

ALL-EUROPEAN INTERNATIONAL HUMANITARIAN AND REFUGEE LAW MOOT COURT COMPETITION



CASE STUDY: THE SITUATION IN THE ABAHA REGION

Faculty of Law of the University of Ljubljana, 2021



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1. Abahia is a landlocked multi-ethnic developing state in the Abaha region. It is bordered by Barrania to the east and south, Chinon to the west and Dorenistan to the north. Chinon serves as a bridge between Abaha and Ebra region, a home to 15 developed states with Euris being a regional superpower.
2. Abahia stretches over an area of 703,000 km² and has a population of 41 million people. The country is predominantly mountainous, with fertile plains in the west and desert in the southeast. It is home to diverse ethnic and religious groups. Its capital and largest city is Nardul, which lies in the western part of the country and has a population of 6 million. Due to its strategic location along important trade routes in the region, Abahia has witnessed numerous military campaigns and has been occupied during several different periods of its history. Following the fourth Abahian war in 1934, the country became free of foreign dominance and the Kingdom of Abahia was established in 1935 under King Abakus. He was in power until 1981, when he was overthrown and a presidential republic was established. However, the country remained unstable after that as several coups followed. In 1996, Mr. Bageera, a member of a minority ethnic group, gained power and since then he is the incumbent president of the country. Throughout his rule, he has been criticised for human rights abuses and political executions. The country moreover suffers from high unemployment rates, economic hardship and corruption, with majority of country's leading positions being occupied by Bageera's family and supporters. Recent geological research revealed that Abahia has vast untapped mineral resources located in the mountains on the northern and north western part of the country. Deposits of minerals including iron, copper, lithium, nickel and gold are estimated to be worth more than 1 trillion dollars.
3. Barrania has a population of 9 million and covers an area of almost 1.8 million km². It is among the countries with the highest levels of corruption and poverty in the world. In terms of GDP per capita it was ranked as 171th as of 2020. Barrania gained its independence in 1946 and remained unstable and affected by numerous coups until 1980, when a fundamentalist group, the Tabakh, came to power. Tabakh is a religious-political movement, whose primary aim is enforcement of a strict interpretation of its religion and opposition to liberal democracy and developed world. Under their rule numerous cultural and recreational activities were banned in the country. Women and girls were forbidden to attend schools and universities and were banned from working. If they broke those rules they were severely and brutally punished. Daily prayers were made compulsory and enforced by law for all; those who did not abide were arrested. During their rule they have committed massacres against Barrania's civilians

belonging to religious and ethnic minorities, destroying their homes and burning vast areas of fertile land. According to Human Rights Watch, more than 65,000 civilians died in these massacres. Rebel groups were fighting the regime, but without much success. In March 2014, under the sponsorship of Eurus, the United Nations Security Council (UNSC) adopted a resolution 1972 (2014) authorising member states and regional organisations to enforce a no-fly zone over the country and to use “all necessary measures to protect civilians and civilian populated areas under the threat of attack in Barrania”. This was followed by a military operation of the Organisation of Cooperation (OoC) led by Eurus, which included a bombing campaign against Tabakh military installations. With the support of OoC, rebels took over the capital city of Barrania, defeating Tabakh. Tabakh leadership fled to neighbouring Abahia where they were eventually captured by local authorities and arrested. However, the majority of Tabakh remained in the western part of the country. In April 2014 a United Nations Support Mission in Barrania (UNSMB) was established, which successfully assisted Barrania with the establishment of an interim government. In 2016, the first democratic presidential elections were held with Mr. Baloo becoming the president. After successful parliamentary elections in 2017, UNSMB completed its mandate in the country in January 2018 and left. However, after the departure of UNSMB, the number of terrorist attacks in the country rapidly increased. In 2020, the total number of terrorist attacks registered in the country exceeded 800.

