

**MOOT PROBLEM -1**

**TRANSNATIONAL DRUG TRAFFICKING**

1. A global pandemic, Whitewalker.2 has frozen the world for the last two years and all operations have come to a standstill. All of a sudden, the entire population experienced a horror movie with villainous virus Whitewalker.2 playing central and critical role, killing thousands of people. It has turned our lives upside down.
2. The Whitewalker.2, a virus synthesized in a small town of a well-known country spread its wings and captured entire world through its adverse secretions causing quick death. It has no partiality either national or gender-based, no bias - affected people of all colour and creed are made into pawns of its devilish game. Unfortunately, aged persons and persons with morbidities such as obesity, diabetes, hypertension and other low immunity issues are quick targets.
3. The sudden burst of the pandemic made the Health Organizations of the world and institutions to activate their research wings, encourage pharma companies for finding out the solution for the accelerated massacre and started designing strategies to end the manslaughter by the unknown and unwanted guest, the Whitewalkter.2, virus. Every country across the globe activated various administrative wings and augmented special force consisting of police, health workers and the sanitation employees to fight the virus spreading. It also prepared a protocol of monitoring mechanism and best practices to control the pandemic.
4. The developed and developing countries are equally shaken as the unseen and unexpected pandemic is making innocent people pray of its stings. Under the directions of World Health organizations and research institutes, it is found that the transmission of unprecedented epidemic is contagious, passing through person to person contact. It has advised to take precautions of four kinds – Use of face shields and goggles, eating of hot food, avoiding cold temperatures and maintaining minimum room temperature of 26 degrees and standing apart by maintaining four feet distance in between.
5. In order to control the contact among the public and follow the advisory, most of the Governments closed offices, businesses amounting to lockdown of the operations of various countries. Most of the business houses faced financial crisis because of closure of operations and decided to direct their employees to work from home. This decision

proved to be beneficial to the employees and business houses. Online business has increased multiple folds and everyone started purchasing groceries and other home needs online. Digital marketing has flourished. The digital environment triggered opening of many online business companies and selling various products under known and unknown titles. The lifestyle of the people transformed from physical mode to online mode.

6. All the philanthropists and NGOs started working for solutions to control the pandemic and eradicating the virus. Pharmaceutical companies started working on finding medical solutions including vaccination. During this period many pharmaceutical companies changed their R&D activity priorities and stopped many existing projects and initiated research to invent suitable drug/medicine to control and treat the disease. They diverted the research funds to find out a solution for this pandemic and also Governments supported this activity and facilitated research and innovation of new medicine to control and mitigate the disease resulting from Whitewalker2 virus. Within a short time of one year many companies announced their new drug inventions which were capable of controlling and mitigating the pandemic disease being caused by Whitewalker2 virus. Global citizens have been awaiting relief to resume to their free lifestyles as was before the advent of the pandemic.
7. The Westerland is a country having very high density of population and many people have become victim of the Whitewalker2 virus. The death toll crossed few lakhs. The Government of Westerland urged all the pharma companies to undertake the research seriously on priority basis and develop a medicine to treat the virus impact. The reputed pharma companies have developed the medicine in the model of vaccine. The government has permitted the pharma companies to undergo the clinical trials. The three stage clinical trials were successfully completed. The government permitted the companies and hospitals to use the new vaccine and administer the same to the citizens on priority basis, first to the aged persons and other workers who are prone to Whitewalker2. Westerland has also decided to supply the vaccine to some neighbouring states. Similarly, other countries like Westeros, Highgarden and King's Landing have also developed vaccines which are being administered to people in their respective territories. However, none of the states have made the vaccine accessible to the public

yet. Meanwhile, some fake researchers and pharma companies started to manufacture counterfeit vaccines and started supplying them illegally. The Westerland has cautioned the public not to use the vaccines which are sold or administered in an unauthorised manner. The Westerland government has officially distributed the newly invented vaccine to the government hospitals for administration of the same to citizens on priority basis. However, a public talk was spreading in all the cities and quarters that there are some side effects of the vaccine on the health of people after its use. Many people started refusing to accept vaccination after knowing the adverse effects. But, the Westerland government has released a news bulletin that the news relating to side effects of the vaccine is baseless and not correct and also cautioned the public not to believe. It also confirmed the said vaccine was certified by the Global Health Department as the safe vaccine.

