

Inter-American Human Rights Moot Court 2008
Hypothetical Case: Arizmendi et al. v. Chuqui

Clarification Questions & Answers – ENGLISH

- 1) Paragraph 8 requires further clarification due to the fact that the emitter and recipient of the report are the same (in Spanish).
 - a) General clarification: Due to a typographical error, paragraphs 8 and 9 of the Spanish version of the hypothetical case should read as follows (please note the English version remains the same):
 8. El 1 de junio de 2000 el Ministro de Salud remitió el informe al Ministro del Medio Ambiente solicitándole que se tomen las medidas pertinentes a fin de determinar el origen de la contaminación con mercurio que ha causado las muertes y afectado la salud de las personas que se indican en la misiva.
 9. El 11 de junio de 2000 el Ministro del Medio Ambiente solicitó al Inspector Ambiental del Ministerio que iniciara las investigaciones correspondientes a fin de determinar el origen de la contaminación con mercurio y otros químicos, indicada en el informe Técnico del Ministerio de Salud y le formulara las recomendaciones pertinentes.
- 2) The administrative investigation indicates that the company was ordered to shut down immediately. As stated in paragraph 16, the Minister agreed to suspend the order while conducting a two-month investigation, during which time the company did not produce additional waste. I would like to know if the state of Chuqui imposed any responsibility on the company, Androwita SA, other than that mentioned in the investigation, and independent from the actions of Organization for a Clean World?
 - a) In the administrative investigation findings, there was a fine imposed on the company in the amount of \$ 25,000, which the company duly paid.
- 3) The civil judge's decision included reparations and the order to clean the area. I would like to know if the license to operate chemicals was taken away from Androwita SA after the judge's decision?
 - a) No, the license was not taken away.
- 4) What were the requirements imposed upon Androwita S.A. by Chuqui for the establishment of the company and for granting the municipal, health and environmental permits?
 - a) The demands were outlined in the regulations of the State of Chuqui. To obtain the respective licenses, it was necessary among other things to conduct an Environmental Impact Study, which had to be approved by the Ministry of Environment.
- 5) Was the written request made by the NGO Organization for a Clean World challenging the decision of the Minister of Environment in the administrative investigation (§ 18 of hypothetical) an administrative appeal? If so, what was the decision of the State in its regard?
 - a) No, it was a public statement made via different communication mediums.
- 6) When was the environmental awareness campaign that the company Androwita S.A. agreed to conduct with the State launched? (Paragraph 15 of the Hypothetical Case)

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- a) It started in January 2002.
- 7) Does the penal code of the State of Chuqui include sentencing for environmental crimes?
- a) There are various laws in the State of Chuqui that refer to crimes against the environment. Precisely in this case, the tax indictment and the sentence of the judge were based on unintentional criminal offenses against the environment.
- 8) What were the standards required by environmental, health, and municipal departments of the State of Chuqui for granting permits?
- a) They were normal and common standards similar to those of other countries in the region. See response to question 4.
- 9) On average, what were the mercury levels present in the blood of victims?
- a) The victims had high levels of mercury in their blood.
- 10) According to paragraph 22 of the hypothetical case, the Criminal Court of Chuqui sentenced the Waste Engineer of the company Androwita S.A. to 24 months in prison for manslaughter arising from the environmental contamination caused by the company. In turn, in the civil sphere, the same company was ordered to indemnify the families of each of the deceased at US\$5,000.00 and each of the victims affected by the contamination at US\$2,000.00, as well as given the obligation to decontaminate the area within 6 years. Are such decisions, as far as their judicial nature and the "quantum" of criminal and civil penalties, in accord with the sanctions abstractly envisioned in the domestic law of the State of Chuqui?
- a) The criminal penalty imposed was within the margin of punishment for environmental crimes, which ranges between 12 and 70 months of imprisonment. The civil penalty is determined by the assessment of the judge and the law does establish a "determined quantum."
- 11) According to paragraph 26 of the hypothetical case, the Organization for a Clean World presented a complaint before the Inter-American Commission on Human Rights. Among the articles referenced in the complaint are Articles 8 and 25 of the American Declaration on Human Rights, which address respectively judicial guarantees and judicial protection. These articles, according to paragraph 28 of the hypothetical case, were fully admitted by the Inter-American Commission. Under what arguments or theories did the Commission admit the violation of these articles?
- a) This must be analyzed by the parties in light of the facts of the case.
- 12) According to paragraph 11 of the hypothetical case, when the activities of Androwita S.A. began in 1992, the company regularly obtained municipal, environmental, and health permits. Furthermore, according to paragraph 14 of the same case, in its administrative investigation the Ministry of Environment ordered the closing of the company Androwita S.A. until it changed its methods of disposing chemical waste. Does this mean that the company had not previously informed the State of its methods of mercury waste disposal when it received its permits, and that at that time the State of Chuqui did not recognize the environmental impact of the activities to be carried out by the company Androwita S.A.?

