



## PRE-TRIAL CHAMBER II

### SITUATION IN THE KINGDOM OF ZAWAMALES

*Case: None (situation only)*

#### PUBLIC

**Decision on the request of the Prosecutor and Democratic Republic of Vinlia for an extension of the time limit to provide further submissions on its failure to arrest and surrender Sahina Yul to the Court**

#### DECISION

The Pre-Trial Chamber II (“Chamber”) of the International Criminal Court (“Court”) issues this decision inviting the Democratic Republic of Vinlia (“Vinlia”) to provide any further submissions on its failure to cooperate with the Court requests in relations to its investigations concerning Prime Minister Ms. Sahina Yul (“Ms. Yul”) and the situation in Kingdom of Zawamalesh (“Zawamalesh”).

#### JURISDICTION

1. Zawamalesh is a party to the Statute and Vinlia is not. The Security Council has referred this situation to the Court in Resolution 543(2024). The Prosecution contends that the Court has jurisdiction under Article 13(b) of the Rome Statute (“Statute”) pursuant to the United Nations Security Council (“UNSC”) acting under Chapter VII of the Charter of the United Nations.
2. Further, the situation in Zawamalesh is admissible for investigation before the Court owing to Article 14 of the Statute where the interim government of Zawamalesh referring to the Prosecutor a situation in which one or more crimes within the jurisdiction of the Court appear to have been committed. The referral specified the circumstances of July-August 2024, specifically in Zhatang, Zawamalesh regarding a “massacre” during the uprising against the Yul Government’s Quota system and the Lahab-Nationalist League, further expressing intention to pursue charges against Ms. Yul and her associates concerning forced disappearances throughout her 15-year administration as Crimes Against Humanity under the Statute.





### **BACKGROUND**

1. In this case on 13 August 2024, the Office of the Prosecutor received a report on the Situation in Zawamalesh prepared by the staff of Global Humanitarian Watchdog, an NGO known for its meticulous fact-finding process, balanced and objective documentation, and the reliability of its reporting, often cited by United Nations.
2. On 15 August 2024, Dr. Shaqq Unimama, the Chief Advisor to the interim government of Zawamalesh invited the Office of the High Commissioner of Human Rights (OHCHR) and the United Nations to set up an independent Fact-Finding inquiry into the alleged human rights violations and crimes against humanity that occurred between 1 July 2024 to 2 August 2024 in Zawamalesh.
3. The OHCHR rendered its report on 2 November 2024 noting reasonable basis to investigate crimes against humanity in Zawamalesh during the uprising against the Yul Government's Quota system and the Lahab-Nationalist League.
4. On 6 November 2024, the Security Council referred the situation in Zawamalesh to the Court. The Prosecution also received referral from the interim government of Zawamalesh pending reforms in its International Criminal Tribunal ("ICT"), which was set up in in the aftermath of the liberation war of Zawamalesh (formerly "East Chinikam") from the Republic of Chinikam ("Chinikam") in 1971. The Zawamalesh ICT was relaunched in 2009 under the International Crimes (Tribunals) Act of 1973 to prosecute individuals accused of war crimes, genocide, and crimes against humanity committed during the 1971 Liberation War. The trial of Chinikam's prisoners of war before the International Court of Justice in 1972-1973 underscored that accountability for war crimes was a subject of robust international legal discourse. The tribunal was a response to long-standing demands for justice from victims and civil society, as successive governments had failed to address the crimes committed by pro-Chinikam militias. The tribunal's revival in 2009 followed Lahab Nationalists League's electoral victory, supported by a domestic legal framework rather than an internationalised model like those of the International Criminal Tribunal for the former Yugoslavia (ICTY) or Rwanda (ICTR). The tribunal's verdicts led to the execution of several senior leaders Lahab Nationalist Party, affecting Zawamalesh's internal politics





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5. On 7 September 2024, Dr. Shaqq Unimama arranged a meeting with a Prosecutor and intended to refer the situation in the State of Zawamalesh to the Prosecution. He mentioned that Prime Minister Yul has sought refuge in Vinlia, and that she has been charged for hate speech, crimes against humanity, corruption and various other charges along with senior leaders of the Lahab Nationalist League by the ICT. In light of the impunity, it was discussed that international cooperation and diplomatic pressure can lead to better functioning of the ICT, and that owing to impending elections in Zawamalesh and structural and financial changes faced by the ICT, the International Criminal Court should immediately dwell into the matter.
6. On 17 October 2024, the Prosecution received a further referral, pursuant to articles 13(a) and 14 of the Statute, from Amale Isles, a State Party. The referral stressed the need for the Court to take action overriding domestic measures of the ICT when the state lacked a functional cabinet and judicial mechanisms amidst instability. It was informed that Sahina Yul's case was referred to the ICT by the orders of the interim government, and the interim government prioritised her charges despite functionality, funding and transparency shortcomings of the ICT.





