

**Queries & Clarifications:**

**We have recently received queries from teams, who have sought a clarification on the Moot Problem as under:**

- Q1. Whether Delphi is the capital of Moda or of the Democratic Republic of Ionia?
- A1. Delphi is the capital of the Democratic Republic of Ionia and is located within the state of Moda.
- Q2. What is the exact meaning of the term 400 hrs and 600 hrs stated in para 11?
- A2. The meaning of 400 hours and 600 hours is 4:00 am and 6:00 am respectively.
- Q3. What is the Relevance of the phrase "MPR case filed in the United States" mentioned in the document E of the moot problem?
- A3. The phrase in Document E is "MPR case filed in the United Nations." The Kingdom of Ionia was granted independence from the British Empire in 1955 and the Democratic Republic of Ionia was born. Power was handed over to a caretaker government comprising largely of nominated statesmen, selected from the prominent Ionian National Party (INP), which was the largest pro-independence party in state of Moda. The states of Mixolydia and Lydia were given the choice as to either join the newly formed Democratic Republic of Ionia or to form their own sovereign territories. Without conducting any plebiscite, the princely ruler of these conjoined territories signed an agreement with the Democratic Republic of Ionia for temporary unification of the territories with Ionia. Meanwhile, the Mixolydian Partito Popolare (The People's Party of Mixolydia) (MPP), a pro-independence party that was leading the freedom struggle against the Italians in the erstwhile colony of Mixolydia, filed a complaint in the newly formed United Nations asserting the right of the Lydians to self-determination. This complaint remained unresolved. The MPP would go on to later contest domestic elections in Lydia and Mixolydia.
- Q4. What components of Crime360 are being used by the local law enforcement agencies in Europe and the United States of America? (Para-4)
- A4. The prevalent use of artificial intelligence tools by countries in Europe and in the United States of America can be compared to various components of Crime 360 and considered as having originated from related AI/software developers.
- Q5. Specify the voluntary government application mentioned in para 6 of the moot problem and please specify the services that are being provided by these applications?
- A5. *Voluntary government applications* include applications for facial recognition linked airport and railway boarding passes, applications for receiving payments under rural employment guarantee schemes, applications for procuring rations for below poverty line families, applications for registering for health insurance, applications for

vaccinations in public health emergencies, applications for obtaining/renewing government identification cards like passports and driving licenses.

Q6. Clarify the names of the suspects mentioned in document B?

A6. No answer is required.

Q7. Specify the timing of the Pre-recorded telecast and the low graded bombing as mentioned in para 4?

A7. No answer is required.

Q8. What authority or specialization did DW-1 Saara Ahmed have? (Para-19)

A8. Defence Witness No. 1 Saara Ahmed has a Ph.D. in Ionian History, University of Oxford. Her areas of expertise include Ionian History, Post-Colonial Studies, Ethnic Conflict. She has 20+ years of research and publications on Ionia and has published 5 Oxford University Press books on Mixo politics and the history of Mixo radical movements.

Q9. We would like to clarify the approach regarding the arguments for **Issue 2** and **Issue 3**. Should we proceed by arguing **Issue 2** before addressing **Issue 3**? Also, looking from the prosecution's side, ISSUE 2 is about Culpable homicide not amounting to murder and then ISSUE 3 is about conviction under Murder. How can we prove culpable homicide not amounting to murder and murder at the same time. Are both the issues framed correctly?

A9. Issue 2 and Issue 3 may be argued together. Mr. Yaara will seek to have the conviction set aside entirely. The prosecution will seek to have the conviction enhanced (Issue 3) or at the very least sustained (Issue 2).

Q10. What was the judgement of the trial reserved for determination mentioned in para 16?

A10. The question of admissibility of the Crime 360 Report (Document B) was reserved for determination at the stage of final judgement along with all other issues in the case.

Q11. All laws are pari materia to India or just the four mentioned in para no.23. Also, Ionia could be considered India in the present factual matrix in terms of the incidents that took place in India?

A11. Only the four mentioned laws in para 23 are in para materia with the specified laws in India. Other laws can be cited for persuasive value. Ionia is different from India.

Q12. Whether the report of crime 360 comes under the ambit of the Ionian criminal identification act? Also, faceprint is run through which component of crime 360 as mentioned in para 12?