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- a) The State always knew that the company Androwita S.A. would handle hazardous wastes dangerous to the human health, and in particular mercury.
- 13) Do the conclusion of the report (§ 14) and the determination of the Minister of Environment (§ 16) establish the adoption of measures that guarantee the environmentally appropriate final destination of waste chemicals produced by the company Androwita S.A.?
- a) Yes.
- 14) What measures were adopted by the State of Chuqui and the company Androwita S.A., from the planning to the implementation of the venture, to inform the public of the risks of the polluting activity and the contamination produced?
- a) As of August 2, 2001 the Ministries of Health and Environment and the State began a public campaign regarding the situation. They explained the possible symptoms of the contamination, and they asked that if anyone had any symptoms to immediately visit the nearest public hospital. The company Androwita S.A. helped finance part of this campaign.
- 15) What are the positive and/or adverse impacts arising from the establishment and operation of the company Androwita S.A. for the local community?
- a) The main impact for the local community was the important source of new work, as jobs were created both directly and indirectly. For the State the benefits were also many as it received new resources. The disadvantage was the pollution caused.
- 16) When did the company Androwita S.A. obtain permits to begin operating in accordance with law? Was it before or after the State of Chuqui ratified the Conventions of the United Nations and of the Inter-American System of Human Rights?
- a) The company, Androwita S.A., obtained permits after the ratification of international instruments of the United Nations and the Inter-American System of Human Rights.
- 17) According to paragraph 28 of the hypothetical case, the Inter-American Commission concluded that the State was also responsible for the deaths of 4 additional people and the injuries to another 10. Why were these deaths and hospitalizations not included in the Prosecutor's indictment in the case? Should these be added to the 21 deaths and to the 61 injured people already accounted for?
- a) In reference to the 4 deceased and the 10 injured, these people were not included in the Organization for a Clean World's original petition to the Commission. They were presented before the Commission as soon as the Organization for a Clean World became aware of their situation, which was identical to those persons included in the original petition.
- The Prosecutor was unaware of what had happened to these people until after the judge issued the ruling. Accordingly, the Prosecutor then initiated actions with regards to the case of these persons.
- 18) What chemicals does Androwita S.A. produce, and for the purpose of understanding the dumping, how is mercury involved in the production process?
- a) Irrelevant to the case.

