



**FOURTH SYMBIOSIS LAW SCHOOL,
PUNE - INTERNATIONAL CRIMINAL
TRIAL ADVOCACY COMPETITION
[SICTA]**

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CLARIFICATIONS

1. The Area of Xuan as mentioned in the Undisputed Facts is equivalent to an area of 300,000 km². Does this include only the land mass or also the archipelagic waters?

Answer: No clarification required.

2. The moot compromis mentions that the Labour Republic and Xuan have signed the Geneva Conventions. Have they also signed the Protocols to the same?

Answer: Yes, the 2 countries are privy to the additional Protocols of the Geneva Convention(s) as well.

3. The Undisputed Facts specify that there have been certain special rights conferred upon the Philos by the Constitution of Xuan. What is the nature of such rights?

Answer: No clarification required.

4. The Undisputed Facts specify that there were certain benefits afforded to Philos with respect to immigration rights and other benefits. What is the nature of such rights? Also, how many individuals immigrated from Xuan to Labour Republic between 2010 and 2018?

Answer: No clarification required.

5. The Undisputed Facts mention that the Sophists are the third largest community in Xuan. Which are the largest and second largest community in Xuan as on 2008 and 2018?

Answer: No clarification required.

6. When was Jordan Schlanky nominated and appointed to the SCD?

Answer: In accordance with Para 10, Jordan Schlanky's appointment to the SCD took place sometime in 2010.

7. What were the population figures for Xuan in 2008 and 2010?

Answer: No clarification required.

8. The parents of Jordan Schlanky were proponents of selective breeding of livestock to redress the food shortage during the "*1st world war* [emphasis added]" which ended in 1918. Jordan Schlanky was born in 1974 (¶10, Moot Compromis). In light of this patent anomaly, is there any revision to the relevant phrase in ¶11?

Answer: The word, "parents" in Paragraph 11 of the Compromis must be read as, "grandparents". The typographical error is deeply regretted.

9. The Undisputed Facts specify that the 2nd Phase of TAP began in May 2011 (¶18). The same also specify that the 2nd phase began in June 2011 (¶19). Moreover, the time period for the same phase has been specified to be from June 2011 to April 2011. In light of this anomaly, is there any revision to the relevant paragraphs?

Answer: For the purposes of the Trial of the accused, the second phase of TAP began in May, 2011 and ended by April, 2012. The typographical error is deeply regretted.

10. The Undisputed Facts specify that the Philo Population had dwindled considerably by June 2015. On the basis of which sources is it asserted that the Philo Population has dwindled considerably by 2015, and to what extent?

Answer: No clarification required.

11. The Undisputed Facts specify that the Preliminary Investigation of the ICC Prosecutor was expedited due to aid and assistance of the Labour Republic. What was the nature of such aid and assistance?

Answer: No clarification required.

12. The Undisputed Facts specify that "... following due procedure given in the Rome Statute..." a preliminary investigation was opened by the ICC Prosecutor. What were the procedures which were followed?

Answer: No clarification required.

13. The Undisputed Facts specify that Jordan Schlanky was "immediately apprehended and transported to Hague" after his entry into the territory of Labour Republic. Was Jordan Schlanky produced before the courts of Labour Republic after his arrest on November 15, 2018?

Answer: No clarification required.

14. The Undisputed Facts specify that the Pre-Trial Chamber confirmed the charges against Jordan Schlanky and committed the case to the Trial Chamber for committing the crime of Genocide. Does the ICC Prosecutor's charge-sheet charge Jordan Schlanky for Piracy or Crimes Against Humanity? If not, can the charge for the same be proposed in the charge-sheet through an amendment for legal recharacterization of facts in consonance with the rules of ICC?

Answer: The Charge proposed and confirmed at the pre-trial stage against the Accused is that of 'Genocide'. There is no scope for re-characterization of facts in the context of the Trial of the Accused.

15. The Undisputed Facts specify that the census under the second phase of TAP focussed on medical history of individuals whose files could be accessed in the system '*whether directly or indirectly*'. In this context, what does 'indirectly' imply?

Answer: No clarification required.

16. The Undisputed Facts specify that Carles Puyol was offered the amnesty deal on July 21, 2018. The same also specifies the accused, Jordan Schlanky was detained by the Labour Republic on November, 15, 2018. Was Jordan Schalnky still working as the chairman of SCD between the aforementioned period?

Answer: No clarification required.

17. The Undisputed Facts specify the following “as per reports, the number of race motivated crimes against them [Philos] were on the rise”. Who made these aforementioned “reports”?

Answer: The said “Reports” were made and published under the Government of Xuan.

