

25TH D. M. HARISH MEMORIAL GOVERNMENT LAW COLLEGE
INTERNATIONAL MOOT COURT COMPETITION, 2024

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HOSTED BY

GOVERNMENT LAW COLLEGE

IN ASSOCIATION WITH

D.M. HARISH FOUNDATION

INTERNATIONAL COURT OF JUSTICE

COMPROMIS

**BETWEEN THE REPUBLIC OF ZIMBLIA (“THE APPLICANT”) AND THE
REPUBLIC OF AVENTARA (“THE RESPONDENT”) TO SUBMIT TO THE
INTERNATIONAL COURT OF JUSTICE THE DIFFERENCES BETWEEN
THE PARTIES**

COUR INTERNATIONALE DE JUSTICE

COMPROMIS

**INTER REPUBLICAM ZIMBLIAM (“PETITOR”) ET REPUBLICA
AVENTARA (“CONVENTA”) AD INTERNATIONALI IUTH
AULAM INTER PARTES DIFFERENTIAS SUBMITTERE.**

SUBMITTED TO THE INTERNATIONAL COURT OF JUSTICE BY

**THE REPUBLIC OF ZIMBLIA
AND
THE REPUBLIC OF AVENTARA**

The Republic of Zimblia and The Republic of Aventara

Recognizing that the Parties concerned have been unable to settle these differences by negotiation;

Desiring further, to define the issues to be submitted to the International Court of Justice (hereinafter referred to as “the Court”), for settling this dispute;

In furtherance, thereof the parties have concluded the following Compromis:

ARTICLE 1

The Parties submit the questions contained in the Compromis (together with any Corrections and Clarifications to follow) to the Court, pursuant to Article 40(1) of the Statute of the Court.

ARTICLE 2

It is agreed by the Parties that The Republic of Zamblia shall act as the Applicant and The Republic of Aventara shall act as the Respondent, but such an agreement is without prejudice to any question of the burden of proof.

ARTICLE 3

- a) The Court is requested to decide the Case based on the rules and principles of International Law, including any applicable treaties.
- b) The Court is also requested to determine the legal consequences, including the rights and obligations of the Parties, arising from its Judgement on the questions presented in the Case.

ARTICLE 4

- a) Procedures shall be regulated in accordance with the applicable provisions of the Official Rules of the 25th D.M. Harish Memorial Government Law College International Moot Court

Competition, 2024.

- b) The Parties request the Court to order that the written proceedings should consist of Memorials presented by each of the Parties not later than the date set forth in the Official Schedule of the 25th D.M. Harish Memorial Government Law College International Moot Court Competition, 2024.

ARTICLE 5

- a) The Parties shall accept any Judgement of the Court as final and binding upon them and shall execute it in its entirety and in good faith.
- b) Immediately after the transmission of any Judgement, the Parties shall enter into negotiations on the modalities for its execution.

In witness, whereof, the undersigned, being duly authorized, have signed the present Compromis and have affixed thereto their respective seals of office.

AMBASSADOR OF THE
REPUBLIC OF ZIMBLIA

AMBASSADOR OF THE
REPUBLIC OF AVENTARA

THE REPUBLIC OF ZIMBLIA

Vs.

THE REPUBLIC OF AVENTARA

1. **xDAO** is a global NGO based in the Republic of Zimblia (“**Zimblia**”), dedicated to Human Rights advocacy. Operating as a Decentralized Autonomous Organization, xDAO is anchored on **EtherX** , as a permissionless blockchain.
2. Boasting over 5 million members and supporters spanning nearly all nations across the world, xDAO’s primary objective is to champion a world where everyone's rights, as outlined in the ‘*Universal Declaration of Human Rights*’ and other International Rights documents, are fully realized. Owing to its regular mentions in the media and references made by global leaders, this organization has gained significant prominence in Human Rights discussions.
3. The Republic of Zimblia, located in Central America, has an estimated population of 6.5 million people. Historically, from the late-1800s to the mid-1900s, Zimblia faced ongoing political and economic turmoil, which included numerous coups, uprisings, and a series of authoritarian leaderships.
4. This turbulent period peaked with the Zimblian Civil War between 1979 and 1992. It was a battle between the Military Government, supported by the Republic of Aventara (“**Aventara**”), and various leftist rebel factions. Fortunately, the Zimblian Peace Accords (“**ZPA**”) concluded the war, paving the way for a Multi-party Constitutional Republic that persists today.
5. The Civil War era saw a significant emigration of Zimblians to Aventara. By 2008, they had become one of Aventara's predominant immigrant communities.
6. Historically, agriculture has been the backbone of Zimblia's economy. The 19th century saw a surge in the cultivation of Indigo, primarily for dyeing purposes. Coffee took center stage by the early 20th century, contributing to 90% of export revenues.