4. Chinon is likewise a developing country bridging the Abaha region with the more developed Ebra region. It covers an area of 650,335km² and has a population of 81 million. After the war of independence in 1922 Chinon became a parliamentary republic. Chinon established relations with countries from the Ebra region in 1995 through the organisation the Union of Ebra (UE). These relations were formalised with signing of the 2000 Cooperation agreement between UE and Chinon. Chinon has been an applicant to accede to the UE since 2003. Accession negotiations were continuously held after that but have been put on hold numerous times due to Chinon’s human rights violations and deficits in the rule of law. The incumbent president of the country is Ms. Ribally.
5. Dorenistan is also a developing state, whose major income comes from the export of agricultural commodities. It has a population of 220 million and stretches over an area of almost 900,000km². Dorenistan gained independence in 1947 and has since then been ruled by different governments alternating between civilian and military, democratic and authoritarian. Its current prime minister is Mr. Durul, an authoritarian nationalist refusing cooperation with countries in the Ebra region. The country is ranked amongst the emerging

growth-leading economies, however, it struggles with poverty, illiteracy and corruption. Dorenistan is a declared nuclear military power.

6. Eurus is a developed country with an advanced economy, its GDP constituting 25% of the gross world product. It lies in the Ebra region spanning over 950,000km² and has a population of over 90 million. Eurus is a great power in global affairs and a leader in technological innovation and scientific research. As one of the earliest republics of the modern world, it has a long democratic tradition. Eurus is organised as a presidential system, its current president being Ms. Goddart.
7. In December 2019, peaceful anti-government protests started in Abahia calling for Bageera's removal and demanding democratic reforms. Protests started in Nardul and soon spread throughout the country. In March 2020, the situation was getting out of control. Therefore, Bageera gave an order for deployment of 25.000 troops to restore order. On 20 March 2020, police officers and soldiers opened fire against protestors in Nardul and conducted numerous arrests of the protestors. This brutal crackdown was followed by clashes between the government forces and protestors countrywide in which hundreds of people died and thousands were wounded, mostly protestors. In July 2020, the Free Abahia Army (FAA) was established as the military wing of Abahian people's opposition to the regime, with the aim of bringing down the Bageera's government and starting the democratic transition in the country. At the beginning, the FAA was primarily funded by international private donors, however, in August 2020, Eurus started a covert program called *White Dove* to equip and train the FAA as well as to provide for a monthly funding source of the FAA.
8. Since July 2020, Abahia's army forces and the FAA have been engaged in intense fighting and shelling. In November 2020, the FAA gained control over the southern part of Abahia, while government forces controlled the northern and central-eastern part of the country, including Nardul.
9. On 5 December 2020, all Tabakh leaders held in detention centres under the control over Abahia authorities were released following an order of President Bageera. He also ordered that more than 1.000 captured FAA members should be transferred to the Mountain Fortress, a high security military detention camp hidden in the mountains in the North. The camp is equipped with more than 3,500 facial recognition security cameras, enabling recognition and 24/7 surveillance of all detainees. At a meeting with guards and officers working at the camp,

Bageera demanded from them to *“use all possible means to obtain as much information about the FAA from the rats coming to the Fortress as possible. In this war, information is worth more than a life of thousand rats!”* He also instructed guards to isolate FAA female members in solitary confinement and allowed the guards *“to visit the women as many times as they want during the day and night.”* Soon, non-governmental organisations (NGO) sources reported on heinous conditions in the Fortress, including allegations of torture, starvation and sexual violence over detainees. The International Committee of the Red Cross (ICRC) requests to visit the detainees were continuously denied. Abahia claimed that for reasons of imperative military necessity, the exact location of the Fortress should not be disclosed to anyone.

