

CLARIFICATION QUESTIONS AND ANSWERS 2012

1. **At what distance from the edge of the reservoir will the Chupanky indigenous community be settled after its relocation?**
 - *35 Km. See para. 15.*
2. **What is the procedure that is followed in the State of Atlantis for the official recognition of a peasant farming community (para. 8)?**
 - *The indigenous community must file a request before the pertinent authorities, and the following requirements of Article 9 of the Constitution must be met:*
 - 1) *They must be descendants of peoples that inhabited their territory prior to colonization, and must preserve most of their economic, cultural, and political institutions.*
 - 2) *Indigenous peoples are those that form a social, economic, and cultural life rooted in a traditional territory and recognize their own authorities in accordance with their customs and practices. They also share ethno-linguistic criteria and an awareness of their indigenous identity.*
3. **Does the phrase "two dollars per day, including food" in paragraph 19 of the hypothetical case mean that, in addition to receiving two dollars, the women had access to food? Or does it mean that they had to pay for their food out of those two dollars?**
 - *The former.*
4. **What community do the "Rainbow Warrior Women" belong to?**
 - *To the Chupanky Community. See para. 17. Others joined subsequently. See para. 21.*
5. **With regard to fact number 13, what are the "poor living conditions" in the temporary camps referred to by some members of the community?**
 - *Conditions of poverty.*
6. **What are the current working conditions of the workers (men and women) who are not providing their services under a contract?**
 - *Those described in paragraphs 19 and 20.*
7. **Paragraph 28 of the facts of the case specifies that "pursuant to Article 25 of its Rules of Procedure, the IACHR requested that the State adopt precautionary measures." In the Commission's opinion, who were the beneficiaries of the precautionary measures, and how did the State of Atlantis comply with them?**
 - *The State did not adopt the measures. Therefore, the IACHR requested that the Inter-American Court of Human Rights adopt such measures on behalf of the Chupanky Community. See para. 29.*
8. **Paragraph 29 indicates that the IACHR requested that the Court adopt provisional measures on behalf of the Chupanky Community. What is the status of the request and/or the ruling ordering these provisional measures?**
 - *The request for provisional measures is an issue for debate at the hearing before the Court, in order for the Court to determine whether or not to grant them.*

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9. Paragraph 26 states that the representatives of the alleged victims claimed that Articles 4.1, 5.1, 6.2, 21, 22, 23, 8, 25 and 26 of the American Convention on Human Rights and the State's obligations under the Convention of Belem Do Para had been violated, to the detriment of the members of the Chupanky and La Loma communities. When the representatives of the alleged victims filed their brief containing pleadings, motions, and evidence with the Court, did they claim the same violations set forth in the petition they submitted to the Commission (paragraph 26), or did they adhere to the violations contained in the Inter-American Commission's report on admissibility and merits (Report 969/2011) (paragraph 28)?
- *The case brief is the equivalent of the brief containing pleadings, motions, and evidence, in which the representatives must establish their position with respect to the issue.*
10. Did the divers who were affected by decompression syndrome have any prior training?
- *Basic training provided in a couple of sessions.*
11. Were the results of the environmental impact study commissioned by the State of Atlantis made known to the Chupanky indigenous community in the Rapstani language?
- *They were sent a true and accurate copy of the study in Spanish. See para. 18.*
12. By which decree did the State of Atlantis confer or recognize the La Loma Community's legal capacity as a peasant farming community—the 1985 Decree or the 2005 Decree?
- *The Decree of 1985. See para. 8. There is an error in the date provided in paragraph 13; it should read "the Decrees of 1985."*
13. In terms of access to healthcare, water, food, and housing, what is meant by the "poor living conditions" noted in paragraph 13 of the hypothetical case?
- *Conditions of poverty. See answer 5.*
14. Given the pressure from the TW Company, did the State of Atlantis at any time move the members of the Chupanky Community out of their community's territories bordering on the river?
- *They have not yet been moved.*
15. Paragraph 20 says that family dynamics have been adversely affected by the varying work schedules. What are these adverse effects on family dynamics as compared to life prior to the company's arrival?
- *The adverse consequences, as described, of the working conditions.*
16. Are there any state agents on the board of directors of the Turbo Water Company referred to in paragraph 10 of the hypothetical case?
- *No, just 40% of the capital.*
17. In terms of procedure, was the declaration of public utility referred to in paragraph 11 made in a law, or in delegated legislation?
- *The relevant point is that it met all the substantive and procedural requirements of domestic law.*

