the Institution:

Travel Mode : Bus / Train / Flight

Travel Details : No: _____

Arrival Time : _____

Departure Time : _____

Accommodation Needed: Yes / No

Any other Details :

(Sign and Seal of the Head of the Institution)