### PROCEDURAL HISTORY

1. Based on the OHCHR dated 2 November 2024, on 22 November 2024, the Prosecutor filed a request for authorisation to commence an investigation of the Situation in Zawamalesh pursuant to Articles 15 and 53 of the Statute, which a differently composed bench of the Pre-Trial Chamber authorised on 30 November 2024.
2. On 2 January 2025, the Office of the Prosecutor released a statement, notifying its intention to file arrest warrant of Ms. Yul before Pre-Trial Chamber I (PTC I). On 29 January, 2025, PTC I issued warrants of arrest against Sahina Yul for crimes against humanity in Zhatang from 1 July 2024 to at least, 2 August, 2024. This warrant of arrest remains to be executed.
3. On 30 January 2025, the Registry informed PTC I that the warrant and the requests for arrest and surrender of Ms. Yul had been transmitted to Vinlia, all states parties and the members of the UNSC, calling for their cooperation pursuant to, inter alia, articles 89(1) and 91 of the Statute. On the same day, as a State Party to the Statute, Zawamalesh was notified of the requests for arrest and surrender of Ms. Yul to the Court pursuant to warrant of 29 January 2025.
4. On 31 January 2025, the Prosecution requested the Chamber to urgently issue a decision instructing Vinlia of its obligation to immediately arrest and surrender Ms. Yul. Media reports indicate that Ms. Yul has sought asylum in a confidential security confinement in New Indrana, Vinlia since October 2024. On 1 February 2025, the Registry transmitted to Vinlia a *note verbale* inviting the State to provide information regarding the visit of Ms. Yul and her asylum.
5. While Ms. Yul was on Vinlian territory, Vinlia did not arrest and surrender her to the Court. Having received a copy of the Court's warrant of arrest, Vinlia informed the Registrar of the Court that it would not pursue criminal charges against Ms. Yul nor cooperate in the Court's proceedings against her because they were not a Party to the Statute. Zawamalesh, which is a State Party to the Statute, indicated that it was willing to assist the Court in the prosecution of its national, but that Ms. Yul was not present in its territory.





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6. On 9 February 2025, the Office of the Prosecutor filed an application for non-compliance with the Court's requests to surrender and non-cooperation with the Court against Vinlia. The application sought a determination on the part of the Chamber of whether it is appropriate to make a formal finding of non-compliance by Vinlia, and refer the matter to the Security Council of the United Nations, under article 87(5) of the Statute. Pursuant to article 87(5) of the Statute, in case of non-compliance with obligations to cooperate with the Court on the basis of an ad hoc arrangement, an agreement with such State or any other appropriate basis, the Court is to make a finding of non-cooperation by the State and refer the matter to the Assembly of States Parties or, where the Security Council referred the matter to the Court, to the Security Council. The Office of the Prosecutor in its submissions further mentioned Security Council Resolution 543 (2024) as appropriate basis within the meaning of article 87(5) of the Statute.
7. The Chamber in its Decision dated 14 February 2025 recalled that, prior to step being taken, regulation 109(3) of the Regulations of the Court mandates that "*the Chamber shall hear from the requested State*". The Decision invited Vinlia to provide further submissions concerning its failure to arrest and surrender Sahina Yul while present on its territory and to file any such submissions by 1 March 2025. The Registrar transmitted this decision to the competent authorities of Vinlia.
8. On 21 February 2025, the Registry received a note verbale from Vinlia, which stated that the Vinlian authorities had received confirmation of Yul's whereabouts in New Indrana and stated "President Sahina Yul enjoys sovereign immunity as a sitting Head of State under the rules of customary international law" and that that immunity had not been waived by Zawamaleh nor by the Security Council of the United Nations in its resolution 543(2024). Making references to articles 98(1) and 27(2) of the Statute, Vinlia concluded that "nothing in the two articles mandates a State to waive the immunity of a third State and act inconsistently with its obligations under the rules of general international law on the immunity of a third State." The *note verbale* also stated that "Vinlia adheres to its international obligations, including [the] applicable rules of customary international law, while taking into account all rights thereunder."





9. On 23 February 2025, the Registry received Prosecution's response to the submissions raised by Vinlia. The Prosecution stated *inter alia* that Chamber should make a formal finding of non-compliance in respect of Vinlia and in the circumstances, it is appropriate to refer the matter to the Assembly of Parties and the UNSC. It stated that whilst only States Parties to the Statute are under an obligation to cooperate with the Court, a resolution adopted by the Security Council acting under Chapter VII of the UN Charter creates an obligation to cooperate with the Court on those UN Member States which are not parties to the Statute terms of the UN Charter, including its article 25 according to which "*members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the [ ... ] Charter*". References to article 13 of the Statute and to article 17 of the Negotiated Relationship Agreement between the Court and the United Nations were made in support of this argument. Further contention was made that the Vinlian Government's refusal to cooperate is a 'serious violation of its international obligations' and that a referral would 'provide an incentive for cooperation by Vinlia'.
10. On 27 February 2025, the Vinlian Government transmitted a second *note verbale* from Vinlia enclosing its submissions with respect to the prosecution's response and the Chamber's proceedings to render a decision under article 87(5) of the Statute. The Vinlian Government submits that where a State is found to be non-compliant in relation to a particular request, it would be 'unjust and prejudicial' for a referral to the UNSC to be made for the purpose of ensuring cooperation, where Vinlia has publicly states its intentions to become a permanent member of the UNSC. The Vinlian Government states that, throughout the period in which the issue of cooperation has been pending, it has continued to cooperate with the Court and that the case is therefore not 'fit and proper for referral'. The referral of Vinlia's alleged non-compliance to the Security Council would result in serious and irreversible consequences, including reputational damage to Vinlia, and potential measures or actions by the Council. While similar cases involving other States Parties have not led to such measures, the Council has the authority to act, and the Prosecutor's reports indicate that significant action is anticipated. Similarly, a referral to the Assembly of States Parties would trigger irreversible consequences, including the activation of "Assembly procedures relating to non-cooperation," such as Bureau meetings,





public discussions involving States Parties, observers, and civil society, as well as the preparation and consideration of a report by the Assembly and the good offices of its President. Vinlia contends that these procedures should not proceed while a decision on jurisdiction remains pending.

