



3rd TIB-DUMCS ANTI-CORRUPTION MOOT COURT COMPETITION 2023

23–25 NOVEMBER 2023

IN THE INTERNATIONAL ANTI-CORRUPTION COURT

CASE CONCERNING KALINGA CORRUPTION

THE PEOPLE'S REPUBLIC OF GAURO (APPLICANT)

v.

PEOPLE'S REPUBLIC OF HARIKELA (RESPONDENT)

STATEMENT OF AGREED FACTS
CASE CONCERNING KALINGA CORRUPTION

THE PEOPLE'S REPUBLIC OF GAURO

v.

PEOPLE'S REPUBLIC OF HARIKELA

1. The People's Republic of Gauro, a small but extremely resourceful country, was located at the northern apex of the Kalinga Sea, encircled by a big country, namely Democratic Republic of Kuru. Kuru is a politically stable democratic country and one of the fastest-growing economies with nuclear and military power. The largest ethnic group in Kuru were the Matsya. The second-largest ethnic group in Kuru was the Yadu. Kuru was the strongest ally of the People's Republic of Harikela, a democratic country, a developed nation, and one of the major military and economic superpowers. The strategic opponent of Kuru and Harikela was The Democratic Republic of Kadampa, another major economic and military superpower and a highly developed nation. Kadampa was a single political party-led nation with a population of 1.2 billion, which shares common borders with Kuru. The ethnic group in this country was Yadu. Kadampa was considered to be the epicenter of the Yadu ethnic group's cultural and religious heritage. It was also a hub of extremist groups of the Yadu tribe, which believed in supporting and assisting fellow Yadu tribes in Gauro and Kuru to claim their cultural identity and political power. Kadampa and Kuru had vexatious border issues for fifty years that involved territorial disputes over the sovereignty of three or four relatively large resource-rich provinces and several smaller and separate pieces of territory. These places were known to be home to the Yadu ethnic tribes of Kuru. Politically, the Yadu tribe of Kuru had ethnic solidarity with the Yadu ethnic tribe of Kadampa. These provinces and areas were particularly rich in oil and gas. Kadampa constantly faced gas and oil crises. By aiding the rebel tribes of the Yadu tribe against the Kuru, Kadampa was desperately trying to acquire full control over these provinces.

2. Harikela, Kuru and Kadampa had fierce competition over the exercise of power over international maritime trade and business around the area of the Kalinga Sea region. Harikela used the seaports of Kuru and Gauro for maritime trade purposes in the Kalinga Sea region. For a long time, Kadampa wanted to use Gauro's seaports for business and military purposes.

But Gauro refused to let Kadampa use her seaports for two reasons: i. Gauro had both Mathsya and Yadu ethnic groups who were equal in numbers. Gauro's current regime was dominated by the Matsya ethnic tribe, who had conflict with the Yadu ethnic tribe. Leaders of the Yadu ethnic tribe had political allegiance to Kadampa due to their common ethnic origin. The current regime of Gauro considered Kadampa a risky partner, which is why they wanted to keep limited relations. ii. Gauro's current regime counts Kuru's government as a strong ally as they share a common ethnic bond. Kuru took Kadampa to be a strategic opponent. By letting Kadampa use the port, Gauro did not want to upset her ally. However, there was a strong rumor that Harikela had set up a hidden military base in Kuru to help Kuru resist any potential military threat from Kadampa.

3. The Kalinga Sea played a vital role in global geopolitics due to its strategic geographical location. Its coastline was dotted with more than 10 major ports. Major shipping lanes connected the Kalinga Sea region with the other two major seas on three different continents. Among these seaports, Chitrangada, the largest port, was located in Gauro.

