

6TH

Justice P.N. Bhagwati International
Moot Court Competition on Human Rights

'Quest for Excellence in Human Rights'

(19-20 March, 2016)

CLARIFICATIONS

Pertaining to Compromis- 2016



CLARIFICATIONS

Q. 1 Paragraph 7- use of abbreviation UNMOGIP instead of and "India" in place of "Soremon".

- UNMOGIP must be replaced UNMOGSB, India must be replaced with Soremon

Q. 2 Is Gilly Buket one part of the Northern Areas and Azad Lola Ramola another, or is Northern Areas just another name for Gilly Buket?

- Please refer, para- 10.

Q. 3 Can we club the issues from each side for the sake of convenience?

- It is clearly mentioned as a NOTE under para- 25 that Participants are free to refer to more issues in the present context.

Q. 4 Seeing that the proposition does not say that the fact situation is identical to that of India- pak dispute over PoK and J&K (except for instances which can be considered as typographical errors when countries are termed as India instead of Soremon) can real life facts or legal situations be used in arguments or issues, considering that the proposition also uses them(para 7, UNSC resolution 47 and chapter VI regulations).

- The participants are required to make their submissions in tune with present compromise only. Presumption of facts and legal situations is not appreciated.

Q. 5 In Para 10 line 4 the compromis states that the leaders of ALR surrendered the Northern areas to Boremon under timberly agreement, which is not possible as the compromis states that the region of BoLR was bifurcated in two parts (a) ALR (b) Northern areas, how can leaders of one area(ALR) surrender the other(northern areas) under the control of Boremon.

- It is hereby clarified that the leaders of BoLR and not ALR, surrendered the northern area to Boremon.

Q. 6 The compromis mentions that the two countries have approached the ICJ under the provisions of article 40(1) of ICJ statute, whereas, the latter part of the compromis states that the countries are under the provisions of article 36(2) of ICJ. the clarification regarding this would be appreciated.

- **Paragraph 22 is hereby amended as follows: .**

22. The Secretariat of the UN once again intervened in the matter to request both the parties to resolve the matter peacefully. The negotiations were held between the Soremon, Boremon and some representatives of BoLR region who represented the party of Late Mr. Kamaal Khan which did not result into any agreement. However, Soremon decided to bring the matter to the International Court of Justice and filed an Notification on December, 15th 2015, invoking Article 40(1) of the Court's Statute as both Soremon and Boremon had agreed to recognize the jurisdiction of the Court.

Q. 7 With regard to the moot problem, we would like to know if the conventions to which Boremon and Soremon are part of applies completely to the two states, or does either or both of them hold any reservations against any particular provisions of the conventions. If they hold any such reservations with the Conventions or treaties, please specify the same in the reply.

- Soremon, Boremon and BoLR are parties to all the conventions without any derogation.

Q. 8 Some of the issues as given in the proposition, are in nature of the prayer from either of the sides and also there seems to be some issues which are closely related, can such closely related issues be clubbed together to form such issues or would participants be marked down on that.

- Participants are free to make argument on whatever level they feel comfortable with. But it must be noted that the discretion of judges would be the final verdict.

Q. 9 Does the ARSDB signed in Romia have a retrospective effect?

- ARSDB signed in has a prospective effect only.

Q. 10 Is it necessary to refer only to the laws mentioned in paragraph 23 or can we follow other spheres of law like the Constitution of India, Pakistan Penal Code ,Azad Kashmir Interim Constitution Act, 1974 etc., ?

- The participants are free to invoke the provisions of laws and international conventions to bring innovations in research and submissions. However, for the purpose of the compromise, laws of Soremon and Boremon shall be deemed to be identical to that of the laws of India and Pakistan.

Q. 11 In paragraph 11 line 25, When they mentioned the Supreme Court, does it refer to Supreme Court of Boremon or ALR?

- Para- 11, line- 25, refers to the Supreme Court of Boremon.

Q. 12 In paragraph 9 line 7, it is initially said that the Soremon army had succeeded in repulsing the invaders away but later it is mentioned that " When Soremon army sought to clear the state of these Lakshars it was confronted by the Boremon army ". Isn't it contradicting each other?

- The participants are advised to peruse the facts carefully and interpret the compromise accordingly.

Q. 13 In the issues framed, Issue (e) is unclear. Does it relate only to Issue (d) or to Issue (c) as well?

- The participants are free to refer to the issues mentioned in the compromise and to interpret the case in their favour. However, Participants may not stick to all the issues, they may reduce or add issues as per their convenience.

Q. 14 If Boremon claims to be a sovereign state(para 25(c)) extending control over BoLR also, why does it agree to grant the right of self-determination to the same.

- By Virtue of ARSDB, both Soremon and Boremon wanted the right of self determination to be restored for the people of BoLR.

Q. 15 Para 9 of the Compromis states "Hypothetically speaking access...transporting supplies to the RATO forces". However, RATO forces have nowhere been defined. Can you please define the same?

- RATO is a high readiness and technologically advanced force comprising land, air, sea, and Special Forces units capable of being deployed quickly on operations wherever needed. It is an operational wing deployed conjointly by UN and concurring members against the States deserving international sanctions and working in various regions across the globe.

Q. 16 Para 12 states "The issue of the large scale migration of khatoons into BoLR has not been given its due attention by Soremon and the International community." Who are the khatoons?

- "Khatoon" is a particular sect and Khatoons are the population who belonged to this sect. Majority of them are refugees who feared persecutions and migrated in the BoLR.

Q.17 Para 12 extensively talks about shias and sunnis. Are shias and sunnis to be understood in the same context as the shias and sunnis of Islam or do they differ in this context?

- Shias and Sunnis shall be treated in the context of Islam.
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