

THE INTERNATIONAL COURT OF JUSTICE

AT THE PEACE PALACE

THE HAGUE, IN NETHERLANDS



IN THE MATTER BETWEEN

THE REPUBLIC OF UHTRED

(APPLICANT)

-V-

THE REPUBLICS OF THYRA, SIGEFRID, STORI & BEOCCA (RESPONDENTS)

1. Uhtred is a country Centrally located in the continent of Tafrika. Its population is approximately 84.07 million as of the census held in 2019. Its capital city is Bebbanburg with a population of approximately 45 million. Uhtred shares borders with Sigefrid to the East, Thyra to the North, Beocca to the West and Stori to the South. The great Titanic ocean lies to the West of Tafrika.
2. Uhtred is considered the largest country in the continent covering approximately 2.345 million square km. It is well endowed with the second largest tropical rain forest in the world, the Sisilima Forest, with almost 2 million square kilometers of humid forest. The forest is well complemented by River Braville, the second largest river in the continent with a length of approximately 4,700 km, and is well endowed with minerals such as gold. A significant part of River Braville flows alongside the border of Uhtred and Beocca, before finding its mouth in the Titanic.
3. Well recognized for its democracy, Uhtred's Constitution binds all persons and state organs at all levels of government. The Constitution further provides for inclusivity, giving a key consideration on religion, with Article 10 providing that there is no state religion. The country enjoys religious diversity, with the most dominant religions being Islam and Christianity.
4. The Republics of Uhtred, Sigefrid, Thyra and Beocca are members of the UN and have ratified the UN charter, its sister covenants and all other covenants. Although the Republic of Stori is not a member of the UN, like its neighbors, it has ratified all the UN covenants. The five Republics have shared the best diplomatic relations since their independence, until the commencement of the dispute.
5. On 14th March 2014, Uhtred's territories were invaded by a terrorist group, 'The *Baab*'. The group settled in Sisilima forest and would attack various governmental offices, shopping malls and religious places, leaving thousands of its citizens dead. With the country's defense forces being overwhelmed by the *Baab*, Uhtred's government in consultation with the Republics of Sigefrid, Thyra and Beocca agreed to aid by deploying

their military troops in Uhtred. The Republic of Uhtred granted the troops access only to Sisilima Forest region as the larger part of the country, while the rest would be occupied by Uhtred's forces. In 2016, the *Baab* forces were seemingly getting weaker and in January 2017, one of its leaders surrendered to the government and revealed all their tactics, secrets and aims. This resulted to an easy capture of the *Baab* troops and the country regained its peaceful state.

6. In February 2017, the president of Uhtred, Hon. Goodluck Juliet having had a disagreement with the president of Beocca announced the withdrawal of all foreign troops in the country, by 14th March 2017, while giving a specific mention to those of Beocca. Beocca's government responded immediately, while the rest remained, citing the ungratefulness and arrogance of the president. Sergeant Michina, the highest rank in the Sigefrid troop having married Hon. Goodluck's daughter hinted to the president and the ministry of interior the plan of the Sigefrid and Thyra troops to overthrow the president in a strategically planned coup. Uhtred's government positioned its military around Sisilima Forest to advance a counter attack.
7. Unknown to them, the two distinct militia outfits had moved to other parts of the country. On 10th October, four villages were attacked by members of unknown troops and a bomb exploded in the capital of Bebbanburg, destroying the country's largest cultural heritage museum, while leaving 50 citizens dead, 4,000 injured and other 1,000 homeless in total. The cabinet secretary (CS) interior after visiting the scenes obtained two berets bearing the flags of Thyra. To further certify that these were the works of the two militia outfits, a military scientist Ms. Delis examined the bullets and spent shells found on ground and in her findings, she concluded that the only country in Tafrika that could manufacture such, was Sigefrid. The Republic of Uhtred unequivocally condemned the aggression suffered by the country and the occupation of certain parts of its national territory. Hon. Goodluck, with an aim of finding a solution to its people requested a meeting with the presidents of Sigefrid and Thyra. In the meeting on 12th January 2020, the three Republics signed the Sirte Peace Agreement, which undertook to cease hostilities immediately. Following this, the Republics of Thyra and Sigefrid withdrew their troops from Uhtred. Around the same

time this withdrawal was effected, the activities of the two militia outfits dwindled to a halt.

- 8.** Consequently, a great relief was felt in the country, as there was profound peace. However, this was not to be enjoyed for so long, as in March, UtuHutuTutu (UHT), a rebel group in Uhtred undertook various attacks in the country with their main chant being ‘Goodluck must Go’. Some media houses through their newspapers indicated that the Republics of Sigefrid and Thyra funded the rebel group by providing food, guns and other weapons they needed to overthrow the president through the forest. Sure enough, the UHT members, unheard of before, settled in the forest and could only move when conducting an attack. They were also well known of attacking using spears and swords but to the surprise of the government, they possessed certain ammunitions and missiles that the government never owned. During an aerial survey across the forest, the CS interior noticed certain activities along River Braville. A visit to the ground revealed that the government of Beocca, had been dredging gold along its side of the river with the project being heavily guarded by the rebel group and Beocca’s militia. As a result, the greener part of Sisilima Forest was no more and a large school of dead fish discovered in the Titanic and alongside Uhtred’s part of River Braville.
- 9.** In the middle of this state, a global pandemic hit hard to the country’s economy and an alternative normal had to be sought to sustain the economy. While aiming at maintaining social distancing, in person learning in schools was done away with, and classes were moved online.
- 10.** Primary education is free and compulsory in Uhtred, as a constitutional right. For the State to remain neutral in religious matters, it has decided, by way of the Basic Education Act of 2003, to introduce the teaching of Christian Religious Education and Islamic Religious Education as compulsory units to be covered in public primary schools. This decision was motivated by the predominance of Christianity and Islam in the Republic and a colonial legislation, the Witchcraft Act of 1925, that remained in force in the Republic even after the dismemberment of European Colonialism in Tafrika in the 1960s.