4. Gauro was a low-income country, with 70 percent of the population living in rural areas and engaging in the informal economy. The rate of female labour force participation was extremely low. The main reason for Gauro's poor economic progress could be traced back to the history of ethnic tensions between the Matsya and Yadu tribes and the lack of a good leader who could unite the country as one nation. Gauro's Matsya tribe-dominated military regime was not officially recognized by Harikela. However, Kuru had officially recognized and promoted the regime. In 2015, Kuru invited Gauro to join an economic and military alliance called "Rajamandala" with the other three developed countries. The primary objective of this alliance was to strengthen maritime trade and military security in the Kalinga Sea. Although Harikela did not recognize Gauro's military regime, she agreed to hold talks with Gauro about joining the alliance. As an incentive, Harikela wanted to develop an economic partnership with Gauro. Gauro welcomed the investment from Harikela. Very soon, hundreds of companies in Harikela began to invest in various sectors of Gauro, including health care, communication, IT, banking, garments, electronics, food and beverage, and most importantly, in the power plants for electricity. This investment improved the economic conditions in Gauro to a significant extent. In the meantime, a new leader from the Matsya tribe named Avinor emerged with huge popularity in Gauro. Avinor was an international scholar and renowned author who taught at foreign universities. He had a very good international reputation. The military government of

Gauro selected him to be the President. He succeeded in stabilizing the nation. Violence and insecurity greatly reduced under his leadership, which created favourable conditions for Harikela to invest in. Avinor strongly supported gender equality and introduced bills and policies to promote gender equality in public and private institutions. Female labour force participation began to increase, which created a positive image for Avinor at the international level. While Avinor was leading the nation in a positive direction, another political party named “Orindom,” led by the Yadu ethnic tribe, became very popular as an opposition political power against Avinor. Because of their ethnic bonding, they made a good connection with the Yadu ethnic group-led government in Kadampa.

5. Harikela’s ministers praised Avinor for bringing stability and peace to Gauro. In 2016, some media reports claimed that senior military officials of Harikela, Kuru, and Gauro were having a meeting to set up a joint naval base for Harikela and Kuru in Gauro’s seaport “Chitrangada”. The media report created an overwhelming reaction in Kadampa. Security experts of Kadampa began to write in the newspapers about the possible negative impact of this naval base on the geopolitics in the Kalinga Sea. They warned that this naval base would work as a strategic military base against Kadampa as a security threat against it. The matter was discussed in the parliament of Kadampa, where the Vice President suggested that Kadampa should be more active in stopping the construction of this naval base at any cost, even being active in “the internal politics” of Gauru. He also said that it was their duty to support their fellow tribe, Yadu, so that they could be liberated from Matsya tribe’s oppression.

6. Within several months of this speech, the political party Orindom became highly active in trying to overthrow the military regime and take over power in Gauro. Their leaders were often found travelling to Kadampa and discussing political strategies. In various media reports, Kadampa’s government officials expressed support for the political party Orindom. Soon Harikela’s intelligence agency reported how the intelligence agencies of Kadampa were funding the political leaders of Orindom to mobilize people and stage a revolution. Harikela’s intelligence agency also revealed a plan by Kadampa to overthrow the current regime so that Kuru and Harikela could never establish a military naval base in Gauro.

7. Both Harikela and Gauru began to develop strong trade relationships. The new political party Orindom in Gauru raised a nationwide protest against massive investment by Harikela, saying that this was a way to transfer Gauro’s resources outside. They demanded that the government

of Gauro introduce a policy requiring foreign companies to have 70% local content participation and 40% of the grand profit of all multinational companies to be invested in rural infrastructure, industry, and development in Gauro. Senior government officials of Gauro termed this political demand “unreasonable and demotivating” for the foreign companies.

8. Avinor expressed an affirmation to make Gauru a middle-income country within 20 years. As a part of this strategy, he invited the local people to warmly welcome foreign investment. He said that gradually Gauro would learn to be self-dependent. He also warned his officials and political party not to be involved in any corruption while dealing with foreign companies.

