

2012 INTERNATIONAL ROUNDS IN OXFORD

CLARIFICATIONS

Question 1: Regarding paragraph 2 and paragraph 6: The settlers' claim being oppressed by the indigenous population and not being effectively represented in the national parliament. Dating back to the minority's settlement on the island, have this group's rights been guaranteed or acknowledged by the majority of indigenous people? Did this group have really any representation at the national parliament?

Answer: The rights of the minority group have not been acknowledged and they have no effective representation in the national parliament.

Question 2: Regarding paragraph 11, case (c): What is the meaning attached to the term "filter"? Is it referring only to gathering and preserving names and identification data? Or is it referring to personal data or even recording calls?

Answer: Providers must use a technical filter to prevent access to proscribed content. The technological parameters and specific content proscribed is not available.

Question 3: What are the standards for the issuance of the "license" referred to paragraph 16 a., mainly whether there ensues a application review process or there is immediate issuance upon application (whether the 'license' constitutes a permit or a registration system)?

Answer: There is an application review process before the issuance of the license. The standards are not a part of the problem

Question 4: Is it possible to argue that the filtering requirement referred to in paragraph 12 c. violates the international norms although it was not mentioned in the applicant's allegations stated in paragraph 16? If so, please clarify whether filtering means that information or content is filtered after it has been posted online or before (please clarify the exact definition of filtering).

Answer: Providers must use a technical filter to prevent access to proscribed content. The technological parameters and specific content proscribed is not available. The information is filtered in a manner that prevents access in Garonesia.

Question 5: Please clarify the exact definition of internet service providers as referred to in paragraph 12 c., whether it includes internet content providers as referred to in paragraph 12 a. (such as Google), and the exact definition of telecommunication providers as referred to in paragraph 12 d., whether it includes mobile phone providers, internet service providers and broadcasters as referred to in paragraph 16.

Answer: Internet Service Providers includes Internet Content Providers. Telecommunication Providers includes mobile phone providers, internet service providers and broadcasters.

Question 6: Provided the entity seeking an Internet Content Licence completely and properly fills in the Application Form, does it automatically obtain the Licence, or the Government decides whether to issue the Licence on the basis of the information provided in the Application Form?

Answer: The government decides the issuance of license on the basis of the information provided in the application form. This is done on a case by case basis.

Question 7: There are discrepancies between the content of the executive order under d. (“all telecommunications service providers must locate their servers within the territory of Garunesia and provide the Government with the encryption code to access all communications.”) and applicant’s allegations under c. (“the law imposes a requirement that all telecommunication providers and internet service providers locate their physical hardware in Garunesia and provide the Government with the encryption codes they use to secure the data.”). Which formulation should govern us in writing our Memoranda?

Answer: The discrepancy is only with respect to the words chosen. The substantive limitations are the same.

Question 8: Who decides on the interception of communications by using encryption codes – the Government or competent court upon request of the Government?

Answer: The matter is decided upon by the government.

Question 9: Is Universal Declaration of Human Rights regarded as legally binding upon state of Garunesia? **Answer:** The Universal Declaration of Human Rights is legally binding upon the state of Garunesia.

Question 10: Is applicant also challenging filtering obligation imposed by Digital Media and Protection of Public Safety Act or only obligation to obtain a license (as stated in para. 16)?

Answer: If this falls within the framework for arguments (para. 18) than the applicant can challenge it.

Question 11: Are measures imposed by Maintenance of Internal Security Act (and act itself) being challenged in Universal Court of Human Rights?

Answer: If this falls within the framework of arguments (para. 18) than it may be challenged.

Question 12: What’s the exact function of “encryption codes” in the 3rd pleading in Para. 16, “provide the government with encryption codes they use to secure the data”?

Answer: The encryption codes are used by service providers to encrypt data and voice traffic. The government’s access to the codes allows it to decrypt this data.

Question 13: Does it mean that domestic remedies were not exhausted for News Garunesia in pursuit of uplifting the injunction against the dissemination of images? Because Para. 17 states that News Garunesia was challenging the Government’s ban and the injunction issued by District Court XII against the dissemination of images recorded. All cases have been brought before the Universal Court of Human Rights.

Answer: The meaning can be understood by a bare reading of the problem. Avoid raising procedural arguments like exhaustion of domestic remedies and answer the main substantive issues.

Question 14:

Does the word “ address” in the application form refer to a permanent residential place, or simply to a place where a person stays for some time such as holidays (hotel), or a place where a post can reach (mail box) ?

Answer:

It refers to the permanent residential address.