10. On 27 December 2020, the FAA mounted an attack on the city of Kundur, a strategic point in the central-eastern highlands of Abahia, under the control of the government forces. To carry out the attack they used a helicopter and barrel bombs recently supplied by Eurus. A helicopter carrying four barrel bombs flew over Kundur as one of the bombs incidentally unleashed and hit an area near a primary school, completely destroying the building and killing 15 children on the playground. The bomb also destroyed main water pipes in the area, cutting the water supply for more than 250,000 inhabitants of Kundur city. Three other bombs were dropped at the Abahia’s army main military base in the city, killing 55 soldiers and destroying a large amount of military equipment. The explosion was so strong that it destroyed a nearby bridge killing 10 civilians, a house of worship, and caused serious damage to a 11-stories residential building, which had to be evacuated immediately.
11. In February 2021, the Tabakh, under the leadership of the recently released commander Mowen and with the support from Tabakhs members who came from Barrania, started a military campaign against the FAA in the southern part of Abahia. In one month, they took control over the south-eastern part of the country, which was proclaimed the Barrania Emirate, providing among other things a safe haven for the Alkadi, a militant multi-national organisation widely regarded as a terrorist group.
12. Since March 2021, Alkadi carried out numerous terrorist attacks on military FAA targets as well as civilian objects where persons supporting the FAA were supposedly located within Abahia, as well as in neighbouring Barrania.
13. On 13 April 2021, Alkadi mounted a series of coordinated terrorist attacks against Eurus. Three suicide bombers struck at the Eurus’s Independence Day celebration in the capital city,

Erringrad. At the same time another group of 6 attackers fired on cafés and restaurants in a nearby shopping district. The attackers killed 140 people and another 450 were injured. Alkadi claimed responsibility for the attacks stating that they were retaliation for Eurus's involvement in the situation in Abahia and Barrania.

14. An investigation conducted after the attack confirmed that 6 attackers were born in Eurus, while the identity of other three could not be confirmed. An Abahian passport was found at the site of the attacks. However, investigators could not confirm whether the passport was genuine.
15. On 14 April 2021, Ms. Goddart stated on the national television that Eurus was a target of terrorist attacks coming from Abahia. She reiterated that *“since Abahia is unable to control the situation in its territory and act accordingly to prevent such attacks and find those responsible for the attack, Eurus will use all possible means to defend itself and prevent possible future attacks in the country, including by engaging its equipment stationed in outer space.”*
16. On 20 April 2020, Eurus launched a military operation “Free the World” against the Tabakh forces and Alkadi members in Abahia. In a bombing campaign several military targets in the area under the control of Tabakh forces, located through the satellites stationed in outer space, were destroyed. Eurus authorities also searched for accomplices of attackers, with Mr. Mowen being the main target.
17. A day later, Bageera sent a diplomatic note to Eurus demanding that the operation be stopped immediately since it is being conducted without his approval.
18. On 28 April 2021, the UNSC enlisted Tabakh and Alkadi as terrorist organisations. It adopted resolution 1732 (2021) imposing sanctions with respect to Tabakh and Alkadi and associated individuals, groups, undertakings and entities in the form of asset freeze, travel ban and arms embargo. In May 2021, Eurus adopted the Terrorist Support Act, criminalising material support to these two terrorist organisations with 20 years' imprisonment. The UE also adopted sanctions against the Alkadi and associated individuals in the form of asset freeze, travel ban and arms embargo.
19. On 15 May 2021, Eurus carried out an attack in Rombas, a smaller city in the south-eastern part of Abahia under the control of Tabakh serving as a main base for Alkadi. In the attack

Eurus' army used the newly developed Nargu HMS rotary wing attack drones. Nargu HMS-V1 dropped a bomb on a three-floor residential building which was believed to be the main intelligence headquarters and weapons storage facility of Alkadi. The building collapsed completely, killing 38 people, including 10 women and 6 children inside.

20. Meanwhile, the Nargu HMS-V2 used its facial recognition system to search and target Mr. Mowen, who was reportedly hiding in Rombas at the time. After identifying Mr. Mowen on the streets of Rombas, it opened fire against him while he was on the main market. A group of children started to point towards the drone with old, non-functional and unloaded guns which they found in an abandoned military warehouse. Nargu HMS-V2 opened fire against the children killing all of them.
21. An internal investigation conducted by the Eurus Ministry of Defence disclosed that both Nargu HMS drones were operating under the autonomous mode at the time of the attack, with no connectivity with the ground control unit. Moreover, the victim of the first Nargu HMS-V2 attack was not Mowen, but his twin brother.
22. Since March 2020, more than 110,000 people were killed in Abahia and to escape the violence more than 4,5 million Abahian refugees have fled to neighbouring countries, mostly to Chinon.
23. The ICRC and other humanitarian organisations are present in some parts of Abahia, however, they have limited access to the part of the country controlled by Tabakh, the so called Barrania Emirates. Tabakh refuses to grant access to humanitarian organisations claiming that the main aim of these organisations is to covertly provide intelligence information to Eurus. Moreover, Abahia has told the ICRC that their humanitarian access rights do not apply to the territory under control of Tabakh, because Abahia cannot ensure the security in those areas.
24. In June 2021, the director of the Regional Abahan Charity, operating in the area under the control of Tabakh, was arrested in Eurus on the allegation that he diverted large amounts of money to Tabakh and their supporters in breach of the Terrorist Support Act.
25. Chinon has been a "transit country" for migrants and refugees from the Abaha region, mostly from Barrania and Abahia, wanting to go to the Ebra region in search for a better life even before 2020. However, since 2020 the number of people seeking asylum has drastically increased. According to the United Nations High Commissioner for Refugees (UNHCR), Chinon