A12. No response required. Refer to the Moot Problem.

Q13. Whether the Crime 360 report is prepared with all three components given in Document A?

A13. Yes.

Q14. Crimeforcaster runs or works on its own or requires human assistance?

A14. The software runs on its own based on all the data points that are available to it.

Q15. What is the meaning and relevance of the #lock-her-up, #get-inked, #Blackfaceisout, #tribalrightsmatters and the flag in the last tweet mentioned in Document G.

A15. This is open to interpretation and it can be argued by either side as to what these hashtags convey.

Q16. What component from Document A is used by other countries like the USA and Europe?

A16. This can be compared to existing AI programs in use in various countries and accordingly considered as components of Document A in operation in those territories.

Q17. The names mentioned in the table given in Document B are the names of the suspects or the apprehended person?

A17. They are names of suspects based on the Crime 360 analytics. Only those mentioned at para 9 are suspects in the case who were apprehended and convicted in the same trial. The five individuals mentioned at para 9 were tried along with Mr. Yaara in the same trial and convicted under Section 61 read with Section 105, Part II and Section 189(4) of the Ionian Penal Code. The sentence awarded to each of them was the same as that of Mr. Yaara Mixol. Their appeals are not being heard in the present hearing.

Q18. What is the division of seats according to the population in Ionia (para 3)?

A18. No response required.

Q19. Is there any information about the agreement with respect to purchase of crime 360 software?

A19. No other information is available.

Q20. The gun found at the time of pointing out memo has any fingerprints or anything?

A20. No further information apart from that contained in the pointing out memo is available.

Q21. What happened with other arrested persons or the suspected persons?

A21. The five individuals mentioned at para 9 were tried along with Mr. Yaara in the same trial and convicted under Section 61 read with Section 105, Part II and Section 189(4) of the Ionian Penal Code. The sentence awarded to each of them was the same as that of Mr. Yaara Mixol. Their appeals are not being heard in the present hearing.

- Q22. Whether the computer and phone seized from Mr. Yaara Mixol's house on 05.06.2024 were security/ password protected? If yes, whether he consented to disclosing the security/ password?
- A22. Mr. Yaara Mixol used a facial recognition linked password on his devices. The police used this feature to unlock the devices in furtherance of the order passed by the Magistrate at para 12.
- Q23. Since the new Criminal Codes do not have a retrospective effect and the incident of the shooting happened on 4 June 2024, will the old Criminal Codes apply?
- A23. Retrospectivity of the New Criminal Codes is not an issue in the present case. It can be considered that the New Criminal Codes apply retrospectively.
- Q24. Are we permitted to dispute the trial proceedings and annexures?
- A24. Yes, since this is a first appeal all issues of law and fact are available.
- Q25. Can the order of the issues be changed?
- A25. Yes.
- Q26. Can we draft Issue 3 before Issue 2 in our memorials or does it have to be in sequence as per the moot problem?
- A26. It does not need to be in sequence.
- Q27. Is the case being appealed directly to the High Court because of the nature of the offense, or are there other factors affecting the jurisdiction? Also, there's no mention of an appeal number, can it be clarified if there is any?
- A27. It may be considered that the first appeal in the present case lies directly in the High Court. The maintainability of the appeal is not an issue. The cases are to be heard under Criminal Appeal No. 532 of 2024 which is the appeal filed by Mr. Yaara Mixol. All issues are framed in this appeal, in which the State is a Respondent.
- Q28. What is Yaara Mixol's defense stance regarding the rest of the conviction? The proposition only mentions an objection to the admissibility of the Crime360 report and does not elaborate on other charges. Does the defense completely deny these charges or Yaara's presence at the site, or is there a different stance being taken?
- A28. All other defences are available in the facts and circumstances of the case.
- Q29. The fourth issue concerns the conviction under section 189(4). Could you please clarify whether the trial for the other five individuals apprehended is ongoing separately, or have they been discharged from their liabilities? If they were discharged, how can a case for unlawful assembly be established against a single person?

