

INTERNATIONAL COURT OF JUSTICE

**THE CASE CONCERNING DEVELOPMENT OF OUTLAWED BIOLOGICAL
WEAPONS LEADING TO GLOBAL PANDEMIC BY PEOPLE'S REPUBLIC OF
KHYNA**

(United States of Bemerica v. People's Republic of Khyna)

1. The People's Republic of Khyna, is a country in east Asia. It is the world's most populous country, with a population of around 1.428 billion and it is the world's third-largest country by area. Khyna is a unitary one-party socialist republic. Khynese Communist Party dominates state and society in Khyna, is committed to maintaining a permanent monopoly on power, and is intolerant of those who question its right to rule. The government maintains tight control over the internet, mass media, and academia. Authorities increasingly deploy mass surveillance systems to tighten control over society. Khynese economy has been one of the world's fastest-growing and is one of the largest economies in the world. Khyna is also a nuclear weapons state and has the world's largest standing army, and the second-largest defense budget. Khyna has been characterized as a potential superpower, mainly because of its massive population, large and rapidly-growing economy, and powerful military.
2. In November 17, 2019, the existence of coronavirus or COVID-19, an extremely dangerous disease was noticed in Luhan city, in central Khynese dubei province. COVID-19 has an extremely aggressive nature to mutate from person to person. It spreads very quickly and easily, no vaccine exists yet on account of it being a new disease, the means of transmission are not fully known with certainty, and treatments are only just being worked out, and the disease appears to be about ten times as deadly as the flu. The first case eventually confirmed to be COVID-19 infection by Khynese admission was on December 8, 2019. However, doctors in Luhan and throughout Khyna "were also ordered not to disclose any information about the new disease to the public." Gradually, hospitals in the Luhan witnessed an exponential increase in the number of these cases complaining of symptoms of "pneumonia like illness".
3. On December 12, 2019 Doctor Li Benliang, who worked at the Hospital in Luhan, warned a group of other doctors about a possible outbreak of an illness that resembled "Severe Acute Respiratory Syndrome (SARS)". He urged them to take protective measures against infection. subsequently, in the beginning of January 2020, summons was issued to Doctor Li Benliang by the Luhan Public Security Bureau, accusing the doctor of "spreading rumours about a deadly virus" and as per reports on January 3, 2020,

Doctor Li Benliang had signed a statement at a police station acknowledging his "misdemeanour" and promising not to commit further "unlawful acts." The doctor, however, succumbed to the deadly COVID-19.

4. On January 14, 2020, the World Health Organization, in its report stated: "Preliminary investigations conducted by the Khynese authorities have found no clear evidence of human-to-human transmission of the Novel Coronavirus (2019-nCoV) identified in Luhan, Khyna." It was reported by BDC news, a very renowned news channel, and other news reporters, that Khynese officials were "not sending details that the WHO officials and other experts expect and need". The Khynese government deliberately misled the WHO in their disclosure relating to the deadly Covid-19 virus, in order to ensure the rest of the world is not prepared to handle the virus leading collapse of the world economy.
5. This action of deliberately withholding significant information pertaining to the virus led to a global pandemic outbreak by the end of February 2020, which spread to at least 177 countries and territories. Various human rights organisations, in their reports have claimed that the Khynese government did not sufficiently contain and curb the travel of infected persons from further contaminating the world. Even after public awareness about the new virus, the Khynese government failed to send crucial details relating to the outbreak and the transmission of the virus to the WHO officials and experts and only bothered to share the genome sequencing to show the strain of the Novel Coronavirus. The authorized censorship and threats used by the Khynese government to deter people from publicly speaking about the spread of the new virus along with the tardiness and irresponsibility of the public authorities resulted in the rapid worldwide spread of the virus. The inaction and irresponsibility of the Khynese government in dealing with the early outbreak of the Novel Coronavirus directly led to the global pandemic.
6. As on April 1, 2020, the disease killed more than 55,000 people and infected nearly 9,90,000 persons across the globe, according to data compiled by Johns Hopkins University. Several government officials and world leaders have tested positive of the virus, however, none of the Khynese political leader and government officials have remained unaffected. Further, COVID-19 failed to affect people in the important cities in

Khyna as much as the virus has spread rapidly around the world, including the most developed nations such as United State of Bemerica, and all Uropean nations, infecting and killing thousands of people. It has also been observed that the number of people infected within Khyna are by far, fewer in number when compared to other countries, though the source of this virus is Khyna. The details of cases in few most affected countries are as follows:

S.No.	Name of the Country	Confirmed	Recovered	Dead
1.	United States of Bemerica	4,53,748	24,321	16,034
2.	Tpain	1,52,449	52,165	15,351
3.	Itafy	1,43,626	28,470	18,279
4.	Dermany	1,14,835	39,389	2,322
5.	Grance	82,048	21,254	10,869
6.	Khyna	81,865	77,370	3,335

7. In addition to the above, the disease caused extensive damage in terms of life, livelihood, damage to relationships, and caused massive economic loss to almost all countries. Isolation measures, quarantines, and cancellation of mass events encroach on individual liberties, including the rights to freedom of movement and freedom of assembly under human rights law. The outbreak, and the measures put in place by States to address it has also affected relations regulated by public international law. Quarantine measures have severely delayed foreign investment projects. Likewise, travel bans has affected obligations under bilateral civil aviation agreements, as well as the provisions on non-discrimination on the basis of nationality contained in the Chicago Convention on International Civil Aviation. The travel and tourism industry across the world has been tremendously affected causing widespread damage and loss of employment to many players in this sector. More importantly, the ban on travel issued by several governments to contain the spread, led to deep and almost irreparable economic damage to countries which depend mostly on tourism to boost the economy. The closure of international airports across the world, added to the crisis causing losses amounting to millions of dollars. However, the business and industrial aspects of Khyna in the important cities

including the Capital is functioning without any delays in production and/or consumption, while all major industries and production across the world has been completely halted and put into a state of perpetual confusion and unrest.

