

CLARIFYING QUESTIONS

VCGM 2008

General questions and corrections to the case and the evidence provided.

1. Unless the contrary may be reasonably deducted from the case, the facts have not been proven nor may be considered as forceful evidence. It is the role of the parties to allege veracity or falseness thereof based on the documentary and witness evidences.
2. **Paragraph 30** of the case is corrected so refers to Juan Pole (instead of Benjamín Olarte) as the person witnessing the whole attack on the bridge, whose statement was taken by the Prosecutor afterwards.
3. **Paragraph 34** of the case is corrected so it refers to Juan Polo (instead of Benjamín Olarte) as the witness whose statement was heard by Juan Ramón Domínguez, journalist.
4. **Paragraph 36** of the case was corrected for it to read, in the relevant section: "... (III) the bloody defense offered by the CuPoPJ 100 members for 48 hours in town caused the death of about a dozen civilians who were at home without participating in the hostilities and the destruction of an important part of the town center..."
5. The **title of documentary evidence number 8** was corrected in its relevant section for it to read that the Constitution of the Astral Republic entered into force on July 20th, 1996.
6. The **title of documentary evidence number 11** was corrected in its relevant section for it to read that I Cooperation Agreement between the Astral and Boreal Ministries of Defense with regards to the *joint venture* for the construction of the Almuçera armament plant was executed on January 10, 2000.
7. The **title of documentary evidence number 12** was corrected in its relevant section for it to read that the Human Rights Watch report "Nationalistic Conflicts in the Astral Republic, December 2005" publication date is January 15, 2006 (and March 1st, 2006).
8. The **title of documentary evidence number 13** was corrected in its relevant section for it to indicate that Resolution 002 of the UN Security Council was enacted on April 15, 2006.
9. The **title of documentary evidence number 18** was corrected in its relevant section for it to read that the article "The Boreal State behind the attack of the Astral Army to the Almuçera armament plant at Roncal Valley" written by journalist Juan Ramon Domínguez was published on July 16th, 2006.

10. The **title of documentary evidence number 21** was corrected in its relevant section for it to indicate that the Astral Republic National Defense Council meeting was held on July 30, 2006 (instead of September 15, 2006). Documentary evidence number 21 is corrected accordingly, understanding that the Astral Republic National Defense Council meeting was held on July 30, 2006 (instead of September 15, 2006).
11. The **title of documentary evidence number 23** was corrected in its relevant section for it to read that the article “Gaps in the investigation of the bombing to the bridge over the Roncal River” written by journalist Juan Ramón Domínguez was published on April 1st, 2007.
12. The **title of documentary evidence number 29** was corrected in its relevant section for it to indicate that an arrest warrant was issued against the implicated people by Pre-trial Chamber IV on March 15, 2008.
13. **Witness evidence number 1**, testimony of Juan Ramón Domínguez, was corrected in its relevant section so that the witness date of birth is November 10, 1955.
14. **Paragraph 7 of witness evidence number 1**, testimony of Juan Ramón Domínguez, was corrected in its relevant section for it to indicate that the Almuçera armaments plant was built with the support of the Boreal government as part of the agreement entered with the government of Astral in 2000.
15. **Paragraph 10 witness evidence number 1**, testimony of Juan Ramón Domínguez, was corrected in its relevant section, so that the last line indicates that the Human Rights Watch report “Nationalistic Conflicts in the Astral Republic, December 2005” publication date is January 15, 2006 (instead of March 1st, 2006).
16. **Paragraphs 2 and 3 the witness evidence number 3**, testimony of Diego Fernández Rodríguez, were corrected in their relevant sections referring then to July 16th, 2006 (instead of September 7th, 2006) as the date when the Almuçera armaments plant recovery operation took place.

Clarifying data in response to the questions

The clarifying data provided herein correspond to the questions sent by the teams and should not be considered as a selection of relevant facts. The classification of the fact's relevance is at the team's discretion.

About the States mentioned in the case

17. The State of Epanema ratified the Statute of Rome on July 4th, 2003.

18. All countries mentioned in the case were Member States of the United Nations before the actions described in the case took place. They signed and ratified the documents contained in the International Bill of Rights, as well as the set of United Nations Human Rights Universal Instruments.
19. All States mentioned in the case ratified the Geneva Conventions of 1949 and Additional Protocols before the actions took place.
20. There is no further violence in the Astral Republic, but still tension remains.
21. Out of the countries mentioned in the case, only the Astral Republic and the Republic of Boreal are members of the Atlantic-Pacific Economic Community. Member States of this Community have reached total economic integration.
22. No State has declared that it assumes Article 124 in the Statute of Rome, with regards to the Court's temporary incompetence in connection with war crimes.

