

**Queries & Clarifications:**

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

- Q1. If there is any constitution of the court which determines the applicable law, ...
- A1. Page 2 Paragraph 4 of the problem states that "*Kret's common law system is based upon the Common Law Legal System and its judiciary follows American, English and other commonwealth precedents including on procedural law.*". This is an international moot court competition and no single legal system will apply. Participants are encouraged to use leading precedents from all across the world.
- Q2. Could you kindly confirm if the laws of Kret are *pari materia* with the laws of India?
- A2. No.
- Q3. Seeking clarification about the marking scheme for **different components** of the memorial.
- A3. Please refer to Rule No. 18 of the 20<sup>th</sup> K.K. Luthra Memorial Moot Court, 2024, which is self-explanatory.
- Q4. The said writ Petition is filed in the Supreme Court or High Court of Kret?
- A4. It is filed in the Superior Court.
- Q5. The case laws referred by us should be from which nations or should be restricted to India?
- A5. American, English and commonwealth countries.
- Q6. Will you be providing us with a supplementary chargesheet or any other documents?
- A6. No.
- Q7. Are there any alterations in the said moot proposition which we need to be aware of?
- A7. No.
- Q8. Can we add any additional issues?
- A8. Please read the Competition Rules carefully.

- Q9. Can we carry any additional documents (Judgement Copies) to present during the argument?
- A9. The participants can carry for their own reference anything they want.
- Q10. Can we cite Law Commission Reports and Published Articles (Verified)?
- A10. Participants may cite anything they deem fit.
- Q11. The nationality of Mr. Steve Pladimun (guard) mentioned as a witness at Pg. 16 (Arrest note) of the prop. Whether he is from kret or Ferwwa?
- A11. Kret
- Q12. **Availability of CCTV Footage:** Are there any CCTV cameras on the premises where the incident took place? If so, is the footage recorded? We would appreciate if we could obtain access to this footage to aid in our fact-finding process and presentation.
- A12. There are no additional facts to the problem.
- Q13. **Forensics Report:** Is there a forensics report available pertaining to the case? Access to this report would significantly contribute to our understanding of the evidence and help us build a stronger case.
- A13. There are no additional facts to the problem
- Q14. **Independent Eye Witnesses:** Are there any independent eye witnesses to the incident? If yes, we would like to know their availability for potential cross-examination during the moot court proceedings.
- A14. There are no additional facts to the problem.
- Q15. It has been mentioned at para. 10, pg. 03 that the both the countries namely, Kret and Frewwa has signed the Vienna Convention of Diplomatic Relations 1961 and Vienna Convention of Consular Relations 1963. The query is **whether it could be assumed that the both have also ratified the convention in their respective territory?**
- A15. Yes
- Q16. Is Mr. JJ crook in the authority of personal body guard consider to be hired by the sending state Ferrwa?
- A16. There are no additional facts to the moot problem.

Q17. Can new issues or any sub issue be introduced?

A17. Please read the Competition Rules carefully.

Q18. Clarify about the jurisdiction where the petition is filed. Which statutory provision should be relied? As no Constitutional provision of Kret has been given with respect to filing of petition.

A18. Participant are expected to rely upon the moot problem as it is and no clarification is required.

Q19. Laws in reference to which Nations specifically?

A19. *Kret's common law system is based upon the Common Law Legal System and its judiciary follows American, English and other commonwealth precedents including on procedural law.*

Q20. Do we have to follow only the KPC provisions given in Police Investigation Report?

A20. Yes.

Q21. Is there any reference to A.I. laws as well?

A21. No.

Q22. Is the Diplomatic Enclave Police Station and Emerald City Police Station the same or different?

A22. Yes, it is the same. Where ever Emerald City Police Station has been referred to it must be read as Diplomatic Enclave Police Station.

Q23. Explanation to the last two lines of page 22(confession of Mr. JJ Crook)!

A23. There is no explanation for the same.

Q24. Purpose of giving map?

A24. It is a part of the investigation report.

Q25. Since Kret is following Westminster Style Parliamentary Government, hence does this means it follows the laws and rules as is followed in Germany?