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- 19) When a company establishes itself in Chuqui, what mutual labor and tax benefits do its investors and the State receive?
- a) See response 15 regarding benefits to Chuqui. Investors are taxed considerably less than other companies operating in Chuqui, and lax labor regulations are applied.
- 20) Paragraph 16 indicates that once the technical inspection was completed in October 2001, it was concluded that the company was no longer dumping chemical waste at the site where it normally occurred. Where then was it being dumped?
- a) Before October 2001, the waste was dumped carelessly into unsuitable containers, which were located on the adjacent property. Since October 2001, the company began to utilize tanks specially designed to prevent mercury leakage.
- 21) On what date did the Organization for a Clean World ask for the definitive closure of the company Androwita S. A.? Was it before or after October 2, 2001?
- a) The Organization For a Clean World requested the closure of the company on October 3, 2001.
- 22) How many deaths due to mercury or other pollutants were registered after October 2, 2001?
- a) The deaths of 4 people are known.
- 23) On what date in December of 1999 was the initial communiqué sent to the Minister of Health, and how soon after was he informed of the 30 plus people hospitalized, as referred to in paragraph 6?
- a) The communiqué was sent on December 5th, simultaneously informing the Minister of Health of the deaths and hospitalizations.
- 24) What specific criteria needed to be met by Androwita S.A. before it was granted the health and environmental permits referred to in paragraph 11?
- a) See responses 4 and 26.
- 25) On what date did the Court of Appeals affirm the decision of the Criminal Court as referred to in paragraph 22?
- a) On February 20, 2004.
- 26) According to the facts set forth in paragraph 11, the company Androwita complied with the requirements regarding a) foreign investment, b) health permits, and c) environmental permits. Based on what laws and under what procedures did the company obtain a permit of operation?
- a) All permits for its operation were given by the competent authorities. These were in accordance to the law for each area.
- 27) Within the legal system of Chuqui, is an environmental impact evaluation a prerequisite for the opening of a new business whose operation might have a negative impact on the environment? If so, under whose authority did Androwita conduct the study of environmental impact?

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- a) Yes, it is necessary to have an environmental impact study. The environmental impact studies must ultimately be managed and approved by the Ministry of Environment.
- 28) Are the deaths of the 4 persons which occurred between 2000 and 2002, as well as damage to the health of the other 10 people indicated in paragraph 28, different from those listed in paragraph 25?
- a) Yes, they are different because they were listed as alleged victims subsequent to the filing of the original petition to the Commission.
- 29) Does the State of Chuqui constitutionally recognize the right to a healthy environment?
- a) Yes, the right to a healthy environment is constitutionally recognized in Chuqui.
- 30) Following the international trend, does Chuqui have alternative mechanisms for resolving environmental disputes, such as negotiation or mediation?
- a) Yes, and they are voluntary.
- 31) Since the publication of the administrative investigation report, what other measures is Chuqui taking to protect the health of residents living adjacent to the company Androwita, in addition to those already mentioned?
- a) See responses 14 and 59.
- 32) Does the environmental legislation of the State require that the state environmental agency perform an “in loco” inspection in the premises of the company before granting a permit? Does this inspection include verifying the existence and efficiency of filters against pollution?
- a) The environmental law states that the Ministry of Environment should conduct appropriate and necessary inspections of all companies that require an environmental impact study to operate.
- 33) What are the names of all the victims? Can we create the names of victims for the purpose of identifying in the respective reparations if these names are not provided?
- a) No, you cannot create names.
- 34) Did the NGO have the authorization of all the victims mentioned in the text to represent them before the Inter-American Commission and file the petition?
- a) Yes.
- 35) Do state officials have a legal obligation to monitor the compliance of activities subject to environmental regulation in the State of Chuqui?
- a) Yes.
- 36) Do state officials have a legal obligation to monitor the compliance of activities subject to environmental regulation in the State of Chuqui?
- a) Yes. (*Question 35 is repeated, but its deletion would change the order of the other responses referenced)

