

The 17th Red Cross International Humanitarian Law Moot (2019)
(An Inter-University Competition for Asia-Pacific Region)

Clarification

Question 1	<u>Instruction 5</u> : Are Counsels are free to address the issue regarding the jurisdiction?
Clarification	The moot problem is not intended to raise questions of procedure before the court.
Question 2	<u>Instruction 9</u> : can you specify the exact date (or possibly the year) that those treaties were signed and ratified by the state parties?
Clarification	Parties should assume all States acknowledged upon achieving independence its intention to accept the treaty obligations originally ratified by the Colonial rulers.
Question 3	<u>Fact 1</u> : Are there more than one religious groups in Morok?
Clarification	Probably
Question 4	<u>Fact 1</u> : Are Morok, Xeros, Willandra three countries members of UN? If so, from what time were they accepted by the UN?
Clarification	Yes – Morok and Xenos in 1964; Willandra in 1949
Question 5	<u>Fact 7 & 37</u> : Wish of peoples - is this reference to peoples (plural) indicative of more group of persons as distinctive groups within the meaning of international law? Or grammatical mistake?
Clarification	It refers to the people’s living in Xenos and Morok
Question 6	<u>Fact 7</u> : “Prime Minister” (line 1) Don Mir had his first “presidential election” (line 3). Mir is also referred to as the “President” in the second line of paragraph 14. Is Don Mir both the Prime Minister and President of Morok?
Clarification	President is a mistake.
Question 7	<u>Fact 7</u> : Are the landmines used by the Morok armed forces ‘anti-personal landmines’?
Clarification	Yes
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Question 8	<u>Fact 7</u> : Was Prime Minister Don Mir chief or head of the police system? What was the relation between the police system and the military system in Morok?
Clarification	Prime Minister Mir is the Head of government. The police and military are entities controlled by the government of Prime Minister Mir.

Question 9	<u>Fact 9</u> : Was Mary Price a Morok national?
Clarification	Yes
Question 10	<u>Fact 9</u> : which happened before - Mary Price's disappearance or the two Morokian Times editors' arrest?
Clarification	Her disappearance
Question 11	<u>Fact 10</u> : on the 5[t]h of February 2000, Mary Price was seen by her sister... Then, "their whereabouts ended up to be known approximately one year later, on the 15th of March 2000" (lines 13, 14). It seems that the two dates are not approximately one year apart?
Clarification	The dates in this paragraph have been changed. Please see the revised moot problem for the modifications.
Question 12	<u>Fact 10</u> : it is stated that "Ms Price's sister confirmed her earlier intention to leave Morok." Why did Ms Price want to leave Morok? And when?
Clarification	You need to determine the answer from the available facts.
Question 13	<u>Fact 10</u> : Who conducted the investigation regarding the fire on 1 January 2000 in Mary Price's office and apartment?
Clarification	Morokian police
Question 14	<u>Fact 13</u> : The "Human Rights Committees" in fact 13 is in the meaning of Human Rights Treaty Bodies or Human Rights Committee (for ICCPR)? Because there is only one Human Rights Committee in the world.
Clarification	It refers to Human Rights Treaty Bodies generally and not exclusively the Human Rights Committee of the ICCPR only.
Question 15	<u>Fact 13</u> : What were the broadly defined crimes/offences grouped under the categories of 'endangering national security' in the Criminal Law and in the 2002 Morok Security Law?
Clarification	Sufficient information has been provided in the Problem.
Question 16	<u>Fact 13</u> : What is the scope of Article 472 of the 'Ministry of Security Measures concerning Criminal Procedure'?
Clarification	Sufficient information has been provided in the Problem.

