

Clarifications to the Record
Twentieth Annual Stetson International Environmental
Moot Court Competition
2015–2016

Clarifications regarding international environmental law and international law issues

- Q1. May we contest jurisdiction?
A1. No. The intent of the Special Agreement is to remove the jurisdictional argument.
- Q2. Has either party made an application for arbitration or conciliation or any similar form of dispute settlement prior to appearing before the ICJ?
A2. No. As noted above, however, there should be no argument about jurisdiction.
- Q3. Have Aliya and Rincossi been represented in other UN conferences?
A3. Yes. Both countries have been represented in various other UN conferences; however, the arguments should largely focus on the conferences, documents, conventions, and legal principles that are mentioned in the Record.
- Q4. Has Aliya issued a request for extradition of Ambassador Cusi or the 20 members of Barnum Uritovsky?
A4. No. Aliya has not issued a request for extradition. There is no extradition treaty between Rincossi and Aliya, and the two countries do not accept UNTOC or UNCAC as the legal basis for extradition. Extradition should not be the focus of your arguments.
- Q5. Did the Republic of Rincossi receive or agree to receive assistance from a Wildlife Incident Support Team from the International Consortium on Combating Wildlife Crime?
A5. No.

Clarifications regarding the domestic law of Aliya and Rincossi

- Q6. What is the evidentiary requirement under the domestic law of Rincossi for the initiation of criminal proceedings?
A6. You may assume that the evidentiary requirement for the initiation of criminal proceedings against Cusi and the 20 members of the Barnum Uritovsky would be met by the evidence in this case.
- Q7. What is Rincossi's policy if it does not find it practicable to destroy confiscated ivory?
A7. Rincossi has always found it practicable to destroy confiscated ivory by crushing it.
- Q8. What is the penalty for ivory trade under the Aliyan Ivory Trade Prohibition Act of 1980?
A8. The penalty is the same as a violation of the Aliyan Wildlife Protection Act: a maximum of ten years in prison and a fine.

- Q9. What does “prosecution” in ¶ 22 of the Record signify?
A9. In ¶ 22 of the Record, “prosecution” means a criminal prosecution (the initiation of criminal proceedings).
- Q10. Prior to the 2010 amendments to the Rincossi Flora and Fauna Trafficking Act, were there any prosecutions for illegal ivory trade in Rincossi?
A10. No.

Clarifications regarding elephants and the confiscated ivory

- Q11. When was the Thornon elephant listed as vulnerable on the IUCN Red List of Threatened Species?
A11. 1986.
- Q12. Does Rabab have any species of elephants?
A12. Rabab does not have any species of wild elephants; however, there are some captive elephants in zoos and other similar institutions.
- Q13. In the 1940s, how many Thornon elephants lived in Aliya?
A13. Approximately 100,000.
- Q14. What does Aliya intend to do with the confiscated ivory if it is returned by Rincossi?
A14. The Aliyan Government plans to store the ivory in a secure government facility, and some of the confiscated ivory will be used for educational and cultural purposes.
- Q15. Is Aliya ready to bear the cost of return of the confiscated ivory if Rincossi returns the confiscated Thornon elephant ivory?
A15. In principle, Aliya is willing to bear the cost of return of the confiscated ivory; however, it is Aliya’s position that the cost of the return should be borne by those responsible for the illegal ivory trafficking, including Cusi and the 20 members of the Barnum Uritovsky.
- Q16. Was the illegal ivory that was previously destroyed in Rincossi from Aliya?
A16. Although the origins are not known for certain, it is possible that some of the illegal ivory previously destroyed in Rincossi came from Aliya.
- Q17. Is there any information regarding the amount of illegal ivory traded on the Aliyan underground ivory market and how long it has been active?
A17. No.
- Q18. Are other countries in Rabab involved in the illegal ivory trade? If so, has Aliya taken any measures in this regard?
A18. Yes. Other countries in Rabab are involved in illegal ivory trade, but Rincossi is the main country in Rabab involved in illegal ivory trade. Aliya has also been working with these other countries to address the issue as well.

Clarifications regarding Ambassador Cusi and the Barnum Uritovsky

Q19. What was the content of the written warning issued by Rincossi to Ambassador Cusi and the 20 members of the Barnum Uritovsky?

A19. Among other things, the written warning issued by Rincossi demanded that Cusi and the 20 members of the Barnum Uritovsky immediately and permanently cease all illegal activity, including any activity related to illegal ivory. The written warning further provided that Rincossi would prosecute any future illegal activity by Cusi or the 20 members of the Barnum Uritovsky to the maximum extent provided by law.

Q20. Other than the written warning and the monitoring, has any fine or other form of penalty been levied on Ambassador Cusi or the 20 members of the Barnum Uritovsky?

A20. No.

Q21. Has Ambassador Cusi been removed from her post?

A21. No.

Q22. What are the conditions and nature of the monitoring of Ambassador Cusi and the 20 members of the Barnum Uritovsky?

A22. Rincossi has not disclosed the exact conditions of the monitoring.

Q23. What is the internal structure of the Barnum Uritovsky?

A23. The exact internal structure of the Barnum Uritovsky is unknown, but it is a structured private group with various levels of leadership.

Q24. Is the Barnum Uritovsky under any sort of control by, or performing any governmental function of, the Republic of Rincossi?

A24. No. The Barnum Uritovsky is a private group, although it does regularly receive government contracts for its transporting services.

Q25. Over the course of the three years (¶ 26 of the Record), were there only 20 members of the Barnum Uritovsky who took part in illegal ivory trafficking?

A25. That is all that is known at this time.

Q26. What does it mean that the Barnum Uritovsky is “politically well connected”?

A26. As noted above, the Barnum Uritovsky regularly receives government contracts. The Barnum Uritovsky also regularly makes campaign contributions to the ruling party.

Q27. Is the Barnum Uritovsky engaged in any other transactions (legal) between Aliya and Rincossi for which it uses the transport containers?

A27. Yes. As noted in ¶ 25 of the Record, the Barnum Uritovsky runs a large international transport business. The group also uses the containers to transport legal goods, such as consumer and manufacturing items.

Q28. Is the Barnum Uritovsky engaged in illegal ivory trade from countries other than Aliya?
A28. This information is unknown.

Q29. Who is the confidential informant who revealed the information about the illegal ivory trafficking?
A29. We are not going to disclose the person's identity.

Clarifications regarding general procedural matters and miscellaneous issues

Q30. Are the diplomatic notes in the record aspersions or considered fact?
A30. The facts referenced in the diplomatic notes should be taken as true, but the legal assertions in the diplomatic notes may be debated.

Q31. Can the teams use the Monitoring the Illegal Killing of Elephants (MIKE) tool and the Elephant Trade Information System (ETIS)?
A31. Yes. You may refer to MIKE and ETIS, if you think the information will be relevant in some way.

Q32. Does the Thornon National Park allow the public to enter it?
A32. Yes, park rangers and a few specially approved guides take small groups on guided tours through limited areas of the park.

Q33. What is the nationality of the suspected poachers referred to in ¶ 24 of the Record? Have they been prosecuted by Aliya?
A33. The suspected poachers are nationals of another country in Thorno. They have been arrested and are in prison awaiting trial.