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18. What are the “poor living conditions” in the temporary camps referred to in paragraph 13 in terms of access to water, food, healthcare, housing, and education?
- *See answer 5.*
19. Paragraph 24 refers to “the Free Trade Agreement” with regard to providing a mechanism to adjudicate employment law claims, while paragraph 4 refers to “various free trade agreements.” Does this mean that only one specific agreement has a mechanism to take employment claims? If so, with whom is this agreement and what is the nature of this mechanism?
- *With the countries of North America and in accordance with the same mechanisms on the subject as NAFTA and CAFTA.*
20. What are the alleged defects in the concession contract referred to in paragraph 23?
- *That is part of the case analysis.*
21. Paragraph 13 refers to “75% of the dissenting property owners.” Does this mean 75% of the original 75% that initially rejected the offer to sell their property, or does it mean that 75% of the entire La Loma community?
- *75% of the Community of La Loma (See paras. 11 & 13).*
22. The EDC began negotiations with various individuals from the communities of La Loma. Does 'various' mean that only certain individuals were offered the chance to participate or that the entire community could participate, but only 'various' individuals did? (paragraph 11)
- *The latter.*
23. What are the average wages in the State of Atlantis?
- *Between US \$300 and 600 per month.*
24. Is the organization "Green Energy Resources" independent or state funded?
- *Independent.*
25. What was the reason that the Government of Atlantis adopted a policy of assimilation which, among other things, involved dividing the communities by means of indigenous territorial conflicts and at times enforcing interracial marriage in order to dilute the indigenous bloodline?
- *That policy, like other similar policies in the Americas, has been considered to be racist and discriminatory and to have ethnic cleansing as its objective. See para. 2*
26. In paragraph 8 it is mentioned that the State granted the La Loma Community official recognition as a peasant farming community under the Decrees of 1985. But, in paragraph 13 it is mentioned that the La Loma Community was not entitled to those rights because according to the Decrees of 2005 it was legally recognized as a Peasant Farming Community. Which of these two dates is correct?
- *See answer 12.*

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- 27. How many Courts of Proceedings does the State of Atlantis have?**
- *For this type of proceeding: i) it is heard by the administrative authority; ii) it is appealed to the Court for the Judicial Review of Administrative Acts, and iii) it may go before the Supreme Court as the final instance. See paras. 23 - 25.*
- 28. What steps did the proper authorities referred to in paragraph 21 of the facts of the case take with regard to the claimants' assertions against Turbo Water?**
- *The case is still under study.*
- 29. What is the involvement of the community, including the women, in choosing their authorities mentioned in paragraph 7 of the facts of the case?**
- *The male heads of households act as representatives of the interests of the family.*
- 30. How does a community decide to obtain recognition as a peasant farming community, as discussed in paragraph 8 of the facts of the case?**
- *In 1985, the State issued those decrees for the communities that met certain requirements of not being an indigenous community, in exchange for subsidies and public benefits. See para. 8.*
- 31. In the State of Atlantis which is the highest court proceedings in the administrative tribunals?**
- *See answer 27.*
- 32. What kind of company is the Turbo Water Company, a corporation, a mixed capital company, or another type of company?**
- *A mixed-capital company. See para. 10.*
- 33. Was what the date when the notifications to representatives of the victims of Contentious Administrative Court and the Superior Court of Justice were produced?**
- *See paras. 24 & 25 and answer 51.*
- 34. What kind of government was in place in Atlantis before representative democracy was established and for how long?**
- *That is not relevant to the case.*
- 35. Has the Chupanky Community experienced important changes in its societal structure? Patriarchal/Matriarchal?**
- *It underwent changes in recent decades as a result of the Assimilation Policy. See paras. 2, 7 & 8.*
- 36. Were there any reports of abuse or death in the camp attributable to government officials?**
- *In the camps where the members of the La Loma Community are, not at this point.*
- 37. 'Parastatal', used in paragraph 5, is a term that can connote different levels of government ownership and control. What is the level of ownership and control which the government of Atlantis exercises over the EDC?**
- *The EDC is a company that was created by the government to provide a public service, with state capital, but it is autonomous and decentralized to a certain degree.*