9. At the end of 2018, Gauro was found to be a role model for economic progress in low-income countries. More than 70% of the foreign investment in Gauro belonged to the foreign companies of Harikela, while only 5 percent of the investment belonged to Kadampa. The rest of the investment was made by other countries. Orindom repeatedly alleged that the government of Gauro took bribes and “undue advantage” from Harikela for allowing foreign companies to do business in Gauro. They identified scores of cases where the interests of the foreign companies of Harikela were prioritized and the interests of national and other foreign companies, especially the ones of Kadampa, were brushed aside. They asked the government to establish administrative systems and policies for public procurement that will have transparency, competition, and objective criteria in decision-making according to the UN Convention against Corruption. Gauro’s officials dismissed the claim openly and challenged Orindom saying that they should file cases in the local courts if they wanted to prove their accusation. Orindom, in response, pointed to the weakness of the judiciary, which had to listen to the government. The officials of Gauro mentioned that Gauro was not an official party to the UN Convention against Corruption and did not need to comply with any of its provisions. One of the government officials who happened to be from the Yadu tribe said in a Facebook post, “‘Who is the best bidder?’ While deciding that, we need to think about our territorial integrity. A country like Kadampa wants to intervene in our affairs on the pretext of investment. They want to agitate the Yadu tribe against the Matsya. Business will be their excuse.’ This post was made viral by the members of Orindom to show how the principles of non-discrimination and equality are not practiced in public procurement, using national integrity as an excuse. Some other leaders from the Matsya tribe of Gauro challenged this post, saying that the official was playing a nasty game since his political allegiance would only be towards Kadampa.

10. Although Avinor maintained a clean public image, ministers from his cabinet and bureaucrats were often accused of taking bribes and ‘undue advantage’ from foreign companies, which included traveling to Harikela with the excuse of visiting the companies and accepting lavish hospitality and expensive gifts, sponsorship of events, scholarships, and charitable contributions for the Matsya tribe. He commanded the anti-corruption council to investigate some of the alleged cases. The council was mainly composed of bureaucrats appointed by the military regime. All the members of the council belonged to the Matsya tribe. The council found no substantial proof of corruption against high government officials and ministers except a few cases where a number of clerks received small amounts of money as ‘*bakshish*’ for undertaking some administrative tasks. At the same time, an independent civil society group conducted an investigation about the public procurement system and found a lack of transparency in allocating tenders to a particular company. They said that they needed more cooperation from the government to obtain written documents on public procurement, which the government refused to provide. The civil society groups repeatedly requested Avinor to set up an independent anti-corruption commission, to which he never responded.

11. One of the major companies in Harikela that was investing in the health sector of Gauro was ‘Shukla’. The company was jointly owned by the government and a private enterprise. The CEO of the company got married to the youngest daughter of Avinor. Some newspapers in Kadampa and Yadu ethnic group-led newspapers in Gauro featured the fact that a vast amount of property was registered in Harikela in the name of Avinor’s daughter. The news reports claimed that these properties were actually given as a bribe to Avinor to secure their investment in Gauro. In 2019, one local company in Gauro filed a complaint in the local court against the Ministry of Trade and Investment, saying that the ministry had unduly given the tender to Shukla, violating the practice of giving priority to the lowest price of the bid. The court ordered an independent investigation, which kept going for years until the COVID-19 pandemic began, and the investigation was postponed.

12. At the beginning of 2020, Avinor, under international pressure, especially from Harikela and Kuru, signed the UN Convention against Corruption and the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. At the request of Harikela, Gauro also became a signatory to the International Anti-Corruption Court, which was effective from 2018. Gauro’s economic progress and stance against corruption were highly

praised in the international media, especially in the newspapers in Harikela. Soon, Avionor declared that Gauro would establish a policy and transparent system for public procurement. He promised to introduce new laws against bribery and corruption in line with international conventions. In March 2020, when the COVID-19 pandemic began, Avinor postponed the process of adopting the promised policy and laws until the situation became normal.