Question 17	<u>Fact 14:</u> Was Prime Minister Don Mir addressing the ‘Renuification Patriots’ when he took the opportunity to call ‘for adherence to Morokian social norms’ on para 14?
Clarification	Not directly – it was a speech in Morok.
Question 18	<u>Fact 14:</u> How were the two tourists who were arrested on misdemeanor charges of disturbing peace involved in the protests?
Clarification	As set out in the concluding lines of paragraph 14
Question 19	<u>Fact 14:</u> Were the two tourists arrested of Morok nationality the employees of Morok government or working for the government in any capacity?
Clarification	See answer to previous question.
Question 20	<u>Fact 14:</u> it is stated that “12 members of the police together with 10 other opponents...” Who are these ‘opponents’?
Clarification	Opponents mean dissidents and should not be seen as necessarily limited to the RF members. Note RF should be RP.
Question 21	<u>Fact 14:</u> what does the term “strong ties with Morok friendly policies” mean?
Clarification	“The RF (RP) and their supporters also showed strong ties with Morok friendly policies towards rural areas”, which implies that the RF (RP) may have strong sympathy for Morok’s rural policies.
Question 22	<u>Fact 14:</u> what are the identities of the 2 Morokian tourists?
Clarification	You need to make your own inferences from the available facts.
Question 23	<u>Fact 14:</u> “...political group calling itself ‘Reunification Patriot’ (RF)...” Is “RF” the correct acronym? Or should it be “RP” instead?
Clarification	It should be RP. All “RF” in the problem should be “RP”.
Question 24	<u>Fact 14:</u> “...among the Bazu, the majority of which were leaving in rural areas...” Can you please clarify the wording of the abovementioned sentence?
Clarification	It means, literally, that most of Bazu people were living in rural areas.
Question 25	<u>Fact 14:</u> “The RF started wearing red scarves embossed with stars and strikes” and paragraph 25 “...such as arresting anybody found with a red scarf with stars and stripes”. Can you clarify the insignia of the RF (whether it is with stars and strikes or stars and stripes) and whether those mentioned in paragraph 25 (anybody with a red scarf with stars and stripes) refer to members of the RF?

Clarification	'Strikes' should be 'stripes'.
Question 26	<u>Fact 14</u> : "...demonstrations turned into violent clashes between the RF on the on hand and opponents..." Can you please clarify the wording and meaning of the abovementioned sentence?
Clarification	It is a mistake. The sentence should be: "...demonstrations turned into violent clashes between the RP and opponents on the one hand ..."
Question 27	<u>Fact 14</u> : it words "President Mir" at the last sentence. With respect to the wording, had Don Mir ever become a "President"? If so, when and in what country was he in that position? Then, in what fields was the President of Morok and/or Xeros able to possess his authorities?
Clarification	President should be Prime Minister.
Question 28	<u>Fact 15</u> : "Violent riots over several days broke out". How many days was "several days"? This is materially significant for understanding the extent of the violence.
Clarification	Two to three days.
Question 29	<u>Fact 16</u> : "Six men were handed prison". Does this mean six men received prison sentences?
Clarification	Yes
Question 30	<u>Fact 16</u> : First it said the men taking (5) hostages. But next linebacker said police rescued (6) hostages. Is this a mistake?
Clarification	This paragraph should be modified as "...taking 5 hostages... 3 of the hostages were rescued alive, while 2 were killed in the attack."
Question 31	<u>Fact 16</u> : it only stated about the attack on 22 April 2015. Yet, there is a sentence mentioned about the attack on May 4. Can you please clarify about the attack on May 4?
Clarification	May 4 is not the date of an attack. The sentence rather means that on the 4 th of May the RP declared that they committed the attack.
Question 32	<u>Fact 16</u> : "Local and national governments said the attack was organized terrorism motivated by religious extremism ..." Do the "local and national governments" refer to the Morok, Xeros, and Willandra governments? Or only to the local and federal governments of Xeros?