A25. *Kret's common law system is based upon the Common Law Legal System and its judiciary follows American, English and other commonwealth precedents including on procedural law.*

Q26. What were the telephonic conversation between ambassador and King Hassan? (If that could be clarified for the purpose of interpretation of doubts).

A26. There are no additional facts to the moot problem.

Q27. Seeking clarification regarding the following:

On page 12 para 12, the date DI and forensic team visited the parking lot is said to be 25/12/2023 where as in page no. 24 as well as 23 the same event is said to have taken place on 24/12/2023. Was this a typing error. or was it on purpose?

A27. There are no additional facts to the moot problem.

Q28. What's the position in Indian police service equivalent to Detective Inspector?

A28. There are no additional facts to the moot problem.

Q29. Can we know the time when Voshra called Ambassador and the time Mrs.Wats arrived embassy?

A29. There are no additional facts to the moot problem.

Q30. In Result of the investigation para 12 page no. 12 It was stated On **25.12.2023**, the D.I. with the aid and assistance of a forensic team went to the spot disclosed by Mr. J. J. Crook. But in the site plan in page 23 as well as in cum seizure memo in page 24 is dated **24.12.2023**. Kindly notify the proper dates.

A30. There are no additional facts to the moot problem.

Q31. In page 12 and para 12 it was stated that there was **nothing left of the body except half a skull and some teeth** which were seized and sent for forensic analysis but in cum seizure memo in page 24 included **Few bones**. Kindly notify the exact discoveries.

A31. There are no additional facts to the moot problem.

Q32. Whether the forensic analysis report is available?

A32. There are no additional facts to the moot problem.

Q33. Have the treaties of the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations been ratified, or do they require ratification to be enforced?

A33. They have been ratified.

Q34. Besides the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations, which other treaties are Kret and Ferrwa parties to?

A34. There are no additional facts to the moot problem.

Q35. Is Kret a member of the European Union?

A35. There are no additional facts to the moot problem.

Q36. Is J. J. Crook exclusively a national of Kret, or does he hold any other nationality, particularly Ferrwan?

A36. There are no additional facts to the moot problem.

Q37. Is J.J. Crook officially designated as a 'member of the diplomatic staff,' and if so, was his appointment made with the express consent of the state?

A37. There are no additional facts to the moot problem.

Q38. Are there any additional documents, such as a search cum seizure report, submitted to the Court beyond those already provided?

A38. There are no additional facts to the moot problem.

Q39. The Moot problem is structured in a format similar to Trial Advocacy. Should the participants prepare with an opening and closing statement, witnesses, cross and chief examination questions as in a Trial Advocacy competition, since there are statement of witnesses and other such information provided that is not generally seen in a Moot Problem?

Kindly clarify.

A39. Only prepare for arguments as mentioned in the moot problem.

Q40. Are the criminal provisions outlined in the moot problem **pari materia** to the provisions of the Indian Penal Code (IPC)?

- A40. No. Criminal provisions of the Kretan Penal Code (KPC) will apply.
- Q41. Regarding Page 2, Paragraph 4 of the Moot Proposition, does the term "precedent" in this context exclusively refer to judicial precedents, or is it open to interpretation?
- A41. Judicial precedent only.
- Q42. There is no mention of statement of jurisdiction, so do we have to make a statement of jurisdiction for the same?
- A42. As a participant you are free to raise any issue during your pleadings and arguments. There is no mandate to make any statement.
- Q43. As our team prepares for the competition, we would like to confirm the specific roles assigned to each side. Could you kindly provide information on which side has been designated as the appellant and which side as the respondent? This clarification would greatly assist us in preparing our case and arguments accordingly.
- Query is that where the appellant side is the state which shall include D.I. and the defence side is JJ Crooke and otrs. or it's the other way around.
- A43. No clarification is required. Participants are expected to rely upon the moot problem.
- Q44. Date of crime stated in page number 10 is whether according to date of occurrence of crime or when complaint registered or when the crime report is registered?
- A44. Please read the documents carefully. There are no additional facts.
- Q45. Whether the list of documents/evidences have been filed along with the application for remand in the magistrate court?
- A45. There are no additional facts.
- Q46. Whether mr.jj crook is still in the custody/ remand till the date of hearing (19-01-2024) in the supreme court of kret?
- A46. Yes.
- Q47. Should maintainability of the petition be challenged?
- A47. Participants may take any argument both written or oral as per the rules of the moot court.