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38. Paragraph 4 indicates that Atlantis is a party to some 'international treaties' but does not enumerate them. Paragraph 31 indicates that Atlantis is a party to the 'main regional and universal instruments on the 'subject', but does not specify what the 'subject' is (indigenous rights, or women's rights, or human rights in general) or which conventions on that topic are considered the 'main' ones. To which international treaties is Atlantis a party?
- *The teams may use any treaty relevant to the material discussed in the case. The identification of such treaties is part of the exercise.*
39. Paragraph 28 outlines the issues on which the Inter-American Commission of Human Rights (IACHR) has reached findings, including issues related to due process and land rights. However, there is no indication of whether the IACHR has reached any decisions on the issues brought up under the *Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women*. (Under Article 12 of that instrument, individuals may lodge petitions with the IACHR.) Has the IACHR reached any decisions on the issues brought up under the *Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women*?
- *The Commission only found violations of the rights described in paragraph 28.*
40. In paragraph 7, it states that in recent years that Chupanky tribe has established itself as a patriarchal community, should we then assume that the Chupanky tribe was traditionally a matriarchal tribe?
- *See answer 35.*
41. Are there any women that are part of the Chupanky community's authorities and/or Council of Elders that were part of consultation process referred to in paragraph 14?
- *No.*
42. In paragraph 18 when it states that the MENR sent a true and accurate copy to the Chupanky Community-who actually received the report?
- *The authorities of the Chupanky Community, through the Council of Elders.*
43. Since October 2006, what steps have been taken, either by State authorities, or by those interested in the expropriation process, which is being processed before the Seventh Civil Court of Chupuncué?
- *See para. 13 and answer 86.*
44. Which measures were taken by the State of Atlantis, following the publication in the newspaper "El Oscurín Pegri" on November 16, 2008, of the medical report requested by the Rainbow Warrior Women, on the permanent disability of the divers and the lack of specialized, good quality equipment for the development of its activities in the construction of the Plant of the Black Swan?
- *Informally, they were given healthcare vouchers for medical exams at the Tripol Hospital, and a one-year food pantry program. The 4 affected persons accepted them in an individual capacity.*

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45. In relation to facts 12 and 24, what are the conditions for ordering expropriation through civil proceedings or expropriation through administrative proceedings?

- *That is part of the case analysis.*

46. In relation to fact 25, with respect to which rights was the petition for a constitutional remedy filed?

- *See para. 25 of the case.*

47. Do the peasant farming communities in Atlantis have a special legal system? If so, what is its content? This is in relation to fact 8.

- *See answers 30 & 105.*

48. What rules of the Free Trade Agreement mentioned in fact 24 are relevant to the hypothetical case?

- *That is part of the case analysis. See answer 19.*

49. What type of employment contract did the indigenous people who worked on the project development mentioned in fact 19 have?

- *The contract required them to share benefits with the community as established in international jurisprudence and as agreed in the meetings with the community.*

50. Regarding fact 19, what labor and employment laws are in force in the State of Atlantis with respect to the maximum work day and wages?