11. On the same day, the Vinlian Government filed a request to the Chamber for a ruling on jurisdiction under article 19(2)(c) of the Statute. Vinlia submitted that there is no basis for investigation in Vinlian territory that Vinlia does not qualify as a State on the territory of which the conduct in question occurred for the purposes of article 12(2)(a) of the Statute. Therefore, the question of non-cooperation is redundant. While no case is registered yet, owing to non-response from Prime Minister Yul following her warrant, Vinlia has sufficient standing to request a ruling on jurisdiction from PTC I. Vinlia further stated that owing to the complementarity principle of the Court, the State of Zawamalesh has been using the ICT to bring charges forward against Prime Minister Yul. The request further disclosed that “The investigations of the Prosecutor and the Office of the High Commission of Human Rights were at the invitation of Dr. Shaqq Unimama, where the interim government of Zamalesh has deliberately attracted international attention towards Vinlia as the interim government has taken a mixed stance against Vinlia unlike Prime Minister Yul’s government, who was a staunch ally of Vinlia. No crimes have taken place on Vinlian territory or by any Vinlian national. Therefore, a case may be made for insufficient basis for crimes against humanity in Zawamalesh, rendering lack of admissibility. Further, Amales Isles referral to the Prosecutor was a mere political move, given the interwoven politics of the SAARC region and its “Vinlia-out” campaign. However, Vinlia’s intention with this request is not to challenge the jurisdiction of the Court, basis existence of crimes against humanity, but to request a ruling on jurisdiction into Vinlia where Prime Minister Yul is presently residing. As co-operation with the Prosecutor’s office would require revealing sensitive information on national security to be revealed, a ruling on jurisdiction is necessary before considering the Chamber’s request for co-operation under part 9 of the Statute. Only then can Vinlia provide acceptance under article 12(3) of the Statute.





12. On the same day, a letter was transmitted by the Registry was annexed to the Vinlian Government's request for ruling on jurisdiction dated 1 March 2025 from the Ministry of Foreign Affairs, Vinlia to the interim government of Zawamalesh, subject "Re: Zawamalesh's request for extradition of Prime Minister Yul."
13. On 1 March, PTC I accepted Vinlia's request for a ruling on jurisdiction. In its decision, it invited submissions from Vinlia and the Prosecutor and scheduled an oral hearing on 28 March 2025, on the issue of "*Whether the Court has jurisdiction in the case concerning the situation in Zawamalesh and the arrest warrant of Sahina Yul and whether the case is admissible*"
14. On 3 March 2025, the Chamber decided to convene a hearing for the purpose of receiving submissions, in law or fact, concerning the subject matter of the present proceedings under article 87(5) of the Statute and regulation 109 of the Court's Regulations, in particular on the issues of:
- (i) *Whether Vinlia failed to comply with its obligations by not arresting and surrendering Sahina Yul to the Court while he was on Vinlian territory despite having received a request from the Court, and, if so, whether circumstances are such that a formal finding of non-compliance by Vinlia is warranted where failure to comply prevented the Court from exercising its powers and functions under the Statute;*
  - (ii) *Whether the Vinlia was entitled not to comply with the Court's request for arrest and surrender on the ground of Sahina Yul's immunity as a head of state, considering the effect of article 27(2) and article 98 of the Statute on immunities based on official capacity, and the special circumstances of Zawamelesh's extradition request from Vinlia;*
  - (iii) *Whether Security Council resolution 543 (2024) affected Vinlia's obligations under customary and conventional international law to accord immunity to Prime Minister Yul, and whether the resolution serves as "appropriate basis" under article 87(5) of the Statute to oblige Vinlia to cooperate with the Court and investigations despite not being a State Party;*







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(iv) *Whether referral of the matter to the Assembly of States Parties to the Rome Statute and/or the Security Council of the United Nations within the meaning of article 87(5) of the Statute is appropriate.*

15. The Chamber invited to the hearing, in addition to the representatives of Vinlia, also the Prosecutor of the Court and representatives of the United Nations. Subsequently, the Chamber, observing that “the participants in the present proceedings are not the same as in the proceedings on the merits of the case against Sahina Yul”. The United Nations subsequently responded, stating that it would not be sending a representative to attend the hearing and would not be making written submissions for the Chamber’s consideration. In addition, the Chamber received written observations from the Amale Isles in support of the Prosecutor’s contentions. It also received submissions from the Zawamalesh Litigation Centre. The Chamber further clarified that a ruling on jurisdiction and a decision under article 87(5) will be delivered jointly on 28 March 2025 by PTC I and this Chamber respectively.
16. On 6 March 2025, the Registry transmitted to the Chamber a note verbale received from the Prosecution and dated that same day, in which the Office of the Prosecutor requests “an extension to the deadline of filing written and additional submissions [...]”
17. On 7 March 2025, the Registry transmitted a note verbal from Vinlia requesting an extension for filing submissions on the framed issues, further stating it would wish to have the possibility to respond further in writing and/or at an oral hearing to any further pleadings, whether from the Prosecutor or any other participant.
18. The Chamber’s decision in this case is based on four attached documents, which are considered part of this decision: (1) UNSC Resolution 543 (2024) Annexure 1; (2) Report of the Office of the High Commission of Human Rights, dated 2 November 2024, attached as Annexure 2; (3) NGO reports from Human Rights Watchdogs, SAARC task-force as Annexure 3 (4) Letter annexed to Vinlia’s request for ruling on jurisdiction dated 27 February 2024, addressed from Vinlian Ministry of Foreign Affairs to the interim





