

**2002 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, and the Compromis should be considered amended accordingly. The clerk reminds all parties and 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. And, obviously, the parties will not stipulate as to what arguments are acceptable or unacceptable.
- b. The response to any request for a clarification 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 and clarifications are set out below, participants are to assume that the Compromis is accurate and complete in all respects. In particular, both parties stipulate as to the authenticity of all documents referenced in the Compromis, and to the authorship and the authenticity of the signatures on all documents referenced in the Compromis.
- d. With respect to pronunciations of the various proper names used in the Compromis, it should be noted that these are generally-accepted Anglicizations of the names involved, submitted in English for the use of the Court. All relevant parties have agreed that they will not take formal or informal offense at any reasonable mispronunciation.

Corrections to the Compromis

1. Paragraph 4 re-states Article 117 of the Babbagian Criminal Code. Section 117(b)(1) should read, "(1) Any text or picture which is offensive in nature to the public morals of Babbage; or." The four subsections of Section 117(b) are each independent definitions of "Indecent Materials."
2. Paragraph 11 states that the court "revoked TOL's business license." This is an error. It should read "revoked BOL's business license."
3. Paragraph 29 makes reference to the "re-routing of flights." This is an error. The reference should be to "re-routing of trans-national train routes."

4. Paragraph 34(d) of the Compromis should read, "determine that Babbage's actions concerning the arrest, trial, and conviction of David Gabrius were consistent with international law."

5. In the Microsoft Word version of the Compromis, paragraph 13 incorrectly states that President Revuluri dismissed his Minister of Justice on "December 19, 2001." The date should read "December 19, 1999."

Clarifications

1. Neither Babbage nor Turingia has any criminal statutes pertaining specifically to computer crimes. Several alleged "hackers" in Turingia have been tried under Turingia's statutory crime of "common trespass" or "damage to property" laws.

2. The population of Babbage is nearly evenly divided between ethnic Hortaris and ethnic Shendis. Turingia contains many ethnic groups from all over the world, but no appreciable numbers of Hortaris or Shendis. There are no "official religions" of Babbage.

3. The most recent outbreak of civil war in Babbage ended in 1989. The civil war was fought along political, not ethnic, lines.

4. According to various estimates, in 1999 between 30 and 40 percent of Babbage's population had access to the Internet, either at home or through some public facility (for example, libraries, Internet cafes, schools).

5. Neither David Gabrius nor the International Babbagian Cyber-Patrol (IBCP) are formally affiliated with any government, and neither Turingia nor Babbage had any specific knowledge of their activities described in the Compromis. Gabrius's "hacking" activities (which have affected only computers located in Turingia) have resulted in two arrests for common trespass in Turingia in the past, but he has never been convicted. Babbagians claiming to be members of the IBCP have been convicted as a result of their "hacking" activities, and have served time in prison.

6. Gabrius is a widely-published author of technical computer manuals, as well as on topics such as freedom of expression. It has never been proven, but most international law enforcement officials believe that the IBCP consists entirely of citizens of Babbage.

7. When BOL removed its equipment, BOL users were completely unable to access the Internet through BOL's network. If they wished to access the Internet, they had to either find another Internet service provider within Babbage, or make expensive international calls to Internet service providers in other countries. TOL is a privately-owned company, completely independent from the Turingian government. TOL owns all shares of BOL; BOL is completely independent from the Babbagian government.

8. With respect to the equipment of TOL and BOL, all content servers, caching servers, and any other equipment which contained original content were located within Turingia.

BOL does not provide any original content or service; its sole technological aim is to provide users within Babbage – and only within Babbage - access to TOL's global network. TOL provides some original content, which is located on servers within Turingia.

9. BOL merely provided its customers access to the TOL network from Babbage. TOL's content was not directly hosted on any computer system physically located in Babbage.

10. TOL was required to reimburse its users under a private "subscription agreement" with each of its subscribed users, which requires TOL to reimburse them in the event of extended periods of lack of access. The \$50 million represents the aggregate amount TOL was required to reimburse all of its users.

11. The Babbage Rail Transit Authority (BRTA) is an agency of the Babbagian government. Its administrators are appointed by the government of Babbage, and all of its administrators and employees are government employees, and all property of BRTA is Babbagian government property.

12. David Gabrius conducted all of his "hacking" operations from his home in Turingia. He remained in Turingia until February 1, 2000, when he departed for Babbage, as described in paragraph 24 of the Compromis.

13. An anonymous spokesman for IBCP has publicly taken responsibility for its actions described in paragraphs 14 and 16 of the Compromis. On January 11, 2000, David Gabrius publicly admitted responsibility for his actions described in paragraph 20 of the Compromis.

14. All of the 200 passengers and crew of the two trains were citizens of Babbage and none had dual nationality.

15. The airplane chartered by Babbage to bring Mr. Gabrius to Babbage originated in Babbage and landed in and took off from Turingia as a routine business charter. The pilot and charter company did not disclose the identity of his passenger or the purpose of the flight to the relevant Babbagian aviation authorities.

16. Neither David Gabrius, his counsel, nor the government of Babbage has at any time alleged that the trial and appeals was not in conformity with all recognized due process norms. The International Legal Services Association, an internationally-recognized human rights advocacy group, has closely reviewed the transcripts and records of each level of the judicial process, and has determined that Gabrius's trial and appeals were conducted "in full conformity with binding international norms." Mr. Gabrius's unsuccessful appeal to the high court was the last resort to criminal appeal allowed under the Babbage constitution.

17. Babbage signed the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as part of the same ceremony, in December of 1990.