18. The Undisputed Facts specify that the Pre-Trial Chambers confirmed the charges against Jordan Schlanky. Were there hearings conducted to confirm the said charges, and was Jordan Schlanky served a notice for the same?

Answer: No clarification required.

19. The Undisputed Facts specify that Labour Republic received 79 million foreign visitors annually. What percentage of visitors to Labour Republic were from Xuan?

Answer: No clarification required.

20. The Undisputed Facts specify that Labour Republic had apprehended Jordan Schlanky with the help of “*intelligence gathered by surveillance*” and with the help of the “*law enforcement agencies*”. What sort of intelligence and which law enforcement agencies were associated with the arrest?

Answer: No clarification required.

21. Paragraph No. 1 talks about the population of Xuan to be at least 10 million in the year 2017, whether the Population of Xuan has never gone below 10 million from 1995 to 2018?

Answer: No clarification required.

22. What are the special rights being given to Philo’s in the Constitution of Xuan in Paragraph No. 5?

Answer: No clarification required.

23. Which is the largest community in Xuan as stated in Paragraph No. 6?

Answer: No clarification required.

24. Whether Xuan is a member of the European Union as mentioned in Paragraph No. 7 as well as of United Nations mentioned in Paragraph No. 29?

Answer: No clarification required.

25. There is some anomaly regarding dates of the 2nd phase of TAP in Paragraph No. 19 where it talks about the results, it reads “which began in June 2011 and officially ended on 4 April 2011”. How can the June 2011 be the beginning time and April 2011?

Answer: Please refer to Clarification No. 09 .

26. Whether there has to be a specific issue on the piracy?

Answer: In accordance with the Compromis, it is reiterated that no specific and/or isolated issue concerning piracy has been framed by the Trial Chamber.

27. Whether the Special Committee on the study of Demographics in Xuan in Paragraph No. 10 is a Government body or a private organization?

Answer: No clarification required.

28. What does it mean by “or otherwise” in Paragraph No. 20?

Answer: No clarification required.

29. Can we have more knowledge about the objective and other provisions of the Act, i.e. “Xuan Population Control Implementation Act”?

Answer: No clarification required.

30. What are the provisions regarding the active euthanasia under the Xuan Population Control Implementation Act? Whether active euthanasia is voluntary or involuntary?

Answer: No clarification required.

31. Whether the sterilization campaigns mentioned in Paragraph No. 24 is conducted by Jordan Schlanky in his executive capacity or personal capacity?

Answer: No clarification required.

32. What does this “[...]” symbol mean by in testimony of PW-2 in Page No. 20 of the Compromise?

Answer: The “[...]” symbol is called an ‘ellipsis’ is English language. It is used in place of an omitted and irrelevant passage/text within a quoted text.

33. Whether the legal system of Xuan is *pari materia* with the laws of any nation?

Answer: No clarification required.

34. Can we gather more information regarding the Highest Court of Xuan?

Answer: No clarification required.

35. Is Piracy to be framed as an issue keeping in view the theme of the competition, along-with the charges expressly mentioned?

Answer: Please refer to Clarification No. 14 and 26.

36. Was the economy of Xuan closed to international trade after PTA came to power in 2008?

Answer: No clarification required.

37. The percentage composition based on ethnicity of the Xuan population is for which year? Is the data provided for before the implementation of the sterilisation program or after? Could you also provide us with relevant information for the time period which has not been covered?

Answer: No clarification required.

38. Was the accused, Jordan Schlanky, present at Pre-Trial hearing on 21 October 2018? If not, were his interests represented by a counsel?

Answer: No clarification required.

39. Are the arguments advanced in the memorial as well as oral rounds supposed to be restricted to those mentioned in the undisputed facts?

Answer: The Arguments Advanced may, obviously, be framed by taking into account the entire Compromis.

40. Paragraph 19, line 2 of Compromis. Says that the 2nd phase of TAP began in June, 2011 and ended on 4th of April, 2011. We think the date should have been 4th of April, 2012.

Answer: Please refer to Clarification No. 09.

41. Paragraph 29, line 9 says that the Amnesty deal was given to Carles Puyol by the UN. We would be delighted to know the mechanism and procedure through which the Amnesty was offered, and by which organ of the UN.

Answer: No clarification required.

42. Can two different Acts or Sections be used to bring forth new issues if the Trial Court has only incorporated one of those?

Answer: No clarification required.

43. Could you please specify the section and the subsections that the issues must revolve around, to avoid any differences between issues argued upon, (for eg. Team A concentrates on Genocide and Team B brings forth Piracy, where do they meet?)? Moreover, page 14, para 29 of the moot compromis states 'the crime' not 'the crimes'.

Answer: No clarification required.