

IHL Moot Court Competition National Rounds in Japan 2014

Clarifications

1. What is the history of Yukule Island? Had Astro claimed for or had the territorial entity before 1980?

The history of Yukule Island is stated in paras 3 and 4 of the moot problem. It is stated in paragraph 5 that Astro has merely been contesting sovereignty over Yukule.

2. In paragraph 14, what is the meaning of the word “later?” When was the statement of The Administration’s officials published?

The word “later” refers to the statement made subsequently by the Military Administration relating to the data to estimate the quantity. Nothing is stated in the moot problem whether the statement of the Military Administration is published or not.

3. From 10 February 2008 to 24 August 2010, had there been any use of armed force between Astron forces and Bereton forces?

The facts in the relevant paragraphs of the moot problem clearly states whether there was use of force or not between Astron forces and Bereton forces

4. In paragraph 40, what was the scale of and how far the damage by the oil spill and oil fire?

Paras 40-43 clearly states the overall scale of the damage caused by the oil spills and oil fires. The purpose of the moot problem is for you to use the ambiguous facts to help one side or the other.

5. Was the speculation by the prominent public health experts attending in paragraph 42 to be the point?

This issue is related to question 4 as to the overall scale of the damage caused by the oil spills and oil fires.

6. Finally, we believe that the word “penal” in the line 4 paragraph 33 is a mistake of the word “panel.”

The word should be replaced with “panel” in in line 4 para. 33.

7. How large is Yukule Island?

The size of Yukule can be inferred from the facts provided in paras 3 and 4 of the moot problem.

8. How large is the massive reef habitation offshore Yukule?

It is not stated how large is the massive reef habitation in para. 41 of the moot problem. But the word massive must be given its ordinary meaning.

9. How many years were the air pollution in the aftermath of the war expected to last?

It is not stated in the moot problem. However, the facts in paras 40-43 should provide some important evidence as to the impact of the air pollution.

10. Is national judicial system working effectively under new Astron Government now?

The facts are deliberately vague as to the effectiveness of the national judicial system under the new Astron government in order to allow both the prosecution and defence to argue this issue.

11. During the Operation Blue, where was Admiral Gusman?

It was not stated in the moot problem regarding the whereabouts of Admiral Gusman. You have to decide whether this is really an important or relevant issue with respect to charge two (2) against Admiral Gusman.

12. In para. 44, was any criminal procedure taken in order to place Admiral Gusman under house arrest?

As this is clearly a criminal proceeding pursuant to Article 61 of the ICC Statute, the facts in para. 44 of the moot problem are clear as to Admiral Gusman's house arrest.

13. In para. 31, was Admiral Gusman involved in the inquiry on Operation Blue?

Para. 31 clearly states that Commander Hanson attended the inquiry on Operation Blue.

14. In para. 44, has new Astron Government investigated or prosecuted Admiral Gusman?

Kindly refer to the clarification provided in question 12.

15. In para. 27, did the commando use violence when boarding?

The facts in para. 27 are clear on this issue.

16. In para. 27, did all people on Nirvana resist against the commando when boarding?

The facts in para. 27 are clear on this issue.

17. In para. 38, did the Bereton naval forces harm individual civilians in Yukule Island?

The is no issue regarding harm to individual civilians in Yukule Island in para. 38

18. In para. 35, how long did the Bereton forces continue the intensive air campaign against the Astron land?

You have look at the overall facts from paras. 35-40 to determine the overall air as well as naval campaign against Yukule.

19. In para. 35, did the Bereton forces distinct the object of attack in the intensive air campaign against the Astron land?

The fact that it is intensive air campaign against Yukule should provide some evidence or indication as to this issue.

20. Regarding to the Operation Blue, were people on Nirvana armed?

You have to look at the overall facts from paras. 20-28 whether those on board the Nirvana were armed or not.

21. In para. 38, were Astron forces weaken?

It is stated in para. 38 that the Bereton naval forces are slowed down.

22. In para. 38, was the defense of Port Solferino sufficient?

The facts are clear in para. 38.

23. Regarding to the Operation Blue, did Nirvana carry weapons?

Please refer to para 24 of the moot problem.

24. In para. 23, what are measures to be taken “in case of emergency”?

The meaning of “in case of emergency” must be determined based on the overall facts in para 23.

25. Regarding to the Operation Blue, did activists have weapons?

Please refer to para 24 of the moot problem.

26. Regarding to the Operation Blue, did passengers on Nirvana have weapons?

Please refer to para 24 of the moot problem.

27. In para. 16, where did the militia get weapons which used on 15th November 2009?

Please refer to paragraph 7 of the moot problem.

28. In para. 11, how much did Admiral Gusman import goods used for civilian purposes?

Please see the facts in the moot problem. The facts in paragraph 11 are deliberately vague so that prosecution and defence can argue a case.