13. Owing to the coronavirus outbreak, Gauro adopted the Epidemic Diseases (Amendment) Ordinance, 2020, which amended the Epidemic Diseases Act, 1897. The Act provides for the prevention of the spread of dangerous epidemic diseases. Section 2 and Section 2(A) of the Act give the Central Government powers to take extraordinary measures and prescribe regulations to address dangerous epidemic diseases. The ordinance expanded the powers of the Central Government to prevent the spread of such diseases. Another critical legislation passed by the Parliament of Gauro is the Disaster Management Act. The Act gives the power and responsibility of management and control of any disaster to the State of Gauro. Section 2(d) of the Act defines “disaster” as “a catastrophe, mishap, calamity, or grave occurrence in any area, arising from natural or manmade causes, or by accident or negligence, which results in substantial loss of life or human suffering or damage to, and destruction of, property, or damage to, or degradation of, environment, and is of such a nature or magnitude as to be beyond the coping capacity of the community of the affected area”. Further, Section 2(e) of the Act also defines disaster management as “a continuous and integrated process of planning, organizing, coordinating, and implementing measures that are necessary or expedient for the prevention of danger or threat of any disaster.”

14. The Gauro government awarded the Shukla Company a contract in 2021 to supply the COVID-19 vaccine. Additionally, it was given a contract to build a hospital for COVID-19 patients and to provide Gauro with oxygen. Several national newspapers reported that hundreds of the Ministry of Health representatives visited Harikela under the guise of an official tour to observe the operations of Shukla Company and receive training on the governance for handling the COVID-19 pandemic before securing the contract to supply the vaccine and establish a hospital. Several of the high-ranking members of the group wrote social media posts about their lavish vacations with their families at expensive resorts. Many people suspected that the Shukla Company had paid for their travel. Orindom demanded an independent investigation into this matter, which should be led by the people they recommended or by an international expert committee. Avinor refuted the charge, claiming that the authorities risked their lives by

going to Harikela during the COVID-19 outbreak for the benefit of the nation. The government declined the requests by Orindom, claiming that only the government would establish a committee and that no opportunity would be given to fuel political unrest in the nation during a pandemic by including Kadampa's spies in a committee.

15. According to the Ministry of Health, a thorough assessment revealed that only the Shukla Company had the capacity to supply the vaccine and construct the hospital in the shortest possible time. Their top priorities were time and quality. They also stated how Shukla Company had a good track record of completing projects quickly while maintaining excellent standards. Their reputation was unquestionable. Nevertheless, they chose not to make public the whole findings of their assessment and how they conducted it.

16. Shukla Company promptly delivered millions of vaccines and swiftly set up the hospital. In the first round, these vaccines were given to citizens on a priority basis, particularly government officials, defense personnel, and elderly people over 50 years old. After that, several other local and international companies also secured licenses to supply vaccines that were administered to people under the age of 50. Following that, a number of additional national and foreign businesses obtained authorization to provide vaccines to those under the age of 50.

17. After receiving the initial dosage of the vaccine supplied by the Shukla Company, many patients, particularly the elderly, reported major adverse effects such as skin diseases and weak hearts within a month. Numerous posts on social media claimed that these side effects of the vaccine proved fatal, as many family members passed away after taking the vaccine. Their loved ones' deaths were attributed to the Shukla Company. Shukla Company refuted this, claiming that the elderly people's poor health was a factor that caused their deaths. Orindom accused the government of selecting an incompetent company through corruption.

18. The second wave of the COVID-19 pandemic started in Gauro in July 2021. Despite receiving the initial dose, several academics and members of the Yadu tribe's civil society were admitted to the Shukla Company-owned hospital. Unfortunately, at midnight on July 7, 2021, the hospital ran out of oxygen. The demand for oxygen was particularly strong in that area since the COVID-19 pandemic's second wave was still raging. The hospital authorities even

told relatives of patients to secure oxygen on their own as the hospital had run out of oxygen and there were no chances of redeeming the situation. They were unable to obtain oxygen from any nearby provider. Many of the Yadu tribe's scholars and civil society participants who were admitted to the COVID ward died at midnight reportedly due to lack of oxygen support.

