

**Clarification Questions about the Twenty-Fourth
Inter-American Human Rights Moot Court Competition
of the Academy on Human Rights and Humanitarian Law**

- 1. Did Arcadia have any involvement in the establishment of the camps referred to in paragraph 15 of the hypothetical case?**

No, Arcadia was not involved in the establishment of the camps that were set up in the United States of Tlaxcochitlán.

- 2.**

8.

enforcement of an expulsion order and, on an exceptional basis, when the person is deemed to pose or may pose a threat to public safety.

2. Detention will only occur after the administrative authority has examined its appropriateness and proportionality in the specific case.

3. This provision shall apply to persons in circumstances covered by article 30 of the Law on Refugees and Complementary Protection.

12. Did the group of 808 persons excluded from recognition of refugee status include persons under 18 years of age?

Please refer to the answer to question number 21.

13. In the decision ordering the deportation of 808 migrants from Puerto Waira, did the authorities take account of possible family separation and the best interests of the children involved? Td[su3-11ob81.3(m)]

During their detention, the Wairans had access to food, health services, education, and a variety of recreational activities. They were able to receive visits from family members, friends, and their legal representatives, as well as to communicate with them by telephone.

19. Would extortion be considered a serious non-political crime under Arcadian law?

Please refer to the answer to question 36.

20. Is detention for merely having a criminal record permitted under Arcadian law?

Please refer to the answer to question number 17.

- 35. What steps did Arcadia take to ensure that Tlaxcochitlán would not return the 808 deportees to Puerto Waira? In the context of these steps, is there a history of returning migrants between Arcadia and Tlaxcochitlán, similar to the situation mentioned in paragraph 27 of the hypothetical case?**

Please refer to paragraph 27 of the facts of the case.

- 36. What are the legal criteria for classifying as “very serious” the non-political offenses covered by section 40 of the Law on Refugees and Complementary Protection of Arcadia, and what is the rationale in this specific case for linking such offenses to Arcadia’s national security? If there are any regulatory provisions defining them, please describe their content as was done for paragraphs 11, 12, and 13 of the case.**

The Law on Refugees and Complementary Protection refers to the Convention relating to the Status of Refugees for the application of the exclusion clauses.

- 37. What recommendations did the IACHR make to the State of Arcadia?**

Please refer to paragraph 27 of the facts of the case.

- 38. Can we assume that all persons with criminal records who were deported from Arcadia had already been convicted in their home countries? If not, what are the reasons for this?**

already been convicted in their home countries? If not, what are the reasons for this?

Please refer to paragraph 27 of the facts of the case.

43. How many people from Puerto Waira were recognized as refugees in Arcadia between 2012 and 2015?

Since the mid-2000s, there has been a gradual increase in the number of asylum seekers and refugees. However, from 2012 onward, the number of asylum seekers and refugees began to climb significantly.

tlinb98(t)-2.4(t)-2.at

particularly regarding the possibility of requesting free legal assistance and contacting their consulate, if they so wished. It was also explained to them that they had a number of remedies available to challenge their detention and the outcome of their asylum proceedings, if unfavorable. At the time of their arrest, they were immediately brought before the administrative authority and transferred to the places where they remained in custody.

- 51. With reference to paragraph 27, what are the details of the agreement between Arcadia and the United States of Tlaxcochitlan in particular whether the agreement contained provisions on whether those deported to Tlaxcochitlan could in turn be deported to Puerto Waira.**

Please refer to paragraph 27 of the facts of the case.

- 52. Paragraph 27 of the facts of the case states that the Ministers of Foreign Affairs and the Interior of Arcadia and the United States of Tlaxcochitlan signed an agreement. What were the (specific) obligations assumed by each of the parties with regard to the movement of the Wairans to United States territory, as well as the international protection that should be afforded to them?**

Please refer to paragraph 27 of the facts of the case.

- 53. According to paragraph 15 of the facts, “about 7000 people”**

Please refer to the answer to question number 2.

59. What are serious crimes in terms of section 40 of the Law on Refugees and Complementary Protection?

Please refer to the answer to question 36.

60. Was Gonzalo Belano part of the first or second group deported to Tlaxcochitlan?

Please refer to the answer to question number 22.

61. With respect to the 217 persons mentioned in paragraph 28: Did they use or could they have used any form of State legal assistance?

Please refer to the answer to question number 24.

62. With respect to the 217 persons mentioned in paragraph 28: Is there any effective remedy that they could have used to challenge the denial of the motion for reconsideration?

Please refer to the answer to question number 10.

63. With respect to the 808 returnees: Did Arcadia warn the authorities in Puerto Waira of the risk they were exposed to upon returning to their country of origin, and/or did it take any action to guarantee and/or safeguard the rights of these individuals?

Please refer to paragraph 27 of the facts of the case.

64. Were there children among the extradited Wairans? If so, what specific legal assistance was provided to them while in custody?

No, please refer to the answer to question number 21.

65. As a sovereign State, is Puerto Waira a member of the Organization of American States, and has it accepted the jurisdiction of the Inter-American Court of Human Rights? If so, when was the ratification instrument deposited with the General Secretariat?

Yes, it accepted the jurisdiction of the Inter-American Court, and the ratification instrument was deposited in 1971.

66. Did Puerto Waira sign any deportation treaty with the United States of Tlaxcochitlán?

Only the agreement established in paragraph 27. It is important to mention that during the meetings held with the United States of Tlaxcochitlán Arcadia asked that people not be deported because of the danger they faced. In addition, Arcadia only made half of the payment promised at the beginning of

