



6th RMLNLU – SCC Online[®]

INTERNATIONAL MEDIA LAW MOOT COURT
COMPETITION, 2018

March 9-11, 2018

CLARIFICATIONS

1) Where are the events mentioned in the Paragraph No. 29 and 30 happening? Are they happening in Dragoonia or in Somland? And if Dragoonia, then is it in Zapahara or somewhere else?

Kindly refer to paragraph 27, 28, 29, 30 being in continuation of the above.

2) In Paragraph No. 48, there was a clarification given with regards to the number of individuals prosecuted. There was a clarification made, which substituted “the four individuals” with “the three individuals”. Whereas in Paragraph No. 50, it is written that the prosecutor decided to prosecute all the four individuals. How many people are being prosecuted and who all are being prosecuted?

Three. The word “four” in Para 50 in hereby substituted to “three”.

3) In Paragraph No. 50, it is mentioned that the proceedings are before the trial chamber. So, are the proceedings in the Pre Trial Chamber done and if yes, then the issue of admissibility which is argued in the Pre Trial Chamber is already done and are we supposed to argue on the same? What was the decision of the Pre-Trial Chamber in the present case?

No clarification necessary. Kindly refer to the ICC statute and precedent which clarify when and where jurisdiction and maintainability/admissibility can be argued. The facts in this respect are deliberately kept silent and left open to interpretation. Additionally the framers encourage creative inferences by reading the rules of procedure.

4) Is the UNSC Referral in accordance with Chapter 7 of the UN Charter?

No Clarification necessary. Kindly refer to the statute.

5) According to the timeline in the proposition, the offer was put forward in August 2015 but it was accepted in August 2016. Furthermore, the Censor board issued a warning against a show which was released in 2016 as per the above stated facts, in 2012. Till the end of November 2013, 24 episodes had been aired. On 20th December, 2015 a clash between protestors and police personnel took place, soon after which legislation was passed by Dragoonia, nationalizing the assets of SCC (dated 30th January, 2014). On 25th February, 2015 Transal released his last video and in the following week several clashes broke out. By 26th February, 2015 a full state of war had erupted. On 1st January, 2016 UNSC referred the matter to ICC and on 15th January, 2017 the emperor of Dragoonia wrote a letter to the Prosecutor. Kindly make the required changes to the dates so as to bring clarity to the events.

The only correction with dates in paragraph 30 where 20th December 2015 is amended to 20th December 2014 and in para 35 where the date is 30th Jan, 2015.

6) In the gap between the SC resolution and the letter sent to the prosecutor, did the government of Dragoonia carry an internal investigation into the offences alleged by the Defendants?

No Clarification necessary.

7) What was the ethnic background of the King of Dragoonia?

No Clarification necessary.

8) Is the province of Zaphara in Dragoonia?

Omitted. (Kindly refer to the Clarification 6 in ‘Additional Clarifications’ in “Clarifications by the Problem Drafter”)

9) What is the structure of the government of Dragoonia?

No clarification necessary.

10) Is the Prosecutor pursuing the case on a few grounds mentioned in the letter from the Emperor or on all grounds mentioned in the same or on other grounds (which are not mentioned in the letter) as well?

No Clarification necessary. Open to interpretation.

11) Did the clashes mentioned in paragraph 30 take place in Zapahra? What was the ethnicity of the people who died in those clashes?

Omitted. (Kindly refer to the Clarification 4 in ‘Additional Clarifications’ in “Clarifications by the Problem Drafter”)

12) When was DCC nationalized?

30th January 2015. Refer to Clarification No. 5.

13) In paragraph 39, the board of which country moved to ban the website?

No clarification necessary.

14) Whether the student army mentioned in paragraphs 32 and 33 is called Keljuk Liberation **Army** or Keljuk Liberation **Front**? If it is the former, what is KLF as referred to in paragraphs 40-42?

It is Keljuk Liberation Army. The word front has not been used anywhere in the facts. The KLF is the acronym for Keljuk Liberation Army in local language.

15) Whether paragraph 48, line 12 refers to Mr. **Trapta** or **Transal**?

Mr. Transal.

16) Are Trapp and Haslaf being considered as a part of the individual or corporate personality of SCC?

Who was the ethnic cleansing, mentioned in Para 21 directed against?

Two separate questions. No Clarification necessary. Open to interpretation.

17) Is either of the states signatories to the ICCPR?

Not mentioned in the problem.

18) Is the king the commander-in-chief of the forces?

Kindly refer to paragraph 14 which is open to interpretations.

19) What sort of flash points and ethnic tensions have occurred in the past, as mentioned in Para 11?

No Clarification necessary.

20) What relationships of marriage are being referred to in paragraph 15?

No Clarification necessary.

21) What was the reason behind the Prime Minister registering a protest and for his statement “Friends will understand that the past is not the present”, which was mentioned in paragraph 16?

No Clarification necessary.

22) Are the dates in paragraphs 47 and 48 correct? Was there a gap of a year between the two events?

No change of dates in paragraph 47 and 48.

23) What was the number of casualties reported in paragraph 29?

Open to interpretation.

24) Does Government in paragraph 28 mean the ‘Government of Keljukistan in Exile’?

No.

25) Was there any treaty/agreement signed by both Somland and Empire of Dragoonia for the business expansion of SCC in Dragoonia?

No Specific agreement or treaty has been mentioned. The general practice and state practice is this regard may be applied.

26) Was the feature of 'Your news, your views' reviewed by Dragoonia or DCC?

No Clarification necessary.

27) To which content is-'the speech' referred to in Paragraph 48?

No Clarification necessary.

28) In Paragraph 45 it is mentioned that the King, Mr Trapp and Transal were in custody of the Empire but in Paragraph 47 it is mentioned that the custody of King, Trapp, Transal and Haslaf was handed over to the ICC. Please clarify as to who were those three people whose custody was handed over to the ICC?

Omitted. (Kindly refer to the Clarification 5 in ‘Additional Clarifications’ in “*Clarifications by the Problem Drafter*”).

29) Has Somland accepted the Statute of ICC after referring to the registrar in accordance with article 12(3) of the Statute of ICC?

No Clarification necessary.