29. Did Yukure do pesticide-free farming?

The facts are deliberately vague so that prosecution and defence can argue a case.

30. In para. 17, what did Yukulean islanders post on various social media sites actually?

The purpose of the moot problem is for you to use the ambiguous facts to help one side or the other.

31. In para. 14, how much was the minimum intake of calories necessary to keep Yukule local population alive?

The purpose of the moot problem is for you to use the ambiguous facts to help one side or the other. Further research can be done as to require calorie intake for populations in conflict.

32. In para. 15, how much should Admiral Gusman import goods “to survive the autumn and winter of 2009”?

The purpose of the moot problem is for you to use the ambiguous facts to help one side or the other. Further research can be done and comparisons made with other contexts.

33. Who did put out fire on large oil storage tanks in paragraph 39?

The purpose of the moot problem is for you to use the ambiguous facts to help one side or the other.

34. Who did lay landmine in paragraph 40?

It is not relevant to the problem as to who planted the landmines, just that they are

there and causing problems.

35. In paragraph 22, the Bereton government expressed support for the Free Yukule Movement.

What kind of supports did the government give the Movement definitely?

The purpose of the moot problem is for you to use the ambiguous facts to help one side or the other.

36. In paragraph 26, Commander Hanson ordered to board and seized the Nirvana. When the Astro's vessels started on a voyage toward Nirvana, what kind of vessels did Astro's marines use?

The facts are deliberately vague so that prosecution and defence can argue a case.

37. In paragraph 24, what was the source of the received intelligence "the Nirvana was also carrying a stock of weapons, notably rifles, ammunition and grenades"?

The facts are deliberately vague so that prosecution and defence can argue a case.

38. In paragraph 7, "the militia mostly used guerilla tactics, including laying improvised explosive devices along the main roads of the island." Is it Colonel Spartan that indicated to use these military tactics? If not, who made decision to use these tactics?

The facts are deliberately vague so that prosecution and defence can argue a case. But if Col Spartan is the head of the militia, it can be inferred that he is in command of the militia.

39. In paragraph 15, how many people in Yukule was estimated to starve to die in the term of "the population would almost entirely depend on food import to survive the autumn and winter of 2009"?

The facts are deliberately vague so that prosecution and defence can argue a case.

40. How much object was actually provided to civilians?

The purpose of the moot problem is for you to use the ambiguous facts to help one side or the other.

41. Did the importation under the controlling acts meet the minimum intake of calories necessary to keep Yukule local population alive which was calculated by Astro?

The purpose of the moot problem is for you to use the ambiguous facts to help one side or the other.

42. After oil spill and oil fire, did sea turtles laid eggs?

The purpose of the moot problem is for you to use the ambiguous facts to help one side or the other. Please see the paragraph on the report that indicates that the recovery occurred in 2013.

43. What and how much object did the military administration imported for civilians?

Please see the response to question 30.

44. In paragraph 17, what did Yukulean islanders post on various social media sites actually?

See response to question 30.

45. How many people starve to die?

This leads to a legal question which can be determined by further research.

46. In paragraph 16, when Gusman stopped the import of relief supplies, was the population of Yukule provided sufficient objects?

The facts are deliberately vague so that prosecution and defence can argue a case.

47. How long do environments, including sea turtles and birds, need to recover?

Please do further research on this yourself.

48. Did Yukule do any pesticide free farming?

Please see response to 29.

49. In paragraph 16, where did the militia get the weapons when they attacked on 15 November 2009 ?

The facts are deliberately vague so that prosecution and defence can argue a case.

50. Did Yukule have difficulty to do agriculture without pesticides and fertilizer?

The facts are deliberately vague so that prosecution and defence can argue a case.

51. Concerning para.4, how much did the "small agricultural production" amount for food self-sufficiency rate of Yukule?

The facts are deliberately vague so that prosecution and defence can argue a case.

52. Concerning para.5, which country possessed the sovereign authority over Yukule Island before the Second World War?

This should be inferred from the facts supplied.

53. Concerning para.7, what is the percentage of Yukule Islanders in the Local Militia?

The facts are deliberately vague so that prosecution and defence can argue a case.

54. Concerning para.15, there is a statement that the total catch had been halved since the implementation of the control measures on fishing in 2008. What was the original percentage of fishing within the food self-sufficiency rate of Yukule?

The facts are deliberately vague so that prosecution and defence can argue a case.

55. Concerning para. 22, who hired Sphinx?

It can be assumed that the Free Yukule Movement hired Sphinx.

56. Concerning para. 39, who burst the large oil storage tanks?

Please see response to 33.

57. Concerning para. 40, who made the landmine fields?

Please see response to 34.