



4TH VOX ANATOLIS

VIRTUAL MOOT COURT COMPETITION

2025

25th - 27th April

MOOT PROPOSITION



Moot Court Committee
Valar Mootghulis

STATEMENT OF AGREED FACTS

1. The Republic of Fortuna is a country located on the continent of Eldia. The country became independent from the foreign yoke in 1948. Konoha, the capital of the Republic, is home to key institutions, including the Parliament and the Supreme Court of Fortuna. The country is divided into 31 federal units, or states.
2. Remisia is a state situated in the northeastern region of the country of Fortuna. It possesses a diverse landscape characterised by verdant valleys, rich biodiversity, and a vibrant cultural heritage. Indigenous communities play a crucial role in preserving the state's unique traditions, music, and festivals, which reflect its deep historical foundations. In recent years, the state has gained recognition as a key destination for ecotourism, attracting visitors to its pristine forests, cascading waterfalls, and tranquil hill stations. As a **Sixth Schedule** state, Remisia benefits from special constitutional provisions that grant autonomous councils legislative, administrative, and financial powers to safeguard the rights, land, and governance of its tribal populations. These provisions enable decentralised governance and foster community-led development.
3. Its strategic location near international borders has influenced economic policies, leading to significant advancements in sustainable agriculture and the handicraft sector. These industries have strengthened the local economy, fostering resilience and self-sufficiency. However, Remisia continues to confront security concerns arising from insurgent activities and cross-border tensions, necessitating ongoing legal and administrative measures to maintain stability and development.
4. The state's proximity to international borders has made it vulnerable to insurgent activities, illicit arms trade, and drug trafficking. Over the years, various separatist groups like the Order of the Phoenix Liberation Front (OPLF)—an insurgent faction claiming to fight against state oppression, often engaging in guerrilla warfare—and the Ten Rings—a shadowy insurgent network accused of orchestrating high-profile attacks—and the Sons of Remisia (SoR)—a radical ethnic-nationalist militia pushing for complete secession—have operated in the region, seeking independence or greater autonomy, often clashing with security forces.
5. The government's response to the ongoing insurgency and separatist movements has been marked by stringent counterinsurgency operations, with the enforcement of the Internal Security (Emergency Powers) Act, 1962 (ISEPA) serving as a critical pillar of its security policy. Enacted by the Parliament in 1962, ISEPA grants sweeping powers to the Fortunan

Armed Forces to maintain public order in regions designated as "disturbed areas" by the government. The Act allows security personnel to arrest individuals without a warrant, conduct searches without judicial oversight, and even use lethal force if deemed necessary to preserve law and order. Over the years, successive governments have periodically renewed and expanded ISEPA's application, citing national security concerns and the need to curb rising insurgent activities.

6. The rationale behind the origins of ISEPA can be traced to the period of political instability that followed independence, during which several regions experienced separatist movements and armed insurgencies. The government, facing challenges in maintaining territorial integrity, introduced the legislation to strengthen counterinsurgency operations. Initially, the Act was implemented in select regions where insurgent groups were most active. Proponents of the law argued that conventional law enforcement mechanisms were inadequate to deal with the scale and intensity of insurgent threats, necessitating an expanded security framework to combat militancy effectively.
7. Over the years, successive governments have periodically renewed and expanded ISEPA's application, citing national security concerns and the need to curb rising insurgent activities. However, the enforcement of ISEPA has also been a subject of intense legal and political debate, with human rights organisations and activists alleging rampant misuse, arbitrary detentions, enforced disappearances, extrajudicial killings, and suppression of civil liberties. It has been alleged that the presence of such a legislation is a violation of Fortuna's commitment to international humanitarian law. Despite persistent calls from state governments, civil society, and international watchdogs to review or repeal ISEPA, the government insists that the law is crucial for maintaining stability in conflict-prone regions.
8. This stance is supported by findings from multiple reports by prominent newspapers like the *Daily Planet* and data from the National Crimes Bureau, which had identified Remisia as the leading hub for drug trafficking and weapons smuggling in Fortuna because of its shared international border with the neighbouring country of Paine prior to the enactment of the ISEPA. The Central Government has emphasized that a collapse of law and order in Remisia could destabilize the entire northeastern region of Fortuna.
9. In October 1998, while the Act was still in force, the Supreme Court of Fortuna, in a landmark judgement, held that

