

Questions and Clarifications for the 8th Nelson Mandela World Human Rights Moot Court Competition

Question 1. Para. 1: "USI has signed and ratified all international human rights treaties since becoming a UN member except, the Convention on the Elimination of All Forms of Discrimination Against Women" Does the phrase "all international human rights treaties" are strictly to all 9 core human rights treaties (ICCPR, ICESCR, CERD, CRC, CAT, CEDAW, ICPD, ICRMW, ICPED) or it encompasses any other international human treaties beyond these 9 core instruments?

Answer 1: This is clear in the problem.

Question 2. Para. 2: "There is also the USI Constitutional Court which has jurisdiction on human rights issues based on the Bill of Rights in USI's Constitution and international treaties." Is there any appeal mechanism, should the complainant disagree with the Constitutional Court's decision?

Answer 2: General knowledge on the Functions of a Constitutional Court.

Question 3. Para. 3: "Of the 43 states on KE, 7 expressly criticised USI's reservation." Does such criticism from 7 States in KE been raised to HRTKE?

Answer 3: Not necessary for the purposes of pleading.

Question 4. Para. 9: "The students then approached the Limbradre Island Trial Court (LICT), which in turn rules that it does not have jurisdiction over the matter since the issue involved interpretation of a USI Federal Statute on education." After LICT reach their verdict, did the students make an appeal to any higher authorities (USI Federal High Court/USI Constitutional Court)?

Answer 4: Clarified

Question 5. Para. 12: "When USI Federal Agents opened cases against perpetrators, it was alleged that MCI influenced investigations ..." At what stage USI Federal Agents exercised its investigation function? Was that at USI Federal High Court level?

Answer 5: Not necessary for the purposes of pleading.

Question 6. Was there a specific reason why the Constitutional Court decided that only complainants from the LetDo case were protected?

Answer 6: Procedural matter, not necessary for the purpose of pleading.

Question 7. Did the 7 countries that criticised USI's reservations expressly opposed those reservations, or was the criticism merely political in nature? How long did it take until they criticised?

Answer 7: Clear in the problem

Question 8. How does the amicus curiae procedure works?

Answer 8: General knowledge and for students to find out.

Question 9. What is the procedure to declare a law unconstitutional within USI?

Answer 9: Not necessary for purposes of pleading.

Question 10. Does the HRTKE have jurisdiction to analyse claims based on violations to the ICCPR? Or is the ICCPR a mean of interpretation?

Answer 10: It is clear in the problem.

Question 11. How are the crimes of homosexuality and treason defined within USI?

Answer 11: Not necessary for the purposes of pleading.

Question 12. What was the outcome of the case against MCI's alleged crimes, referred in paragraph 12?

Answer 12: Clarified

Question 13. Besides NGO's, which other entities can be included in the "terrorist entities" concept in Section 9 of the CSL?

Answer 13: There is sufficient information for the purposes of pleading.

Question 14. Was Andorina charged for homosexuality too? For which crimes was she convicted? What was the punishment for each of the crimes? What was the time lapse between the arrest and the trial's outcome? Could she, and did she appeal after receiving the death sentence?

Answer 14: Facts are clear and there is sufficient information to plead.

Question 15. If there was some oppression to LUST students? Were some of their rights and freedoms violated?

Answer 15: For students to make the argument

Question 16. If the Foolaughy teaching staff discriminated USI students? Was it (i.e. teaching stuff) qualified enough?

Answer 16: Not necessary for purposes of pleading.

Question 17. What reputation the TrippleP has? (In USI, worldwide, etc.)

Answer 17: Not necessary for purposes of pleading.

Question 18. Was Adorinda's punishment connected with her sexual orientation?

Answer 18: Sufficient information for students to plead.

Question 19. What is the sentence for being homosexual under USI laws?

Answer 19: Not necessary for the purposes of pleading.

Question 20. How many USI island criminalize homosexuality and how many do not? (Percentagewise).

Answer 20: Not necessary for the purposes of pleading.

Question 21. If there are some regulations concerning student self-government activity?

Answer 21: Not necessary for purposes of pleading.

Question 22. If there is some USI domestic law regulated public demonstrations?

Answer 22: Not necessary for purposes of pleading.

