

**AGREED FACTS BETWEEN THE PROSECUTION AND DEFENCE**  
**INTERNATIONAL CRIMINAL COURT AT THE HAGUE**  
***PROSECUTOR v. GENERAL MATTIAS SCOW***

**AGREED FACTS**

1. WILTEUS is one of the ancient civilizations, which is ethnically diverse. The government of WILTEUS recognized as many as 56 different ethno-linguistic groups consisting mainly of distinct *Sino-Wilteus* people, but with a sizable population of *Madai*, *Zomong*, and central Asiatic *Cooang* people. The *Wilteus* people form an estimated 68 percent of the population and 15 percent of the population are *Madai*, the *Zomong* people make up 10 percent of the population and the *Cooang* people constitute of the 6 percent of the population and mainly lived in the Northern part of the Country. Overseas *Euryo* people form approximately 1 (one) percent of the population. WILTEUS's ethnic minority groups prefer the term "ethnic minority" further these ethnic minority groups are in constant insecurity of WILTEUSISATION due to proliferation and domination of the dominant WILTEUS culture over minority cultures.
2. WILTEUS has experienced foreign invasion since 11<sup>th</sup> century onwards. Several imperial kingdoms have established their authorities on WILTEUS over a period. Particularly, during mid-16<sup>th</sup> century political unification was carried out due to the efforts of the founding king of WILTEUS. Historical evidence provided that *Mr. Lumaka* was considered as the mastermind behind the unification of WILTEUS kingdom. The popular folk stories that are told over centuries within the kingdom have glorified the great work carried out by *Mr. Lumaka*. Some stories also revealed that during the unification process *Mr. Lumaka* had eliminated several persons belonging to the indigenous population. Most of the indigenous and native population had opposed the unification process, which was carried out by *Mr. Lumka*. However, there is no tangible historical evidence available to prove the killings of indigenous and native inhabitants of WILTEUS.
3. From early 18<sup>th</sup> century onwards until the middle of 20<sup>th</sup> century WILTEUS had experienced colonial rule by the European powers. Initially European traders have maintained trade and commerce relations and gradually expanded their political authority on WILTEUS. During the period of 1794-1809 three *Anglo-WILTEUS* wars took place and the Britishers finally took over most of WILTEUS. The British regime had brought several changes in social, economic, cultural and administrative aspects. Throughout the colonial era under the British regime, WILTEUS has experienced migration of people from its neighboring countries, which includes BYLOBIAN kingdom and TAORMINA kingdom. These two kingdoms have come under the complete control of the British colonial regime

over a period of time. WILTEUS is sharing friendly relations with these two neighboring kingdoms since they share long territorial boundaries between them. At the beginning of 1945, the Kingdom of TAORMINA, which was under the British colonial rule, got its independence and established a democratic republic rule and named as 'the Federal Republic of TAORMINA'. Due to its vast size of population and the abundance of resources, the Federal Republic of TAORMINA, quickly became the economically developed country and has become a major economic and political power in the region.

4. On January 1959, WILTEUS became an independent nation and declared as a Socialist Republic of WILTEUS under the terms of the *WILTEUS Independence Act of 1958*. Subsequently, the Republic of WILTEUS had appointed **Mr. Shew Kunango** as its first President. A new Constitution of the Socialist Republic of WILTEUS was adopted during 1960 and it has adopted a bicameral parliamentary model system, which consists of Upper House of Deputies and Lower House of Elected Representatives. The country was ruled and elections were held under the multiparty party system. The elections were held every five years, regularly starting from 1961 until 1981. At the beginning of 1983 a non-WILTEUS ethnic indigenous groups started protests in the Northern Regions and demanded for the greater autonomy or federalism, during this time the civilian government, which was elected in 1981 general elections, was overthrown by military leadership through coup d'état in 1986. The military government changed the entire constitution and made use of the term 'federalism' and 'autonomy' being anti-national and anti-unity and pro-disintegration.
5. By 1992 the military government of the WILTEUS under the leadership of **General Mattias Scow** took complete control of the country. He took control of the WILTEUS with the support of the military power with brutal force and the government has been under the direct control of the military rules. Business, Trade, Political, Social, Constitutional and Media Affairs were nationalized and brought under the direct control of the military regime and started centralized planning system. During this time WILTEUS has witnessed down fall of the economy and people were pushed to the brink of poverty, with lack of sound economic policies, eventually WILTEUS became one of the most under-developed countries in the region. During, early 2001, across the country there were protests, sporadic violence started against the economic mis-management and brutal political policies of General Mattias Scow. By October 2002, people started coming out on to the streets in large number in favour of federalism and re-installation of the civilian government. In December 2002, taking this as an opportunity the indigenous population of the Northern Region of WILTEUS started their protest in favour of greater autonomy to the Northern Region of WILTEUS. The minority *Cooang* ethnic population heavily inhabits the Northern Region of WILTEUS and they have been demanding for greater autonomy of the region for several years. The indigenous population movement was allegedly organized and masterminded under the leadership of Mr. **Glenn Wen Ku**. He is one of the prominent human rights defenders of the country who was educated in the western country and influenced by the ideals of rule of law and human rights protection. He has been involved