19. Civil society members, students, and intellectuals gathered in front of the hospitals early in the day to demonstrate against the hospital administration. They referred to the deaths of their family members and teachers as murders. In a casual conversation with a journalist and other people, the hospital's doctors admitted that the administration, which is primarily run by Shukla Company appointees, failed to determine the actual need for oxygen and did not pay attention to the doctors' opinions when they requested more oxygen weeks earlier. One doctor added that this administrative team was extremely unprofessional and lacked public health knowledge. The top management of the Shukla Company from Harikela appointed the group solely at their discretion. It was also discovered that the local doctors had urgently sought help from government hospitals in obtaining oxygen and had made personal appeals to senior Ministry of Health officials for assistance, but they had been turned down because the patients belonged to the Yadu tribe.

20. This occurrence sparked a significant uprising across the nation, calling for an impartial investigation into the situation. A committee was established by the main political party, Orindom, and it delivered a lengthy report during a news conference. They accused the Gauro government of lacking transparency in public procurement when it came to importing vaccines, maintaining an oxygen supply, and establishing a Covid hospital. They also accused Harikela government and Shukla Company of bribing the officials of Gauro. They asserted that Shukla was given the opportunity without going through a tender process at the expense of the country, despite the fact that numerous local and foreign businesses were interested in providing the vaccine at the lowest price, particularly the Kedara Company of Kadampa, which was renowned for providing vaccines for various diseases all over the world. They provided a copy of a formal interest by the Kedara Company that was sent to the ministry before the Shukla Company was awarded the contract. They emphasized how the administration had mismanaged the taxpayers' money.

21. Orindom claimed that a reliable source informed them that after the vaccines were imported to Gauro, they were not kept at an appropriate temperature, which diluted the vaccine and

caused health hazards. They called for a thorough investigation and trial of those involved, particularly higher-ranking Shukla Company employees who made decisions about the management and delivery of oxygen for Gauro. They held the Gauro government responsible for infringing the citizens' right to life as well as the non-discrimination and equality principles in the conduct of public procurement procedures. The Gauro Constitution upholds both equality and non-discrimination principles. Oridom drew attention to Article 9 of the United Nations Convention against Corruption (UNCAC), which is also applicable to Gauro as a state party:

Each State Party shall, in accordance with the fundamental principles of its legal system, take the necessary steps to establish appropriate systems of procurement based on transparency, competition, and objective criteria in decision-making that are effective, inter alia, in preventing corruption.

22. The government officials of the Ministry of Health were furious at Orindom's accusation. They told the media that the epidemic was rapidly approaching and saving the lives of millions of people was their primary priority. They were unable to put off the supply of the vaccines by going through a long, drawn-out, and cumbersome tendering process. They added that Orindom was acting on behalf of a Kedara Company, which did not want peace and stability for Gauro.

23. Orindom disclosed additional details regarding the improper handling of the vaccine. Orindom revealed more information about the mismanagement of the vaccine. According to their findings, some local staff at the health center suspected that the vaccines were diluted, a concern that they shared with both Shukla Company and the Ministry of Health. At that time, the public pressure to have vaccines was mounting. If the local centers had not vaccinated the people, they could have attacked the center. The local centers waited for the response from Shukla Company and the Ministry of Health for a day. Finding no response, the local center decided to vaccinate the people. Officials of the Ministry denied receiving such a request from any local health center. The Shukla Company's representatives informed that when the vaccine was released, it was not their duty to oversee the administration of the vaccination program. They also displayed a contract provision that stated that the Shukla firm could not be held accountable for any harm or damage that might result after the delivery of the vaccine unless the Gauro government deemed such action necessary for the protection of the country's interests.

24. The Constitution of Gauro recognized the Right to Health as an integral part of the Right to Life under Article 21 of the Constitution. The right to health care and protection has been recognized since the independence of the country. The Constitution of Gauro recognizes that the people of the country are the right holders. Following Orindom's allegation of corruption, several national companies filed public interest litigation at the High Court against the government on grounds of violating equality and non-discrimination in assigning the vaccine tender to Shukla Company. The cases remained pending at the court.

25. In 2022, Gauro's growing GDP captured worldwide attention. It was praised by world leaders for its fast economic progress despite the pandemic. Avinor received recognition and was awarded for leading the country in a new direction. However, the political climate in Gauro grew hostile at the end of 2022. Orindom was successful in inciting widespread opposition to Gauro's military regime. Meanwhile, the Matsya political and military leaders in Gauro split over internal conflict, which made Avinor's regime unable to withstand the political rebellion in Orindom.

