

11th Red Cross
International Humanitarian Law Moot (2013)
(An Inter-University Competition for Asia-Pacific Region)

CLARIFICATIONS
REQUESTS

Question 1 In para. 2.3, “The Hills’ extends seawards some 40 kilometers to ‘The Rocks’.” Does this mean that “the Hills” extends to the sea for 40 kilometers, and “the Rocks” is connected to “the Hills”, or it merely means that the distance between the Hills and the Rocks is 40 kilometers?

Clarification : The Rocks are some 40 kilometers seawards.

Question 2 Is the Banks Institute funded by the Government of Banksia or otherwise subject to any control by the Government?

Clarification : The relationship is as set out in the facts. See paragraph 1.3

Question 3 In para. 2.12 of the moot problem, it reads “In mid-2008, while still Minister of Science and Technology, Dr Stage was eager to announce himself that the Institute had made a major breakthrough and was on the verge of developing a vaccine.” Which disease is the “vaccine” for? For the smallpox virus or for the “rash”?

Clarification : The Rash.

Question 4 In Part 3 “The conflict”, the dates from para. 3.1 to 3.3 keep within September 2009. Suddenly, in para. 3.7, the year turns to be 2010. Together within the context, it is reasonable to believe that the armed conflict took place in the same year. Therefore, we would like to know which year is correct.

Clarification : 2010 in paragraphs 3.15, 3.16, 3.17 should be 2009.

Question 5 What is the source of the allegations in para. 3.6-3.8 that prisoners were used in Rash vaccine experiments?

Clarification : Competitors are referred to paragraph 1.3 and to the facts contained in the moot problem.

Question 6 What is the diameter of the ‘disused water pipes’ mentioned in para 3.11?

Clarification : The diameter is sufficient for children not full grown adults.

Question 7 In para. 3.12, the moot problem stated that “He instructed the officer in charge to seek from.....”. Which person is “he” referred to? General Talent or the Presidency?

Clarification : Competitors are referred to paragraph 1.3 – competitors should assume a military officer.

Question 8 Were the signed release forms mentioned in para. 3.12 received before the volunteers were allegedly sent to the pipes?

Clarification : Competitors are referred to paragraph 1.3 – competitors should assume release forms were received prior to departure.

- Question 9** What is the source of the allegations in para. 3.11-3.12 that Dr. Stage suggested 'former boot camp' members be used to spy on Lantana Armed Forces and that they were indeed used?
- Clarification :** Competitors are referred to paragraph 1.3.
- Question 10** What is the source of the alleged statement in para. 3.13 from Nurse Cloe Smith to Dr. Rachel Moore?
- Clarification :** Competitors are referred to paragraph 1.3.
- Question 11** What is the source of the allegations in para. 3.16 regarding the statement made by Dr. Stage to General Talent and the deployment by Banksia Armed Forces of 6 soldiers infected with the SPV-1 virus to Lantana and the Hills?
- Clarification :** Competitors are referred to paragraph 1.3.
- Question 12** Following para. 3.17, has SPV-1 vaccine in fact been used to treat the infected person in the capital city of Lantana? And were they effective?
- Clarification :** Competitors are referred to paragraph 1.3.
- Question 13** In para. 3.18, "The Security Council, acting under Chapter VII of the UN Charter, 'decided to refer the situation prevailing in Banksia since 1 August 2009 to the Prosecutor of the International Criminal Court'." The conflict started since 29 August 2009 according to paragraph 3.1, so why the situation referred by the Security Council started since "1 August 2009"?
- Clarification :** It is not unusual for prosecutions to use the 1st of the month when drafting indictments.
- Question 14** What type of sensitive personal information has been redacted from Dr. Rachel Moore's medical reports?
- Clarification :** Competitors are referred to paragraph 1.3 – the initial removal of sensitive information is not unusual.
- Question 15** Does the internal investigation mentioned in para. 3.20 also cover the alleged use of biological weapons and the use of children in hostilities?
- Clarification :** Competitors are referred to paragraph 1.3 – competitors should assume all relevant matters may be subject to investigation.
- Question 16** Which body in Banksia is conducting the internal investigation?
- Clarification :** Competitors are referred to paragraph 1.3 – competitors should assume a government agency (eg police) or appointed body.
- Question 17** What is the substantive content of the redacted information on the medical records at para. 3.22 and 3.19?
- Clarification :** Competitors are referred to paragraph 1.3 – competitors should assume the prosecution has made a decision based on its understanding of current law.

Question 18 What information in the moot problem is derived from anonymous witness statements?

Clarification : Competitors are referred specifically to paragraph 1.3, generally to the facts contained in moot problem and to cases heard before international tribunals.

Question 19 Was an error made in para. 4.1 - is Banksia instead intended to be the state that made the reservation under the 1925 protocol on poisonous gases?

Clarification : No error was made.

Question 20 In para. 4.2, it is stated that, "For the purpose of the case, the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids materials or devices of bacteriological methods of warfare as prohibited under the 1925 Protocol for the Prohibition of the Use of asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare" has been annexed to the ICC Statute (Article 8(2)(b)(xx)) in accordance with the procedure provided in Article 121 and 123 of the ICC Statute".
Is it to be assumed that the 1925 Convention was annexed to Art. 8(2)(b)(xx) before the events which took place in Banksia and Lantana or was this annexation carried out after the two countries had already been involved in an armed conflict?

Clarification : Yes.

Question 21 In fatal cases, what is the general length of time between infection with the Rash virus and death?

Clarification : Competitors are referred to facts in the moot problem.

Question 22 Are Banksia's police and judicial systems currently functioning effectively?

Clarification : Competitors are referred to paragraph 1.3.

Question 23 Has the elements of crimes for war crime article 8(2)(b)(xx) been drafted and available at this moment?

Clarification : Please see paragraph 4.1

Question 24 In the moot problem, we may infer that a vaccine is used after someone gets infected by virus. Is this a fictional situation? As normally a vaccine is used before people getting infected.

Clarification : Competitors are referred to paragraph 1.3 – the case is entirely fictional however vaccine has an accepted meaning.

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