and fighting for the cause of the protection of the Rights of the Indigenous Population of the WILTEUS.

6. The government under the leadership of General Mattias Scow decided to quell the protests and suppress the separatist movements by using military power. In the process almost five thousand indigenous people were killed and several of them were detained in unknown detention centers. The daily newspapers, which reported the incidents of the military government, were shut down forcibly by the government. International media reporters and international civil society organisations stationed in the WILTEUS were asked to leave the country with immediate effect. In March 2003, the international community and United Nations Human Rights Organisations have asked the military government to respect the basic fundamental rights and to ensure the protection of the rights of detained indigenous people of the country. However, the Permanent Representative of the WILTEUS to the United Nations denied the allegations made by the international human rights organisations and several other non-governmental organisations reports, which were presented to the United Nations Human Rights bodies.
7. Since then the military government has exercised more power in monitoring or imposing surveillance on several organisations and human rights defenders. The digital networking sites, which are used by the citizens, are continuously monitored and the social media channels have been imposed with strict regulations. The government has also imposed obligations on the service providers of the Internet and other digital platform operators to provide information of those persons who are uploading or posting information, which is adverse, and against the government, on the social networking sites. The freedom of speech and freedom of the press and other related rights have been restricted to the citizens. These measures have been criticized by the international organisation such as “Reporters without Borders”. In their report, which was published in September 2003, they highlighted the deplorable living conditions of the citizens in the WILETUS and gross violations and abuse of the basic rights of the citizens.
8. In early 2004, after having received international pressure, the government of WILTEUS decided to beef-up the security measures particularly in the Northern regions to control information leaks and gain political confidence among the people. In the midst of these developments, the government has also invited **Mr. Glenn Wen Ku** for negotiations and to settle the matter amicably between the people of Northern region and with the government of WILTEUS. Initially **Mr. Glenn Wen Ku** did not show interest in attending the meeting called by the government, since the intentions of the government was not clear. Meanwhile **Mr. Glenn Wen Ku** has organized a discussion with Cooang people of Northern Region formed an independent political party called “*Democratic Liberation Front of Cooang (DLFC)*”. With these developments Northern regime has become politically sensitive and the relationship between the government forces and the DLFC party forces have become hostile. In order to restore faith among the indigenous people the government has declared several welfare and economic measures. However, political and security measures were strictly under the control of the WILTEUS military regime.

9. In 2008, the neighbouring country the Federal Republic of TAORMINA has complained that the DLFC forces of WILTEUS were illegally entering into its northeastern region of the territory and involving in subverting and illegal activities. The matter has been brought to the notice of the military government of WILTEUS and conducted several rounds of negotiations to reduce the tension between the two countries since they share a friendly relations. Meanwhile, the DLFC forces under the leadership of **Mr. Glenn Wen Ku** recruited several indigenous people and organized as a vibrant military force. The forces have conducted several demonstrations, agitations and conducted systematic activities and attacked the government properties and caused severe damage to it. In response to which the government of WILTEUS had deployed security forces and **General Mattias Scow** monitored the situation personally and advised the military intelligence to provide accurate information and take stringent possible action against the persons responsible for the destruction of the government property.
10. The government forces under the instructions of **General Mattias Scow** conducted search operations arrested and detained several DLFC sympathizers. While conducting the operations the WILTEUS military forces involved in attacks on women, children and elderly people. They have detained several children between the age groups of 16 to 18 as a precautionary measure to stop the influence of the separatist movement led by the DLFC forces. It was alleged that the detained children have been asked to work with the military in their training camps. Several of the women have been detained by the government forces and recruited them into women wing of the military to control the independent movement led by the indigenous population. Even though the situation was hostile the DLFC forces continued to organize demonstrations against the military crackdown and arrest and detention of several rights defenders of the Northern Region.
11. In August and September of 2009, the largest demonstration took place across the Northern Region and in support of DLFC claims. The government of WILTEUS responded in late September by violently cracking down on freedom of speech and assembly by killing at least 131 people and detaining more than thousands of persons. With this crackdown some of the civilians feared for their lives and fled across the border of WILTEUS and reached the parts of neighbouring State TAORMINA. In February 2010, the government of WILTEUS intensified their operations, which lead to the killing of more than ten thousands of people. Further, houses were burnt, properties were looted and detained those persons who were mainly responsible for the demonstrations and arrested them without adhering to the applicable law of the country. Following the crackdown and displacement of several people, the international community united in expressing immediate outrage at the situation. The international community and the international organisations have made several recommendations including stepping up United Nations (UN) efforts towards ending the crackdown, addressing some of the underlying human rights violations, and accelerating the government's efforts at adopting democracy through a process of national reconciliation.