26. In a television speech, Avinor accused Kadampa of supporting the protesters. He said that many of these protesters were actually citizens of Kadampa and belonged to the Kadampa tribe. He urged the people to remember the peace and stability that the country enjoyed and requested them not to join the protest that Orindom was organizing to fulfill the vested interests of Kadampa.

27. Beginning in 2023, after 20 days of widespread, large-scale protests in Gauro, the protestors started to invade the parliament building. Law and order conditions completely broke out. Thousands of protestors started to march towards Avinor's palace in protest against corruption. They wanted democracy and to eradicate corruption in Gauro. Avinor quickly took off from the presidential residence in a chopper and headed for Kuru. He then travelled to Harikela. Kishitigarva, the major leader of Arindom, quickly seized control of the government and proclaimed himself as the nation's president. The police and military pledged their loyalty to the new ruler. There were sporadic protests against Kishitigarva, which the military suppressed through barbaric attacks on civilians. Kishitigarva promised that soon he would hold a referendum.

28. Soon after assuming power, Kishitigarva's administration started arbitrarily detaining numerous government officials on charges of corruption. Avinor's property was seized. An arrest warrant was issued against him. In several public events, Avinor was portrayed as a villain by Orindom's leaders, who repeatedly asked for Avinor's punishment without trial. Many Gauro officials and ministers fled the nation and sought refuge in Kuru and Harikela. They shared information regarding the detention of hundreds of government officials who were barred from seeing attorneys. Avinor and many other ministers, including those in charge of health and communication, requested political asylum in Harikela. They were granted a temporary visa to remain in the country while the government considered their request for political asylum in light of the political climate of the nation. A press release by the officials of Gauro stated that this was a blatant infringement of internal affairs of Gauro. Harikela, on request of Gauro, refused to return Avinor and other officials to Gauro for facing justice regarding extraditable offenses, which was considered a blatant violation of international law by Gauro.

29. Avinor and his cabinet quickly established a government in exile in Harikela and proclaimed themselves to be the sole legitimate government of Gauro. The government in exile had the support of Kuru and Harikela. As a show of solidarity for the government in exile, Avinor's image was on display as the President at some Embassies of Gauro. Kadampa, on the other hand, supported Kishtigarva's regime.

30. Soon, Kishtigarva's government issued a new order declaring that the government reserved unconditional power to regulate the conditions of the management of foreign companies. It was assumed that they intended to impose high taxes on the income of the foreign companies and regulate their local management bodies. In a press conference, Kishtigarva openly said that there will not be any naval bases at Harikela and Kuru because that might compromise the sovereignty of Gauro. Soon, all the companies in Harikela and Kuru began to wrap up their businesses in Gauro, leading to high unemployment, lack of health service providers, and shortage of power supply. Robbery, violence, and theft increased dramatically. The lack of electricity created a huge power crisis. The GDP began to drop drastically with the rise in the price of daily goods.

31. Amidst this crisis, Kishtigarva's government of Gauro and Kadampa came to an agreement that Kadampa will get access to Gauro's sea ports and territories for their military base.

Kishtigarva's government justified this agreement, saying that the collaboration between Kadampa and Gauro was needed to protect the sovereignty of Gauro from Kuru and its ally, Harikela. The officials of Kuru vehemently protested against the establishment of these military bases, claiming that this assumption was completely unjustified as such a possibility never arose in the past. Kadampa set up a military base in the border areas of Gauro. Soon, in collaboration with Kishitigarva's government, Kadampa started to build undersea optical submarine cable systems for high-speed internet systems. They planned to build a system with a landing point around Kuru and in the Kalinga Sea, which was considered a threat to Kuru, as this system might enable Kadampa to set up a surveillance system around Kuru and the Kalinga Sea to gather information on Kuru using undersea cable network turned undersea surveillance system with the help of distributed accusing sensing technology. Gauro's government in exile and the Kuru government protested against the proposed underwater surveillance system. Gauro's government in exile accused Khistigarva of taking large amounts of money in bribes in exchange for sacrificing the national interests of Gauro and Kuru.

