

CLARIFICATION QUESTIONS AND ANSWERS

TRANSLATION ISSUES:

1) In paragraph 8, the version in English states that the attacks of July 1 were perpetrated against the embassy of Belor in New Atria. However, the Spanish version indicates that the attacks were perpetrated against the embassy of New Atria in Belor.

RESPONSE: The version in English is correct. The Spanish version should read: “El día de junio de 2001 se produjeron simultáneamente devastadores atentados con bombas a la embajada de Belor en Nuevo Atria y a otras dos embajadas de estados que se consideraban aliados de Belor.”

2) In paragraph 12, the English version states, in the last sentence, that "Belor also indicated that the detainees were not entitled to the protections under the Third or Fourth Geneva Conventions of 1949 but that it would afford the detainees the basic prot However, the Spanish version indicates, in the last line of paragraph 12, the following: "*Señalo también que, si bien los detenidos gozaban de las protecciones de la Tercera y Cuarta Convención de Ginebra de 1949, les conferiría los derechos aplicables en virtud del DERECHO CONSUECUDINARIO INTERNACIONAL EN MATERIA DE DERECHOS HUMANOS*". Therefore, one version refers us to international humanitarian law while the other refers to the international law of human rights.

RESPONSE: The English version is correct, such that the relevant portion of paragraph 12 of the Spanish version should read “*les conferiría los derechos aplicables en virtud del D ERECHO*

CONSUECUDINARIO INTERNACIONAL HUMANITARIO.”

3) (This question has been edited from its original submission.) In the part that refers to the attack on the embassy, the English case refers to “an attack on the embassy of Belor in New Atria”, while the case in Spanish indicates that there had been an attack on the embassy of New Atria in Belor. Additionally, there is a discrepancy in the treatment of a term used in the text of section 1 of Article 32 of the Defense of Freedom Act. In paragraph 18, in the English version, it cites Article 32(1) as follows: “a) Authorizing the Minister to MONITOR, (...)” While in the Spanish version it states as follows: a) “*durante un plazo determinado, a CONTROLAR (...)*” Similarly, paragraph 23 states, in the English version, the following: "On October 20, 2001, the government of Belor brought a motion before the Belor General Court pursuant to section 32 of the Defense of Freedom Act, requesting an order permitting it to MONITOR the financial accounts (...) While the Spanish version, in paragraph 23, states as follows: "*El 20 de octubre de 2001 el gobierno de Belor presento una solicitud ante el Tribunal General del país en virtud del articulo 32 de la Ley de Defensa de la Libertad por la que requería que dictase una orden que le permitiese SUPERVISAR las cuentas (...)*" The reason for our concern is that the terms "monitorear", "supervisar" and "controlar" all imply differing levels of control, and the faculties for which give rise to distinct consequences.

RESPONSE TO FIRST PART: See response to translation clarification 1.

CLARIFICATION QUESTIONS AND ANSWERS

RESPONSE TO SECOND PART: The English term MONITOR should be translated with the Spanish term MONITOREAR, such that the text of section 32 set out in paragraph 18 of the Spanish version should read “a) *durante un plazo determinado, a MONITOREAR las operaciones financieras de la persona física o jurídica individualizada;*” and the pertinent part of paragraph 23 in the Spanish version should read: “*El 20 de octubre de 2001 el gobierno de Belor presento una solicitud ante el Tribunal General del país en virtud del artículo 32 de la Ley de Defensa de la Libertad por la que requería que dictase una orden que le permitiese MONITOREAR las cuentas (...)*”.

CLARIFICATION QUESTIONS AND ANSWERS

17) Do any constitutional remedies exist (habeas corpus, amparo, etc.) for the protection of human rights that can be presented before the special tribunal in the Citadel in favor of the detainees?

RESPONSE: Information available is limited to facts set out in the hypothetical.

18) With regard to the five persons who were released on August 13, 2001, were they freed by virtue of a process before the special tribunal located at the Citadel, through which the innocence of the detainees was established?

RESPONSE: Information available is limited to facts set out in the hypothetical.

19) With regard to the "criminal investigation" of Blanco under Claim 1, are we to assume that "criminal investigation" includes criminal proceedings?

RESPONSE: Information available is limited to facts set out in the hypothetical.

20) Does the domestic legislation of Belor include the death penalty?

RESPONSE: See response to question 4.

21) Apart from the treaties ratified by Belor identified in the case, do other applicable international conventions exist to which Belor is a party?

RESPONSE: Information available is limited to facts set out in the hypothetical.

22) (The original question contained two parts. One part was answered in the translation section above, and the other part is answered here.) Regarding Laura Gray and Robert Suarez, *Rights International* invoked the right to seek and receive asylum under the UN Convention on the Status of Refugees, where the asylum and the Refugee are concepts of a distinct nature.

RESPONSE: Information available is limited to facts set out in the hypothetical.

23) Did the peaceful negotiations between New Atria and Belor result in any type of final declaration of independence?

RESPONSE: Information available is limited to facts set out in the hypothetical.

24) Was the measure of the Defense of Freedom Act approved by the Parliament of Belor issued under a State of Exception? And if so, was this State of Exception (Emergency) formally notified to the OAS?

