

# 7<sup>TH</sup>

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

*'Quest for Excellence in Human Rights'*

(25-26 March, 2017)

# CLARIFICATIONS

**Pertaining to Compromis- 2017**



# **CLARIFICATIONS**

- 1. In paragraph 7, line 3, coastguard from Dornier has been mentioned. Where is Dornier located?**

It is located in the Republic of Chinkara.

- 2. In Point 7, line 2, anchorage Daboo has been mentioned. IS Daboo a different country or a part of Republic of Chinkara?**

It is a part of the Republic of Chinkara.

- 3. In paragraph 9, line 5, prosecutor of Krome has been mentioned. Is Krome a different country or a part of Republic of Chinkara?**

Krome is located in the Republic of Lushkara.

- 4. What is the location of Shalimaar?**

Shalimar is the destination the Hakuna Matata is headed towards. The location of the same is irrelevant to the problem.

- 5. Specific issues have not been given in the moot proposition. However, there was some reference in Page 4 of the Compromis. Clarification on it?**

Besides the issues mentioned in the Compromis, the participants are at liberty to bring new and innovative issues before the bench. However, the basis for the issues should be legal not factual.

- 6. If we are using any other International Conventions, then do we need to prove that the two states are signatories of that Convention? (Since the fact sheet is silent about this matter and it is no where mentioned that the two states were signatories to any other Convention apart from UNCLOS)**

Both the parties are signatories to general applicable conventions of International Laws, however, without ratification.

- 7. Regarding the use of the word 'Compromis', as that implies existence of a special agreement which contradicts the statement of Art. 36(2) as mentioned in Paragraph 21 of the compromis.**

The jurisdiction of the court is available by a voluntary agreement between the parties and also by virtue of Article 36(2) by ICJ Statute.

- 8. Are the laws of the Republic of India applicable to the Republic of Chinkara? Are the laws of Italian Republic applicable to the Lushkara Republic?**

The laws of the Republic of Chinkara and the Lushkara Republic are identical to the laws of the Republic of India and the Italian Republic respectively.

- 9. Paragraph 18 &19 - " Contradictory statements regarding the role and value of the report submitted by the Fact-Finding Commission "**

Initially, the Tribunal referred the report of Fact-finding Commission as having persuasive value. However, after reconsideration, the tribunal accepted the report and delivered its final report.

- 10. Paragraph 5 , 19th Line - " 20.5 Nautical miles off the Lushkarian Coast".**

The following statement: "This incident took place in international waters approximately 20.5 nautical miles off the Lushkarian Coast."  
has been replaced with: "This incident took place in international waters approximately 20.5 nautical miles off the Chinkarian Coast."

- 11. Can you please just clarify us with the nature of the ship Hakuna Matata, whether it is Commercial, Non-commercial or Warship?**

The Hakuna Matata is a Commercial ship.

- 12. Do we have to plead Criminal Liability?**

The same is left to the discretion of the participants.

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