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- 37) What is the penalty for the crime of manslaughter (unintentional homicide) under the laws of the State of Chuqui?
- a) It is punishable by 12 – 70 months in jail.
- 38) On what date did the company Androwita begin to operate with the new waste disposal system?
- a) On August 30, 2001.
- 39) Paragraphs 1 and 3 refer to the potential benefits Chuqui offers foreign investors and the deregulation of Chuqui's foreign investment policy for the purposes of attracting external resources, as advised by the World Bank and the International Monetary Fund. Within this context, we would like to know how this deregulation and liberalization policy materialize in terms of the environment?
- a) This is part of the debate.
- 40) According to the facts of the case, Androwita S.A. received several permits, including municipal, health, and environmental, to begin its operation in Chuqui. Our question is whether Androwita S.A. had to obtain a special permit due to its production and usage of chemicals distinct from those obtained by other companies established in Chuqui?
- a) Yes, every company that handles chemicals must obtain a special permit for chemical management and disposal. Also, the environmental impact study must include and analyze this situation.
- 41) Did the Organization for A Clean World seek to impose liability on the company alone through the civil action it initiated, as described in paragraph 20, or did it also want to impose responsibility on the State for the events that occurred?
- a) It looked only to hold the company liable.
- 42) What are the substantive and procedural processes for obtaining the municipal, health and environmental permits, referenced in paragraphs 11 and 12 of the hypothetical case?
- a) Please review the responses to similar questions.
- 43) We assume that the Environmental investigation and Administrative investigation are the same (paragraphs 12 and 14 of the facts). What does the investigation consist of?
- a) The terms environmental investigation and administrative investigation are used synonymously. Please see paragraph 12 of the hypothetical case for the content of the investigation.
- 44) Did the mercury and other chemical agents come into contact with the population of Chuqui after penetrating the ground and flowing through the groundwater table?
- a) Yes, in that manner.
- 45) Did the State of Chuqui ratify any convention of the United Nations or the Organization of American States adopted after the year 1992?
- a) Yes, the State ratified all of them.

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- 46) Was the order to close the company Androwita S.A. executed, or was it submitted and then suspended before its execution?
- a) The order to close the company was not executed because it was suspended for two (2) months by the Minister of Environment. See response 71.
- 47) Are there typographical errors (in Spanish) in paragraph 8, regarding the authority that issues the report to the Minister of the Environment, and in paragraph 9, regarding the authority requesting that the Environmental Inspector initiate investigations?
- a) See response 1.
- 48) Based on the laws of Chuqui, including domestic laws, international treaties ratified by the country, doctrinal consolidation, and jurisprudence, etc. We're asking if a mechanism exists to prosecute environmental crimes. (*This question was reformulated slightly from its Portuguese version for the purposes of translation.)
- a) Yes, it exists.
- 49) Paragraph 16 states that after a technical inspection conducted by the State on October 2, 2001, it was determined that the company had ceased contaminating the soil. However, the Commission states in its complaint (paragraph 25), dated June 2004, that contamination by the company continued to that date. Based on these statements it is asked whether or not there was a continuation of contamination that should have ceased in 2001.
- a) See response 88.
- 50) Did the company Androwita S.A. comply with the promises made to the Minister of the Environment to pay the fine imposed and to promote together with the government a national awareness campaign on environmental contamination?
- a) Yes, it did.
- 51) When were the final Court of Appeal judgments given in the criminal and civil proceedings?
- a) The Court of Appeals affirmed the sentence in criminal matters on February 20, 2004 and the judgment in civil matters on April 30, 2004.
- 52) What were the specific requirements of Chuqui's regulations governing the entry of all foreign investment capital?
- a) Irrelevant to the case.
- 53) What were the specific requirements of Chuqui's municipal, health, and environmental permits?
- a) See responses 4, 26, 27, 32, 40, 57, and 90.
- 54) Did the state have any monitoring or other enforcement obligations in the municipal, health, and environmental permits issued to Androwita S.A.?
- a) This is part of the debate.
- 55) On what basis were the civil penalties, requiring compensation to victims' families and a six year timeline for cleaning up the contaminated area assessed?