7. However, in recent times, Zimblia has lessened its reliance on coffee and started focusing more on economic diversification through trade, finance, and manufacturing expansion. The Zimblian Dollar, which was in circulation since 1892, was replaced by the Aventara Dollar in 2001.
8. Natural disasters, including earthquakes and hurricanes, government-imposed economic subsidies, and widespread corruption have often impeded Zimblia's economic growth. In 2012, the economic burden from subsidies was so pronounced that the International Monetary Fund (“IMF”) halted a \$1 billion loan to Zimblia.
9. Diversifying Zimblia’s economy has consistently posed a variety of challenges. Historically, gold and silver production were notable, but contemporary endeavors to revive the mining sector failed. This came to light when the President halted Aventara Mining Corporation’s operations. While there were underlying political reasons for this, the decision received significant backing from local communities and grassroots initiatives, primarily due to environmental concerns. This was evident when the President declined the company’s subsequent permit request, citing potential cyanide pollution in a primary national river.
10. In 2021, the President proposed the introduction of the Bitnero cryptocurrency as legal currency. **Bitnero** is a decentralized privacy-enhanced digital currency. Operating on the open-source EtherX blockchain network, it’s a mathematically-driven peer-to-peer currency devoid of any central governing body or overarching surveillance. The Bitnero Law was enacted by Zimblia’s Legislative Assembly (“ZLA”) in June 2021 and Bitnero became a legal tender in September of the same year. This law allowed foreigners to attain permanent residency in Zimblia upon a 10 Bitnero investment. However, the decision sparked significant opposition. By March 2023, a Zimblian Chamber of Commerce (“ZCC”) survey revealed that merely 14% of local merchants had engaged in at least one Bitnero transaction. Zimblia also buys a large amount of Bitnero to hold as a reserve.
11. The Republic of Aventara operates as a Unitary One-party Socialist system under the leadership of the **AAA**. Aventara consistently scores low in global evaluations conducted, relating to Democracy, transparency, human rights, and freedoms, such as those related to the press, religion, and ethnic groups.

12. Various Foreign Governments, International Media outlets, and Non-Governmental Organizations (NGOs) have expressed grave concerns about Aventara's Human Rights track record. The various allegations made against Aventara include unjust imprisonments, coerced admissions, torture, curtailment of fundamental liberties, and an overreliance on capital punishment.
13. xDAO, since its inception, has labeled Aventara as “not free” in its global freedom aspect in the World Report.
14. While the Aventaran Constitution proclaims to protect fundamental rights like freedom of speech, press freedom, fair trials, religious freedom, universal voting rights, and property rights, these claims often fall short in reality, providing limited defense against the State's punitive actions.
15. While limited critiques of the AAA and its policies might be tolerated, Aventara's censorship practices, especially related to political discourse and information dissemination, are among the most stringent globally, designed to prevent unified public action.
16. The nation also boasts about an extensive and advanced internet censorship system, resulting in the blocking of numerous online platforms. Public protests or gatherings seen as potential threats to societal harmony are promptly suppressed. Moreover, Aventara employs an extensive surveillance infrastructure, encompassing cameras, facial recognition tools, sensors, and personal device monitoring, aimed at maintaining tight control over its residents.
17. The Republic of Aventara has built and deployed **EagleEye**, a cutting-edge Artificial Intelligence (AI) system designed to detect, investigate, and neutralize threats to national security. As technological advancements continue to transform every aspect of modern warfare, cyber operations, and surveillance, EagleEye represents the forefront of integrating AI into national security efforts.
18. EagleEye continuously scans digital communication, online traffic, and other data sources for patterns consistent with known threats. It uses deep learning models to discern unusual patterns or activities from vast data sets, something that would be impossible for human analysts due

to the sheer volume of data. Once a potential threat is detected, EagleEye can deploy advanced analytics to deep dive into the data, fetching associated records, communications, or financial transactions.

19. Automated digital forensics streamline the investigative process, significantly reducing the time taken to understand the full scope and context of the threat. The system can automatically deploy countermeasures in cyber scenarios, such as isolating compromised networks or launching counter cyber-operations. In physical threat scenarios, it can provide real-time intelligence to ground forces, ensuring they have up-to-date information when dealing with threats.
20. Using machine learning, EagleEye can adapt and evolve, learning from every new threat and continually updating its algorithms to better predict and counter future threats. This ensures the system remains at the cutting edge of threat detection and neutralization. By integrating with other databases and intelligence sources, EagleEye can merge and analyze data from a multitude of sources, ensuring a comprehensive view of potential threats.
21. EagleEye applications include:
 - a. **Cybersecurity:** Protecting national infrastructure from cyber-attacks, espionage, and sabotage.
 - b. **Border Security:** Detecting unusual movements or activities at national borders, potentially stopping illegal activities or threats.
 - c. **Counterterrorism:** Identifying patterns consistent with terrorist activities or radicalization to pre-empt and neutralize threats.
 - d. **Critical Infrastructure Monitoring:** Safeguarding key national infrastructures such as power grids, transportation networks, and communication systems.
22. On 13th August, 2023, EagleEye detected that the operators of **Crimson Road**, an online darknet market, were using Bitnero. Within the shadowy realms of the dark web, Crimson Road functioned as a concealed service on the Tor network, facilitating anonymous trade between its users. Transactions were exclusively handled using Bitnero, ensuring further anonymity.

