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CASE STUDY
ALL EUROPEAN INTERNATIONAL HUMANITARIAN AND REFUGEE LAW MOOT COURT
COMPETITION

Faculty of Law, University of Ljubljana

November 22nd- 26th, 2016

1. General rules

1. This is a fictional case intended to enable students to familiarize themselves with international law in particular international humanitarian law and refugee law.
2. Teams may use only facts contained in the following case and are prohibited from inventing new supportive facts or evidence. Facts should not be contested. Teams may, however, draw reasonable inferences from facts which have been established by the evidence in the case.
3. Each participating team shall receive the general case study in advance. 1 to 2 hours before the round (depending on the contents of the round in question), the team will be informed about the role it is going to represent and receive additional case material to prepare for the round. Arguments should be limited to addressing the issues raised in the case materials. Teams should set forth legal arguments. Evaluation of their representations will be based on:
 - I. Organization, structure and analysis of the issues;
 - II. The use of relevant facts, legal rules and principles;
 - III. Clarity, logic and reasoning;
 - IV. Time management.



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4. Each participating team shall appear in 6 preliminary rounds (two per day), to be followed by the final round (for the two finalist teams only).
5. Teams are expected to observe all additional rules and regulations as instructed by the organizers during the competition.
6. Applicable law: teams are expected to present their arguments on the basis of the rules and principles of international humanitarian law, international refugee law and international criminal law, as well as any other applicable treaties.

2. Case study

Conflict in Syngeria

I. General background information

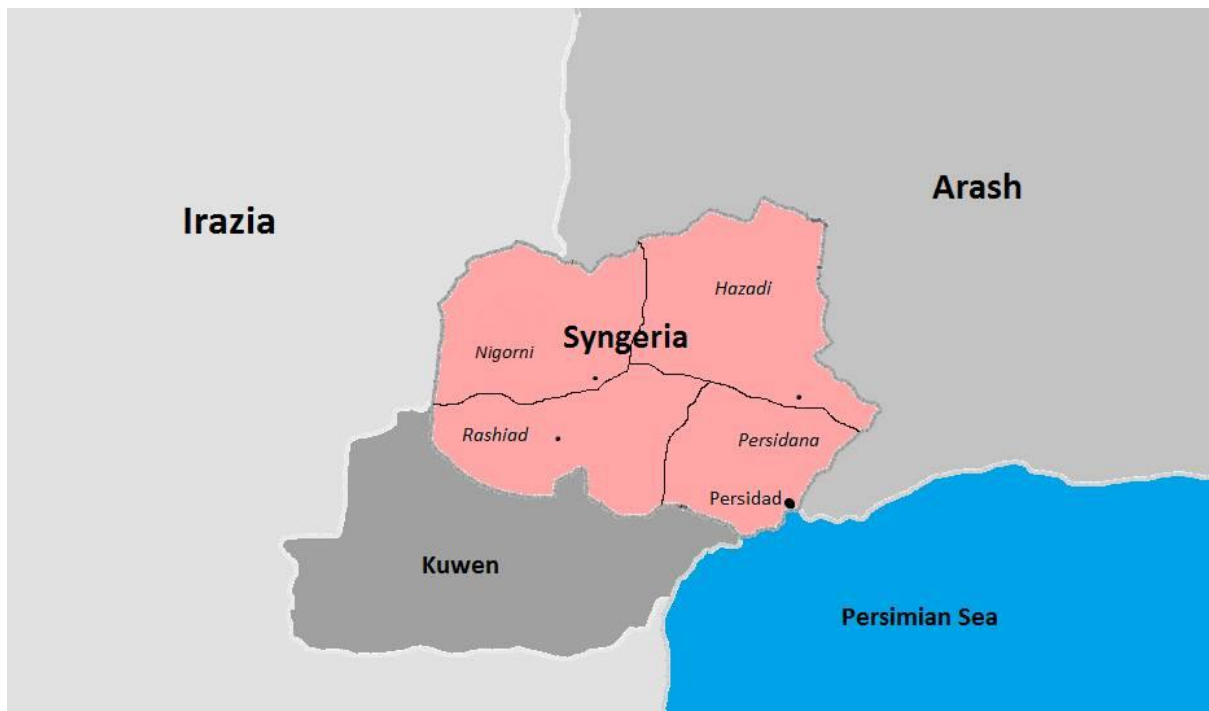
Syngeria, officially Democratic Republic of Syngeria, is a sovereign country in the region of Sofitelia. It borders Republic of Arash on the North-East, Republic of Irazia to the West, Republic of Kuwen on the South-west and sea on South-east. Syngeria gained its independence in 1982 when it seceded from Arash. Syngeria has an area of 225.000 km² and has a population of 15 million. The country is divided into 4 regions, Nigorni, Hazadi, Rashiad and Persidana. A desert that lies in the North of the country covers about 20% of the country and therefore most of the region Nigorni. In the East, in the region Hazadi, lies a mountain range called Hazadir. The regions of Rashiad and Persidana, which lay in the western and southern part of the country, respectively, are mainly plain. The capital, Persidad, is situated next to the sea, in Persidana region. It is a port city and the economic and cultural centre of Syngeria, as well as the hub of the country's communications and transport network. It is inhabited with 3 million people.