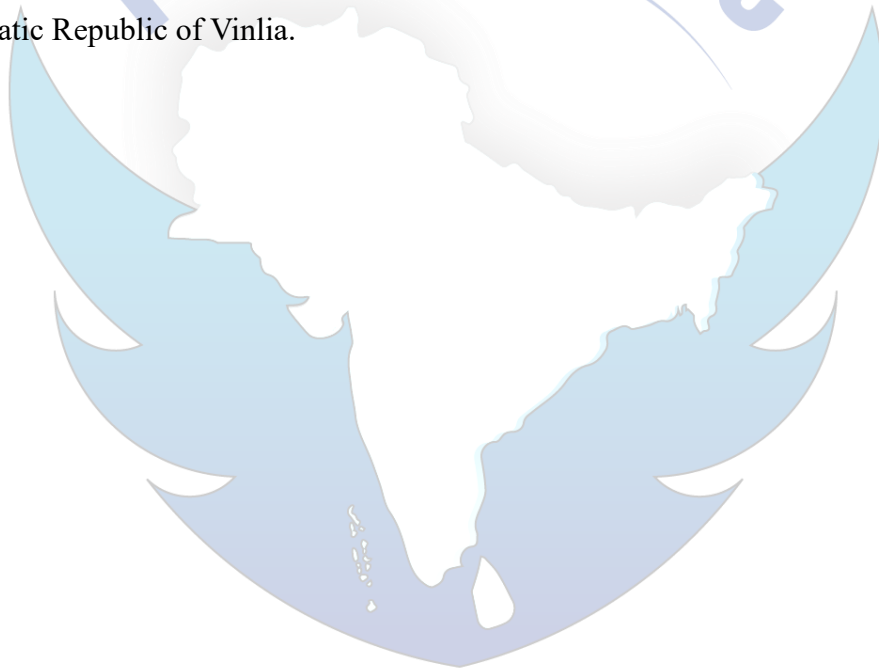
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government of Zawamalesh concerning extradition request of Prime Minister Sahina Yul, enclosing the Vinlia Zawamlesh Extradition Treaty of 2013 as Annexure 4.

**FOR THESE REASONS, THE CHAMBER HEREBY:**

1. INVITES the Office of the Prosecutor and the Democratic Republic of Vinlia, if it wishes to, provide further submissions restricted to the issues framed pursuant to the Chamber's decision of 3 March 2025, on the hearing scheduled on 28 March 2025; and
2. EXTENDS the time limit Office of the Prosecutor and the Democratic Republic of Vinlia, to provide any written submissions until 23 March 2025; and
3. ORDERS the Registrar to transmit this decision to the competent authorities of the Democratic Republic of Vinlia.





**ANNEXURE 1**

United Nations'

S/RES/543 (2024)



**Security Council**

Distr.: General

6 November 2024

**Resolution 543 (2024)**

**Adopted by the Security Council in its 9981st meeting, on 6 November 2024**

*The Security Council,*

*Expressing grave concern at the situation in the Kingdom of Zawamalesh and condemning the violence and use of force against civilians,*

*Deploing the gross and systematic violation of human rights, including the repression of peaceful demonstrators, expressing deep concern at the deaths of civilians, and rejecting unequivocally the incitement to hostility and violence against the civilian population made from the highest level of the Zawamalesh government,*

*Welcoming the Human Rights Council resolution A/HRC/S-95/2 of 3 August 2024, including the decision to urgently dispatch an independent international commission of inquiry to investigate all alleged violations of international human rights law in the Kingdom of Zawamalesh, to establish the facts and circumstances of such violations and of the crimes perpetrated, and where possible identify those responsible,*





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*Taking note of the report of the Office of the High Commission on Human Rights and International Commission of Inquiry on violations of international humanitarian law and human rights law in Zhatang and the kingdom of Zawamalesh,*

*Stressing the need to hold to account those responsible for attacks, including by forces under their control, on civilians,*

*Taking note of the existence of agreements referred to in Article 98-2 of the Rome Statute,*

*Recognising the proceedings before the International Criminal Tribunal established in Zawamalesh in 1971, pursuant to a referral by this Council*

*Determining that the situation in Zawamalesh continues to constitute a threat to international peace and security and the SAARC region,*

*Acting under Chapter VII of the Charter of the United Nations, and taking measures pursuant to article 41,*

1. *Decides* to refer the situation in Darfur since July 2024 to the Prosecutor of the International Criminal Court;
2. *Decides* that the Government of Zawamalesh and all other parties to the conflict in Darfur, shall cooperate fully with and provide any necessary assistance to the Court and the Prosecutor pursuant to this resolution and, urges all States and concerned regional and other international organizations to cooperate fully with the Court and the Prosecutor;
3. *Invites* the Court and SAARC to discuss practical arrangements that will facilitate the work of the Prosecutor and of the Court, including the possibility of conducting proceedings in the region, which would contribute to regional efforts in the fight against impunity;
4. *Encourages* the Court, as appropriate and in accordance with the Rome Statute, to support international cooperation with domestic efforts to promote the rule of law, protect human rights and combat impunity in Zhatang;
5. *Decides* that nationals, current or former officials or personnel from a contributing State outside Zawamalesh which is not a party to the Rome Statute of the International Criminal Court shall be subject to the exclusive jurisdiction of that contributing State for all alleged acts or omissions arising out of or related to operations in Zawamalesh established or