Q48. What are we supposed to write in the Statement of Jurisdiction part (Writ jurisdiction under which provision/article) in the Memorial as Kret's laws are not para-materia with any other country's law?

A48. No clarification is required.

Q49. In an earlier clarification it was said that both the countries have ratified VCDR as well. But has kret specifically Incorporated VCDR into its domestic law?

A49. No clarification is required.

Q50. Whether both procedural and substantive law are applicable to the facts or problem presented in the moot court case? A clear delineation of the scope of the applicable legal framework would significantly contribute to our comprehensive analysis of the case.

A50. No clarification is required.

Q51. The mention of the remains of the deceased Mrs. Wats prompts the need for clarification regarding the supporting evidence for this detail. Could you please provide information on whether there is any verifiable proof or forensic report substantiating this particular aspect? Alternatively, kindly specify if this information is considered as established fact within the context of the moot problem.

A51. No clarification is required.

Q52. Considering the hypothetical nature of the case, is it permissible to introduce assumptions or elements related to the procedural and substantive law that are not explicitly outlined in the problem statement?

A52. No clarification is required.

Q53. In relation to the issue of immunity, it is imperative to ascertain whether any formal notifications were dispatched from Ferrwan to Kret regarding the grant of immunity. Please provide specific details regarding any official communications exchanged between the respective states, as this information serves as a crucial determinant in assessing the validity of the immunity claim.

A53. No clarification is required.

Q54. Could you kindly specify whether the constitution of Kret incorporates provisions pertaining to the Fundamental Rights of its citizens? If so, I would greatly appreciate clarification on the origins and inspirations behind the constitutional provisions, including any references to the constitutions of other countries, if applicable.

A54. No clarification is required.

Q55. Has Kret ratified the optional protocols of the Vienna Conventions on Diplomatic Relations (1961) and the Vienna Conventions on Consular Relations (1963)?

A55. No clarification is required.

Q56. The moot problem requires the counsels to consider the judiciary of Kret to be following the American system. However, it is quite uncertain as to how a federal country's laws should be utilized. Any specifications on that?

A56. No clarification is required.

Q57. How far was the parking lot of Emerald City Mall from the embassy?

A57. No clarification is required.

Q58. It is mentioned that Ms. Prich Voshra was camped outside the embassy and she "saw everything that was happening". Does that mean that she becomes a direct eye witness?

A58. No clarification is required.

Q59. It is mentioned that the Judiciary follows the American, English and other commonwealth precedents including on procedural law. However, the Kretan Penal Code sections are akin to the Indian Penal Code. Can we presume that no legal instrument of India applies to Kret? (Specifically the Law of Evidence and the Criminal Procedure, is it the American that we need to follow?)

A59. No clarification is required.

Q60. According to one of the clarifications that has been already made, if there is no single legal system that applies, how do we prevent the clashes of provisions between multiple legal systems?

A60. No clarification is required.

Q61. Under which law is the Superior Court of Kret given power?

A61. No clarification is required.

Q62. In Kret, what is the original court jurisdiction for the accused to file the petition in the first instance?

A62. No clarification is required.

Q63. According to the arrest note, if the security guard (Mr. Steve Pladimun) is a witness, what was his observation?

A63. No clarification is required.

Q64. Can we change the structure of the arguments or are we supposed to stick with the grounds given in page 29?

A64. Participants refer to Rule No. 17 of the Competition.

Q65. Is the Superior Court of Kret the highest court in the country?

A65. No clarification is required.

Q66. Whether there will be any plagiarism check of both the memorial or not?

A66. Participants are expected to maintain highest level of standards while participating in the moot.

Q67. "In fact sheet there is no mention of Mr. Crook's nationality so whether he was a national of kret or not and does the concept of dual citizenship apply to the same case?"

A67. No clarification is required.

Q68. Has warrant been issued for search and seizure and arrest?

A68. No clarification is required.