Clarification	Local and national governments refer to the Xeros' government and other governments as well.
Question 33	<u>Fact 17</u> : What were the nature of cyber-attacks experienced by Xeros and Morok in 2015 and 2016 respectively?
Clarification	Principally 'denial of service' attacks
Question 34	<u>Fact 17</u> : "analysis of border surveillance cameras identified two black vehicles owned by suspected RF members crossing into Morok" (4th last line). When was this particular CCTV footage taken? Was it taken on the same time/day when Susan Say disappeared?
Clarification	During the period covering her disappearance
Question 35	<u>Fact 18</u> : "Between April 2015 and December 2016, more than 1500 people died in Xeros, including simple opponents ..." What are "simple opponents"? Do these refer to protestors, authorities, innocent bystanders, all of them, or some of them?
Clarification	Simple opponents mean civilian dissidents.
Question 36	<u>Fact 20</u> : "...as they constitute a treat to peace and stability in the region". Can you please clarify the wording and meaning of the abovementioned sentence?
Clarification	It should be "...as they constitute a threat to peace and stability in the region".
Question 37	<u>Fact 21</u> : Where is the building housing the Times of Xeros located? In Akantea?
Clarification	Yes in Akantea
Question 38	<u>Fact 21</u> : several people "managed to escape". Did they successfully survive? Had they planned ahead before the bomb attack launched?
Clarification	First part 'yes'; second part – not sure what was in their minds prior to the event in question.
Question 39	<u>Fact 23</u> : "The same type of vehicle was later recorded as driving across the border with Morok with only a driver in the passenger compartment." Was this vehicle returning to Xeros from Morok at this point? Does it also mean there was just one driver in the vehicle with no passengers?
Clarification	Only the driver was visible in the car observed driving into Morok.
Question 40	<u>Fact 23</u> : Did the witnesses on para 23, testify before the court?
Clarification	No

Question 41	<u>Fact 24:</u> "...an unknown village in the west of Morok, called Semi" Is the village unknown or is it called Semi?
Clarification	It means the name of the village is Semi, but it is generally not a famous place or particularly known to the general public.
Question 42	<u>Fact 25:</u> "This implied to to (sic) find out, according to the radio presenter, who were the men in military uniforms without insignia who were seen around the Times of Xeros building on the 6th of March." What does this mean? Does it mean that the radio broadcaster believes that his demands of the Xeros government would uncover the identities of the men in military uniforms at the attack on the 6th of March?
Clarification	It means the radio presenter was exhorting the government to put every efforts to find out who exactly were these men in military uniforms without insignia seen on the 6 th of March.
Question 43	<u>Fact 25:</u> it is showed "This implied to to find out", we think there may lack a verb between two "to"s.
Clarification	It should be: "this implied to find out..."
Question 44	<u>Fact 26:</u> how many police officers were killed?
Clarification	Six
Question 45	<u>Fact 26:</u> When did Ahmed Kajimi leave the Morokian security forces and why?
Clarification	These facts are unknown.
Question 46	<u>Fact 27&28:</u> Is there a contradiction between paragraph 27 and 28 of the problem? In paragraph 27, Morok Government complained about the civilians fleeing from Xeros in to Morok. In paragraph 28, the civilians from Xeros were afraid of "being captured and detained by Morok" and thus fled to Willandra.
Clarification	No
Question 47	<u>Fact 28:</u> it states that "around 200 civilians from Xeros were seen crossing the border with Willandra to escape the tensions and for fear of being captured and detained by Morok." Why would civilians escape Xeros for fear of being captured and detained by Morok?
Clarification	People do all sorts of things out of fear in response to violence and threats.
Question 48	<u>Fact 28:</u> it states that OSCMP observed 21 vehicles travelling from Xeros to

	Morok, and there were "persons including women and children" seen on those vehicles. Is there any more information about these "persons" being transferred? How many are they?
Clarification	You need to make your own inferences from the available facts.
Question 49	<u>Fact 28</u> : Is the Organization for Security and Co-operation in Morokian Peninsula (OSCMP) an independent organisation? If not, is it affiliated/funded by Morok or Xeros?
Clarification	No, it is an intergovernmental organization co-funded by Morok, Xeros, Willandra as well as several other neighbours.
Question 50	<u>Fact 28</u> : "As of early December 2017, OSCMP observed over 21 such vehicles marked with the Morokan (sic) military code for soldiers killed in action. On those vehicles, further armed persons with red scarves were seen together with other persons, including women and children." Does this mean that the vehicles were sending armed persons with red scarves and other persons including women and children into Xeros? Or does it mean that the vehicles were transporting such persons out? Were these people dead or alive (military code for soldiers killed in action could imply this)?
Clarification	Other persons mean other persons than those armed with red scarves. For the rest, enough facts are provided in the moot problem.
Question 51	<u>Fact 30</u> : "... about 100 militaries coming from Xeros snuck across the border..." Does "100 militaries" mean 100 military personnel from Xeros or 100 distinct armed forces?
Clarification	It means 100 members of Xeros armed forces.
Question 52	<u>Fact 30</u> : "about 100 militaries... snuck across the border... striking one of the few small industrial towns..." What does "striking" mean?
Clarification	It means attacking.
Question 53	<u>Fact 30</u> : were there any deaths or damages resulted from the strike of Xeros force against industrial towns in the south of Morok?
Clarification	A major arsenal as well as a nearby military training camp in the town were destroyed. No major collateral damage was reported.
Question 54	<u>Fact 32</u> : "Morok was sending its army to patrol its approaches to Xeros". What does "patrol its approaches" mean? Whose "approaches" does that refer to?

