

II Inter-American Human Rights Moot Court Competition

QUESTIONS and ANSWERS

Questions relating to international treaties

1.

-The facts state that Pacifica has been a party to the U.N. Convention on the Elimination of All Forms of Discrimination Against Women on June 11, 1991. Has Pacifica ratified this Convention? If so, when?

Answer: See Convention for ratification procedure.

2.

-Is Pacifica a party to or has it ratified the Vienna Convention on the Law of Treaties? If so, when?

Answer: Yes, on March 20, 1980.

3.

-Besides the articles already mentioned in the facts, can we allege the violation of other articles of the American Convention on Human Rights?

Answer: Yes.

Questions relating to crimes committed, police investigations, and judicial proceedings

4.

-Did Teresa Salieri or any other individuals who received anonymous phone calls during February and March of 1994 report these calls to the local police or any other government authority?

Answer: Teresa Salieri and other individuals informed the local police of these calls in connection with the April 4, 1994 break in.

5.

-What specific investigatory measures were taken by the police in response to the break-in of April 4, 1994 and when were they initiated?

Answer: On April 5, 1994 the police questioned potential witnesses in the area of the office and dusted the office for fingerprints.

6.

- Did the police actually patrol the area on a regular basis after the break-in?

Answer: Yes

7.

-Was Victor Huff the object of any police investigations?

Answer: Huff was questioned as to whether he could account for the whereabouts of all of his bodyguards on the morning in question. Huff told the police that he could not.

8.

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-Was Cecilia Herold examined immediately after the rape by a medical doctor who was not from a State-certified medical facility?

Answer: Yes, she was examined by a private doctor very soon after the rape, but the court rejected the doctor's report when it was offered as evidence at trial.

9.

- If the aggressors fled upon the arrival of the colleagues, were they or were they not eye-witnesses to the attack and rape? And, if so, were they or were they not called to testify?

Answer: They did not witness the attack or the rape. These colleagues were called to testify at the trial.

10.

-Date on which two of Cecilia Herold's attackers were tried and sentenced -regarding the facts of May 14, 1994.

Answer: Cecilia Harold's two attackers-regarding the events of May 15, 1994- were sentenced on February 20, 1995.

11.

-When was the Aother body guard,@ who was sentenced to 18 months, convicted and sentenced?

Answer: Idem #9.

12.

-Date of the sentences of the men convicted of the assault.

Answer: Idem #9.

13.

-On what dates were Victor Huff's bodyguards sentenced?

Answer: Idem #9.

14.

-At what stage are the civil proceedings initiated by Teresa Salieri, María Gomez-Clark and Cecilia Herold against the *Primer Banco Provincial de Concordia*,@ because it is not clear in the hypo? (A...their case remains pending and has yet to be called for trial@)

Answer: The case remains pending at the discovery stage.

15.

-How many hours after the rape was Cecilia Harold examined by the designated doctor?

Answer: Ms. Harold was examined on the afternoon of May 15, 1994, approximately 32 hours after the alleged rape.

16.

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Answer: See the facts of the case.

24.

-Has it been proven that the bank refused loan applications between March and the elections? If so, were the applicants given written explanations for the rejection of their applications?

Answer: Not relevant.

25.

- Is there an effective remedy in the laws of Pacifica, such as Habeas Corpus or any other special remedies that could be used to protect fundamental rights?

Answer: The victims in this case availed themselves of the judicial remedies provided by law that correspond to the claims raised.

26.