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**Children's Rights Moot Court 2021
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The case of R. and others v. Albion

Gea Minor is a troubled region of the world, engulfed in political instability and plagued by an ongoing military conflict between various state military and police forces and non-state armed groups. The state of Assur is situated in Gea Minor. It has lost control over some parts of its territory because of the ongoing military conflict. Various armed groups actively fight against the government of Assur. Foreign governments have been supporting either the Assurian government or the non-state armed groups.

The Avengers are one of the armed groups participating in the conflict in Assur. They have been conducting terrorist attacks around the world and are spread throughout several states in the Gea Minor region. They aspire to create their own, morality-driven state. As they become more powerful and gain control over parts of the territories of Assur and its neighbouring states, they launch an online global campaign to recruit teenagers and young families from all over the world, promising free education and healthcare, as well as a life imbued with high morals and purposes, in a society where true equality is paramount. To show their determination to pursue their aims, they broadcast (through social media) executions of their opponents and the destruction of cities and historical monuments as symbols of consumerism. They consistently praise suicide bombers as Avenger heroes.

The Avengers' global campaign is successful, and individuals and young families from around the world arrive in Gea Minor in order to join the Avengers. Some new arrivals are recruited as soldiers, while others are given civilian roles. Many women become active online recruiters. Some women marry militant fighters, seeking to contribute to the population growth of the group.

Many states around the world declare the Avengers to be a terrorist organisation and urge their nationals not to travel to Gea Minor because of the ongoing armed conflict. Some states make it a criminal offence to travel overseas to join the Avengers or other terrorist groups.

Mia and Roxanne (both born on 1 September 2003) are two high school students, nationals of the state of Albion where they live with their parents. Their 25-year-old teacher, Cara, also an Albion national, is an Avengers sympathiser and introduces Mia and Roxanne to Avengers ideology and materials. Mia and Roxanne sympathise with the Avengers' ideals and, while they do not agree with all of the Avengers' violent acts, they consider these to be necessary in order to achieve a better and fairer world.

In October 2018, Mia and Roxanne and Cara decide to leave Albion and join the Avengers in Assur. Cara takes her son, who is two years old. They are aware of the travel advisory issued by Albion against travel to Gea Minor and that traveling overseas to join the Avengers is contrary to the Albion law. They nevertheless feel a strong desire to contribute to a community that promises a better and more moral life for all.

After reaching and joining the Avengers, the three young women quickly marry Avengers members and, by December 2019, all three have given birth. Cara gives birth to a baby boy; Mia to two twin girls; and Roxanne to a baby boy. The mothers are not aware of the nationality of the fathers of the children.

Roxanne becomes a persuasive online recruiter for the Avengers, appealing especially to young women and teenagers to join the group. Mia decided instead to involve herself in military operations. She is given a mission as a suicide bomber and she detonates her explosives in a busy market, killing dozens of people as well as herself. Mia's children have been taken into the care of other Avengers members.

Clashes develop between the Avengers and a rival group, the Batavians, in northern Assur. The Batavians are a separatist group that has been fighting for independence from Assur for a long time. The ongoing conflict and the weakening of the Assurian state allows the Batavians to gain control over the Northern parts of the Assurian territory. The Batavians receive funds, weapons and military intelligence from state Qin, which sees the Batavians as an important ally in the global fight against terrorism, and against the Avengers more specifically.

By January 2020, the Batavians have captured most of the territory occupied by the Avengers, and have arrested many of them and also members of their families. In February 2020, Cara, Roxanne and their children are captured by the Batavians and taken to the Desert Camp, a tented camp administered by the Batavians in Assur. They are all frightened and weak after having survived weeks trying to escape capture, exposed to the harsh elements, with scarce access to water and food and constantly threatened by conflict. They lose touch with Mia's twins, who they think might have been taken to another camp. Cara and Roxanne do not know the whereabouts of their husbands; they may be dead. No judicial process is followed for the internment of Cara, Roxanne and their children because there are no functioning judicial structures in the Batavian-controlled territory. They are not informed about how long they will be held in the camp.

Conditions in the Desert Camp are dire. The camp's 68,000 residents live in tents. There are ongoing outbreaks of cholera, tuberculosis and dysentery. There is a water allocation of just 20 litres per tent per day, for drinking, cooking and hygiene. Food is rationed, and there is no special food for babies. The food rations often run out, and the women and the children go hungry. The United Nations Refugee Agency and other humanitarian organisations have access to the camp, but they have been quickly overwhelmed by the demand. Ultra-extremist groups of Avengers women operate in the camps. They intimidate the other residents, and compel children as young as three to attend daily classes of Avengers dogma.