- *Atlantis has signed the main ILO treaties on the subject. The minimum wage is US \$250 per month, consistent of regular workdays.*

51. In paragraph 25, it is not clear on which date the Supreme Court rejected the appeal, and it actually appears that the date was not given. Should we assume that the Court decided the appeal on the same date the application was lodged? This fact is extremely important to observe whether the petition to the Inter-American Commission was or was not filed within six months.

- *The Court dismissed the petition on December 15, 2009.*

52. In paragraph 7, what does the "peace agreement with the land," signed by Chupanky along with other indigenous communities of the country consist of?

- *Part of their cosmovision and the celebration of that process. See para. 7 and answer 70.*

53. In paragraph 22, does December 20, 2008 refer to the date on which evidence was collected by Mina Chak Luna, or the date on which the Community assembly happened?

- *The latter.*

54. Paragraph 11 of the hypothetical case says "the State made a deposit of 50% of the assessed value of the lots in the La Loma community." What would be the assessed value? Does it correspond with market value of the land? Was it deposited to the community La Loma? If yes, does this deposit represent part of the compensation being fixed by the seventh calendar Chupuncué judgment?

- *In Atlantis the assessed value is not the market value. Chapter IV of the Civil Code requires the judicial deposit which, among other requirements, makes it possible to order*

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the urgent occupation of the land if necessary. Also, it opens up the possibility of seeking a friendly settlement. The expropriated party may dispose of that deposit and agree to delivery of the balance. Nevertheless, in the absence of an agreement on the appraised value, it goes to expropriation proceedings for purposes of setting the real and final price. The Judge will issue a judgment after hearing from the relevant experts. The proceedings are not subject to motions.

55. What is the circulation of that newspaper "El Oscurín Pegri" within the state of La Atlantis? Is it widely recognized?

- *Yes, it is the most widely circulated newspaper.*

56. What is the minum wage in the State of Atlantis? (parra. 19)

- *See answer 50.*

57. Paragraph 11 of the facts of the case says that in April 2005 the State issued a declaration of public utility with regard to the project area and made a deposit of 50% of the assessed value of the lots in the La Loma Community. Was the 50% assessed land value deposit collected?

- *No, because the case went to expropriation proceedings. See answer 54.*

58. In the proceedings before the Commission, did the Commission verify whether domestic remedies were in fact exhausted?

- *Yes. However, the State refrained from filing preliminary objections and proceeded to address the merits. See para. 27.*

59. In paragraph 21 of the facts of the case, the "Rainbow Warrior Women" went to Tripol on December 10, 2008 to complain before the EDC and the MENR of the irregularities on the part of the TW Company. Among other things, they indicated that members of the community had been subject to forced labor. On December 13, 2008, they got a meeting with the deputy director of the EDC and a MENR employee, who indicated that they would study the issue and, if appropriate, forward the matter to the proper authorities. Did the MENR and the EDC forward the case of alleged labor violations to another authority?

- *See answer 28.*

60. Do both communities (Chupanky and La Loma) have a legally recognized, delimited and demarcated title for their ancestral territories?

- *The Chupanky Community does.*

61. Do the La Loma community's people self-identify themselves as members of an indigenous community and as indigenous people?

- *That is part of the case analysis.*

62. What is the nature of the mechanism provided for in the Free Trade Agreement (para. 24)?

- *See answer 19.*

63. Paragraph 1 of the Case states that the State of La Atlantis is committed internationally to become the first carbon neutral nation in the world by December 21, 2021. How was such a

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commitment made? Which instrument is used to express such an obligation? Treaty? Convention? Agreement?

- *Unwritten agreement in international forums, before the UN/OAS Assemblies, and before its people.*

64. What is the legal nature of the Commission on Energy and Development (CED)? Does this Commission have authority to conduct the bidding of the construction of the hydroelectric plant of Black Swan?

- *See answer 37. It is competent to open calls for bids.*

65. Does the State of La Atlantis have a body of rules to regulate expropriation process? If yes, how can it be accessed? If not, is there some set of internationally accepted legal standards to guide the expropriation process?

