

Dispute Over the Kashmir Region

State of India v. State of Pakistan

MUNiSC
MODEL UNITED NATIONS INTERNATIONAL SCHOOLS CONSORTIUM



International Court of Justice

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Witness/Exhibits Listing

Prosecution Witnesses:

Ishita Naksh

June Smiths

Hamza Ilyas

Defense Witnesses:

Aisha Hussain

Ismail Ghulam

Fahad Sareer

Exhibits

Exhibit A: Balakot attack

Exhibit B: Indian jet struck down

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CASE SUMMARY

This Case Summary is not used as evidence in the case but rather is provided for background purposes only.

The beginning of the conflict in the Kashmir region between the State of India and the State of Pakistan happened since their independence from Britain in 1947. Since then, the two countries have fought three wars and undergone several conflicts over Kashmir. However, the incident that triggered the two nations in recent years was the Pulwama attack in February 2019.

On February 14th, 2019, a quarter past three, a car ran into a bus that held a convoy of the Central Reserve Police Force (CPRF), India's largest central armed police force. The forces were carrying security personnel on the Jammu-Srinagar National Highway when the car hit the bus. After a moment, the car exploded, killing 40 paramilitary police officers inside the bus. It was later identified that the car was a suicide bomb set by a Pakistan-based Islamist terrorist group called Jaish-e-Mohammad (JeM).

The Indian government immediately started an investigation into the attack. The State of Pakistan offered help, but Narendra Modi, the Prime minister of India, refused, saying that he had already directed his security forces to administer a strong response. The Prime minister of Pakistan, Imran Khan, argued back in saying that they will take action *if* the Indian government continues its claims that Pakistan is involved. He also added that the State of Pakistan would retaliate if the State of India directs an attack upon the dispute in Kashmir. In response, the State of India asserted that the State of Pakistan had already failed to act upon the proof given during previous attacks.

In retaliation, the Indian government conducted an airstrike on a military camp in Pakistan, claiming that they were aiming for the terrorist group's camp. This again angered the Pakistani government, and the State of Pakistan struck back by shooting down an aircraft flown by an Indian pilot and forcing him under their custody.

The State of India demanded the State of Pakistan to return their pilot, but the Pakistani government declined. After three days, however, the Indian pilot Abhinandan Varthaman was freed and returned to his country. This was essentially the end of the conflict between the State of India and the State of Pakistan in 2019 February.

However, the tension between the two nations lingers still. So as to officially accuse the State of Pakistan of the incidents in 2019 February in Kashmir, the State of India submitted a referral to the International Court of Justice, bidding for recommendation and judgment upon the issue.

HISTORICAL BACKGROUND

1974

The Kashmiri state government affirms that Kashmir is a part of India. However, Pakistan rejects this declaration.

1988

Citizens in Kashmir hold protests and hostile demonstrations beginning in the Valley. Police firing and violent attacks follow, aggravating the situation.

1989

The Kashmir citizens show resistance to the Indian administration. The act is supported by Pakistan, which claims that “the movement is moral and diplomatic.” Meanwhile, India puts forth that Pakistan is providing weapons and deploying troops to JeM, declaring that Pakistan is conducting “cross-border terrorism”. Pakistan denies India’s claims.

2001

Skirmishes along the Kashmir border continue. As a response to the unceasing conflicts, Farooq Abdullah, the chief minister of Indian-administered Kashmir, calls upon the Indian government to launch a military attack against training camps in Pakistan.

2002

On May 14th, Islamic militants open fire on an army camp in Indian Kashmir, killing at least thirty people and wounding forty, aggravating the tension between India and Pakistan.

2006

On December 5th, Pakistani president Pervez Musharraf declares that Pakistan would give up its claim on Kashmir if India accepts some of his peace proposals, such as the withdrawal of troops and self-governance for locals.

2008

On May 26th, the Indian government and the Kashmir government agreed to transfer 0.4km² of forest land to a valley in Kashmir as temporary shelters for Hindu pilgrims. However, this land transfer caused controversy among the Kashmir people in the valley, and more than 500,000 protesters showed resistance.

2010

Protests in the Kashmir Valley continue over the summer due to unceasing killings of the Indian army. The protests gradually cease in September after the Indian administration announces its plans to abate the tensions.

2013s

In September, the prime ministers of India and Pakistan meet in the UN General Assembly in New York. Both leaders agree to terminate armed tensions in Kashmir.

2014

In October, India and Pakistan launch gunfire over their border in the Himalayan region of Kashmir. This attack kills four civilians, exacerbating the hostility between the two countries.

2016

In September, Pakistan is accused of striking an Indian army base in Kashmir, but Pakistan denies the accusation. In response, India launches attacks on terrorists in the Pakistan-administered Kashmir region.

