

Statement of facts
In the matter between
Ms. Lucia Frederic
v.
The State of Ronwia

1. In this matter before the Pindrian Human Rights Court ('the Court'), the Applicant is Ms. Lucia Frederic, a citizen of the State of Ronwia ('Ronwia') and the State of Ronwia is the Respondent.
2. Ronwia is a country on the east of the Pindrian Continent, which is named after the colourful Pindriany Parrots that inhabit its tropical savanna forests, mountain ridge tops, beaches and rocky plateaus. Ronwia consists of three islands, namely, Pomezina, Hebzilin and Izgutildir and its people are called Ronwians.
3. Ronwia shares a border with five other States that together make up the Pindrian Union ('the Union'). Ronwia and the other four members of the Union were once colonies of the Great Pindrian Kingdom and all gained back their independence no later than 1989. All five nations of the Union have ratified the United Nations (UN) Charter and are members of the UN.
4. Ronwia's 1983 Constitution is the supreme law of the land and any law that is inconsistent with the provisions of the Constitution is of no force or effect. Save for the provision on the right to property, the civil-political rights and socio-economic and cultural rights in Ronwia's Constitution are similar in substance to the rights provided for in the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).
5. Ronwia has Magistrates' Courts, High Courts, a Supreme Court and a Constitutional Court. The Magistrates' Courts are the lowest courts, and the Supreme Court is the highest court of appeal on all issues other than constitutional matters. The Chief Justice is the head of the Constitutional Court. The Ronwian Constitutional Court has exclusive jurisdiction over human rights matters. Any person within Ronwia's jurisdiction can access the Constitutional Court with allegations of human rights violations.
6. The Union's regional human rights system is centred on the Pindrian Charter on Human Rights ('Pindrian Charter') and the Pindrian Human Rights Court. The rights provided for in the Pindrian Charter are similar in substance to those provided for in the European Convention on Human Rights. The Court has three main functions, namely: a) contentious jurisdiction b) the power to issue provisional measures and c) an advisory function. The jurisdiction of the Court is subject to a Declaration of Acceptance by Member States. In terms of its contentious jurisdiction, the Court has the competence to decide if a state has incurred international responsibility for 'violating the Pindrian Charter or any other relevant international human rights treaties ratified by the state concerned, or both'.
7. Ronwia has ratified, without reservation, all international human rights treaties on the universal level (including but not limited to the ICCPR and the ICESCR) and their protocols. Ronwia is also party to several other bilateral and multilateral trade agreements. On ratifying the Pindrian Charter, Ronwia also made a declaration accepting the jurisdiction of the Court.

8. The colonisation of Ronwia allegedly began with a religious mission led by Mitino Frederic, the founder of 'Holy Light Frederic', a church following the Mormon faith, which was the dominant church in the Great Pindrian Kingdom back in the days. Sent by the Queen of the Kingdom, Father Frederic arrived in Ronwia in 1863 and was described by many historians from the Kingdom as the 'leading figure in the civilisation of Ronwia. Contrariwise, Ronwian historians have condemned Father Frederic as the precursor of forceful colonisation of the Pindrian Continent. Following the battle of Pomezina, Ronwia officially became a colony of the Great Pindrian Kingdom on 8 January 1864. As a reward for his 'efforts', the Queen of the Kingdom allocated Father Frederic vast lands in Ronwia who in turn, forcefully dispossessed indigenous peoples of their ancestral lands and converted many locals to Mormonism while destroying local religions in the process. Among the vast lands taken was a holy sight of the local tribes called the Pindriany Feather Cave, the believed home of the Pindriany Parrot God, worshipped by many in pre-colonial Ronwia.
9. The land, where the (remainder of the) Pindriany Feather Cave is located is known today as Frederic Farm, where Father Frederic built the Great Mormon Church, after destroying the local cemeteries and many parts of the sacred Cave. The Great Mormon Church still stands today and is regularly used for religious purposes by Mormons. Father Frederic died in 1915 and left Frederic Farm to his last-born daughter, Appinia Frederic.
10. In 1949, Appinia Frederic was involved in a protracted legal battle with the Salt Mining Company, which resulted in Appinia's defeat, and she was forced to give up Frederic Farm to the Company. Because Frederic Farm was very dear to her, Appinia's health deteriorated, and she died in 1965 leaving behind her only daughter, Lucia Frederic. Thanks to her talents and hard work, Lucia was able to buy back Frederic Farm from the Company in 1985 for one million Pindriany Pesos, and the government awarded her title deeds promptly.
11. After a horrendous civil war, Ronwia finally gained back its independence in 1983 and a new, modern constitution was accepted by its democratic parliament. Among others, the constitution was focused on property rights in Ronwia and declared the following:

Section 20

“Every person will be protected from having his property compulsorily acquired except when the acquisition is in the interests of defence, public safety, public order, public morality, public health, town and country planning, the development or utilisation of that or other property in such a manner as to promote the public benefit or, in the case of under-utilised land, settlement of land for agricultural purposes. When property is wanted for one of these purposes, its acquisition will be lawful only on condition that the law provides for the prompt payment of adequate compensation and, where the acquisition is contested, that a court order is obtained. A person whose property is so acquired will be guaranteed the right of access to the courts of the State of Ronwia to determine the amount of compensation.”

12. After Ronwia experienced a steep decline in economic growth, the reigning government proposed an Amendment to the Constitution in 2020 mainly focusing on 'land reform' goals. The amendment sought to provide for a framework on compulsory acquisition of land without compensation and was passed on 16 June 2021. The Constitutional Amendment modifies Section 20 of the 1983 Constitution of Ronwia, to include the following subsections:
 - a) Read together with provisions on property rights, the peoples of Ronwia recognise that land is a common heritage of all citizens, and the state must safeguard for future generations. The peoples of the State of Ronwia recognise the need for

urgent and accelerated land reform to address the injustices of the past that were inflicted on the majority of Ronwians and recognise the hunger for land amongst the dispossessed.

- b) Where land and any improvements thereon are expropriated for the purposes of land reform, the amount of compensation payable may be nil. No compensation shall be payable for land that was stolen during colonialism except for any improvements effected on such land before it was acquired, however, any colonial temples built upon sacred shrines of the majority of Ronwians shall not be considered “improvements” in this context
 - c) A person having any right or interest in the land so acquired during colonialism in line with subsection (b) above shall not apply to a court to challenge the acquisition of the land by the State, and no court shall entertain any such challenge.”
13. In the morning of 17 June 2021, there was a trending video on Twitter, which showed prominent politicians and several judges – including the Chief Justice of Ronwia’s Constitutional Court – partying on the night of 16 June 2021 in celebration of the passing of the Constitutional Amendment. In the video, some judges are seen in their traditional attire and faces smeared in white chalk and ashes dancing and thanking their ancestors and the Pindriany Parrot God for bringing their land back. The video sparked a fierce debate with many constitutional lawyers who argued that such judges would be perceived to be compromised in the very likely future litigations on the land issue.
14. On 19 June 2021, Lucia Frederic received a letter from the Government concerning Frederic Farm and the Great Mormon Church on sight. The letter, dated 18 June 2021, notified her that both were to be compulsorily acquired without compensation in accordance with the Constitutional Amendment. By 30 June 2021, Lucia Frederic had been effectively removed from Frederic Farm and many local newspapers have reported that Frederic Farm was given to a close relative of the reigning President of Ronwia.
15. Immediately, the new owner of Frederic Farm started dismantling the Great Mormon Church. Subsequently, Lucia Frederic posted a tweet on 31 June 2021, stating: “the main Temple of our religion is being destroyed! Ronwia discriminates against Mormons! Not only is this is flagrant violation of our laws directly transposed from Article 18 of the ICCPR, but Ronwia is a secular state, acting as a theocracy to defend its own beliefs!”
16. Although the government’s communication regarding the actions of the ‘land reform’ was always centred on giving property back to its rightful, indigenous owners, many descendants of the pre-colonial Pindrian tribes voiced their concerns, that the compulsorily acquired lands are not actually being returned to their rightful owners, but rather given to prominent relatives of politicians.
17. After a series of unsuccessful attempts to negotiate with Ronwian government officials, Lucia Frederic felt that this issue cannot be resolved within Ronwia as she cannot expect justice, therefore decided to formally lodge a claim to the Pindrian Human Rights Court. In her submission, Lucia Frederic asked the Court to adjudge and declare that the compulsory acquisition of Frederic Farm and the Great Mormon Church without compensation is inconsistent with Ronwia’s international human rights obligations.

Prepare a written submission for the Applicant (Lucia Frederic) and the Respondent (the State of Ronwia) addressing issues on a) jurisdiction; b) standing; c) admissibility; and d) the merits of the claim. The submissions should not exceed a maximum of five pages together.