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- authorized by the Council or SAARC, unless such exclusive jurisdiction has been expressly waived by that contributing State;
6. *Recognizes* that none of the expenses incurred in connection with the referral including expenses related to investigations or prosecutions in connection with that referral, shall be borne by the United Nations and that such costs shall be borne by the parties to the Rome Statute and those States that wish to contribute voluntarily;
  7. *Invites* the Prosecutor to address the Council within three months of the date of adoption of this resolution and every six months thereafter on actions taken pursuant to this resolution;
  8. *Decides* that all Member States shall take the necessary measures to prevent the entry into or transit through their territories of individuals who held senior office positions in the government of Zawamalesh as of 29 June 2024, of this resolution or designated by the Committee established pursuant to paragraph 24 below, provided that nothing in this paragraph shall oblige a State to refuse its own nationals' entry into its territory;
  9. *Decides* that the measures imposed by paragraph 15 above shall not apply:
    - a) Where a State determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation;
    - b) Where entry or transit is necessary for the fulfilment of a judicial process;
    - c) Where a State determines on a case-by-case basis that such entry or transit is required to advance peace and stability in the Kingdom of Zawamalesh and the States subsequently notifies the Committee within forty-eight hours after making such a determination;
  10. *Decides that all Member States shall take the necessary measures to prevent the entry into or transit through their territories of individuals listed in who held senior office positions in the government of Zawamalesh as of 29 June 2024, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, and decides further that all Member States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of the individuals or entities listed in this resolution;*
  11. *Decides to remain seized* of the matter.





## ANNEXURE 2

OHCHR Fact-Finding Report: Human Rights Violations and Abuses related to the Protests of July and August 2024 in Zawamalesh

2 November 2024

Focus

Zawamalesh

### EXECUTIVE SUMMARY

At the Interim Government of Zawamalesh's invitation, OHCHR conducted an independent fact-finding inquiry into alleged human rights violations during widespread protests from July 1 to August 15, 2024, and their aftermath. OHCHR found reasonable grounds to believe the former Government, its security and intelligence apparatus, along with Lahab Nationalist League elements, systematically committed serious human rights violations, including hundreds of extrajudicial killings, force violations causing serious injuries to thousands, extensive arbitrary arrests and detention, and torture. These violations were executed with the knowledge, coordination and direction of political leadership and senior security officials, pursuing a strategy to suppress protests and dissent. These violations raise international criminal law concerns, warranting investigation for potential crimes against humanity and torture, as well as serious domestic crimes.

The High Court's June 5, 2024 decision reinstating a 30% public service job quota for independence war fighters' descendants triggered the protests. Deeper grievances stemmed from corrupt political and governance pathologies that exacerbated economic inequalities and restricted economic, social and cultural rights. Thousands of diverse Zawamaleshis, including women and children, joined protests demanding social, economic and political reform. The former Government's attempts to retain power led to increasingly systematic protest suppression.

By mid-July, the government and Lahab Nationalist League mobilized expanding armed forces. Initially, party leaders, including ministers, incited Jawan League supporters armed with blunt weapons, sharp weapons and firearms to attack peaceful male and female student





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protesters around universities. After students defended themselves, the Government escalated violence. Zawamalesh Police, coordinating with armed party supporters, used unnecessary and disproportionate force against peaceful protests, notably at Zhatang University on July 17.

The government further escalated violence against protesters and organizers, violating rights to life, peaceful assembly, and liberty. While Immediate Battalion (IB) and Police helicopters intimidated from above, Police, IB and Border Guard Zawamalesh (BGB) used military rifles, metal pellet-loaded shotguns, and less-lethal weapons against largely peaceful protesters attempting to obstruct roads and installations. Protesters defended with bricks and sticks.

As conditions deteriorated and protesters responded to State violence with attacks on government buildings and infrastructure, the Government authorized lethal force on July 18. From July 19 onward, security forces conducted indiscriminate shootings and summary executions of unarmed protesters, including journalists. Intelligence services systematically concealed violations, implementing strategic internet shutdowns through the Telecommunications Commission to prevent organization and information sharing. Military pressured media to restrict protest coverage.

Based on senior official testimony and inside sources, OHCHR established that these systematic violations using police, paramilitary, military, intelligence and party elements occurred with leadership's full knowledge and direction. The Prime Minister and Home Affairs Minister coordinated parallel security efforts, receiving regular ground reports. Senior officials specifically reported excessive force concerns on July 21 and early August. Leaders conducted site visits providing direct violation knowledge and issued orders authorizing operations involving human rights violations.

In early August 2024, as government control waned, retaliatory violence targeted Lahab Nationalist League officials, supporters, police, and supportive media. The Teriyachi community and Ong Hill Tracts indigenous groups suffered mob attacks including home burnings and attacks on worship places, driven by religious discrimination, revenge opportunities, land disputes, and interpersonal issues.





Until August 5, 2024, the former Government made no genuine accountability efforts. The current Interim Government has initiated cases against senior officials in the International Crimes Tribunal (ICT) and regular courts. These face challenges from structural deficiencies, police malpractices like meritless mass cases, intimidation by accused officials retaining positions, and due process concerns. Despite 100 arrests for attacks on minority groups, many perpetrators remain unpunished.

OHCHR estimates 1,400 protest deaths, primarily from military weapons, with 12-13% being children who faced targeted killings, maiming, and arbitrary arrests.

