

8th JUSTICE P.N. BHAGWATI INTERNATIONAL MOOT COURT COMPETITION ON HUMAN RIGHTS

(Quest for Excellence in Human Rights)

CLARIFICATIONS



1. Can you define or clarify us on the word statelessness? Are we supposed to assume it as nationality?

- The term 'Stateless persons' denotes the common meaning under the public international law. The status of Stateless persons of Taqila Muslims has also been conferred by the United Nations High Commissioner for Refugees (UNHCR).

2. Whether any laws are *pari-materia* to any country? Can we use domestic laws of any country?

- The participants are free to refer the laws of Chinkara, Khakistan, Vangadesh and Aiyanga as the *Pari-materia* to the Laws of India, Pakistan, Bangladesh and Myanmar respectively. However, the core moot Compromis is on the basis of general international law, international human rights and international humanitarian laws. Thus, the domestic laws of countries will only have a persuasive rather than the mandatory effect. The Judges shall be at liberty to allow or not to allow submissions made by the participants. Judges' discretion in this context shall be final and binding.

3. The 18th paragraph in the fact sheet says that there were people killed in various states. Did they die in the territorial waters of those states? Please clarify the 18th paragraph

- 100 people who died in Chinkara were on the high seas. However, 2000 people who died in Vangadesh and 3000 people who died in Khakistan died in the territorial waters of those countries.

4. With respect to the issues, they are supposed to be pre-decided by the parties and given in the compromise as it is a special agreement. Please clarify.

- The Participants are free to bring in new issues and contentions while making their submissions. However, the participants are prohibited from presuming facts of their own.

5. Do we have to stick to the given international treaties in the fact sheet?

- The Moot Compromis refers to the basic and general international treaties pertaining to the applicable issues. However, the participants are free to refer multiple treaties provided they best suit the purpose for which they have been called for.

6. Are we allowed to use equity jurisdiction as well, since it is not mentioned in the Compromis?

- The issue of jurisdiction should not be raised as it is a Compromis between the parties thereby empowering the World Court to try the matter in hand.

7. Is the state parties along with Geneva Convention are the also the parties to the additional protocol 1 and 2.

- Yes, besides the Geneva Conventions, the state are parties to the additional protocols 1 & 2 as well.

8. The team also need the clarification over the para 15 of the Compromis ,as confused on the word "fleeing" and that whether three states will be accommodating or Aiyanga will. So kindly through the light on para 15.

- The term 'fleeing' persons means those Taqila Muslims who feared persecution way back in their countries and hence decided to leave the territory. As per the provisions of the Treaty, the Chinkara, Vangadesh and Khakistan were the countries who have agreed to accommodate the fleeing Taqila Muslims.

9. The guidelines for memorial submission are silent on citation style to be followed.

- The participants are required to follow the Bluebook (20th Ed.) Style for citations and references.

10. The rules and regulations do not include researcher's test so if at all will it be conducted?

- There shall be no Researchers' Test.

11. Whether all the 4 treaties mention under para 20 of the moot compromis are ratified or not ?

-Among the 4 treaties, only the International Covenant on Civil and Political Rights, 1966 and the Geneva Conventions, 1949 including two additional protocols have been ratified by all the states.

12. Whether Makran Taquila Salvation Army mentioned under Para 13 is a Muslim organization ?

- No, Makran Taquila Salvation Army is not a Muslim Organization.

13. whether Reuters mentioned under para 14 is an dependable authority or a news agency ?

-Yes, Reuters is a creditworthy and dependable authority.

14. Whether ASPEAN is Pari Materia to ASEAN?

-Yes, ASPEAN is Pari-Materia to ASEAN.

13. My team has yet to be assigned a side to take with regards to the moot. Will we be assigned a side soon? If not, do we submit our written submissions for both the applicant and respondent?

-Each team has to prepare and make the written submissions from both the sides. Sides shall be assigned during the competition.

14. clarification with regards to the meaning of the following terms:

Paragraph 12

“Taqila Muslims” “Makran Taqilists”

“Makranese Men”

“Taqila Karmanese”

Paragraph 13

“Mainly Taqilabag [?] border town of Kabali”

“Makran Taquila”

Insofar as we understand that the region of Taqilabag is divided into two ethnic groups, the Muslim Taquila people (in the North) and the Buddhist Makrans (in the South), the use of the term “Taqila Muslims” seems redundant, while “Makran Taqilists” and “Taqila Karmanese” yields uncertainty with regards to interpretation.

-There are only two sects mainly i.e. Taqila Muslims, and Buddhist Makrans. All other alternate names are the sub-sects of Taqila Makaranese only. The word ‘Mainly’ in Para-13 is hereby omitted.