RESPONSE: The Republic of Belor did not declare a state of exception or em

CLARIFICATION QUESTIONS AND ANSWERS

25) What arguments did the Commission have for ruling out a violation of Article 4 of the Convention?

RESPONSE: Information available is limited to facts set out in the hypothetical.

26) Under what authority or convention did Belor intervene in the armed conflict, days after the attacks (point 10), when on a reading of point 11 it is understood that the agreement with New Atria was later?

RESPONSE: Information available is limited to facts set out in the hypothetical.

27) When the reports of the ICRC are revealed, does their non-publication constitute a violation of the constitutional right to freedom of the press?

RESPONSE: improper question.

28) What are the living conditions of the children and/or juveniles detained at the Citadel with regard to minimum conditions of hygiene and health? What body specialized in the protection of

CLARIFICATION QUESTIONS AND ANSWERS

33) A difference exists between the English and Spanish versions concerning the facts set out in paragraph 25, and therefore it is necessary to clarify the reasons for the detention of Laura Gray and Robert Suarez at the national airport in Kawori.

RESPONSE: Laura Gray and Robert Suarez were arrested upon their arrival at the national airport in Kawori based upon the indictment against them relating to the 1997 hostage-taking.

34) According to paragraph 19, the names of six countries are included in Annex I to the Defense of Freedom Act. What factors were taken into consideration in determining the countries to be included in the list?

RESPONSE: Information available is limited to facts set out in the hypothetical.

35) Did Belor communicate the state of exception (emergency) to the Secretary of the OAS in accordance with Article 27 of the American Convention on Human Rights?

RESPONSE: See response to question 24

36) Do the Scorpions form part of an organized armed group, with an internal military hierarchy i2m1ay o]TJr2

CLARIFICATION QUESTIONS AND ANSWERS

41) In addition to the constitutional actions mentioned in paragraph 29, what are the domestic remedies (legal and constitutional) available in Belor and New Atria for protecting the fundamental guarantees of their inhabitants?

RESPONSE: Information available is limited to facts set out in the hypothetical.

42) The agreement reached between New Atria and Belor authorized Belor to enact, adjudicate and enforce laws for the administration and maintenance of the facility “The Citadel” and its inmates. What other authority was given to Belor in the terms of this agreement and on what date was it signed?

RESPONSE TO FIRST PART: Information available is limited to facts set out in the hypothetical.

RESPONSE TO SECOND PART: New Atria and Belor entered into their agreement on June 10, 2001.

43) What recommendations were made by the Commission in its preliminary merits report of October 5, 2003?

RESPONSE: Information available is limited to facts set out in the hypothetical.

44) Was it necessary to bring the case of Ferris Blanco before the General Court of Belor before proceeding to deport him, or, to the contrary, could the Minister of National Defense of Belor give the order directly?

RESPONSE: Information available is limited to facts set out in the hypothetical.

45) Did Article 32 of the Defense of Freedom Act authorize the Government of Belor to request the General Court of Belor to grant an order to monitor the accounts and financial transactions of each member of the congregation of the Gir Temple, or does this organization possess a juridical personality?

RESPONSE: Information available is limited to facts set out in the hypothetical.

46) When was the agreement signed between New Atria and the State of Belor in which Belor was given the authority to act in the State of New Atria with immunity from civil and criminal process?

RESPONSE: See response to second part of question 42.

47) Was Belor given adequate notice of the charges brought before the Commission so that it would be able to raise its preliminary objections before the Commission?

RESPONSE: Information available is limited to facts set out in the hypothetical.

CLARIFICATION QUESTIONS AND ANSWERS

RESPONSE: Information available is limited to facts set out in the hypothetical.

57) Under paragraph 13, the crime of terrorism is defined. In section (c) of the Terrorism provision, does the language "under an anti-terrorism treaty to which Belor is a party" include the Inter-American Treaty Against Terrorism, which was ratified by Belor after the enactment of the Order setting forth this provision?

RESPONSE: Yes.

58) In paragraph 10 of the case, when it refers to the night following the bombings, does it mean the night of June 1, 2001 or of June 2, 2001?

RESPONSE: June 1, 2001.

59) In Article 3 of the Constitution of Belor, it provides that the right to life exists and will continue to exist at all times. Does this mean that the death penalty has never existed and does not exist at the moment of the facts in Belor?

RESPONSE: See response to question 4.

60) In the two last lines of paragraph 28 when it says that the Supreme Court of Belor dismissed the final appeal from the habeas corpus petition, does this mean that they did not process the remedy for procedural reasons, or that after reviewing it anew it simply decided not to change the decision of the General Court?

RESPONSE: Information available is limited to facts set out in the hypothetical.

61) Does Belor recognize New Atria's status as an occupying force?

RESPONSE: Information available is limited to facts set out in the hypothetical.

62) What are the evidences and the signs that suggest that the bomb attack against the stock market in Haladonia was made by the Scorpions?

RESPONSE: Information available is limited to facts set out in the hypothetical.

63) The bilateral agreement signed between New Atria and the Republic of Belor was made before or after the conflicts in Venzaar?

RESPONSE: See response to second part of question 42.