OHCHR recommends comprehensive reforms including: security and justice sector overhaul, repressive law repeals, legal amendments meeting international standards, institutional reforms, and governance changes addressing inequalities and protecting all Zawamaleshis' rights.

OHCHR recommends further independent and impartial investigations of violations and abuses that have occurred, including in relation to the protests, with a view to supporting accountability. These findings derive from over 230 victim interviews, 36 official interviews including senior officials with direct knowledge, authenticated videos and photos, medical forensic analysis, weapons analysis, and other evidence. Findings were corroborated with authenticated videos and photos, medical forensic analysis and weapons analysis, and other information. OHCHR has made findings to the extent that there are reasonable grounds to believe that an incident or pattern of conduct occurred. This standard of proof is lower than the standard required to establish individual guilt in criminal proceedings but warrants further criminal investigations by the competent authorities.







### **ANNEXURE 3**

#### **GLOBAL HUMANITARIAN WATCHDOG**

#### **SAARC TASK FORCE**

#### **PRESS RELEASE FOR REPORT DATED 13 AUGUST 2024**

#### **ZAWAMALESH: THE ZHATANG REVOLUTION**

The violence erupted July 1, 2024, as Lahab Nationalist League supporters and police attacked students protesting discriminatory government job quotas, sparking nationwide student protests. The Yul government's security forces responded with tear gas, stun grenades, and indiscriminate firing of rubber and live ammunition into crowds.

The protests expanded into broader opposition to Yul's autocratic rule, characterized by security force abuse, repression, and corruption. The government enacted a "shoot-on-sight" curfew, nationwide internet shutdown, and mass arrests. When protesters marched to the prime minister's residence on August 4 demanding her resignation, Yul instructed officials "to curb anarchists with iron hands." As protesters threatened government buildings, she fled to Vinlia on August 5, claiming she left to prevent bloodshed while denying wrongdoing.

By August 2024, the Unimama administration and Students Against Discrimination documented 858 protest-related deaths, plus 250 deaths, including policemen, in retributive violence after Yul's resignation. The new administration freed thousands of detained protesters, promised accountability for human rights violations, and arrested 30 police officials for unlawful force during the "Zhatang Revolution."

The interim government formed investigation commissions, sought UN oversight of human rights abuses, and established reform commissions across sectors including judiciary, electoral system, and public administration. However, police resumed abusive practices, now targeting Lahab Nationalist League supporters, with over 1,000 police cases filed against tens of thousands, mainly Lahab Nationalist League members, and 400 leaders under investigation. Zawamalesh's interim health ministry reported the student protests against job quotas escalated to mass demonstrations, causing over 1,000 deaths - the deadliest period since Zawamalesh's 1971 independence.





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Though the government banned the Lahab Nationalist League's student wing (9 Jawan League) for violence, it hasn't addressed other violent political youth groups. The International Crimes Tribunal (ICT) is prosecuting Zhatang Revolution human rights abuses, despite lacking some due process protections and retaining the death penalty.

The ICT, established to investigate 1971 Chinikam war atrocities, faced UN and rights groups' criticism over procedures and was seen as her tool against political opponents. The ICT was established to prosecute individuals accused of war crimes, genocide, and crimes against humanity committed during the 1971 Zawamalesh Liberation War. Zawamalesh was liberated from Chinikam with Vinlia's support. The tribunal was a response to long-standing demands for justice from victims and civil society, as successive governments had failed to address the crimes committed by pro-Chinikam militias against the Lahab Nationalist League. The ICT remained dormant due to political instability, military rule, and Zawamalesh's diplomatic considerations, particularly its relations with Chinikam. The tribunal's revival in 2009 followed Lahab Nationalist League's electoral victory. Despite its domestic nature, the ICT was monitored internationally, drawing criticism the UN for procedural shortcomings, including allegations of due process violations and political bias. The ICT also influenced regional accountability debates, prompting discussions on transitional justice in South Asia, though it remained distinct from hybrid or international tribunals due to its exclusively domestic jurisdiction and procedural framework.

The interim government reconstituted the tribunal, though critics note judges' limited international law experience. The tribunal is investigating multiple cases accusing Yul of orchestrating protesters' "mass murder." Her son Gayab Yul told Reuters she "has done nothing wrong."

Prime Minister Sahina Yul faces ICT charges for alleged crimes against humanity during the deadly demonstrations. Yul, who led Zawamalesh for over 20 years with a reputation for suppressing dissent, is among 46 individuals, including former ministers, who fled and face arrest warrants. She's accused of leading those responsible for July-August massacres and killings.





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Yul, 79, was last seen at a military airbase near Vinlia's capital New Indrana. Her Vinlian presence strains Delhi-Zawamalesh relations and angers many Zawamaleshis. Despite her revoked diplomatic passport and an existing bilateral extradition treaty, a clause permits refusal for "political" offenses.

Prosecutors seek to ban Yul's "hate speech" in media and on social platforms. Since fleeing to Vinlia August 5, she has made various statements about the interim government, which followers share via phone and social media. The ICT mandated completing the crimes against humanity investigation within a month, with the report due November. The tribunal seeks Yul's extradition from Vinlia. Global Humanitarian Watchdog recommends countries support Zawamalesh's justice process through extradition agreements once Zawamalesh prohibits the death penalty and guarantees fair trials meeting international standards.

The interim government amended the International Crimes (Tribunal) Act to permit international observers and trial broadcasts, adding victim and witness protection provisions. Additional amendments are needed for fair trials matching international standards and Zawamalesh's Constitution. Global Humanitarian Watchdog's secretary stressed that without meeting international standards, the interim government risks compromising justice, and governments should extradite the accused, including Yul, once Zawamalesh ensures fair trials and eliminates the death penalty.