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II. Economy

Syngarian economy is dominated by the oil sector. The domination started with the oil boom in 1991 when Syngeria joined OPEC (Organization of the Petroleum Exporting Countries) and launched its oil export industry. In 2015, about 67% of the country's revenue consisted of oil and natural gas revenues while 29% came from taxes and fees. Despite increasingly high revenues from oil production and sale, the government has done little to help small and medium businesses, there was no investment in the infrastructure and nothing was done to improve the standard of living of the general population. In 2015 public sector employment in the country accounted for nearly 60% of full-time employment, another 20% of Syngarians were employed in agriculture, while remaining 20% work in other sectors.



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III. Demographics

Syngeria's major religion is Bahadini which is estimated to account for 67% of the country's population. Bahadini religion has two branches of followers Shiazu (around 41%) and Suddi (around 26%). The second largest religion in Syngeria is Taslim with 26%. The rest of the population follows other religions.

Syngeria has a homogenous ethnic structure as 97% of population are Syngerians. Other 3% represents Arashian minority. Historically the relations between Syngerians and Arashians were tense, but after Syngeria's secession in 1982 the tensions escalated. Public opinion about Arashians became generally negative. As they represented the poorest class of the population, they have been seen as lazy and unproductive. They were blamed for crimes in neighbourhoods dominated by Syngerians. Although incidents, including fights and serious harassment between the two ethnic groups were happening on a daily basis, the government did not take any action.

IV. Political system

Syngeria is a unitary republic. The political system of Syngeria is based on the 1982 Constitution. The Supreme Leader is responsible for deciding and supervising the general policies of the Democratic Republic of Syngeria. He is Commander-in-Chief of the armed forces, controls the military intelligence and security operations, and has the sole power to declare a state of emergency and war in the country. Should it come to such situation, it is in his power to entrust the command of Syngesian armed forces to the current Minister of defence. According to the Constitution of the Democratic Republic of Syngeria the powers of the government in Syngeria are vested in the legislative, the judicial and the executive branches, functioning under the supervision of the Supreme Leader. Since 2010, the Supreme Leader of Syngeria is Adiz.



Syngeria is a party to a number of major international treaties including the Geneva Conventions of 1949 and its 1977 Protocols, the Hague Conventions of 1899 and 1907, the 1951 Refugee Convention and its 1967 Protocol and the 1998 Rome Statute. As of 1983, Syngeria is also a member of the United Nations.