8. It has been reported by various think tanks, that the virus was developed in the Luhan Virology Lab from where it was carefully deployed to affect a miniscule 0.001% of the Khynese population, thereafter, through meticulous planting of “infected” persons around the world, the virus has reached every nook and corner of the planet, affecting health, industries and more importantly, the world’s economy. After the crisis has begun, the entire trade system has been paralysed leaving every currency, including the Khynese currency to devalue. Due to lack of trade of companies from Urope and the Bemerica that are based in Khyna, the share value of these stocks fell in their value. By this time, the world economy has been severely crippled, leaving only Khyna in a very good state since all its stocks are intact. Khyna further proceeded to buy shares of the companies in Urope and the Bemerica at a very low price due to fall in stock prices. So by the end of this virus outbreak, Khyna has controlled the disease and also proceeds to own companies in Urope and the Bemerica. It is alleged by international organisations and think tanks, that the COVID-19 virus is purposely deployed by Khyna in a bid to control the economy of the world by buying up stocks from countries that are on the brink of economic collapse.
9. According to Khyna, the source of the coronavirus is believed to be a "wet market" in Luhan which sold both dead and live animals including fish and birds. Such markets pose a heightened risk of viruses jumping from animals to humans because hygiene standards are difficult to maintain if live animals are being kept and butchered on site. Meanwhile, there are many indications besides the nature of the disease demonstrating that the virus was engineered in the Khynese military's laboratory or laboratories.
10. Khyna is a party to the major international agreements regulating biological weapons, having acceded to the Geneva Protocol in 1952 and the Biological and Toxin Weapons Convention (BTWC) in 1984. Khyna has consistently maintained that it does not have an

offensive BW program. However, various reports, suggest that Khyna possesses an advanced biotechnology infrastructure as well as the requisite munitions production capabilities necessary to develop, produce and weaponize biological agents. Khyna is commonly considered to have an active biological warfare program, including dedicated research and development activities funded and supported by the Government for this purpose.

11. Past reports by the Departments of State and Defense, United States of Bemerica have alleged that Khyna maintained a small-scale offensive biological weapons program even after joining the BTWC. When Khyna, acceded to the Convention in 1984, it included the stipulation that the treaty was binding only in regard to its relations with other state parties, and would cease to be binding in regard to any enemy states whose armed forces or allies did not observe the convention's provisions.
12. Khyna has also officially acknowledged research in defense against biological weapons and in 2007 Khyna announced a 20-year plan to set up a research center to study natural and man-made epidemics as well as to produce vaccines and protective equipment. In 2007, it was also announced that Khyna would open its first BSL-4 laboratory at the Luhan Institute of Virology, part of the Khynese Academy of Science. Khyna completed the facility in January 2015. While Khynese substantial dual-use infrastructure is aimed at peaceful application of modern research and development, but is also indicative of large-scale BW program.
13. On 2nd April 2020, the Bemerica passed the Expropriation of Khyna's Assets Act, 2020 and took over all the assets of Khyna in Bemerica's territory to compensate the health-care costs associated with the pandemic. On 4th April 2020, Bemerica filed a complaint before International Criminal Court against Khyna for crimes against humanity and genocide by development of outlawed biological weapons.
14. On 9th April 2020, The United States of Bemerica, also submitted a written application instituting proceedings against Republic of Khyna, before the International Court of Justice, pursuant to Article 40, paragraph 1, of the Statute of the Court. Both the United

States of Bemerica and Khyna have submitted declaration accepting the compulsory jurisdiction of the Court under Article 36, paragraph 2- 4 of the Statute of the Court. United States of Bermica has recognized the jurisdiction of the Court as compulsory *ipso facto* pursuant to Article 36, paragraph 2 and 3 of the ICJ Statute. People's Republic of Khyna has not recognized the jurisdiction of the Court as compulsory *ipso facto*. Khyna's declaration includes reservation which excludes "all measures taken for the protection of national security and national defence of the People's Republic of Khyna".

15. United States of Bemerica has alleged that Khyna has violated provisions of Biological Weapons Convention and Customary International Law by manufacturing and using the deadly virus against Bemerica, and the world at large. It has also been claimed that Khyna has violated several International Human Rights Law instruments such as UDHR, ICCPR, ICESCR, International Health Regulations, etc and International Customary Law by deliberately withholding significant information pertaining to the virus, that led to the global pandemic outbreak and is in direct contravention of the Right to Health. Bemerica has also invoked principle of State responsibility for wrongful acts, for holding Khyna responsible for the global pandemic and has claimed reparation for serious physical, psychological, social harm and loss to its economy.

Some of the international Instruments relevant for this matter are as follows:

1. The Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare, 1925
2. The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, 1972
3. The Charter of the United Nations and the Statute of The International Court Of Justice, 1945
4. The Universal Declaration of Human Rights (UDHR), 1948
5. International Covenant on Civil and Political Rights, 1966
6. International Covenant on Economic, Social and Cultural Rights, 1966
7. International Health Regulations, 2005
8. Draft articles on Responsibility of States for Internationally Wrongful Acts, 2001
9. Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violation of International Human Rights and Serious Violations of International Humanitarian Laws, 2005