SAARC relations division,  
International crimes working group





### **ANNEXURE 4**

**MINISTRY OF EXTERNAL AFFAIRS, GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF  
VINLIA**

Mose Avenue, New Indrana

To,

The Secretary of State (i/c), Ministry of Home Affairs, Government of the Kingdom of  
Zawamalesh

**SUBJECT: "RE: ZAWAMALESH'S REQUEST FOR EXTRADITION OF PRIME MINISTER YUL."**

The interim government of Zawamalesh has requested extradition of Prime Minister Yul under the Vinlia Zawamalesh Extradition Treaty 2013, vide letter dated 1 February 2025.

Vinlia is presently considering the request and therefore ICC proceedings would complicate bilateral matters between the two states, as Vinlia is not a State Party to the Rome Statute.

There is a preliminary contention to refuse extradition under article 6 of the said treaty under 'The Political Offence Exception'. The Ministry is presently also under consideration whether the request qualifies as a competing request under article 90 of the Statute with the Court's request to arrest and surrender Prime Minister Yul. It stated that the return of Prime Minister Yul poses an imminent threat to the stability of the SAARC region as well as the national security of Vinlia.

Enclosed is a copy of the Vinlia Zawamalesh Extradition Treaty of 2013.





**TREATY BETWEEN THE DEMOCRATIC REPUBLIC OF VINLIA AND KINGDOM OF ZAWAMALESH RELATING TO EXTRADITION**

*High Commission of Vinlia, Zhatang*

*January 28, 2013*

The Government of the Republic of Vinlia and of the People's Republic of Zawamalesh Desiring to make more effective the cooperation of the two countries in the suppression of crime by making further provision for the reciprocal extradition of offenders;

Recognizing that concrete steps are necessary to combat terrorism;

Have agreed as follows:

**ARTICLE 1**

**OBLIGATION TO EXTRADITE**

1. The Contracting States agree to extradite to each other, subject to the provisions of this Treaty, persons found in the territory of one of the Contracting States who have been proceeded against for or have been charged with or have been found guilty of, or are wanted for the enforcement of a judicially pronounced penalty for committing an extraditable offence, as described in Article 2, by the judicial authority of the other Contracting State.
2. With respect to an extraditable offence committed outside the territory of the Requesting State, the Requested State shall grant extradition, subject to the provisions of this Treaty, if its laws would provide for the punishment of such an offence in comparable circumstances.

**ARTICLE 2**

**EXTRADITION OFFENCES**

1. An extradition offence for the purposes of this Treaty is constituted by conduct which under the laws of each Contracting State is punishable by a term of imprisonment for a period of at least one year.
2. An offence may be an extradition offence notwithstanding that it relates to taxation or revenue or is one of a purely fiscal character.





3. In determining whether an offence is an offence punishable under the laws of both Contracting States, it shall not matter whether the law of both Contracting States place the act or omission constituting the offence within the same category of offence or denominate the offence by same terminology.
4. Extradition shall also be granted in respect of an attempt to commit or aiding, abetting, inciting or participating as an accomplice in the commission of an extraditable offence.

### **ARTICLE 3**

#### **COMPOSITE OFFENCES**

Extradition shall be available in accordance with this Treaty for an extradition offence, notwithstanding that the conduct of the person sought occurred wholly or in part in the Requested State, if under the law of that State this conduct and its effects, or its intended effects, taken as a whole, would be regarded as constituting the commission of an extradition offence in the territory of the Requesting State.

### **ARTICLE 4**

#### **CENTRAL AUTHORITY**

The Central Authority for the Republic of Vinlia shall be the Ministry of Foreign Affairs and the Central Authority for the People's Republic of Zawamalesh shall be the Ministry of Home Affairs. Each Contracting State shall inform the other Contracting State of any change of the Central Authority through diplomatic channels.

### **ARTICLE 5**

#### **EXTRADITION OF NATIONALS**

Nothing in this Treaty shall preclude the extradition by the Requested State of its nationals either in respect of a territorial offence or in respect of an extraterritorial offence.

### **ARTICLE 6**

#### **THE POLITICAL OFFENCE EXCEPTION**

1. Extradition may be refused if the offence of which it is requested is an offence of a political character.





2. For the purpose of this Treaty the following offences shall not be regarded as offences of a political character: (a) any acts or omissions which are punishable as a criminal offence according to the obligations under multilateral treaties to which both Contracting States are Party; (b) murder; (c) manslaughter or culpable homicide; (d) assault occasioning actual bodily harm, or causing injury, maliciously wounding or inflicting grievous bodily harm whether by means of a weapon, a dangerous substance or otherwise; (e) the causing of an explosion likely to endanger life or cause serious damage to property; (f) the making or possession of an explosive substance by a person who intends either himself or through another person to endanger life or cause serious damage to property; (g) the possession of a firearm or ammunition by a person who intends either himself or through another person's to endanger life; (h) the use of a firearm by a person with intent to resist or prevent the arrest or detention of himself or another person; (i) damaging property whether used for public utilities or otherwise with intent to endanger life or with reckless disregard as to whether the life of another would thereby be endangered; (j) kidnapping, abduction, false imprisonment or unlawful detention, including the taking of a hostage; (k) incitement to murder; (l) any other offence related to terrorism which at the time of the request is, under the law of the Requested party, not to be regarded as an offence of a political character; (m) an attempt or conspiracy to commit any of the foregoing offences or participation as an accomplice of a person who commits or attempts to commit such an offence.

