

QUESTIONS REGARDING THE HYPOTHETICAL CASE 1996

I. INTERNATIONAL LAW

II. DOMESTIC LAW

A. CONTENT OF DO

10. Aside from Article 50, are any other provisions in Marelle Constitution related to emergency situations?

No.

11. What is the precise date that Law 12.466 was passed?

See the answer to question No. 5.

12. What date was Law 12.422 (sic) [12.466] repealed?

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13. On many occasions during this case the term “decree” is used; What governmental entity has the authority to promulgate decrees when the term is not accompanied by the modifier “presidential”?

In this case, the concept “Decree” is equivalent to “Presidential Decree.”

14. If, in terms of par. 22, the First District Court concluded that the actions of the members of the Sixth Battalion were excluded from the jurisdictional purview of the military court, on what jurisdictional basis did the Military Tribunal 5 hold that their respective actions constituted grounds for the disciplinary procedure under the Regulations of the Armed Forces (par. 30)?

The Constitution and Regulations of the Armed Forces establish two types of jurisdiction for Military tribunals. Criminal-penal and disciplinary-administrative.

15. Under the state of emergency decrees against terrorism, how were the procedures on arrest and treatf-administrative.

16. State in full detail any and all circumstances under which the government of Marelle can declare a state of emergency as discussed in Article 50 of the Constitution of Marelle.

Article 50 of the Constitution establishes the circumstances under which the government may declare a state of emergency.

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B. DOMESTIC PETITIONS

21. We request that you send the following documents:

- **Copy of the proceedings against Mr. Roque Amador and others**
- **Copy of the proceedings against Mrs. Sybille Olivera**
- **Copy of the proceedings against the members of the Sixth Battalion**
- **Copy of the proceedings of the appeal put forward by Mrs. Sybille Olivera before the court.**

This information is not necessary to analyze the hypothetical case.

22. Did the circumstance described in paragraph 33 imply the termination of the proceedings against the accused?

No.

23. With respect to paragraph 33, can we assume that the proceedings against those accused of the kidnaping and disappearance of the leaders of “Unidos Actuemos” continued after the 1st of April?

Refer to the answer to question No. 22.

III. FACTS

24. Were the three branches of the Marelle government (especially the legislative and judicial powers) in full exercise of their authority?

Refer to the facts established in the hypothetical case.

25. In reference to the Habeas Corpus claim; did the tribunal make any diligent effort or inquiry in order to determine the whereabouts or place of detention of Mr. Olivera?

The judge in charge of the habeas corpus requested information from several state security agencies.

33. On what date did the fighting referred to in paragraph 9 end? Did the

38. There is a difference between the English and the Spanish versions of the problem. In terms of par. 24 the English version states that Mrs Olivera was arrested on October 24 1994, whereas the Spanish text refers to 4 October 1994 as the date of arrest. We are accepting the Spanish version as the most accurate in the context. We request, furthermore, that we be informed of any other typographical discrepancies.

Correct: the correct date is October 4, 1994, according the Spanish version (an errata was sent previously to all teams). We have not detected other discrepancies between the text in Spanish and the text in English.