“We are unable to construe Section 3 as conferring a power to issue a declaration without any time limit. The definition of “disturbed area” in Section 2(b) of the Central Act talks of “an area which is for the time being declared by notification under Section 3 to be a disturbed area.”. (emphasis supplied) The words “for the time being” imply that the declaration under Section 3 has to be for a limited duration and cannot be a declaration that will operate indefinitely. It is no doubt true that in Section 3 there is no requirement that the declaration should be reviewed periodically. But since the declaration is intended to be for a limited duration, and a declaration can be issued only when there is a grave situation of law and order. the making of the declaration carries within it an obligation to review the gravity of the situation from time to time, and the continuance of the declaration has to be decided on such a periodic assessment of the gravity of the situation.”

10. However, despite the central government continued to issue fresh notifications extending the validity of ISEPA every six months. These extensions were carried out as a routine administrative measure, often without any public justification or review of ground realities. In several instances, the notifications were issued even after the previous term had lapsed, making them ex post facto in nature and retrospectively effective, ensuring there was no interruption in the law’s enforcement. This practice effectively meant that ISEPA remained in force indefinitely, disregarding the concerns raised by civil society groups, human rights organisations, and local communities affected by its stringent provisions.
11. In December 2023, the state of Remisia witnessed a highly contested election, dominated by public anger over the prolonged enforcement of ISEPA and its impact on civil liberties. The Remisia Janta Party (RJP), a regional political force, emerged as the voice of the people, campaigning on a bold promise to remove ISEPA and restore democratic governance in the state. Their campaign resonated deeply with the tribal communities, youth activists, and civil rights groups, who had long opposed the excessive militarisation of the region.
12. Riding on a wave of anti-ISEPA sentiment, RJP secured a decisive victory, displacing the previous party, which was also in power at the Centre. The party’s success was viewed as a strong mandate for change, with voters expecting swift action toward rolling back military powers and addressing long-standing grievances of human rights violations. However, despite its electoral victory, RJP soon found itself at odds with the central government, which remained firm on its policy of periodic renewals of ISEPA, setting the stage for a deeper political and constitutional crisis.

13. In March 2024, tensions in Remisia escalated when the central government introduced the Tribal Empowerment and Inclusion Act (TEIA), 2023, which granted Scheduled Tribe (ST) status to the Fremien tribe, a community historically aligned with the ruling party at the Centre. The move was seen as a direct political manoeuvre to dilute the influence of dominant indigenous tribes like the Marleyans and Elois, who had long struggled for greater autonomy and the removal of ISEPA.
14. Furthermore, the ISEPA, which was already in place across the state, was again extended for six months by the Central government. Massive protests erupted across Remisia, particularly in Senapati district, where the majority of affected tribal communities resided. Student organisations, civil rights groups, and tribal councils saw the law as a betrayal, further marginalising those who had suffered under ISEPA's military rule.
15. Insurgent factions like the Order of the Phoenix Liberation Front (OPLF) and others seized upon the growing unrest, using the widespread outrage to strengthen their ranks. They launched aggressive recruitment drives, urging disillusioned youth to join their cause. Tensions reached a boiling point when, in September 2024, heavily armed militants, allegedly linked to these groups, attacked the Senapati district police headquarters in a coordinated assault. In response, the Fortunan Armed Forces launched an immediate counterinsurgency operation, deploying additional battalions to insurgency-prone areas. Security forces conducted large-scale raids in villages suspected of harbouring insurgents, leading to multiple arrests.
16. Mr. Dheeraj Marvolis, a 30-year-old resident of Senapati District in Remisia and a popular student leader and advocate of indigenous rights, was arrested on December 15, 2024, during a military operation conducted under ISEPA. The operation was aimed at targeting suspected insurgents linked to the separatist group OPLF active in the region. Dheeraj, whose family was engaged in small-scale farming, was detained on allegations of harbouring insurgents and possessing illegal arms. Authorities claimed that intelligence inputs had pointed to insurgent activity in the area, and Dheeraj was suspected of providing logistical support, including food and shelter, to individuals linked to the banned militant organisation.
17. The arrest of Mr. Dheeraj ignited a wave of statewide protests, with student organisations, human rights groups, and opposition parties condemning it as a blatant misuse of the ISEPA. Demonstrations erupted across university campuses, with students taking to the streets in defiance of heavy security restrictions. Activists labelled the detention an act of political persecution. Reports of excessive force by security personnel during these protests

further fuelled public outrage, with multiple instances of baton charges, mass detentions, and internet blackouts across the state.

