

STATEMENT OF FACTS

1. Akpaf is a country that has a history of ethnic strife between its two primary tribes, the Red and Pink Tribes. Though the Red Tribe is in majority in terms of numbers, the Pink Tribe has been the ruling elite.
2. In the early 1950s, when Akpaf gained its independence from its colonial rulers, its Senate passed a law outlawing the cultivation, production etc. of coffee beans and coffee, and later appropriate laws were passed banning the sale, consumption etc of coffee itself, within Akpaf. Since Akpaf had been colonized and used only for the supply of coffee beans during its years as a colony, and since the most egregious colonial offences against the Akpaf people were committed on its coffee fields, there was significant public opinion against coffee, and hence the law was passed with resounding majority in the Senate and across party lines. Akpaf's vast coffee fields, once the pride of its colonial rulers, were razed to the ground and large towns sprung up, fuelling one of the great economic success stories of the 1950s and 1960s.
3. Any contravention of the Coffee Laws, if found proved after due process, was punishable with death.
4. However, in the late 1970s, after differences as to how to take the country forward emerged, civil unrest sparked a devastating civil war between the Red and Pink Tribes, which was fomented by neighbouring states. These troubles led to the country being decimated by ethnic strife and falling off the international horizon. What was once a model of development, in the 1970s was now the epicentre of the largest exodus of people into neighbouring countries and the site of one of the worst humanitarian crisis that the world had seen. Millions perished due to malnutrition and thousands died during the conflict. By the late 1980s, Akpaf had seen 26 changes in its government and 13 bloody coups. In the 1970s, an effort to lift the economic embargo on the country had led to the destruction of its only port, and all land and sea routes into Akpaf were heavily mined.
5. Apart from being ideologically separate, both Tribes were now being led by persons of questionable integrity. Politics in Akpaf had degenerated into two criminal organizations fighting for the remains of a once promising young nation. Coffee laws were now being implemented selectively, and vast tracts of agricultural land were being used to produce coffee under the protection of the gun. Almost all the coffee produced was being smuggled out by small boats and was sold on the open international markets.
6. Each Tribe had a military wing that had been committing atrocities against each other's populace in the name of installing a system of parliamentary democracy for the last forty years. In 1986, the Red Tribe levelled the Akpaf Senate, with the professed view that a completely fresh new look needed to be taken at the political structure of Akpaf. The Akpaf Senate had been designed by prominent Pink Tribesman and had been the rallying symbol of the Akpafian people during their freedom struggle. In a statement released immediately after the incident, Commander Ignatius of the Red Tribe further stated that the new look of the Senate and Akpaf must be bereft of the scourge of Pink Tribesmen and that he was proud to be a part of

recent events that have aided in cleansing of the Akpafian Society. In retaliation the Pink Tribe rounded and killed a hundred Red Tribe members on the site of the old Parliament.

7. Though it was one of the founding members of the United Nations for many years, Akpaf neither received aid nor attention from the world community. It was however the world's largest market for second hand small arms, which were bought and sold by both sides hand in hand with the world's greatest small arms dealers and financed by the illegal production and sale of coffee beans.
8. Akpafian coffee was universally known as the finest coffee ever made. Each kilogramme of Akpafian coffee was about twenty times the going rate of Arabica coffee at any of the international coffee exchanges. Although there had been feeble attempts to ban Akpafian coffee, such attempts had met with cynical business challenges and its demand far outstripped its supply, though on paper an international ban by the Security Council of the United Nations on the international trade and commerce in Akpafian coffee and coffee beans still remained. A few independent journalists had tried to bring to light the death and destruction that littered the way to a cup of Akpafian coffee, its demand in high society and in popular culture meant that such voices were either sidelined or ignored.
9. Both tribes sold a majority of their illegal coffee produce to a company called AS Enterprises, which was a company incorporated in Mauritius in 1977 and has a worldwide presence, including offices in the United States of America, United Kingdom, Italy, Industan, France, China, Brazil, South Africa etc. One of its founder directors was an Industanian professional, Arban Srinivas, though he resigned as a Director in 1990. Mr. R. U. Rampyara joined AS Enterprises in his place as Director. AS Enterprises was a multinational company that specialised in the trade of small arms and exotic spices and goods. AS Enterprises sold the Akpafian coffee under the brand name 'Celestial Coffee' and had a turnover just in Akpafian coffee, in the range of over a billion US dollars. Since 2009, AS Enterprises has been under investigation by the US Department of Justice for tax evasion and wire fraud.
10. After Arban Srinivas left AS Enterprises (with a hefty golden parachute) he rejoined legal practice in Industan. His stated reason for leaving AS Enterprises, according to his resignation letter that was leaked to the Press, was that he was unhappy with policies of the Company in 'certain strife torn areas of the world'. His wife, Revati Srinivas, was a consultant for a chain of coffee shops in Industan, known as "Celestial Coffee Houses". Revati Srinivas, who was an Akpafian citizen and was a prominent lobbyist in the Industanian political circles for the Government to recognize the Red Tribe as the ruling party in Akpaf. She organized road shows and cultural programmes showcasing the history, culture and diversity of Akpaf. Arban Srinivas's sister-in-law and Revati Srinivas's sister, Radha "Rads" Westinghouse had settled in the United States of America (after marrying a certain Mr. Westinghouse) and had made millions of dollars by organizing and franchising coffee parties for the rich and famous on behalf of AS Enterprises, where only Akpafian coffee was brewed and sold.

