

Fourth World Human Rights Moot Court Competition 2012

Clarifications to the hypothetical case to be argued

Para 2: The Oolang makes up 75 % and the Hanghou 25 % of the population of Teaopia.

Para 6: The 1968 Immigration and Refugee Act of Javan has adopted the wording of the 1951 Convention Relating to the Status of Refugees as amended by the 1967 Protocol Relating to the Status of Refugees. A few Hanghou were granted refugee status in Javan where they could show that Teaopian authorities had issued orders for their arrest for involvement in peaceful protest against the procurement contracts. Some Hanghou managed to remain in Javan on student visas.

Para 7: Ms Bloom belongs to the Hanghou ethnic group. The website SmallWorld.com is popularly known as 'It's a Small World'.

Para 11: Ms Bloom was arrested for shoplifting in March 2003. She was given a fine on the spot for shoplifting but when the authorities checked her identity they decided to take her to court where she was remanded into custody as she was on a list of fugitives that the authorities of Teaopia had provided Javan with. The Javan authorities informed their Teaopian counterparts of the arrest and Teaopia initiated extradition proceedings. The detention facilities in Javan and Teaopia comply with international standards.

Para 12: There are no provisions in the 1945 extradition treaty setting out grounds for refusal of extradition. According to the treaty, extradition shall take place if extradition is requested for an act which is a criminal offence in both states. Drug dealing carries a penalty of maximum 20 years imprisonment in Javan. Ms Bloom challenged her extradition before the extradition tribunal and administrative body responsible for taking decisions in relation to extradition. Javan courts have no jurisdiction over extradition matters and she was extradited directly after the decision of the extradition tribunal. Ms Bloom has remained on death row in Teaopia since her extradition.

Para 13: The Dorsa religion is the majority religion of both the Oolang and the Hanghou. There have been no instances of intra-religious violence in Javan.

Para 14: Under Javan law each website must have an editor who is responsible for the content of the website. It is this person who may face penalties under the Censorship Act. The term 'objectionable material' is not defined under the Act.

Para 17: The weather patterns in the region changed dramatically in the last two years before Hurricane Charley hit. A few weeks before Hurricane Charley hit the coast of Javan, 90-year old retired meteorologist Elizabeth Hurri-Cane in an interview on national television said that the recent weather pattern was similar to the weather in the late 1920's when several hurricanes had struck Javan. There is also the looming threat of the volcano Maboro which last erupted in 1921 killing a quarter of the population of Javan. Volcanologists believe it is due to erupt soon again.

Common natural disasters in Javan include flooding and occasional earth quakes (less than level 6.5 on the Richter scale). The budget allocated to natural disasters is planned in 10-year cycles and has been sufficient to cover the costs ever since the catastrophic events of the 1920's. The natural disasters fund had at the time of Hurricane Charley sufficient money to cover the cost of a typical flooding and earth quake. However, these funds were only sufficient to cover assistance

to a quarter of those affected by Hurricane Charley. The government has refused to allocate more funds and other states have shown no interest in assisting arguing that Javan has sufficient resources and should cut back on military and other unnecessary expenditure.

Para 18: The shortage of food, water, medical services and sanitation after the hurricane affect many of those living in Javan including the original inhabitants of southern Javan and displaced persons.

Para 19: The J Group for Human Rights represented Ms Bloom in her attempts to declare her extradition void and also represented Javan users of Small World and victims of Hurricane Charley in a class action as provided for under Javan law.

Para 20: Teaopia has ratified the same international human rights instruments as Javan. Both states are monist in relation to customary international law and dualist in relation to treaty law. Extradition treaties form part of the national law of Javan as provided for in the Extradition Act.

Para 21: Teaopia is a member of the Coastal Community and has ratified the Convention on the Establishment of the Coastal Community Human Rights Court and made the declaration under article 3.

Para 23: Arguments should cover both admissibility and merits.