V. Tensions and violence

As oil production and profit from it rose, the Syngertian government became increasingly dependent on oil revenues and the international commodity markets. It did not develop other industries that would keep the economy stable. In 2010 the Adiz government was elected, but soon became viewed as corrupt and incompetent by virtually all parts of Syngertian society. Adiz hired only his relatives for the highest positions, he was suspected of money laundering, and of involvement in various forms of organised crime. In addition, public services, such as healthcare and education became so expensive that most Syngertians were not able to afford them any longer. The poor became poorer and only the ones with political affiliations had the opportunity to get employment. People were generally deprived of benefits from economic growth and development opportunities. This growing poverty and socio-economic inequality caused a loss of confidence in public institutions, especially in Adiz's government.

In 2012, a group of rebels named Syngertian Liberators (SL) was formed and demanded social equality and improvement of living standards. Their main goal was to force Adiz to share oil revenue fairly. To achieve this Mr Salvader, the leader of SL, organised a protest in August 2012. On the second day of the protest, Adiz in a public statement condemned the protest and demanded their immediate end. As the protest continued, Adiz called in county's Special Forces that violently repressed the protests by shooting into crowds of demonstrators, resulting in casualties of members of SL and other demonstrators.



The SL soon realised that Adiz was not willing to change his politics and that they had to change their tactic. In order to instigate political change and force Adiz to resign, SL started attacking oil production facilities in Syngeria. The first attack happened on the 4th of September 2012. Attacks resulted in destruction of oil-related infrastructure, causing the shutdown of many oil terminals. Subsequently, Syngeria's oil production fell to its lowest level in twenty-five years which seriously hampered the country's economic stability. Since Syngeria's economy was largely dependent on the oil industry, country's financial stress was the biggest in its history.

Adiz's government reacted with threats and arrests of SL members, charging them with treason, hooliganism and unlawful incitement to rebellion. Anyone accused of sympathising with the Liberators was arrested, often also on false grounds or unverified allegations. Those arrested were often tortured or ill-treated and were not presented with the right to access a lawyer and to inform their families of their whereabouts.

In January 2013, SL decided to begin recruiting, mostly young men, and organise the Free Syngerian Army (FSA), which was under Salvador's command. FSA's attacks on oil industry facilities and other government owned facilities, as well as on private homes of various politicians and other Adiz supporters became more frequent and brutal.

In 2013, the FSA started to fight with Adiz for control over the territory. The FSA was using artillery, anti-personnel mines, semi- automatic rifles, and was also accused of using nerve gas and biological weapons.

As fights continued, thousands of people lived in cities under long-term siege either by the government forces or by the SL. In April 2013, Salvador instructed his forces to kill anyone who brought food into the cities under Adiz government's control. The access was also denied to the International Committee of the Red Cross. This tactic effectively starved



civilians and deprived them of humanitarian assistance. People were also not allowed to enter or leave any territory under siege. Markets, shops and other small businesses, as well as schools, started closing all over the country. Both sides, SL and the government were demanding contributions in form of food, equipment and other utilities from the civilian population.

Furthermore, FSA and Adiz's forces continued attacking civilians, including dropping large numbers of improvised barrel bombs. Their airstrikes hit markets, schools, and hospitals.

In June Adiz realized that his operations were not sufficient to defeat his opponents and entrusted the power to his Minister of defense, Military commander Hedric, and asked him to handle the situation. He ordered him to do "whatever it takes" to get the control back and defeat the rebellious enemies (SL and FSA). Therefore, Hedric started using, among other, multiple rocket launchers, nerve gas, artillery and anti-personnel mines.

In July 2013, Hedric ordered the government's armed forces to strengthen the army by recruiting, apart from young men, all homeless children. Boys and girls from all over the country and mostly from lower social classes were being kidnapped and forced to serve in the army. The majority of orphans and other kidnapped poor children were of Arashian origin. The children were trained to blow up infrastructure under FSA's control and also to destroy the houses of civilians on the enemy's territories. Children were often ordered to be around main military bases in order to deter the opponent to bomb these targets. To get additional funds Hedric also ordered abduction of children to be turned into sex slaves and prostitutes. During fall 2013, more than 5000 children under the age of 15 became soldiers and slaves.