2017

Indian Army operations in Kashmir offend separatists, who initiate more protests in Kashmir. The tension continues for more than 50 days, and more than 90 civilians are killed in the protests.



State of India

v.

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PARTIES, JURISDICTION, AND VENUE

1. Kashmir is a region that shares borders with India, Pakistan, and China.
2. Upon information and belief, the southern region of Kashmir is under the jurisdiction of India, while the northern and western regions of Kashmir are controlled by Pakistan.
3. The issue is focused on the attack that happened in 2019 February in the Kashmir region and the incidents that followed.
4. Pulwama is a district in the Jammu and Kashmir state.
5. Balakot is a town in the Mansehra district in Pakistan.

STATEMENT OF FACTS

6. The attack in the Pulwama district occurred on 14 February 2019.
7. The Pulwama attack was conducted by the terrorist group Jaish-e-Mohammad (JeM).
8. The airstrike in Balakot occurred on 26 February 2019.
9. The Balakot airstrike was led by the Indian military.

FOR CAUSE OF ACTION

10. The State of Pakistan had the authority and power to prevent the terrorist suicide attack on February 14th, 2019 in the Pulwama district, but failed to do so, resulting in the deaths of more than 40 men.
11. The State of Pakistan was aware of the level of intimidation Jaish-e-Mohammad had on the State of India but chose to deny its relationships with the terrorist group.
12. As a direct response to the Balakot attack held by India on February 26th, 2019, Pakistani forces captured the Indian pilot Abhinandan Varthaman and took him into their custody, threatening the rights of a citizen of the State of India.
13. The government of Pakistan neglected the fact that the State of India aimed its airstrike at the terrorist group, rather than the State of Pakistan.
14. The State of Pakistan overlooked the fact that the State of India would respond in retaliation to the Pulwama attack that occurred on February 14th, 2019 and instead continued its attacks upon the State of India.
15. The government of Pakistan threatened and degraded the national honor and sovereignty of the State of India by capturing Abhinandan Varthaman.
16. As a direct and proximate result of the attack from the State of Pakistan on February 14th, 2019, over 40 Central Reserve Police Force (CRPF) officers belonging to the State of India were killed, and many more Indians were wounded.
17. As a direct and proximate result of the attack from the State of Pakistan on February 27th, 2019, the Indian pilot Abhinandan Varthaman was fatally wounded by the airstrike.

WHEREFORE, the Prosecution prays for an impartial ruling against the Defense for actual and punitive damages as the jury deems appropriate.

FOR DEFENSE

1. Each and every allegation in the Complaint not specifically admitted herein below is denied.
2. The allegations in Paragraph 1 of the Complaint are admitted.
3. The allegations in Paragraph 2 of the Complaint are admitted upon information and belief.
4. The allegations in Paragraph 3 of the Complaint are admitted.
5. The allegations in Paragraph 4 of the Complaint are admitted.
6. The allegations in Paragraph 5 of the Complaint are admitted.
7. The allegations in Paragraph 6 of the Complaint are admitted.
8. The allegations in Paragraph 7 of the Complaint are admitted.
9. The allegations in Paragraph 8 of the Complaint are admitted.
10. The allegations in Paragraph 9 of the Complaint are admitted.
11. The allegations in Paragraph 16 of the Complaints are deemed to be refuted against, thus the allegations are denied.
12. The allegations in Paragraph 17 of the Complaint are admitted but require further explanation.
13. The rest of the allegations of the Complaints not listed here are denied.
14. The Defense denies that the Prosecution is entitled to the requested relief in the unnumbered “Wherefore” paragraph.

STIPULATIONS

Stipulations shall be considered part of the record. Prosecution and Defendant stipulate to the following:

1. There are no defects in the pleadings. The Defendant has properly appeared and answered. The Court has jurisdiction over the parties. All questions of fact are being submitted to the jury. Questions of law will be decided by the Court.

2. The charge of the Court is accurate in all respects, and no objections to the Charge will be entertained.

3. This case has been divided into the party of India and the party of Pakistan.

4. The only matter to be decided in this trial is liability.

5. All exhibits included in the Case Materials are authentic and are accurate copies of the originals. No objections to the authenticity of the exhibits will be entertained. The only exhibits to be used at the trial are those included in the case materials.

6. The charge of the Court is accurate in all respects, and no objections to the Charge will be entertained.

7. No witnesses should be examined or cross-examined as to the contents of anything not included in the Case Materials. This includes, but is not limited to, information found on the Internet, social media, books, magazines, and/or other publications.

8. No one other than the witnesses from the Witnesses Listing should be examined or cross-examined by the lawyers. No one other than the witnesses should produce evidence for the lawyers.

*THE FULL CASE STUDY DOCUMENT WITH WITNESS TESTIMONIES WILL ONLY
BE AVAILABLE TO ICJ PARTICIPANTS

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