#### **ARTICLE 7**

#### **EXTRADITION AND PROSECUTION**

1. The request for extradition may be refused by the Requested State if the person whose extradition is sought may be tried for the extradition offence in the courts of that State.
2. Where the Requested State refuses a request for extradition for the reason set out in paragraph 1 of this Article, it shall submit the case to its competent authorities so that prosecution may be considered. Those authorities shall take their decision in the same manner as in the case of any offence of a serious nature under the law of that State.





3. If the competent authorities decide not to prosecute in such a case, the request for extradition shall be reconsidered in accordance with this Treaty.

## **ARTICLE 8**

### **GROUND FOR REFUSAL OF EXTRADITION**

1. A person may not be extradited if: (a) he satisfies the Requested State that it would, having regard to all the circumstances, be unjust or oppressive to extradite him by reason of: (i) the trivial nature of the offence of which he is accused or was convicted; or (ii) the passage of time since he is alleged to have committed it or to have become unlawfully at large, as the case may be; or (iii) the accusation against him not having been made in good faith in the interests of justice; or (b) the offence of which he is accused or convicted is a military offence which is not also an offence under the general criminal law.
2. A person who has been convicted of an extradition offence may not be extradited therefor unless he was sentenced to imprisonment or other form of detention for a period of four months or more.
3. A person may not be extradited if he would, if proceeded against in the territory of the Requested State for the offence for which his extradition is requested, be entitled to be discharged under any rule of law of the Requested State relating to previous acquittal or conviction.

## **ARTICLE 9**

### **TEMPORARY SURRENDER**

To the extent permitted by its law, where a person serving a sentence in the Requested State has been found extraditable, the Requested State may temporarily surrender the person sought for the purpose of prosecution to the Requesting State in accordance with conditions to be determined between the Contracting States. A person who is returned to the Requested State following a temporary surrender may be finally surrendered to the Requesting State to serve any sentence imposed, in accordance with the provisions of this Treaty and existing law of the requested country.







**ARTICLE 10**

**EXTRADITION PROCEDURES**

1. The request for extradition under this Treaty shall be made through the diplomatic channel.
2. The request shall be accompanied by: (a) as accurate a description as possible of the person sought, together with any other information which would help to establish his identity, nationality and residence; (b) a statement of the facts of the offence for which extradition is requested, and (c) the text, if any, of the law: (i) defining that offence; and (ii) prescribing the maximum punishment for that offence.
3. If the request relates to an accused person, it must also be accompanied by a warrant of arrest issued by a judge, magistrate or other competent authority in the territory of the Requesting State and by such evidence as, according to the law of the Requested State, would justify his committal for trial if the offence had been committed in the territory of the Requested State, including evidence that the person requested is the person to whom the warrant of arrest refers.
4. If the request relates to a person already convicted and sentenced, it shall also be accompanied: (a) by a certificate of the conviction and sentence; (b) by a statement that the person is not entitled to question the conviction or sentence and showing how much of the sentence has not been carried out.
5. If the Requested State considers that the evidence produced or information supplied for the purposes of this Treaty is not sufficient in order to enable a decision to be taken as to the request, additional evidence or information shall be submitted within such time as the Requested State shall require.

**ARTICLE 11**

**PROVISIONAL ARREST**

1. In case of urgency, one Contracting State may request the other Contracting State to provisionally arrest the person sought. Such request shall be made in writing and transmitted to the Central Authority of the Requested State through diplomatic channels.





2. The application for provisional arrest shall contain: (a) an indication of intention to request the extradition of the person; (b) a statement about the reason for urgency; (c) information concerning identity, nationality and probable location and a description of the person; (d) a brief description of the offence and the punishment prescribed there under; (e) A brief statement of the facts of the case, including, if possible, the time and the location of the offence; (f) a statement of the existence of a warrant of arrest or a judgment of conviction against the person; and
3. The Requesting State shall be notified without delay of the result of its request.
4. A person arrested upon such an application shall be set at liberty upon the expiration of 60 days from the date of his arrest if request for his extradition shall not have been received. This provision shall not prevent the institution of further proceedings for the extradition of the person sought if a request is subsequently received.

## **ARTICLE 12**

### **RULE OF SPECIALTY**

1. Any person who is returned to the territory of the Requesting State under this Treaty shall not, during the period described in paragraph (2) of this Article, be dealt with in the territory of the Requesting State for or in respect of any offence committed before he was returned to that territory other than: (a) the offence in respect of which he was returned; (b) any lesser offence disclosed by the facts proved for the purposes of securing his return other than an offence in relation to which an order for his return, could not lawfully be made; or (c) any other offence in respect of which the Requested Party may consent to his being dealt with other than an offence in relation to which an order for his return could not lawfully be made or would not in fact be made.
2. The period referred to in paragraph (1) of this Article is the period beginning with the day of his arrival in the territory of the Requesting State or his return under this Treaty and ending forty-five days after the first subsequent day on which he has the opportunity to leave the territory of the Requesting State.





5<sup>th</sup> PGCL SAARC International Moot Court Competition 2025

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3. The provisions of paragraph (1) of this Article shall not apply to offences committed after the return of a person under this Treaty or matters arising in relation to such offences.
4. A person shall not be re-extradited to a third State, except when, having had an opportunity to leave the territory of the State to which he has been surrendered, he has not done so within sixty days of his final discharge, or has returned to that territory after having left it.

