

**1998 PHILIP C. JESSUP
INTERNATIONAL LAW MOOT COURT COMPETITION**

CORRECTIONS AND CLARIFICATIONS TO THE COMPROMIS

The following corrections and clarifications have been agreed by the parties in response to many requests of Jessup Competitors, and the Compromis should be considered amended accordingly. In offering these, the parties remind all participants of the following:

- a. The Compromis is, in essence, a stipulation of facts. Its words have been carefully chosen, and are the results of extensive negotiation. The parties decline to “clarify” the facts by providing conclusory characterizations, *e.g.* of the nature of their political systems. Obviously, the parties will not stipulate as to what arguments are acceptable or unacceptable.
- b. Any request for a clarification that is not addressed in the following paragraphs is already included in the Compromis or has been considered inappropriate or immaterial, or the parties were unable to reach agreement on a mutually acceptable answer.
- c. Except to the extent that corrections are set out below, all participants are to assure that the Compromis is accurate in all respects. In particular, reproductions of record documents should be presumed to be literal.

Corrections

1. The reference in various places in the Compromis to “the Vienna Convention on Succession to Treaties of 1970” is an error. The proper designation of the document is the Vienna Convention on Succession of States in Respect to Treaties, which was concluded in 1978.
2. In ¶ 13 of the Compromis, the words “in retaliation” should be in quotation marks.
3. In ¶ 20 of the Compromis, the date “1994” should be “1995.”
4. In some versions of the Compromis, there was a typographical error in ¶ 29. Malu Terraq arrived in Arden on 21 November 1996, not 1997.
5. In some versions of the Compromis, there was a typographical error in ¶ 3 of Remorra’s claims for relief. Remorra asks in the alternative for an award of the specified damages to Remorra, not Arden.

Clarifications

1. The “NPA Liberation Planning Committee” (¶ 9) and the “Revolt Planning Committee” (¶¶ 14, 25, 28) are the same entity.
2. Remorran criminal procedure permits a convicted defendant to appeal his or her sentence to an Appeals Court as of right. On average, during the years 1993-96, appellate decisions were handed down 9.63 months after the judgment of the lower court. The Supreme Court may review decisions in criminal cases by way of discretionary writ.
3. The three persons executed after conviction by the Harbaar Criminal Court were permitted by law to file appeals, but they did not do so before the sentences were carried out.
4. The First Arden National Bank was incorporated locally and is privately owned.
5. Between 1965 and 1995, Arden extradited 22 people to Integra, and Integra 41 people to Arden, pursuant to the Extradition Treaty.

6. Arden is not a member of the Regional Association of Treaty States, and no Arden troops participated in the multinational force that entered the conflict zone on 10 October 1995.
7. Arden and Remorra have full diplomatic relations, and each has an embassy in the other's capital.
8. The Criminal Code of the Former Integra provided for execution in cases of aggravated murder and serious crimes against national security. Arden does not have the death penalty for any offense.
9. Arden is and Integra was a party to the 1977 Protocols to the Geneva Conventions, as well as to the Conventions themselves.
10. The "impounding" of the First Arden National Bank accounts was consistent with the laws of Arden. It was carried out by the Office of Bank Supervision, which is authorized by statute to freeze accounts deemed to be "suspicious," pending proof by claimants to the funds that they are legally entitled to.
11. Arden has not signed any formal legal document with the Tribunal regarding the rendition of persons to stand trial.
12. In both Nylesia and Remorra, an applicant for naturalization may keep his or her original nationality up until the moment when naturalization takes place. At that instant, the former nationality is automatically repudiated, and cannot under any circumstances be retained.
13. Neither Remorra nor Arden had a seat on the Security Council when Resolution was passed establishing and defining the jurisdiction of the ICTFI.
14. Malu Terraq was born in Harbaar.
15. The seat of the ICTFI is in Vienna, Austria.
16. Remorra issued a warrant for the arrest of Terraq shortly after independence. Under Remorran law, there is no requirement of a formal indictment before an arrested person may stand trial.
17. The third paragraph in Remorra's prayer for relief seeks damages in the alternative to the extradition of Malu Terraq. In other words, Remorra seeks first an order that Terraq be extradited to Remorra and not be consigned to the Tribunal, or, should the Court conclude that it cannot or will not grant such relief, award compensatory damages so that Remorra can set up the Truth and Reconciliation Commission.
18. Selected sections of the Extradition Treaty between Integra and Arden are as follows:

Article 2. Extradition shall be granted for an offense if the offense is punishable under the laws of both States by imprisonment or other form of detention for more than one year, or by the death penalty.

Article 4. Neither Contracting State shall be bound to deliver up its own nationals, but the executive authority of the requested State shall have the power to deliver them up if, in its discretion, it be deemed proper to do so.

Article 7. Extradition shall be refused if:

(c) the offense for which extradition is requested is regarded by the requested State as one of a political character, or if the person sought proves that the request for his extradition has in fact been made with a view to try or to punish him for an offense of a political character.

There are no other Treaty provisions specially implicated by the facts of the problem. The remainder of the Treaty sets out the procedures for submitting and responding to the extradition requests, and for the rights of the person whose extradition is sought before and after she is extradited. The parties stipulate that these procedural requirements have been complied with in the case of Malu Terraq.

Clarifications to the 1998 Official Rules

1. Concerning rule 8.4 which states that “the entire memorial may be no longer than 12,000 words and twenty-five pages;” The word count limit includes the entire memorial and the page limit only includes the body of the argument.