- *See para. 54.*

66. Paragraph 8 talks about the decrees of 1985 as the official recognition as a peasant farming community, but paragraph 13 talks about decrees of 2001 that legally recognized as a peasant farming community.

- *See answer 12.*

67. What is the average length of expropriation proceedings in Atlantis? What are the procedural stages (and their average duration) and the judicial remedies available to challenge them?

- *See answer 54. The regulations provide for an expedited proceeding; nevertheless, in practice, the average duration is 5 to 7 years.*

68. What steps were taken by the employment authority of the State of Atlantis to control the increase in the working hours of the members of the Chupanky Community?

- *No petition is known to have been filed before the employment authority, nor is the employment authority known to have intervened to date.*

69. How has the energy crisis in Atlantis evolved since the construction work began at the Black Swan hydroelectric power plant?

- *The project is under construction, so the hydroelectric power plant is not yet operating. The energy crisis is ongoing. See para. 1.*

70. In the excerpt in Paragraph 7: "On August 16, 1987, the Chupanky indigenous community signed the "Peace Treaty with the Earth" together with other indigenous communities in the country. Its long implementation process will conclude on December 21, 2012 with the celebration of "Day One" in their ancestral territory." What is the milestone of the "new beginning of integration with their essential nature" and how will it change the community

- *It marks the beginning of new era of unity with the earth as the conscious entity "Gaia/Tonantzin/Pachamama", in accordance with their cosmivision.*

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71. Paragraph 11, in the excerpt: "In April 2005, the State declared the project area to be of public utility and made a deposit of 50% of the assessed value of the lots in the La Loma community." To what does this payment refers and where was this payment made?

- *See para. 54.*

72. According to paragraph 8, the 1985 decree is the one that declared the La Loma Community a peasant farming community. However, paragraph 13 indicates that in order 1228/2006 the judge denied the request of the members of the La Loma Community, stating that "...those standards were applicable to indigenous or tribal communities according to the various instruments on the subject, and that the community of La Loma was not entitled to those rights because, according to the Decrees of 2005, it was legally recognized as a peasant farming community." Is the decree declaring the Community of La Loma a peasant farming community the 1985 decree, the 2005 decree, or both?

- *See answer 12.*

73. According to paragraph 24, the Court for the Judicial Review of Administrative Acts did not rule on the labor claims in its decision because it did not have proper jurisdiction. Next, in paragraph 25, the Community filed a petition for a constitutional remedy before the Supreme Court of Justice, requesting the suspension of the project based on the detrimental effects on the physical and cultural integrity of the Chupanky and La Loma communities (which according to facts 19 and 20 were a consequence of the working conditions). Given the assertion of their claims regarding physical and cultural integrity at this level (before the Supreme Court), can it be assumed that the domestic options for alleging those violations were exhausted?

- *That is part of the case analysis.*

74. On what date did the Community of La Loma request to be recognized as a peasant farming community?

- *The State granted recognition to the communities that met certain requirements and accepted the subsidies and other benefits. See para. 8 and answer 30.*

75. When did the State first recognize the legal capacity of indigenous peoples within its legal system?

- *See para. 3.*

76. In what development plans has the State historically included and promoted the participation of indigenous peoples?

- *See para. 5.*

77. What is the legal minimum wage in Atlantis?

- *See answer 50.*

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78. On what date was the Community notified of the Supreme Court's denial of the petition for a constitutional remedy?

- *See answer 51.*

79. Was the feasibility study in November 2003 (paragraph 5) given specifically to examine the feasibility of the hydroelectric project using the Motompalmo river, or was the potential of other river basins of La Atlantis also analyzed? Did it only consider the technical feasibility of the project and its implementation?

- *Both.*

80. Given the policy of assimilation promoted by the state in the 1970s (paragraph 2), can interracial marriages of the 1980s be understood as a continuation of that policy? What measures were adopted by the State to promote such marriages?