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- a) These were determined by the judge based on his knowledge of the case.
- 56) Could the injured individuals have taken civil action against the state of Chuqui in domestic court?
- a) Please see response 84.
- 57) What domestic laws has Chuqui enacted to regulate and monitor companies like Androwita and to compensate members of the public who are affected by environmental degradation?
- a) In the State of Chuqui, any company that intends to carry out any activity that has an impact on the environment or the population must undergo an environmental impact study. In addition, in Chuqui there exists environmental legislation and civil contractual and extra-contractual liability legislation. Within the legislation regarding civil responsibility there exists a civil action regarding environmental cases that is investigative in nature, which was used in this case.
- 58) What was the extent of the property damage (both financial and environmental) to the families living in the affected area?
- a) Paragraph 14 states that upon completion of the administrative investigation, the State was unable to determine the extent of the contaminated area. However, it can be concluded that some of properties were considerably affected by the contamination.
- 59) What actions have Androwita and/or Chuqui taken to clean up the polluted area and mitigate the chance of further harm to the persons living there?
- a) The Government of Chuqui and the company Androwita S.A. began an awareness campaign on the importance of living in a healthy environment. As of August 2, 2001, the Ministries of Health and Environment and the Municipality initiated a public campaign about what was occurring. In addition they explained the possible symptoms of contamination and asked that anyone who showed symptoms go immediately to the nearest public hospital. The civil sentence ordered the company Androwita S.A. to clean the polluted area over a period of 6 years (paragraph 23). The company took appropriate measures to that effect and the Ministry of Environment and Health began to monitor its compliance.
- 60) Does the penal code of the State of Chuqui allow for the designation of criminal liability on individuals who are in executive positions within legal entities?
- a) Yes.
- 61) If the answer to the previous question is yes, how is it regulated under the penal code of Chuqui?
- a) Irrelevant to the case.
- 62) Who else was affected after July 12, 2001?
- a) See paragraphs 17 and 21, and the chapter concerning petition before the Commission.
- 63) What suitable and effective judicial mechanisms exist in the State of Chuqui for the protection of environmental rights and fundamental rights?

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- a) In Chuqui, “amparo action” exists for the protection of fundamental rights.
- 64) What international instruments in reference to the environment did the State of Chuqui ratify after 1992?
- a) Since 1992, the State of Chuqui has ratified all international instruments in reference to the environment.
- 65) What recommendations did the Inter-American Commission on Human Rights make to the State of Chuqui regarding the present case?
- a) This information is not necessary to argue the case.
- 66) According to the facts established in paragraphs 7, 8, 9 and 10 of the case, reports were issued by different government bodies between 2000 and 2001. Were these reports published and made known to the neighboring community of the company Androwita S.A.?
- a) The reports referred to in paragraphs 7, 8, 9 and 10 were not known to the neighboring community after being issued by the relevant authorities. The public gradually became aware of them once the public campaign began, which is referred to by a number of answers.
- 67) With regards to the facts in paragraphs 10 and 18, what specific damages were sustained by the private and public properties adjacent to the company Androwita S.A. due to its dumping of chemicals?
- a) Some properties had chemical agents present on the surface and there was groundwater contamination.
- 68) Did the measures adopted in favor of the people affected by chemical dumping include a provision regarding the drinking water supply?
- a) The regular water service was continued as usual.
- 69) Regarding the deregulation referred to in paragraph 3, were the requirements for waste management affected in terms of the issuing of environmental permits?
- a) This is part of the debate.
- 70) Is there a public servant whose job involves monitoring and controlling the chemical waste management of companies that have been issued environmental permits and, in the present case, upon whom we could impose responsibility for the past events?
- a) Yes, there are public servants responsible for overseeing the management of chemical waste in companies. In this case, the Prosecutor did not provide any accusation against any public official, as stated in paragraph 21.
- 71) Was the suspension of the administrative order to immediately close Androwita S.A. conducted in accordance with the legal system of Chuqui?
- a) According to paragraph 16, the Minister of Environment had the extraordinary authority to suspend the administrative act if he had sufficient reasons to do so. The Minister could have imposed onto the company a maximum deadline of 90 days to comply with all the

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requirements of the administrative act or, on the contrary, the administrative act would have full effect.