18. The RJP, which had campaigned on the promise of repealing ISEPA, found itself in a precarious position. However, its repeated demands were met with silence and non-cooperation from the central government, further deepening the Centre-State rift. The RJP moved a petition in the Supreme Court in the last week of December, arguing that the unilateral declaration of 'disturbed areas' without state consultation violated the spirit of federalism. Since law and order is a state subject, the unilateral imposition of SEPA was seen as an encroachment on state matters.
19. Ms. Mikasa Ackermann, a public-spirited lawyer, filed a writ petition on behalf of Mr. Dheeraj, challenging the detention made under the Act to be violative of the Fundamental Right to Life and, secondly, on the ground that by routinely extending this status every six months without an objective reassessment, the Centre has violated judicial directions, and it circumvents constitutional limitations.
20. The Supreme Court of Fortuna clubbed the petitions together and constituted a seven-judge Constitution bench for the same. In the initial hearing on April 25, 2025, the matter was admitted. Now, the matter is listed for final hearing and disposal on April 28, 2025. Since the matter has already been admitted, the maintainability of the petition would not be heard. At this stage, the matter would only be heard on its merits.

The laws and regulations of the Republic of Fortuna are *mutatis mutandis* equivalent to those of the Republic of India.

The Moot Proposition is a work of fiction and has no corresponding similarity with any real-life event, person, group, or incident; any such similarity is merely coincidental.

ANNEXURE I: Extract of the ISEPA

THE INTERNAL SECURITY (EMERGENCY POWERS) ACT, 1962 (38 OF 1962)

[11th September, 1962]

An Act to enable certain special powers to be conferred upon members of the armed forces in disturbed areas in the State of * [Remisia, Rovinia, Ambrosia and Antrano].

Be it enacted by Parliament in Thirteenth Year of the Republic of Fortuna as follows: -

1. Short title and extent – (1) This act may be called *[The Internal Security (Emergency Powers) Act, 1962

2. Definitions: In this Act, unless the context otherwise requires- (a) “armed forces” means the military forces and the air forces operating as land forces, and includes other armed forces of the Union so operating; (b) ‘disturbed area’ means an area which is for the time being declared by notification under section 3 to be a disturbed area’

3. Powers to declare areas to be disturbed areas – If, in relation to any state or Union Territory to which this act extends, the Governor of that State or the administrator of that Union Territory or the Central Government, in either case, if of the opinion that the whole or any part of such State of Union territory, as the case may be, is in such a disturbed or dangerous condition that the use of armed forces in aid of the civil power is necessary, the Governor of that State or the Administrator of that Union Territory or the Central Government, as the case may be, may by notification in the Official Gazette, declare the whole or such part of such State or Union territory to be a disturbed area.

- i. The Governor is empowered to declare any area of the State as “disturbed area”. It could not be arbitrary on ground of absence of legislative guidelines;
- ii. Section 3 cannot be construed as conferring a power to issue a declaration without any time limit. There should be periodic review of the declaration before the expiry of six months;

4. Special Powers of the armed forces – Any commissioned officer, warrant officer, non-commissioned officer or any other person of equivalent rank in the armed forces may, in a disturbed area, -

(a) if he is of opinion that it is necessary so to do for the maintenance of public order, after giving such due warning as he may consider necessary, fire upon or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in force in the disturbed area prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or of fire-arms, ammunition or explosive substances;

(b) if he is of opinion that it is necessary so to do, destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made or are attempted to be made, or any structure used as a training camp for armed volunteers or utilized as a hide-out by armed gangs or absconders wanted for any offence;

(c) arrest, without warrant, any person who has committed a cognizable offence or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence and may use such force as may be necessary to effect the arrest;

(d) enter and search without warrant any premises to make any such arrest as aforesaid or to recover any person believed to be wrongfully restrained or confined or any property reasonably suspected to be stolen property or any arms, ammunition or explosive substances believed to be unlawfully kept in such premises, and may for that purpose use such force as may be necessary.

5. Arrested persons to be made over to the police –Any person arrested and taken into custody under this Act shall be made over to the officer in charge of the nearest police station with the least possible delay, together with a report of the circumstances occasioning the arrest

6. Protection to persons acting under Act – No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Act.