- A29. The five individuals mentioned at para 9 were tried along with Mr. Yaara in the same trial and convicted under Section 61 read with Section 105, Part II and Section 189(4) of the Ionian Penal Code. The sentence awarded to each of them was the same as that of Mr. Yaara Mixol. Their appeals are not being heard in the present hearing.
- Q30. The acts mentioned in the proposition are referred to as IPC, CrPC, and Evidence Act in para materia to BNS, BNSS, and BSA, respectively. Will it be correct to address the provisions of law as BNS, BNSS, and BSA instead of mentioning IPC, CrPC, and the Evidence Act?
- A30. Yes.
- Q31. Whether the Accused, Yaara Mixol has been convicted and punished under the 1st or the 2nd part of Section 105?
- A31. Mr. Yaara Mixol was convicted under Part II of Section 105, “if the act is done with the knowledge that it is likely to cause death, but without any intention to cause death, or to cause such bodily injury as is likely to cause death.”
- Q32. Has Yaara Mixol approached the High Court of Moda under Criminal Writ or Normal Appeal?
- A32. This is a first appeal.
- Q33. Whether the investigation agency had the access to the Data Sets and Source Code pertaining to 'Crime 360'?
- A33. No.
- Q34. Clarify whether the Ionian Criminal Identification Act is para materia with Indian Criminal Identification Act.
- A34. No. Only those provisions that are contained in the Ionian Criminal Identification Act as specified in the Moot Problem are in force.
- Q35. What was they cause of death mentioned in the medical records of the deceased commando.
- A35. Blunt force trauma to the head along with blood accumulation in the thoracic cavity due to chest injuries, asphyxia and rib injuries was the cause of death. The post mortem also records other injuries including that (1) a pellet was lodged in the right eye causing complete loss of vision, (2) severe bleeding from the injured eye; (3) subdural haematoma from the internal bleeding in the eye, and a cracked skull.
- Q36. What was the distance between the pellets point of origin and the stage.
- A36. The distance from which the gun was shot was stated to be approximately 50 feet away from the stage by the Investigation Officer.

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- Q37. What work did Yaara exactly do for poor mixolydian forest dwellers and fisherfolk.
- A37. No response required. Refer to the Moot Problem.
- Q38. Was Yaara's social media account private or public.
- A38. Public.
- Q39. The section 63 certificate (see para 15) was presented pertaining to which evidence.
- A39. To the Crime 360 Report itself.
- Q40. What was the HASH value stated in the section 63 certificate.
- A40. No response required. Refer to the Moot Problem.
- Q41. Was any co-accused tried along with Yaara in the same trial.
- A41. The five individuals mentioned at para 9 were tried along with Mr. Yaara in the same trial and convicted under Section 61 read with Section 105, Part II and Section 189(4) of the Ionian Penal Code. The sentence awarded to each of them was the same as that of Mr. Yaara Mixol. Their appeals are not being heard in the present hearing.
- Q42. When was report no 67/2024 (see para 9) registered against the five individuals that were apprehended.
- A42. At 8 pm on the date of the incident, that is 04 June 2024.
- Q43. Did Yaara give his consent to the updated terms and conditions (see para 6) of any of the application.
- A43. Mr. Yaara is a DigiTravel user. No further response required. Refer to the Moot Problem.
- Q44. Para 3 of document B titled as 'CRIME 360 ANALYTICS RESULTS' states that "Mr. Yaara's geolocation shows him at the site of the event as soon as the alerts kicked in." How was his geological location traced.
- A44. No response required. Refer to the Moot Problem.
- Q45. Are all the other laws that are for time being in force in The Democratic Republic of Ionia except The Ionian Criminal Identification Act, 2024 and apart from the laws mentioned in para 23 of the moot proposition, also in para materia with the laws in force in The Republic of India.
- A45. No, only those laws stated at para 23.
- Q46. If the state would argue in issue 2 that pertains to conviction under section 102 as good in law and then the same would be contented for section 103, then would it not be contradictory? Can both the parties contend against the same issue?

Moreover, since it is a counter appeal, the roles as appellant and respondent would change, or the counter appeal is made under Yaara's appeal leading to no change in the party's role?

- A46. Since this is being argued under Mr. Yaara's appeal, the roles will not change. The order of arguments relating to conviction under Section 103, Part I or 105, Part II can be decided by the arguing counsel so that no contradictory arguments are made.