11. Kamituga is a minority cultural group in Uhtred. The Kamituga parents did not know about the content of the Basic Education Act. It was not until the global pandemic hit the whole world that the parents, through the virtual classes, started realizing that their children were being subjected to Christian Religious Education (CRE) and Islamic Religious Education (IRE). Being practitioners of African Religion (ARE), they found subjecting their children to CRE and IRE to be an upfront attack to their freedom of thought, conscience and religion as protected under the Constitution and a number of international legal instruments.
12. For this reason, they took issue and sought redress in the Uhtred judicial system on this issue. Reaching the Court of Appeal, it was certified as a matter of general public importance, as the parents argued that (ARE) should also be included in the public primary schools' curriculum. This would allow their children to grow into faithful custodians of their African customary law practices. ARE would be easily allowing the children to one day acquire supernatural power and become medicine-men, rainmakers, kings, priests, and specialists. They argued that ARE would best teach them the systematic socialization of the young generation into norms, beliefs, and collective opinions of the wider society.
13. The Court of Appeal therefore certified the case to proceed to the Constitutional Court as a matter of general public importance. However, before hearing the matter, a zoom video recording of 5 out of the 7 Justices of the Constitutional Court bench deliberating on the case was leaked. They were vehemently agreeing that: ***'It is necessary for all of us to avoid terms and practices that can spur fear and encourage disunity, inferiority, and doubts by making a certain portion of our people supernatural beings. This is what ruling in favor of Kamituga parents would do. There is no such a thing as an African religion'***.
14. Seeing the recording, the parents lost confidence in the highest judicial organ of the Republic, felt hopeless and did not follow up on the matter. Instead, they collectively resolved that their children should not be attending online classes. Following this resolution, Kamituga students of international law immediately decided to boycott all their classes since, in their opinion and that of their lecturers, it is difficult to study international

law online because it requires critical pedagogical methods for it to be culturally appropriate.

- 15.** Uhtred has a Witchcraft Act of 1925 (Revised in 2012). This Act holds under Section 2 that ‘*any person who pretends to exercise any kind of supernatural power, witchcraft, sorcery or enchantment calculated to cause such fear, annoyance or injury, shall be guilty of an offence and liable to imprisonment for a term not exceeding five years.*’
- 16.** In response to these developments, the Director of Public Prosecutions (DPP) of the Republic of Uhtred, acting for the state and moving from the premise that there is no such a thing as an African Religion, acted under Section 2 of the Witchcraft Act, by passing an order to confine all Kamituga medicine-men, rainmakers, kings, priests, and specialists in Uhtred. Those that resisted the confinement were killed. This resulted to mass killings of the Kamituga. Given this, and running away from mass arrests under the Witchcraft Act, Kamituga people started finding refuge in a neighboring country, Beocca, which welcomed them with open arms in its refugee camps.
- 17.** Despite the government of Beocca taking in Uhtred refugees *en masse*, it has limited food provision, which at times comes from other countries and is even hardly enough to cater for its 5,000 citizens. The sudden increase in population in Beocca has made it really inhabitable for Kamituga people. They have been slowly dying, day after day. This situation has been compounded by the fact that the Beoccan government has been reluctant to accept foreign assistance for food specifically for the refugees. This includes a refusal to allow into its territory the United Nations High Commissioner for Refugees (UNHCR). It has cited that this assistance has been accompanied by certain unnamed conditions it cannot fulfil.
- 18.** The Republic of Stori lodged before the International Court of Justice (ICJ) regarding the right to self-determination of the Kamituga people given all that the government of Uhtred and Beocca has put them through. The Republic of Sigefrid has decided to join in the case. In this regard, it has submitted before the ICJ that: ‘we consider it our obligation to support the efforts by the Republic of Stori, which are of concern to all humanity. As part of this intervention, we will assist with the complex legal issues that are expected to arise and will

pay special attention to the right to education, to freedom of thought, conscience and religion.

- 19.** The Republic of Beocca fears being accused of violating international refugee law, given the hundreds of Kamituga people who have been dying within its borders because it is systematically not providing adequate food for them. It however feels that it was foreseeable to the Uhtred government that those fleeing arrests and mass killings were to end up in huge numbers in refugee camps and the government of Beocca's normal state would not salvage them. In these camps, and despite the best efforts of the government of Beocca, it could not sustain the Kamituga people. However, the Uhtred government finds itself on the right side of the rule of law, both nationally and internationally. It finds all the claims of the Beocca State as mere extrapolations, falling outside the realm of reasonableness, let alone international human rights law.

Despite the highly contested question on genocide against the Kamituga people, the parties have made a decision to leave it out, after a series of extremely intensive negotiations. Therefore, the issues in contention before the court as agreed by the parties to suit are:

- 1. Whether Thyra and Sigefrid violated territorial integrity of the Republic of Uhtred.**
- 2. Whether the Republic of Beocca violated international refugee law.**
- 3. Whether the republic of Beocca violated international environmental law.**