23. Crimson Road featured more than 5,000 items listed by sellers, with half of these being various categories of drugs, including stimulants, psychedelics, prescription medications, precursors, opioids, ecstasy, and steroids. Additionally, counterfeit IDs, illicit digital content, pilfered credit card information, and weapons were available.
24. EagleEye algorithms predicted that there was a high probability that Bitnero was being misused by criminal entities for money laundering and financing of terrorism at a global level. EagleEye launched a series of sophisticated cyber-attacks and brought down the EtherX network and permanently corrupted all Bitnero data. As news of the attack spread, the market price of Bitnero plummeted from \$30,000 to zero!
25. This attack also led to the de-anonymization of xDAO members' data, identities & transactions of Bitnero users. Within hours of this de-anonymization, hundreds of xDAO members and Bitnero users based in Aventara were arrested.
26. A week after the attack, the Government of Zimblia in an official social media post claimed that the EagleEye attacks have led to billions of dollars of losses as its Bitnero reserves are now worth zero. The post claimed that Aventara had launched the sophisticated cyber-attack as a retaliation for two issues:
- a. the shutdown of Aventara Mining Corporation's operations, and
 - b. reducing the reliance on the Aventara Dollar by making Bitnero, a legal tender.
27. The post claimed that Aventara must reimburse Zimblia for the losses they incurred on the basis of the following grounds:
- a. **Principle of State Responsibility:** International law holds States responsible for internationally wrongful acts. Aventara is fully responsible for the actions of EagleEye.
 - b. **Prohibition of Use of Force:** Cyber-attacks can be construed as a use of force under international law. EagleEye attacks were a breach of Zimblia's sovereignty.
 - c. **Due Diligence Duty:** States must prevent their territory from being used to harm other states. Aventara failed in its duty by allowing EagleEye to harm Zimblia.
28. Two days later, Aventara's Government issued an official social media post claiming that they were not liable for the losses that Zamblia incurred, on the basis of the following grounds:

- a. **Act of Independent Entity:** EagleEye acted autonomously and its actions were unforeseen and not directly commanded and thus Aventara was not liable.
- b. **Necessity, Self-Defense and Countermeasures:** International Law permits States to act in self-defense against imminent threats. The criminal use of Bitnero posed an immediate threat not just to Aventara but to the entire world and hence EagleEye's actions were a form of self-defense.

29. xDAO made an official statement that it will approach the International Court of Justice (**“the Court”**) against Aventara. xDAO stated that it must be considered as a sovereign state on the following grounds:

- a. **Evolution of Statehood:** The traditional concept of a state is tied to territory, but in a globalized digital age, states could evolve into non-territorial entities bound by common objectives, values, or digital governance, akin to city-states in ancient times which were bound by culture and governance more than expansive territories.
- b. **Montevideo Convention Criteria:** The Montevideo Convention outlines four criteria for statehood: a) permanent population, b) defined territory, c) government, and d) the capacity to enter into relations with other states. xDAO claimed that:
 - i) The DAO's global members represent a permanent digital population.
 - ii) The defined territory could be the blockchain or digital space they operate in.
 - iii) The DAO's code and smart contracts act as its government.
 - iv) The DAO, if it interacts with other entities or DAOs for mutual benefit, is effectively entering into relations with other 'States'.
- c. **Economic Power:** If the DAO holds and manages significant economic resources, it could wield economic power comparable to or even exceeding smaller states. Economic influence is a significant real-world power, and entities possessing it have historically been granted audience in international matters.

30. Without prejudice to any questions about standing or admissibility of claims, the Court is confronted with the following issues:

- a. **Issue Concerning the Principle of State Responsibility and Cyber-Attacks:** Whether the Republic of Aventara, by virtue of the actions of the EagleEye system, violated the Principle of State Responsibility under international law by launching a cyber-attack on the EtherX network, thereby causing financial harm to the Republic of Zimblia.

- b. **Issue Concerning the Liability of Aventara:** Whether the Republic of Aventara can evade liability for the actions of EagleEye by claiming:
 - i) EagleEye acted autonomously and its actions were unforeseen and not directly commanded.
 - ii) The actions were taken out of necessity, in self-defense, and as countermeasures against the imminent threats posed by the criminal use of Bitnero.

- c. **Issue Concerning the Recognition of xDAO as a Sovereign State:** Whether xDAO, which is operating as a decentralized autonomous organization on the EtherX blockchain, can be recognized as a sovereign state under International Law.

- d. **Issue Concerning the Economic Impact and Reimbursement:** Whether the Republic of Aventara is obligated to reimburse the Republic of Zimblia for the financial losses incurred due to the devaluation of Bitnero as a result of the cyber-attack by EagleEye.

NOTE

The Compromis is purely a work of fiction and created solely for the purpose of the Moot Court Competition. The characters, institutions, organizations and events depicted in this Compromis are purely fictional. Any similarity or resemblance to actual persons or actual events is purely coincidental and unintentional. The contents of the Compromis do not intend to defame/ denigrate/ hurt the sentiments of any person(s), institutions, communities, groups or class of persons.