32. Within a few months, insurgent attacks against Kuru's military escalated in the disputed provinces of Kuru. Kuru's military reported that the insurgents were using artificial intelligencebased weapons which they never possessed before. The head of the military in a press briefing accused Gauro of supplying these weapons from the border areas on behalf of Kadampa. They declared sanctions on Gauro in terms of exporting daily goods and increased military patrol in the border areas so that Gauro would stop collaborating with Kadampa. Gauro was completely dependent on Kuru for the supply of daily goods. The restriction led to a steep rise in prices of essential commodities, thereby creating discontent against the Kishitigarva government. Instead of negotiation and dialogue with Kuru, Kishitigarva's government provoked the military and people into preparing for war if there was any direct or indirect attack on Gauró's interests from neighbouring Kuru. Experts began to warn that war was inevitable. All these drastic changes led to the bankruptcy of several major banks of Gauro, financial crisis, and price hike in Gauro.

33. Gauro officially requested Harikela to convict the Shukla Company for breaching the UN Convention against Corruption. They also formally requested Harikela to send Avinor and other officials back to Gauro so that they could be prosecuted in the local courts. Harikela declined to do so, saying that they did not recognize the government of Gauro as a legitimate government. Secondly, they warned that Gauro should not interfere in their internal matters by

forcing them to convict a company without any investigation. Harikela refused to extradite Avinor and other officials, saying they could not return people who were asking for political asylum from persecution. Around 20 world leaders requested the government of Harikela not to send Avinor back to Gauro as it might put his life in danger. Officials of Kuru mentioned that the judiciary of Gauro was not independent from the current regime's arbitrary decisions, which could lead to serious human rights violations against Avinor and other leaders from the Matsya tribe.

34. Gauro and Harikela are State Parties to the Statute of the International Anti-Corruption Court which was effective from 2018. Both of the states are parties to the United Nations Convention against Corruption, Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, United Nations Convention Against Transnational Organized Crime, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Vienna Convention on Diplomatic Relations, Vienna Convention on Consular Relations, and Vienna Convention on the Law of Treaties.

35. The issues to be adjudged and declared by the International Anti-Corruption Court (IACC) are as follows:

- A.** Whether the dispute is maintainable or not before the present court?
- B.** Whether the current government of Gauro is legitimately entitled to file the dispute under international law or not?
- C.** Whether Harikela and/or Shukla Company has/have violated international law or not *including* United Nations Convention against Corruption and Convention on Combating Bribery of Foreign Public Officials in International Business Transactions?
- D.** Whether the Harikela violated international law by not returning Avinor to Gauro authorities or not?

Appendix

Excerpts from the Statute of the International Anti-Corruption Court (IACC)

Article 6

Jurisdiction

1. The Court has jurisdiction over all subjects covered by the Charter of United Nations, current treaties and conventions, and any cases that the parties refer to it.
2. The states parties to the current Statute may at any moment proclaim that they acknowledge the Court's jurisdiction in all legal matters relating to the present Statute as Compulsory *ipso facto* and without special agreement, in respect to any other state adopting the same obligation. The jurisdiction of the Court in all legal disputes concerning:
 - a. treaty interpretation;
 - b. disputes relating to international law;
 - c. issues of fact delineating the breach of any international obligation;
 - d. reliefs regarding breach of any international obligations.

Article 9

Issues of admissibility

Without prejudice to any other tenets of admissibility recognized under international law:

1. The IACC should follow, *inter alia*, the principle of complementarity;
2. IACC shall not adjudicate on matters which do not have any reasonable nexus with 'corruption' substantially.

Article 18

Applicable Law

1. International Conventions, recognized by the parties before the court;
2. Customary International Law;
3. General principles of law recognized by nations;
4. Judicial decisions and the literature of the authoritative publicists of the various nations.