With regards to the people and bodies mentioned in the case

23. Astral citizens only bear the Astral Republic nationality.
24. With regards to paragraph 42 (III), Juli refers to the Astral national group of Juli.
25. The international organizations reported violence in the Astral Republic between the different ethnic groups in the country.
26. Luis Martin, Luis Carrillo and Laura Rodriguez are currently imprisoned at CPI in the Netherlands.
27. Luis Carrillo is currently 50 years old, Luis Martin is 55 years old and Laura Rodriguez is 53 years of age.
28. Luis Carrillo and Luis Martin are citizens of Astral. Laura Rodriguez bears Boreal citizenship.
29. The first displacements referred to in the case began in 2005.
30. Almucera's population amounts to 300,000 people, out of which, approximately 175,000 were displaced.
31. The displaced population of the Almucera is still outside its place of origin.

32. The CuPoPJ was created based on the stated in the Astral Republic Constitution.

On the attack to the bridge and la Almuera

33. During the mission of the fighter plane that bombed the bridge on the Roncal River there was no anti-aircraft attack risk.

34. During the attack to Almuera the CuPoPJ was armed.

35. The surrender of the CuPoPJ referred to by witness Joaquin Fernandez Río (refer to paragraph 36 of the case) ends the armed conflict between the two parties in Almuera.

On the national judicial activities

36. With regards to paragraph 42 (III) of the case: The investigation is about the crimes presumably committed by Juli nationals and during the crisis that took place in the Astral Republic as of September 2005.

37. The legal proceedings filed against those responsible for the crimes in Astral were described by the international observers as an action looking to clean the image of the authorities and the lack of compliance with the respect international standards of the process.

38. In connection with the arrest warrants issued against civilians, soldiers and mid-rank officials in the Astral Armed Forces for crimes allegedly committed against Juli nationals in the crisis affecting the country since September 2005, as of this date, there has been no arrest whatsoever.

39. The arrest warrants contain one or some of the following charges: attacks against civil population, attacks against cultural assets, destruction of property, forced displacement, rape and homicide. The arrest warrants were issued for the same crimes on which the arrest warrant issued by the Pre-trial Chamber IV of the ICC is based upon.

40. In connection with the proceedings mentioned in paragraph 45 of the case, the military special jurisdiction is not competent due to the assumed crimes committed by soldiers and mid-ranking officials of the Astral Armed Forces. The arrest warrants have been issued by the State General Prosecutor.

About the International Criminal Court Prosecutor.

41. The ICC Prosecutor initiates an investigation in connection with the crisis in the Astral Republic territory since September 7, 2005. For such

purposes, the International Court General Prosecutor's investigation is conducted where it is necessary.

42. The Prosecutor did not ask for the Pre-trial Chamber IV's approval before starting the investigation activities.

43. Paragraph 44 refers to the answers – if any – provided by the ICC Prosecutor to the remissions and communications received.

About the proceedings undergoing before the International Criminal Court

44. Pre-trial Chamber IV in charge of the case of *Prosecutor vs. Martin, Carrillo and Rodriguez* is not the same Chamber currently dealing with the Central African Republic issue.

45. There has been no opposition with regards to admissibility or jurisdiction whatsoever.

About the evidence

46. The statement provided by witness Joaquín Fernández Río taken by the Prosecutor of the Julian Province described in paragraph 36 of the case is neither enumerated nor contained in the corresponding documentary evidence described in the list of the Prosecutor elements of evidence. However, it is possible to consider that the Public Prosecutor for the Julian Province took statement to this person who declares in compliance with the stated in paragraph 36 of the case witnessed by him/her.

47. Due to the conflict, there is no medical official registry that would document the rape of the assumed victims.

48. The communication referred to in documentary evidence number 15 of the Prosecutor's evidence elements list refers to one radio communication.

49. All witnesses the statements of which are part of section B in the Prosecutor's Evidence Element List voluntarily rendered their statement and after receiving the relevant explanations on the proceedings in Court, although the witnesses did not say explicitly that their statements could be used for the Charges Confirmation Hearing.

50. The witnesses whose statements are part of section B of the Prosecutor's Evidence Elements List were taken by the ICC Prosecutor between October 1st, 2007 and January 30th, 2008.

51. In connection with paragraph 32 of the case: The ICC Prosecutor has access to the film screen where it is possible to observe the reaction time between the appearance of the bus and the impact of the first bomb on the bridge over the Roncal River. This evidence was not disclosed publicly.

About the legal and factual questions to respond

52. Part A, question 3: The special procedural regime to which the Defense can refer to derives from the position occupied by the imputed ones.

53. Part B, question 5: The Defense alleges solely the illegality of the procedures followed to obtain the evidence, but not falsification thereof.

Others

54. With regards to paragraph 14 of the case, General Elections include Presidential Elections.