- *The Assimilation Policy ended with the National Reconciliation Agreement of 1990. See Paras. 2, 3 & 8.*

81. What were the economic conditions of the Chupanky community members in the last months of 2007, when the consultation procedure took place?

- *Conditions of economic poverty similar to those of most indigenous peoples in the region.*

82. How were the selection, hiring and payment, according to La Atlantis' minimum wage for workers' communities (peasant and indigenous)?

- *See para. 16. See answers 49 & 107.*

83. What was the procedure and criteria for declaring the land as public utility, expropriation and fixing the payment for compensation beyond 50% of the assessed value of land the areas in question?

- *See answer 54.*

84. What is the content of the October 15, 2006 report, presented by the expert appointed by the civil judge (paragraph 13)?

- *That expert stressed that the alternative lands had features equivalent to those of the expropriated lands, and determined the price of the expropriated lands based on an average of US \$5 per square meter, plus an additional 3% for disturbance damages.*

85. Paragraph 20 of the facts of the case mentions a medical report that was requested by the Rainbow Warrior Women and published in the newspaper *El Oscurín*. Is this report backed by any institution? Who prepared it? On what basis can it be considered accurate?

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- *The report was prepared by the group “Doctors without Borders”, with the cooperation of 2 physicians licensed in Atlantis.*

86. In accordance with paragraph 13 of the facts of the case, what are the reasons for the delay in setting the appropriate final amount of compensation in the expropriation proceedings against the Community of La Loma?

- *SUPERVENING FACT*
- *According to an article published in the newspaper El Oscurín Pegri on January 20, 2012, the Civil Judge in the case set the total fair compensation amount at US \$6 per square meter for each lot expropriated in La Loma, for those who did not accept alternative lands previously. The beneficiaries of that payment have again opposed receiving it. The Minister of the Interior stated that “the main delays in setting the amount were due to the fact that members of the La Loma Community refused the government’s offer of alternative lands, and the subsequent negotiations aimed at reaching a friendly settlement before Inter-American Commission greatly delayed the domestic proceedings.” The newspaper underscored that, “the State is thereby attempting to avoid being held liable for the first time before the highest Human Rights Court.”*

87. According to paragraph 19 of the case, under what type of employment contract were the members of the Chupanky Community working, and what was the legal minimum wage in Atlantis in 2008?

- *See answers 49, 50 & 107.*

88. Which international human rights instruments has the State of Atlantis signed and ratified?

- *See answer 38.*

89. What is the legal scope of the constitutional recognition of the legal capacity of indigenous people in the State of Atlantis?

- *That is part of the case analysis.*

90. What are the main features of the matriarchal system of the community of La Loma?

- *Those described in paragraph 8. Its leader is Lupe Gambogarza.*

91. Has the State ratified ILO Convention 169 and the Protocol of San Salvador?

- *Yes.*

92. In cultural and sociological terms, what is the nature of the relationship between the Community of La Loma and the land they inhabit?

- *See para. 8.*

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93. Does the land offered to the Community of La Loma have features similar to the community's land prior to the development of the project?

- *According to reports from the EDC, the alternative lands may be of better agricultural quality. See para. 11.*

94. In the problem it says that Atlantis has actively participated in universal and regional human rights bodies since the 1990s; does this mean that Atlantis is a member of the OAS?

- *Yes.*

95. What specifically does it say in Atlantis's constitution regarding demarcation of indigenous people's lands? What recourse does it provide to the people for respecting their rights to land? What does the phrase "constitutional norms" mean in relation to interpreting Atlantis's 2008 amendment on human rights?

- *See answers 60 & 27. That is part of the case analysis.*

96. Is there a minimum wage/salary/remuneration that is set by the State in the State of Atlantis?

- *See answer 50.*

97. Is there a maximum number of hours in the workday in the State of Atlantis? If so, what is the maximum?

- *See answer 50.*

98. Paragraph 8 states that the Community of La Loma was officially recognized as a peasant farming community in a 1985 decree; then, paragraph 13 states that it was legally recognized as a peasant farming community in a 2005 decree. When, and through which decree, was the Community of La Loma recognized as a peasant farming community?

