

ASIA-PACIFIC

MOOT



NATIONAL

ROUNDS

2025

ICRC

CLARIFICATIONS

SITUATION IN MANUSTAN

IN THE CASE OF

PROSECUTOR

v. ZARA SMITH

BEFORE THE INTERNATIONAL CRIMINAL COURT AT THE HAGUE

	Question	Answer
1.	As per paragraph 14(d), was the Minister of Defence killed as well? Since the use of the word "alongside" adds ambiguity.	The Minister of Defence was killed together with 5 of his top senior military aides and the 10 police officers that were part of the motorcade.
2.	Are all listed numbers of dead and injured civilians and combatants in the proposition final/confirmed, or are they estimates?	The numbers of dead and injured civilians and combatants are final and confirmed.
3.	Whether Annexure I of the Applicable Agreements is exhaustive, and agreements other than those mentioned therein cannot be referred to?	The list at "Annex I: Applicable Agreements" is exhaustive with respect to treaty relations between Manustan and Setistan <i>inter partes</i> . Other treaties can be referenced in so far as they may be relevant to the matters at issue.
4.	In para 20, it is written that over 30 suspected leading FSP members but in para 21, 24, and in count 2, it provides that there are only 30 detainees. Whether there existed more than 30 or exactly 30 detainees?	Only 30 suspected leading FSP members were detained.
5.	On what date did Lana Gomez die? Context: Para 18, second-last line states that Lana died one week later after being fatally wounded by a bullet. But para 19 states particularly in President Smith's and Stan Rogers' statements on the same day, i.e., on 30 June 2024 that Lana had died on the same day.	Correction. One week should read one hour. "Lana Gomez, who was in her cot, was also hit by a bullet and died one hour later."
6.	Whether the European Convention on Human Rights (ECHR) is intended to be applicable in the context of the moot problem and oral arguments.	The list at "Annex I: Applicable Agreements" is exhaustive with respect to treaty relations between Manustan and Setistan <i>inter partes</i> . Other treaties can be referenced in so far as they may be relevant to the matters at issue.
7.	Is it correct that this hearing is limited to the charges under Article 61 of the Rome Statute, and that issues of jurisdiction and admissibility (including complementarity/gravity) are excluded from the issues?	Yes. As stated in the Instructions, issues of jurisdiction and admissibility (including gravity) should be ignored.
8.	Can the Court recharacterize the legal nature of the charges (as attacks against civilians instead of murder)?	Teams are restricted to the charges as presented in the problem.
9.	Who did President Smith refer to as "innocents and non-combatants" in her 30 June 2024 press release? This is unclear since Fact 19 only records	Teams to draw their own inference (if any).

	Rogers' statement about "an unarmed man and an innocent defenceless baby," while Fact 18 indicates that Lana Gomez died one week after the Operation took place.	However, please note a correction for para 18. One week should read one hour. "Lana Gomez, who was in her cot, was also hit by a bullet and died one hour later."
10.	Still regarding paragraph 18 of the Statement of Agreed Facts, we would also like to inquire whether Lana received any medical treatment after being hit, and if so, what kind of treatment was provided.	The facts are sufficient. However, please note a correction for para 18. One week should read one hour. "Lana Gomez, who was in her cot, was also hit by a bullet and died one hour later."
11.	Is the term "Scorpions" singular or plural? Because when the term "Scorpions" is used in the facts, it is typically followed by a past tense predicate. This makes it challenging to discern its number. Additionally, in paragraph [17] of the facts, the term "Scorpion" [original sentence: "and told the commanding officer of the Scorpion"] appears without the plural "s".	In Paragraph [17] "Scorpion" should read "Scorpions".
12.	Facts, Para [16] & [17]: In [16], President Smith stated that ... the Scorpions whose sole mission was to "take out" the FSP". In [17], President Smith ... told the commanding officer of the Scorpion that he should proceed with Operation Snake Elimination and "deal with the threat". Do the phrases "take out", "Elimination" and "deal with" indicate that President Smith's order was to physically eliminate members of the FSP, rather than merely disrupt their operations?	The facts are sufficient. As stated in the Instructions, issues of jurisdiction and admissibility (including gravity) should be ignored.
13.	Facts, Para [26]: From May 2024, the FSP's operations sharply decreased. Does it mean that from May 2024, the FSP generally didn't carry out any attacks?	The facts are sufficient. As stated in the Instructions, issues of jurisdiction and admissibility (including gravity) should be ignored.
14.	Facts, Para [26]: From May 2024, the FSP's operations sharply decreased. When measuring the gravity of the case, do the facts after para. 26 of the material need to be considered? Or should only the facts up to para. 26 be taken into account?	Teams to draw their own conclusion (if any). As stated in the Instructions, issues of jurisdiction and admissibility (including gravity) should be ignored.
15.	Charges, (b) Count 2: Does the "28(2)" in Count 2 actually refer to "28(b)" of the Rome Statute? For there is no such article as "28(2)" in the English version of the Rome Statute, only in the Chinese one. In the English version, the article "28(b)" exists.	The present version of the Rome Statute of the International Criminal Court (as available on the ICC website) refers to Article 28(1)-(2). Please use this version.