Clarification	Territory directly north of Xeros including across the water.
Question 55	<u>Fact 32</u> : Did the Morok army enter into the territory of Xeros for the purpose of patrolling the border in para 32?
Clarification	No
Question 56	<u>Fact 34</u> : What was the total number of refugees from Xeros to Morok and Willandra?
Clarification	Refer to the numbers in the problem.
Question 57	<u>Fact 34</u> : Were there any refugees fled from Morok to Willandra?
Clarification	Yes – some would have crossed the land bridge between Xeros and Morok before crossing into Willandra while others would have used boats.
Question 58	<u>Fact 36</u> : "most of RF were killed", how many is "most"? This is materially significant for understanding the extent of the violence.
Clarification	The numbers are unclear but hundreds were killed.
Question 59	<u>Fact 37</u> : Are the media reports in para 37 of the fact sheet, stating, 'some captured militia were members and former members of the Morok armed forces' verified?
Clarification	The facts are as stated.
Question 60	<u>Count 1</u> : Considering the principle of non-retroactivity, how will it be possible to argue the first charge concerning the crime of enforced disappearance which was committed before the Rome Statute came into force?
Clarification	The ICC Statute came into force on July 1 2002. For avoiding any unnecessary debates, the relating dates in the moot problem are decided to be changed.
Question 61	<u>Count 1</u> : The time is from 1 January 2000 to date from?
Clarification	Count One is a continuing crime.
Question 62	<u>Count 1</u> : The individual criminal responsibility is in the meaning of Article 25(3)(b) (orders, solicits or induces the commission of such a crime which in fact occurs or is attempted) or common purpose liability as it wrote.
Clarification	In Count One there is an alternative count for responsibility.
Question 63	<u>Count 2</u> : If the word "excessive" was unintentionally omitted from the name of the charge under count two in the last page. This is significant in order to properly establish or disprove the crime with which Don Mir is being prosecuted.

Clarification	The word 'excessive' is part of the wording for 8 (2)(B)(IV) Rome Statute.
Question 64	<u>Count 2</u> : Prime minister is being charge on the basis of command responsibility. However, since he is civilian leader and the mode of liability is assigned under Article 28(b), would "Superior responsibility" be more appropriate in this case?
Clarification	The words command responsibility refer to Prime Minister Mirs role but technically under 28(b) superior responsibility would be appropriate.
Question 65	<u>Count 3</u> : the fact only stated about the transfer of person from Xeros to Morok. However, the crime charge stated about the transfer of person from Xeros to Morok and Willandra. Can you please clarify on the crime charge of Count Three?
Clarification	One issue is whether those fleeing to Willandra did so freely or for other reasons.
Question 66	<u>Count 3</u> : does it include the transfer within Xero or just the deportation from Xero to Willandra and Morok?
Clarification	All relevant movements of civilians
Question 67	<u>Count 3</u> : common purpose liability but the Moot problem text says 'for ordering'. Is it a mistake?
Clarification	This count should be changed into ...on the basis of common purpose liability (article 25(3)(d) of the ICC Statute), for contributing to the commission of the war crime of "transfer or deportation" under Article 8(2)(b)(viii) of the ICC Statute.

[END]