- 72) Which one(s) and what type(s) of applicable measures of the laws of Chuqui are referenced in Paragraph 12 of the Hypothetical Case?
a) See administrative investigation and its consequences.
- 73) The case shows that Chuqui ratified "between 1988 and 1992 all the conventions of the United Nations and Inter-American Human Rights System" (paragraph 3) but, did Chuqui ratify all the Protocols of the Convention, and more specifically the Protocol of San Salvador?
a) Yes.
- 74) Can the issue of Res Iudicata be raised, in accordance with the decisions of the internal courts of the State of Chuqui?
a) That should be decided by the participants in light of the international human rights law.
- 75) In reference to paragraphs 14 and 16, please clarify what the State requires from the company in order to prevent closure. Does it require the company to change its methods of dumping the chemical waste or to stop dumping chemical waste at the usual site?
a) The company was required to do both: first, stop pouring waste directly into the neighboring property and second, to change the methods of dumping the residue. In addition, it demanded and obligated that its activities not surpass the levels of mercury permitted. See also response 20.
- 76) How many of the total number of people determined to be contaminated by mercury or other chemicals provided the main source of family income?
a) 11 people were the main income providers for their families and 2 others contributed to their family income.
- 77) In connection with paragraph 28, how many of the four people that died during the years 2000, 2001, and 2002, included in the proceedings before the Commission, were minors?
a) One was a minor.
- 78) What authorities signed the municipal, health, and environmental permits necessary for the operation of Androwita S.A. according to the laws of Chuqui? (Related to paragraph 11 of the case).
a) See response 90.
- 79) What measures did the company Androwita S.A. take in accordance with domestic environmental legislation, the health code and other pertinent rules, in agreement to the Minister of the Environment's order to initiate the investigation? (reference to paragraph 12 of the case)
a) The measures the company took once it was notified of the results of the administrative investigation can be determined from the text and the responses.

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- 80) If the company Androwita S.A. was no longer pouring chemical waste at the site where it normally would, then where were these chemical residues dumped? (In reference to paragraphs 16 and 17 of the case.)
- a) See responses 20 and 75.
- 81) What could be "other pollutants" that were found and, specifically, what kind of mercury was present (organic and/or inorganic), and in what amounts?
- a) The other pollutants are varied in nature, and some of them can affect human health.
- 82) What were the measures (technical/administrative/civil/economic) taken by the State and/or Androwita to prevent and/or reverse additional toxins in the affected areas? If no measures were taken, why were they not taken and who decided not to take them?
- a) See response 59 and other relevant responses.
- 83) How were the victims identified in the case, specifically was it indicated whether they lived near one another and, with respect to contaminated areas and facilities of the company, whether the victims had contact with any source of polluted water?
- a) The contaminated victims were identified by the medical reports. The deceased were identified from the death certificates and the corresponding medical reports. Based on that information it was established that they lived in the vicinity of the company, Androwita S.A.
- 84) Could the State of Chuqui have been included in the civil liability case in which the company Androwita S.A. was ordered to repair damages for the harm caused to the victims?
- a) If the State had any direct or indirect responsibility there could have been a civil action initiated against the State.
- 85) Paragraph 8 of the case (in Spanish) states, "On June 1, 2000 the Minister of Health sent a report to the Minister of the Environment requesting ..." Please clarify this fact of the case since the two Ministers appear to be confused.
- a) See response 1.
- 86) Were there internal regulations in the State of Chuqui regarding the handling of chemical disposal, and for this case in particular, the handling of mercury?
- a) In the State of Chuqui there is a special regulation for the handling and disposing of waste hazardous to the human health.
- 87) Did the company Androwita S.A. make payments to the families of the deceased or the hospitalized victims for the damages incurred from the contamination?
- a) Yes, it made all the payments to which it was sentenced.
- 88) In the complaint submitted to the Commission by the Organization for a Clean World, it stated that the property of the victims and their families are still being affected by the contamination. Where is the chemical waste currently being dumped?
- a) Currently, the chemical waste is being discharged as stated in response 20. However, the victims' property is still being effected by the prior dumping (that occurred before this

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case), since the deposited waste will take about 8-12 years to disappear from the environment.

