

## II Inter-American Human Rights Moot Court Competition

### QUESTIONS and ANSWERS

#### *Questions relating to international treaties*

**1.**

-The facts state that Pacifica has been a party to the U.N. Convention on the Elimination of All Forms of Discrimination Against Women on June 11, 1991. Has Pacifica ratified this Convention? If so, when?

Answer: See Convention for ratification procedure.

**2.**

-Is Pacifica a party to or has it ratified the Vienna Convention on the Law of Treaties? If so, when?

Answer: Yes, on March 20, 1980.

**3.**

-Besides the articles already mentioned in the facts, can we allege the violation of other articles of the American Convention on Human Rights?

Answer: Yes.

#### *Questions relating to crimes committed, police investigations, and judicial proceedings*

**4.**

-Did Teresa Salieri or any other individuals who received anonymous phone calls during February and March of 1994 report these calls to the local police or any other government authority?

Answer: Teresa Salieri and other individuals informed the local police of these calls in connection with the April 4, 1994 break in.

**5.**

-What specific investigatory measures were taken by the police in response to the break-in of April 4, 1994 and when were they initiated?

Answer: On April 5, 1994 the police questioned potential witnesses in the area of the office and dusted the office for fingerprints.

**6.**

- Did the police actually patrol the area on a regular basis after the break-in?

Answer: Yes

**7.**

-Was Victor Huff the object of any police investigations?

Answer: Huff was questioned as to whether he could account for the whereabouts of all of his bodyguards on the morning in question. Huff told the police that he could not.

**8.**

## II Inter-American Human Rights Moot Court Competition

### QUESTIONS and ANSWERS

-Was Cecilia Herold examined immediately after the rape by a medical doctor who was not from a State-certified medical facility?

Answer: Yes, she was examined by a private doctor very soon after the rape, but the court rejected the doctor's report when it was offered as evidence at trial.

**9.**

- If the aggressors fled upon the arrival of the colleagues, were they or were they not eye-witnesses to the attack and rape? And, if so, were they or were they not called to testify?

Answer: They did not witness the attack or the rape. These colleagues were called to testify at the trial.

**10.**

-Date on which two of Cecilia Herold's attackers were tried and sentenced -regarding the facts of May 14, 1994.

Answer: Cecilia Harold's two attackers-regarding the events of May 15, 1994- were sentenced on February 20, 1995.

**11.**

-When was the Aother body guard,@ who was sentenced to 18 months, convicted and sentenced?

Answer: Idem #9.

**12.**

-Date of the sentences of the men convicted of the assault.

Answer: Idem #9.

**13.**

-On what dates were Victor Huff's bodyguards sentenced?

Answer: Idem #9.

**14.**

-At what stage are the civil proceedings initiated by Teresa Salieri, María Gomez-Clark and Cecilia Herold against the *Primer Banco Provincial de Concordia*,@ because it is not clear in the hypo? (A...their case remains pending and has yet to be called for trial@)

Answer: The case remains pending at the discovery stage.

**15.**

-How many hours after the rape was Cecilia Harold examined by the designated doctor?

Answer: Ms. Harold was examined on the afternoon of May 15, 1994, approximately 32 hours after the alleged rape.

**16.**

## II Inter-American Human Rights Moot Court Competition

### QUESTIONS and ANSWERS

-Could you specify how many hours it took for police investigators to examine the crime scene after the attack of Teresa Salieri?

Answer: See facts.

*Questions relating to political, legal and economic factors of the case*

**17.**

-What are the requirements for forming a political party in Pacifica?

Answer: Not relevant.

**18.**

-Could the ACoalition for Community Renewal@ finally participate in the elections?

Answer: Yes.

**19.**

-The facts state that there is an opposition group to the Coalition called the ACommittee to Protect the Family@. Is this committee a legal association constituted under the laws of Pacifica or is it somehow related or are any of its members part of the Federal or local governments of Pacifica?

Answer: The ACommittee to Protect the Family@ is legally organized under the laws of Pacifica.

**20.**

-Has the national legislature or any provincial or municipal legislature enacted legislation in accordance with the policy guidelines promulgated by the Executive Branch of Pacifica in 1992?

Answer: Certain provincial legislatures have enacted such legislation.

**21.**

- It says that the Administration of the Government of Pacifica took a series of measures to promote the participation of women in national politics. Mentioned among these measures was a ANational Program@. What is the character and scope of this program and when was it implemented and what kind of general obligations did it create for both Federal and local governments in Pacifica.

Answer: See answer #15 and the facts of the case.

**22.**

-What was the gender percentage of applicants for individual or household loans from First Provincial, corresponding to the A less than 10%@ of such loans granted to females?

Answer: Not relevant.

**23.**

-Are the remaining shares of the Banco Provincial de Concordia owned by residents of the province? If so, are any of them linked to the provincial government?

## II Inter-American Human Rights Moot Court Competition

### QUESTIONS and ANSWERS

Answer: See the facts of the case.

**24.**

-Has it been proven that the bank refused loan applications between March and the elections? If so, were the applicants given written explanations for the rejection of their applications?

Answer: Not relevant.

**25.**

- Is there an effective remedy in the laws of Pacifica, such as Habeas Corpus or any other special remedies that could be used to protect fundamental rights?

Answer: The victims in this case availed themselves of the judicial remedies provided by law that correspond to the claims raised.

**26.**

- What is the legal framework in Pacifica regarding human rights protection (internal remedies)?

Answer: See facts of the case; see answer #23.

### *Questions relating to the proceedings in the Inter-American System*

**27.**

-What recommendations did the Commission make, the non-implementation of which were the reasons the Commission decided to refer the case to the Court on March 5, 1997?

Answer: The specific findings of the Commission are not relevant to the prosecution of this case before the Inter-American Court.

**28.** -What are the considerations and conclusions of the Commission on January 5, 1997?

Answer: See answer #24.

**29.**

-At what point in the proceedings before the Commission did the Government of Pacifica allege that the domestic remedies were not exhausted.

Answer: Pacifica raised the issue of exhaustion of domestic remedies in a timely manner.