11. Though he had joined the bar in Industan in 1973, Arban Srinivas had left the country and formed AS Enterprises in 1977 and only returned in 1990. However, he had never sought suspension of his licence to practice. After being made a Senior Advocate by the Supreme Court of Industan in 1995 based on his extensive practice in international commercial law, Arban Srinivas was appointed as a Judge of the Supreme Court of Industan in 1996. In an interview given to a national newspaper in 1998, Arban Srinivas said that he believed in the rule of law but refused to comment on his time in Akpaf stating that those dark days were in his past and he was glad to be free of them. He also stated that he had divorced Revati Srinivas in 1997 for personal reasons.
12. In 1996, while digging for potable water in one of the more arid parts of Akpaf, some Red Tribesmen hit upon a vast field of oil. A crude initial assessment discovered that Akpaf now had almost 60% of the world's known supplies of oil. This discovery led to a mad scramble and a final showdown between the Red and Pink Tribesmen, which, after a series of bloody battles, led to the victory of the Red Tribesmen and the routing of the Pink Tribesmen.
13. In consultation with international leaders, including leaders of Industan, who were now queuing for a share in the nascent Akpafian oil industry, it was thought best by the international community that a tribunal be set up to determine liability of war crimes that were committed by both sides so as to render complete justice.
14. On 20 January 2001, Security Council Resolution No. 54/01 was passed for setting up a Tribunal to prosecute persons responsible for the tragic events in Akpaf. The ICTA, the International Criminal Tribunal for Akpaf, was established in 2001 at the Hague, and commenced proceedings the following year and adopted the ICC Statute. The temporal jurisdiction of the tribunal is from 1 January 1985 to 31 December 2000.
15. Arban Srinivas was appointed as one of the Judges of the ICTA, after being recommended by Industan.
16. A few months after his appointment as a Judge, an investigative journalist from IYFN (InYerFaceNews) discovered some emails from an account, arbansrinivas@asenterprises.com and arbansrinivas@celestialcoffee.com to various political leaders of Industan describing opportunities in Akpaf. These emails were acknowledged to have been received by these political leaders. There were lines in the emails such as 'After the elite are removed ...'; 'the Akpafian population can be and has been tamed'; 'AS Enterprises with the tireless efforts of Mr. R. U. Rampyara, has shown the way in exploiting the commercial potential of Akpafian coffee' and 'The methods of maintaining order amongst the savages of Akpaf are not always found in political science textbooks'. The emails went on to state that the Red Tribe had been armed by AS Enterprises in such manner that their military victory was not only a certainty, but was imminent.
17. The journalistic expose resulted in a criminal investigation into offices of AS Enterprises in Industan. Though summons were issued against Revati Srinivas during the investigation, she refused to appear before the police, citing the fact that she was

in fact a citizen of Akpaf and immediately thereafter she left Industan. The police did not pursue their investigation against Revati Srinivas. However, the case continued to remain under investigation and was transferred to the Central Bureau of Industan in 2000, where till date the investigation remains pending.

18. Arban Srinivas maintained silence during these proceedings and refused calls from newspapers to clarify the situation.
19. In the first Judgment (No. ICTA/2009/1) that was pronounced on 04.07.2009 convicting the former leader of the Pink Tribes and sentencing him to life for the commission of genocide. The Tribunal made observations against the conduct of certain foreign nationals, including those involved in the trade of Akpafian coffee in relation to their having committed war crimes. The ICTA went on to state that it appeared that AS Enterprises appeared to have a link to war crimes committed by both sides. Arban Srinivas was not a member of this Bench.
20. In the second Judgment by the Trial Chamber (No. ICTA/2009/2), which was passed on 06.07.2009 and where Arban Srinivas was a member, a Commander A of the Red Tribe was convicted of genocide for his involvement in the acts of destroying the Senate Building in 1986. The Tribunal held that despite there being some rumours of involvement of "external factors" essentially the dispute between the tribes was a domestic one where unfortunate acts, including acts of genocide, had taken place against the local population which the ICTA must now redress.
21. The second Judgment has been challenged by the accused, Commander A before the Appeal Chamber *inter alia* on the ground that Arban Srinivas ought to have been removed from the Trial Chamber and his involvement in Afpakian affairs vitiated the entire trial. This issue was not raised before the Trial Chamber.
22. Prepare briefs and argue on behalf of Commander A and the Prosecution before the Appeal Chamber. The laws of Industan, Akpaf and India are in *pari materia*.
