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**Supplementary Document to Clarifying Questions of the Hypothetical Case of the Twenty-Eighth Inter-American Human Rights Competition Elizabeth Abi-Mershed 2023**

*Julia Mendoza et al. vs. State of Mekines*

The Technical Committee of the Inter-American Human Rights Competition Elizabeth Abi-Mershed 2023 (the Committee) appreciates the comments and questions that have been sent by the participating Teams requesting clarification of the chronology of some of the facts of the hypothetical case "*Julia Mendoza et al. vs. State of Mekines*".

The Committee believes that the questions submitted warrant chronological clarifications, including modifications to: (i) the age of one of the victims in the case; (ii) the addition of new dates regarding Mekines' internal judicial process; and (iii) the total duration of the judicial procedure in question. **These modifications have been highlighted in bold in this Supplementary Document.** Similarly, both the Hypothetical Case (HC) and the Clarifying Questions and Answers Document (CQA) have been updated with the relevant changes.

Likewise, this Supplementary Document can be used by Teams as a reference source for the facts in their Memorials and in oral rounds, provided that specific and enumerated sections are mentioned.

The Committee believes that these chronological modifications are merely formal and have been adopted in the spirit that the facts of the HC are coherent, consistent, and reasonable. However, none of these modifications affect the substance of the case or the arguments prepared by the Teams, as established in the section on the *non-impact of chronological modifications on the substance of the case* in this Supplementary Document.

Considering that the deadline for submitting Memorials is March 24, 2023, the Technical Committee has decided to **extend the deadline for the submission of Memorials to Monday, March 27, 2023, at 11:59 PM (ET, Washington D.C. Time)**. This extension is granted to allow Teams to accommodate sections of the narrative of facts and any reference they have to them. **Teams that have already submitted their Memorials may resend them by making the formal adjustments they deem pertinent.**

As a result of the above, pursuant to Rule 1.3 and 7.1 of the Competition Regulations, the Committee, together with the authors of the case, Christina M. Fetterhoff and Carlos Quesada, have agreed to make the following clarifications to both the HC and the CQA



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### Helena's Age

1. Helena was born on November 17, 2012 (CQA No. 27). Helena's decision to perform the Candomblé initiation ritual took place on **December 17, 2020**, when Julia and Tatiana decided to live together (CQA No. 27). **Helena was 8 years old in 2020**. Helena turned 10 years old on November 17, 2022.
2. The following paragraphs of the HC were corrected, changing Helena's age from 10 to 8 years:
  - a) Para. 29
3. The following CQAs were modified, changing Helena's age from 10 to 8 years:
  - a) CQA No. 36

### Chronology of the Internal Judicial Process in Mekines

4. After Helena's initiation ritual in Candomblé on December 17, 2020, Marcos decided to report Julia and Tatiana for mistreating Helena to the Tutelary Council of Children in his region in Mekines (HC. Para. 30). Marcos was unhappy about Julia's relationship with Tatiana. Marcos filed the complaint on **January 03, 2021**, when the Regional Council for the Protection of Children resumed its functions after the Christmas and New Year holidays. The Regional Council for the Protection of Children acted promptly (CH. Para. 31) and filed a complaint for deprivation of liberty and injuries with the Criminal Chamber of the Local Court on **January 13, 2021**.
5. Although the Criminal Court did not find sufficient evidence to admit the complaint filed by the Council for the Protection of Children (CH. Para. 33), the civil court judge issued a decision on **May 5, 2021**, agreeing that custody of Helena should be transferred to Marcos. Julia filed an appeal (CH. Para. 34) on **May 21, 2021**. The second instance judge ruled in favor of Julia (CH. Para. 34) in a judgment issued on **September 11, 2021**. Marcos appealed to the Supreme Court of Justice (CH. Para. 36) on **September 29, 2021**. The Supreme Court of Justice made the final decision of the case at the domestic level on **May 5, 2022**.
6. As a result of the above, the internal judicial process in Mekinés lasted approximately **1 year and 4 months**.
7. Additional dates were added to the following paragraphs of the CH to clarify the chronology of the judicial process from Marcos' complaint following the ritual practiced by Helena to the decision of the Supreme Court of Justice:
  - a) Para. 29
  - b) Para. 30
  - c) Para. 31



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- d) Para. 33
  - e) Para. 34
  - f) Para. 36
8. The following CQAs were modified by correcting the duration of the judicial process, changing it from 1 year and 3 months to **1 year and 4 months**, counted from the complaint filed by Marcos with the Council for the Protection of Children on **January 3, 2021**:
- a) CQA 5

**The name of the Supreme Court of Justice**

9. Some sections of the CH paragraphs and the CQAs refer to the highest court and final instance of Mekínés as the Supreme Court of Justice. Other sections refer to this same judicial instance as the Federal Supreme Court - STF. As Mekínés is a state made up of a multiethnic society (CH. Para. 1), historically the court has had different names **for the same judicial instance**. When the CH and the CQAs refer to the Supreme Court of Justice and the Federal Supreme Court, they refer to the same judicial body.

**The non-impact of chronological modifications on the substance of the case**

10. Considering that children's rights are one of the aspects that form part of the controversy to be discussed in the CH, it is necessary to clarify that the modification of Helena's age from 10 to 8 years old does not affect the substance of the arguments that may have been furthered by the Teams, whether they act for Victims or the State.
11. This is supported by what is established in CQA No. 28, from which it is derived that jurisprudentially, Mekínés has established that from the age of 8, the child's opinion is considered, and from the age of 12, the child has the right to choose. Therefore, **there are three standards: (i) Children under 8 years old; (ii) Children between 8 and 11 years old; and (iii) Children 12 years of age or older.**
12. Therefore, domestically, it is not relevant whether Helena was 10 or 8 years old, since regardless of her age, the protection standard would be the same.