Question 23. If there is some USI domestic law regulated terrorism activity/ anti-terrorism acts?

Answer 23: Not necessary for the purposes of pleading.

Question 24. Was the information published on TrippleP's mass media sources verified somehow? Did it meet some authenticity criteria?

Answer 24: There is sufficient information for purposes of pleading.

Question 25. What are the jurisdiction rules of dispute resolution in state courts of USI?

Answer 25: Procedural, there is sufficient information for purposes of pleading.

Question 26. Paragraph 3: under USI's legislation, when does personhood begin?

Answer 26: Not necessary/sufficient information for purposes of pleading.

Question 27. Paragraph 4: are the rights contained in the KEHRC similar in substance to those provided for in the European Convention on Human Rights and its protocols? Is there a right in the KEHRC similar in substance to Article 2 (Right to Education) of the First Protocol to the European Convention on Human Rights?

Answer 27: Problem is clear on this.

Question 28. Paragraph 4: "the HRKTE has jurisdiction to consider violation claims based on any international human rights treaty." Does it refer to "any international human rights treaty" in general or only those that a State before the HRKTE is party to?

Answer 28: Ratified treaties, this is an issue of knowledge of how treaty law operates, does not need clarification.

Question 29. Paragraph 5: are adultery, homosexuality and profanity issues only regulated by governors or are they also discussed in each island's Congress?

Answer 29: Sufficient information for the purposes of pleading.

Question 30. Paragraph 7: is LUST located in Limbradre or in the capital of Sellusombre? Is LUST a university of the government of Limbradre, USI or DRS?

Answer 30: Corrected in the 19 February version of the problem.

Question 31. Paragraph 9: given that LUST teaching staffs are mostly from RF, are the University's authorities also from the same country? What kind and to what extent do public universities in USI have autonomy over national policies?

Answer 31: Clear in the problem and sufficient information to plead.

Question 32. Paragraph 9: how was the Special Committee integrated? Does the Special Committee dictate administrative resolutions? Are those resolutions binding?

Answer 32: Problem is clear that Committee gave recommendations not resolution.

Question 33. Paragraph 9: which tribunal has jurisdiction over the USI Federal Statute on Education? Is it a case of exclusive jurisdiction of the federal High Court of USI?

Answer 33: This clear in the problem.

Question 34. Paragraph 12: please confirm that TrippleP's report on MCI's involvement in summary executions, crimes against humanity and torture, among others, was published in December 2015, after Adorinda had been executed?

Answer 34: Corrected to May 2015.

Question 35. Paragraph 14: was any of those three occasions in which Adorinda was asked for a loan by one of LAF's leaders after the enactment of the CSL?

Answer 35: Clarified.

Question 36. Paragraph 15: was the CSL approved by the parliament?

Answer 36: Not necessary/sufficient information for purposes of pleading.

Question 37. Paragraph 2 states "The Federal High Court of USI can also be a court of first instance in cases where it has exclusive jurisdiction." Please clarify the scope of exclusive jurisdiction for the Federal High Court of USI.

Answer 37: Not necessary/sufficient information for purposes of pleading.

Question 38. Paragraph 2 states "There is also the USI Constitutional Court, which has jurisdiction on human rights issues based on the Bill of Rights in USI's Constitution and international treaties." Please equate the Bill of Rights in USI's constitution to a legal instrument.

Answer 38: Clarified.

Question 39. Paragraph 11 states "On various occasions, FIF agents helped in capturing leaders of different campaigns under what became to be known as 'Operation Oil Them UP' or simply 'Operation OTP'. Please clarify whether the term "different campaigns" refer to all three

previously mentioned campaigns (i.e. #MCI must Leave, #MadameRevlonMustFall and the campaign waged by the Limbradre Armed Forces).

Answer 39: Clarified

Question 40. Paragraph 12 provides that TrippleP is an NGO registered both in USI and with HRTKE. Please clarify whether the order given by the USI Federal High Court under the CSL for the de-registration and closure of TrippleP (as stated in paragraph 18) affects TrippleP's registration with HRTKE.

Answer 40: For students to make arguments

Question 41. Paragraph 14 mentions Adorina Ciela and her partner; please clarify where they usually reside and what is the law on homosexuality of that jurisdiction.

Answer 41: There is sufficient information for purposes of pleading.