15. Are the Karmese security forces, Aiyanga military and 'The military' used to determine same people or is it supposed to be the same(part of moot problem)

-Karmese Security Forces and Aiyanga Military shall bear the same meaning. However, the Karmanese extremists does carry a different meaning and does not constitute the Army.

16. Can we get the provisions of the REGIONAL COOPERATION, REFUGEE PROTECTION AND PEACE TREATY” (RCRPPT)?

-The text of the Treaty is now available. *Please See* the attached Annexure.

17. **Since it is mentioned in the Compromis that the states are not party of the Refugee Convention and the Rome Statute, do we presume that the states are party to every other convention for eg., the Hague Convention?**

-No, the participants are not required to presume facts on their own. However, citing provisions of additional international conventions shall bear persuasive value.

18. **In Para 14, reference has been provided to the KRMG. Is it related to the State of Aiyanga in any way?**

No, KRMG is not related to the Government. It is an independent radical Buddhist Organization.

19. **In Para 20, reference has been provided to 'many regional cooperation treaties'. Are there anything in specific?**

- Regional Treaties like ASEAN Charter, ASEAN Human Rights Declaration and like treaties designed to raise co-operation throughout the Asia.

20. **Has the State of Aiyanga ratified the following instruments?**

Convention against Torture – NO. However, The State of Aiyanga has signed the treaty without ratification.

Conventions on Statelessness – NO.

Can the facts be construed as pari materia to any real incident?- NO.

21. **When was RCRPPT signed?**

-The RCRPPT was signed on 15th December, 2016.

22. **Is Karmese Military an organ of the State under internal law of Aiyanga?**

-Karmanese military and the Aiyanga Military is one and the same.

23. **Whether Makran is a part of the Republic of the Union of Aiyanga? [Paragraph 5, Compromis]**

- Yes.

ANNEXURE NO. 1

*The Agreement for Regional Co-
operation, Refugee Protection and Peace
Treaty*

(RCRPPT)

***The Agreement for the Regional Co-operation, Refugee
Protection and Peace Treaty
(RCRPPT)***

*Bearing in mind the sacredness of the right to recognize all individuals as persons,
Realizing the significance of the notion of Democracy,
Bearing in mind the Guiding Principles for Crime Prevention and Justice in the Context of
Development and a New International Economic Order,
Realizing the horrors and consequences of violence and genocide,
Realizing that restoration and protection of democracy and public order is vital to nation's
overall development,
Realizing the peace and prosperity remains the focal point for human progress,*

***The State of Chinkara/ The State of Vangadesh/ The State of Khakistan
&
The State of Aiyanga***

Have agreed as follows:

Article. 1. Obligation to establish peace in the territory of Aiyanga and adherence to the principle of Non-intervention

The Parties agree to establish, by mutual efforts, peace in the territory of Aiyanga, to decline to resort to any violent activities and to refrain from intervention of any kind into the affairs of Aiyanga.

Article. 2. Right to be recognized as persons:

The Parties agree not only to recognize but also to realize through concrete efforts, the right of individuals to recognize as persons and are entitled to basic human dignity by all the States.

Article. 3. Promotion of Human Rights

The Parties shall make every attempt to promote the respect for human rights and take initiatives to spread awareness on human rights.

Article. 4. Financial Aid

The State of Chinkara, the State of Vangadesh and the State of Khakistan agrees that they shall provide an amount to the tune of 1 Billion USD to the State of Aiyanga so that the State of Aiyanga can well recover from its civil, political and religious crises.

Article 5. The plight of Fleeing Taqila Muslims and the Assistance to be provided

The State of Chinkara, the State of Vangadesh and the State of Khakistan agrees that besides extending financial aid, they shall also accommodate those Taqila Muslims who have fled the Aiyanga fearing persecution.

Article. 6. Disputes to be decided by ICJ

In case of any dispute as to the application of the provisions of this treaty arises, any of the party may bring the matter in dispute to the International Court of Justice at Hague, Netherlands and the decision of the Court shall be binding .

Article. 8. Application of the Treaty:

No other State is bound by the provisions of this treaty except for The State of Chinkara, the State of Vangadesh, the State of Khakistan and the State of Aiyanga.

Article. 9. Termination

Either State may terminate this Treaty at any time by giving written notice to the other State through the diplomatic channel. The termination shall be effective six months after the date of receipt of such notice.

IN WITNESS WHEREOF,

the undersigned, being duly authorized by their respective Governments have signed this Treaty.

DONE at Raka, Capital of Vangadesh, on December 15th, 2016, at 2.30. p.m.

FOR THE GOVERNMENT OF THE CHINKARA
FOR THE GOVERNMENT OF THE VANGADESH
FOR THE GOVERNMENT OF THE KHAKISTAN

FOR THE GOVERNMENT OF THE AIYANGA