- 89) On what basis did the civil judge set the amount of damages in the ruling?
- a) The civil judge set the amount of damages according to evidence presented by both parties, the case law of the State of Chuqui, and his sound judgment.
- 90) Who are the officials responsible for issuing the municipal, environmental, and health permits? Who is responsible for ensuring the renewal, compliance and overseeing of the permits and what are the requirements that Androwita S.A. had to complete to acquire the permits?
- a) The officials in charge of issuing permits were the Municipality's Director of Environment and Urbanization, the Director of Environmental Impact Studies of the Ministry of the Environment, and the Director of Public Health of the Ministry of Health. At each of these government agencies, there are units charged with the supervision and renewal of corresponding permits.
Approval from the Municipality and the Ministries of Environment and Health was required for a permit to be granted. The Ministry of Environment was responsible for evaluating, monitoring and giving the final approval for the environmental impact study. The Ministry of Health was responsible for ensuring compliance with the rules of public health. The Municipality had to ensure that there was compliance with municipal regulations.
- 91) Did the Appellate Criminal Court affirm the holding of the Criminal Court, and if not, what was the basis for its decision?
- a) The sentence of the Criminal Court was confirmed in its entirety by the Court of Appeals. The Criminal Court issued an explanation as part of its ruling.
- 92) Under the penal code of Chuqui, when a person commits several crimes, does the system impose the penalty of the most serious crime or are the penalties of the crimes joined?
- a) It imposes the penalty for the most serious offense.
- 93) Do the benefits offered to foreign investors by the State of Chuqui include adhering to less stringent environmental standards?
- a) This is part of the debate.
- 94) What role do international treaties play within the legal system of Chuqui, specifically in their prevalence or subjection to the domestic legal system? (Concept of constitutional block)
- a) The international human rights treaties are part of the constitutional block of the State of Chuqui.
- 95) The facts of the case do not mention what the State did during the six years that passed from the beginning of the operation of the company (1992) to the report of the first death (1998). It also does not inform what the company's conduct was in reference to its waste management after the imposition of administrative sanction. The question is whether the

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State exercised effective supervision over waste management and by what means it did so during the company's operation.

- a) Paragraph 21 states that the Prosecutor did not make any criminal charge against any public official because authorities did not have the proper equipment to effectively control the pollution that the company was producing and consequently there was no way of knowing what was happening.
- 96) The team would like to receive a detailed description of the judicial structure of Chuqui.
- a) In Chuqui there exist Trial Courts, Court of Appeals, and Supreme Court.
- 97) The team also requests the Constitution of Chuqui to see whether the complaint presented in the hypothetical case presents a constitutional violation.
- a) The question goes beyond the scope of the hypothetical case.
- 98) We would like to receive the Code of Criminal Procedure of the State of Chuqui.
- a) The question goes beyond the scope of the hypothetical case.
- 99) What do the administrative investigation and environmental investigation refer to and how are they different?
- a) The administrative investigation and environmental investigation are the same in this case.
- 100) Should paragraphs 8 and 9 read Minister of Health instead of Minister of the Environment (in Spanish)? And who solicits the Environmental Inspector at the beginning of the investigations?
- a) See response 1.
- 101) At what point did it become public knowledge that the environmental pollution was caused by Androwita S.A.?
- a) The situation became public knowledge once the NGO Organization for a Clean World publicized it. See paragraph 18.
- 102) Does the State of Chuqui have laws that punish environmental crime?
- a) There are various laws in the State of Chuqui that reference crimes against the environment.
- 103) Has the State of Chuqui provided aid, subsidies, or incentives, or did it have any form of participation in the capital stock of the company Androwita S.A.?
- a) No, the State of Chuqui does not have any type of participation in the capital stock of the company Androwita S.A.
- 104) What are the approximate assets, revenues, and utilities of the company Androwita S.A.?
- a) Irrelevant to the case.