The Batavians publicly call on the states of nationality of the prisoners, including Albion, to repatriate their nationals. The Batavians especially urge the immediate repatriation of children because the Desert Camp lacks facilities to meet children's basic needs. The Batavians and the state of Qin offer support with the repatriation process. Concerned about the plight of the prisoners, United Nations officials urge states of origin to bring their nationals home and stress that the conditions in the camp are especially dangerous for children.

In April 2020, Cara's father travels to the Desert Camp, where the Batavian camp administration allows him to meet with Cara and Roxanne. They urge him to do all he can to

get them out of the camp and back to Albion. He learns about the dire conditions in the camp, and urges the Batavians to release them. The Batavian camp commander informs Cara's father that prisoners will only be released into the custody of their governments, upon presentation of documents that prove the identity and the nationality of the prisoners. Cara, Roxanne and their children have lost their identification documents, but Cara and Roxanne consider this not to be a major problem since children born to an Albion parent acquire Albion nationality at birth.

Upon return to Albion, Cara's father mobilises Mia and Roxanne's parents. They address a formal request to the Albion Minister of Foreign Affairs for the Minister to locate and bring to Albion Mia's orphans, Cara and her children, and Roxanne and her children. The parents feel optimistic about the outcome of their request upon seeing news reports that Albion officials have brought to Albion a group of five orphan minors of Albion nationality, who had also been detained in the Desert Camp and had been considered by the Albion government to be too vulnerable to stay in the camp.

Nonetheless, the Minister rejects the parents' request and states that the mothers are a threat to Albion national security, and that the government has no obligation to assist Albion nationals in a conflict zone. Further, the Minister states that Albion would not endanger the lives of its officials by sending them to a conflict zone to assist nationals who had acted contrary to Albion's travel warnings and its laws, or individuals who might not even be Albion nationals. The Minister also states that Cara has been charged with terrorism offences and that an arrest warrant has been issued for her in Albion.

In May 2020, Cara's father together with Mia and Roxanne's parents approach an Albion court on behalf of their children and grandchildren. They request that the court declare that Albion breached the rights of their children and grandchildren, including their best interests, and to order the government to locate Mia's twins and issue them with travel documents; to issue Roxanne and Cara and their children with travel documents; and to bring back to Albion Mia's twins, Roxanne and Cara and their children; and/or take all measures necessary for their protection. The court *a quo* rejects the applications on the ground of non-justiciability because executing the requested orders would depend on negotiations with foreign authorities and/or an intervention on the territory of another state. The court states that, in any case, the issues raised in the applications may not be under Albion's jurisdiction. Following this decision, the Supreme Court of Albion rejects the parents' application for leave to lodge an urgent appeal against the court *a quo*'s decision, on the ground that the matter was not urgent.

In July 2020, the group of parents approach the Prosecutor of the International Criminal Court, seeking an investigation into the commission of crimes against humanity under article 7(1)(h) of the *Rome Statute of the International Criminal Court, 1998* to which Albion is a party since 2005. The Prosecutor accepts the request and launches the investigation.

In September 2020, the parents seek legal advice, and are advised there is a reasonable argument to be made that Albion breached its obligations under the *United Nations Convention on the Rights of the Child, 1989* to which Albion is a party. Cara's father advises the lawyer that Cara is a few weeks pregnant and developed a serious pregnancy complication for which no treatment is available in the camp. The health clinic staff advised Cara's father that without medication, Cara might lose her baby.

On 18 September 2020, the lawyer acting on behalf of the group of parents lodges a communication with the Committee on the Rights of the Child for violations of the rights of the child as recognized in the UN Convention on the Rights of the Child and demands remedies, including the repatriation of the applicants' children and grandchildren, and of all

other children held in the Batavian-run detention camps and born in Albion or to Albion parents.

Given the dire conditions in the camp and the vulnerability of their children and grandchildren, the applicants also request the granting of interim measures: immediate repatriation to Albion of Mia's children and of Cara and Roxanne and their children; pending repatriation, their supply with sufficient food, water and medical care; and identification as soon as possible of all children who are detained in the Desert Camp and other Batavian-run camps, who are born in Albion or of Albion parents.

As of 1989, Assur and Albion are parties to the *Convention on the Rights of the Child, 1989*. In October 2015 both ratified the *Optional Protocol to the Convention on the Rights of the Child on a communications procedure, 2011*. Qin is not a party to either of these international instruments.

The Committee on the Rights of the Child will convene in June 2021 for a hearing in the case of R. and others v. Albion.