- *See answer 12.*

99. Who were the petitioners from the Community of La Loma before the Commission on May 26, 2010?

- *The NGO Morpho Azul.*

100. In paragraph 25, the community filed a petition for a constitutional remedy. On what date did the Supreme Court of Justice of Atlantis dismiss the petition?

- *See answer 51.*

101. Paragraph 13 from the facts of the case reads "according to the Decrees of 2005, the community of La Loma was legally recognized as a peasant farming community." It would ensure a more accurate and fair trial if we had access to the specifics of such legal recognition: for instances, did the La Loma community voluntarily agree to such status? And did they effectively

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receive the rewards and subsidies of such status? Or were they just “enabled” to do so but did not in fact receive any benefits?

- *See answer 74. They received the benefits described in para. 8.*

102. In the facts of the case, there is a very disruptive force in Mina Chak Luna’s “Rainbow Warrior Women.” They seem to get a lot of access to the media and have very creative and persuasive political arguments. Our question is who funds it? Where do they get their resources from? Is there a political party behind it? Are there any other special interests that the group represents?

- *That is not relevant to the case.*

103. Item 20 states that the employees of the Black Swan hydroelectric power company included 7 divers, 4 of whom reportedly suffered from decompression syndrome. Please specify whether there is any medical report on the reasons leading to their partial disability.

- *See answer 85.*

104. The State of Atlantis currently recognizes 11% of its population as indigenous. What political, social, cultural, and economic standards were necessary to determine the percentage of indigenous people in Atlantis?

- *See answer 2.*

105. What are the laws and regulations of the peasant farming communities in the State of Atlantis?

- *Private property has been recognized since the 1970s. See answer 30.*

106. In paragraph 11, what is the legal nature of the State’s declaration of public utility?

- *That is part of the case analysis. See answer 17.*

107. Are the payments of US \$4.50 and \$2.00 referred to in paragraph 19 wages?

- *They are payments agreed to for purposes of meeting the requirement (safeguard) of sharing benefits with the community.*

108. Was the amount deposited by the State of La Atlantis, corresponding to 50% of the assessed value of the lots in the community La Loma, in declaring the area as a public utility considered compensation to the owners? (§ 11 of the case).

- *See answer 54.*

109. What are the internal rules for expropriation of indigenous lands?

- *Atlantis is a signatory to the American Convention, and according to its domestic authorities, they have met the international standards on the subject. See para. 24.*

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110. What are the living conditions in temporary camps, which were housed in the proprietor's land expropriated by the State in La Loma? (§ 12)

- *See answer 5.*

111. On what date did the Supreme Court of Justice of Atlantis dismiss the petition for a constitutional remedy filed on September 26, 2009 by the La Loma and Chupanky Communities (paragraph 25)?

- *See answer 51.*

112. Following the assimilation policies that resulted in the division of the Rapstan communities, did the State of Atlantis demarcate, delimit, and title the lands of the La Loma and Chupanky Communities (paragraphs 2 and 8)?

- *See answer 60. Most of the members of the La Loma Community hold title to their lots.*

113. How did the State of Atlantis regulate the recruitment of 57% of the members of the Chupanky indigenous community to work at the TW Company; and in this same respect, given the negative impact on fishing, what did the remaining 43% of that Community do for work (paragraphs 19 and 20)?

- *See para. 16. See answers 49 and 107.*

114. Considering that the Representatives of the Victims and the Commission differ with respect to violations occurring in the case and considering also that the Representatives of the Victims are not required to argue in their brief of argument and evidence on the same violations cited in the Admissibility Report and in the Merits Report of the Commission: must the State defend itself against the violations mentioned in the petition of Representatives of the Victims filed with the Commission or against violations found by the Commission in its Report which sends the case to the Court?

- *See answer 9. See the Rules of Procedure of the Court and the Commission. The State should assert its defense as broadly as possible.*