12. Several of the international organisations, including Amnesty International, Asian Human Rights Watch and Human Rights Watch of Asia Pacific have reported that the acts have violated the basic principles of International Human Rights Law and International Humanitarian Law where the government of WILTEUS is a party. The reports draw on the testimonies of more than 300 people from the Northern Region who fled the situation and reached to the neighbouring TAORMINA. The first hand information was recorded by the Asian-Pacific Human Rights Watch from the civilians that they are living in fear for their lives, dignity and property and that, dozens of cases of torture and extrajudicial executions and enforced disappearance have taken place in their communities.
13. Based on reports submitted by the International Non-Government Organisations (INGOs) to the United Nations Human Rights Council (UNHRC), the Prosecutor of the International Criminal Court (ICC) at The Hague was asked to inquire into the acts committed by the parties within the Socialist Republic of WILTEUS during December 2002 - February 2010. To that extent the UN Security Council acting under Chapter VII of the United Nations Charter decided to refer the situation prevailing in WILTUES since 1<sup>st</sup> December 2002 to the Prosecutor of the International Criminal Court by adopting Resolution 2595 (2011). The Security Council also decided that the Government of WILTEUS and all other parties to the conflict in Northern Region of WILTEUS shall cooperate fully with and provide necessary assistance to the Court and the Prosecutor pursuant to the Resolution and, while recognizing that States not party to the *Rome Statute*, have no obligations under the *Statute*, urge all States and concerned regional and other international organisations to cooperate fully.
14. The Court further invites the regional organisations 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. The Court also encourages, 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 the Northern Region of WILTEUS. Finally, emphasize the need to promote healing and reconciliation and encourages in this respect the creation of institutions, involving all sectors of WILTEUS society, such as truth and/or reconciliation commissions, in order to complement judicial processes and thereby reinforce the efforts to restore long-lasting peace within the Socialist Republic of WILTEUS.

Pursuant to the United Nations Security Council, the Prosecutor of the International Criminal Court initiated the proceedings and based on the investigation report initiated charges against several persons. Meanwhile, on 16<sup>th</sup> July 2010 with the efforts and cooperation of the international community **General Mattias Scow** was arrested by the international forces and brought to The Hague and submitted to the ICC for trial. The Prosecutor of the ICC fixed the trail with the help of the Court on 18<sup>th</sup> November 2010. For the purpose of the present case, the Charges against **General Mattias Scow** to be discussed are as follows:

1. **General Mattias Scow** charged with Crimes against Humanity of “killing of five thousand indigenous population and detention of several persons” under Article 7(1)(a), (b), (e) and (h) of the *Rome Statute of the ICC* during the period of December 2002.
2. **General Mattias Scow** charged with the War Crimes of “killing of more than ten thousands of people, destruction and looting of property and detention and forcible conscription into the military, of the women and children below the age of 18” under Article 8(2)(a)(i), (iii), (iv), (v); 8(2)(b)(i), (xxvi) of the *Rome Statute*.

Memorials and oral arguments on behalf of the Prosecution and Defence are to be confined to these two charges which are mentioned above. Counsel for both sides will be expected to make arguments with respect to the applicability of the charges. Counsel will also be expected to bring to the Court’s attention relevant jurisprudence and other documentation. Issues relating to the Security Council referral, jurisdiction of the Court and legality of arrest of **General Mattias Scow** not be raised.