8. Arya Stark is a citizen of Winterfell, a country in the southern hemisphere, surrounded by the South Atlantic Ocean. Winterfell had not yet had access to the vaccines manufactured and distributed in other countries. Nonetheless, it had been widely affected as its demography shows most people aged above sixty years. Arya Stark lives with her old aged parents. Winterfell has been under a nation-wide lockdown. When one of Arya Stark's parents fell ill, she resorted to the internet to find out whether the symptoms exhibited match that of Whitewalker.<sup>2</sup> While she was doing so, she came across an advertisement which promised her access to imported vaccines of Whitewalker.<sup>2</sup> She was asked to click on a link, which redirected her to a third website called 'www.white.<sup>2</sup>walker'. On this website, she found a link to a portal to buy the vaccine. On clicking the link, she was redirected to a file, which was auto downloaded in her device. She was then redirected to the payment portal, where she found that the payment had to be made in online currency and credit card details were being asked for as security. She made the payment and filled in her details and receiving address.
9. Few days later, on 14th October 2020, she received a parcel from white.<sup>2</sup>walker containing a liquid drug to be administered via injection. She immediately got it administered to her parents. While her mother suffered mild fever and hallucinations after the drug use, her father had to be admitted to the hospital and went into a comatose state. During the treatment, Arya Stark informed and confessed about the use of vaccine

purchased online. The hospital authorities informed the police officers about use of the unauthorized medicine.

10. After being reported by the hospital authorities, the local Winterfell police took upon investigation looking into the drugs sold to Arya Stark via the internet. A few days into the ongoing investigation, the Winterfell police were contacted by the World Police Network (herein after referred to as “WPN” informing them that there are potential victims of such online sales in Winterfell who have fallen prey to a drug trafficking and phishing network, operating from Great Hall. The Winterfell police then exchanged information available to them about the several victims who were prey to the crimes. They also informed the WPN of some phishing attack victims, where the information of the victims was stolen and used for credit card frauds. The WPN accepts their request to fetch the details of the persons who may be involved in the phishing network.
11. On 8th November 2020, the WPN gave a list of names to the Winterfell Police of people who are involved in drug trafficking from Great Hall. The Winterfell Police, after conducting further investigation, has preliminary evidence suggesting that one Mr. Cersei had been involved in selling the vaccine to Arya Stark. Meanwhile, the Winterfell National Enforcement Authority on Drug Laws made an arrest of Mr. Jamie, accusing him of manufacturing and sending the drug to Arya Stark in Winterfell with the help of Mr. Cersei. The investigation is going on against Jamie and a case has been initiated at the local Magistrate’s court of Winterfell, where the case is now pending. Jamie in his defences, argues that the transaction was having the disclaimer about not conducting the clinical trials of the vaccine and Arya Stark has volunteered to use the vaccine at her own risk and submitted online acceptance to that effect while placing the order.
12. Great Hall, based on the information received from WPN, arrested and prosecuted Cersei for the credit card frauds. His involvement was found to be minor and hence, he was subjected to a monetary penalty of Great Hall Currency 1000 and sentenced to three months of imprisonment.
13. Winterfell filed an extradition application in the Iron Throne Magistrate’s Court in Great Hall, requesting extradition of Cersei for him to be tried with Jamie in the Winterfell Court for the sale of unauthorized drugs online, under the Great Hall Scheme



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of Extradition within the group of Shared capital countries. The application was dismissed on the ground that Cersei has already been tried and penalized. Winterfell appealed to the High Court at Iron Throne. The High Court of Iron Throne dismissed the appeal.

14. Aggrieved with the decision of High Court Winterfell appealed to the Supreme Court of Great Hall.

In view of the above statements, advance your arguments on the issues presented and the laws in force.

**For the purpose of this moot problem:**

1. Both Winterfell and Great Hall are parties to the Great Hall Scheme of Extradition within the group of Shared capital countries, which is parimateria the London Scheme on Extradition within the Commonwealth.
2. Winterfell laws are parimateria to Nigerian laws.
3. Laws of Great Hall are parimateria laws of the UK.

**Disclaimer:**

The facts mentioned in the present case are fictitious and have been drafted solely for the purpose of the moot court competition. The facts, names, locations and dates bear no resemblance to any person, event or happening whether dead or alive. Any resemblance, if found is purely coincidental. The problem does not intend to hurt the feelings of any section or to offend any person.