Despite Hedric's success in some operations in first few months of 2014, FSA managed to consolidate control over significant areas in western and central Syngeria. They obtained



control over more than half of the Syngerian territory and were close to finally taking over the capital Persidad.

Suddenly, in January 2015, many of the SL's operations started to fail. The Government strengthened the control over Persidad and regained back some areas in central Syngeria. The SL leadership became suspicious of the loyalty of its members as rumours of spies within the SL membership became stronger.

Already in August 2014, some SL members, who support the extremist version of Suddi religion, formed a secret group called the Saviors of the Nation (SN). They came together because of a shared opinion that only resignation of Adiz will not be enough for the brighter future of Syngerian nation. Their plan was to take control over the whole country and become the leader of Syngeria and to enforce their religion over the whole country once the SL forced Adiz to resign. The SN thus started secretly gathering weapons and devising tactics.

When in January 2015 SL discovered that someone was giving away important information about SL's tactics, SN was firm to discover the traitors. They started suspecting the minority of Arashians. The hate against Arashian minority rose among SN and they started to persecute all members of the minority, even women and children. They were captured, tortured to confess the betrayal, and often killed in the end. As a consequence of the widespread violence, members of Arashian minority started fleeing to other parts of Syngeria to escape the members of SN. Some Arashians even managed to escape to Arash and Irazia where they sought protection.

Throughout 2015 and 2016 violence in Syngeria continued. By September 2016, the number of civilians killed as a result of the conflict was reported to exceed 200,000. The deterioration of Syngeria's healthcare system reportedly resulted in thousands of ordinarily



preventable deaths from chronic diseases, premature deaths due to normally nonfatal infectious diseases, neonatal problems and malnutrition. In addition, the conflict resulted in hundreds of thousands of wounded people, with often long-term disabilities, and many more suffering from the psychological consequences of having witnessed the violence, the loss of family members, displacement and deprivation.

The conflict in Syngeria also caused a large displacement crisis with an average of 30,000 refugees arriving in neighbouring countries in the region every month. Since June 2013, the Syngeria conflict has resulted in displacement of nearly half of the population, comprising around 4 million internally displaced and over 2,5 million Syngerians who have fled to neighbouring countries. More than half of those displaced are children.

Following the massive movements of the Syngerian population, the Kuwen closed its border with Syngeria in 2015. Also, due to the geographic limitations on the north and strict border control of Irazia it was easier for Syngerian refugees to flee to Arash. Seeking better future in Irazia, many of them then crossed the border between Arash and Irazia.

Since the economic situation in Arash was weak even before the Syngerian war, the arrival of huge amount of refugees caused a financial and social crisis in Arash. The situation for refugees seeking protection in Arash is poor, there is not enough food, nor clothes. Thousands of refugees are sleeping in tents in huge camps with no running water, bathroom facilities and are suffering from the lack of necessary health care. The situation is slightly better for Arashian nationals, fleeing from Syngeria as it is easier for them to get a place to stay and basic necessities, but are still sometimes deprived of health care and other basic services.

In May 2016, neighboring countries Arash and Irazia signed an agreement, called the Arash-Irazia Joint Action Plan. The plan contains obligations for both sides. Irazia has agreed to a



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“Refugee Facility for Arash”, and a 2 billion dollars financial transfer to Arash. In return, the Arashian State agreed to readmit all irregular migrants returned from Irazia to its territory and to prevent them from leaving. Since July 16, when the plan came into action all non-Arashians, mostly citizens of Syngeria, have been returned from Irazia to Arash. In August 2016, the total number of Syngerian citizens in Arash was about 2 million.

In September 2016, Adiz's army started using drones to gather information about its enemies and to target SL strongholds in highly populated areas. Following those actions, non-governmental organizations warned that there exist a threat of using drones for transportation and release of radioactive material in a horrific »dirty bomb« attack.

In the end of September 2016, Hedric reported to Adiz that the latest information, gathered by the drones, reveal that FSA has been developing and testing a fully autonomous weapon system, which could soon be used in a conflict.