hosted more than 3.5 million refugees at the end of 2020, which is 3 million more than at the end of 2019. Before 2020, Chinon was able to effectively process asylum applications through its national system. However, as their number rapidly increased, registration, interviewing and decision-making process was taking several months due to insufficient Chinon's human and technical capacities. Terrible living conditions in the camps where asylum seekers are accommodated caused concerns in the international community, including UNHCR. Overcrowding, poor housing conditions, frequent food shortages, limited access to services, including health care, and in particular total lack of access to vaccinations against highly infectious diseases, sanitation and hygiene and limited access to legal assistance lead to tensions and unrest in the camps. In practice, authorities struggled to process the increasing numbers of the asylum claims in transparent and fair procedures.

26. The UNHCR called upon the Chinon government to improve the conditions in the camps and to establish fair and efficient asylum procedures. Subsequently, Chinon government asked the international community for a support to improve the conditions in the camps.
27. To cross the border refugees increasingly seek help of smugglers, often paying more than 1.000 dollars to help them illegally cross the border to Chinon. In managing its refugee crisis, Chinon started to build an 850km long border barrier along the border between Abahia and Chinon to prevent illegal crossings and smuggling. Unable to provide facilities for all refugees coming to the country, on 15 January 2021, Chinon opened its western border enabling the flow of hundreds of thousands of refugees to pass through the country into the Ebra region.
28. On 1 February 2021, a high-level bilateral meeting between Ms. Goddart and Ms. Ribally was held whereby the Eurus-Chinon Joint Action Plan was agreed, which prioritises border security and mechanisms to prevent refugees from crossing the Chinon border illegally in exchange for financial support of Eurus to Chinon in the amount of 11 billion dollars. Moreover, it was agreed that all refugees that crossed the Chinon border with the Ebra region since 1 December 2020, would be automatically returned to Chinon. As a result, hundreds of thousands of refugees are stuck in refugee camps in Chinon, where they live in abysmal conditions.
29. Unable to deal with the constant flow of refugees, in September 2021, Chinon started to return them back to the northern part of Abahia, claiming that this was a safe area since it was under the control of the Abahian army and not the terrorist groups. UNHCR reported that refugees

were forced to sign forms in Chinonian language they did not understand. Those not wanting to sign forms were threatened and severely beaten.

30. Abahian refugees tried to find alternative routes to come to the Ebra region. Even though it is extremely dangerous, a route over the mountain passes to Dorenistan and then over the Green Sea to the Ebra region was starting to be used by refugees. However, in October 2021, Dorenistan decided to completely close its borders for all persons without a Dorenistian passport or a letter of guarantee issued by the Ministry of Interior Affairs of Dorenistan.

31. In September 2021, the Pre-Trial Chamber of the International Criminal Court, following the request from the Office of the Prosecutor of the International Criminal Court authorised an investigation into the situation in Abahia since March 2020.

32. Abahia, Barrania, Chinon, Dorenistan and Eurus are all members of the UN and the OoC. Eurus is also a founding member of the UE and a permanent member of the UNSC. Abahia, Barrania, Chinon, Dorenistan and Eurus are parties to all relevant treaties on international humanitarian, human rights and refugee law. Abahia, Barrania, Chinon and Dorenistan are parties to the 1998 Rome Statute of the International Criminal Court.