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Rights



PRICE MEDIA LAW MOOT COURT COMPETITION CASE 2024/2025 COMPETITION YEAR

Official case of the 2025 International Rounds and the
2024/2025 Regional Rounds in South Asia, Asia Pacific,
Europe, the Americas, the Middle East, and Africa

Republic of Boto

1. The Republic of Boto is a developing country with a GDP of USD 2 trillion and a population of 100 million inhabitants. It is home to one of the largest rainforests of the world.
2. Until the mid-seventeenth century, Boto was a region inhabited by several indigenous communities, each governed by traditional leaders in accordance with their longstanding customs. The Panaã people were the largest of these communities. In the seventeenth century, the Panaã occupied approximately 90% of the territory of Boto and comprised approximately 80% of its inhabitants.
3. However, in the mid-1700s, Boto was colonised by Matintaland, a neighbouring state, inhabited in the main by the Matinta people. Matintaland encouraged its citizens to settle in Boto. The Matintas settled widely throughout Boto and in doing so displaced the indigenous peoples of Boto from their land, including the Panaã. Over the course of the next century, as a result of the loss of their ancestral lands and the destruction of their way of life, the Panaã people (as well as the other indigenous peoples of Boto) became impoverished and marginalised. By the time the Republic of Boto gained independence from Matintaland in the mid-1800s, the Panaã people represented only 15% of the population and occupied 5% of the territory. The Matintas constituted 80% of the population, with the remaining population divided between the other indigenous communities of Boto.
4. Since independence, the Republic of Boto's economy has been primarily based on agriculture, including both the cultivation of crops and the raising of livestock. Since the late 1990s, the government of the Republic of Boto has actively sought to promote foreign investment in its agricultural industry. For instance, the government granted tax exemptions to foreign companies in relation to the building of new agricultural facilities, facilitated foreign companies' access to credit from the Boto National Land Bank, a publicly owned bank, enacted environmental laws that favour the agricultural industry, as well as enacted laws permitting deforestation for agricultural purposes and the government also repeatedly refused to inhibit the use of pesticides and herbicides. The government's policies led to the substantial expansion of the agricultural and livestock industries in Boto with the consequence that between 2000 and 2010 agricultural exports in the Republic of Boto accounted for approximately 30% of the country's GDP.
5. In the 2010s, politicians of the Verde Party, an opposition party in Boto, started spreading awareness about the harmful environmental policies adopted by the government. They launched campaigns advocating for more sustainable environmental policies as Boto faced historically high levels of deforestation. Some regions in the country also faced

unprecedented floods and desertification, which the Verde party said was due to climate change caused at least in part by deforestation.

The Great Green Laws

6. The popularity of the Verde Party grew and, in the 2020 national elections in Boto, it received the most votes of the parties contesting the elections and formed the government for the first time. In 2022, after a lengthy legislative process, the legislature passed the Great Green Laws, which provided, amongst other things, that tax exemptions and credit facilitation for the agricultural sector would be abolished. In addition, the Great Green Laws imposed strict limits on deforestation, establishing criminal sanctions for lack of compliance. The Great Green Laws also revised the list of allowed pesticides and herbicides, banning some of the most widely used of these products.

7. The Great Green Laws also introduced a new land reform policy, providing that the Panaã would receive 40% of their land back. It was clear that this new land reform policy would severely limit the expansion endeavours of the agricultural sector.

8. The Great Green Laws had a significant impact within a year. In 2022/2023, the rate of deforestation declined significantly year on year, and was 50% below what it had been in 2021/2022. The same year saw a marked 15% decrease in the country's agricultural exports. In addition, the profitability of the lead agribusiness saw a marked decline which led to several of the largest of them implementing redundancy programmes, which caused a steep rise in the unemployment rate in Boto.

FacesMatch & AzulFish

9. The Republic of Boto has historically not had a well-developed technological and digital sector. However, over the last decade, the Republic of Boto has adopted policies to incentivise academic research and development and one of the key policies provides for student exchanges with neighbouring countries, including LongeLand. Unlike the Republic of Boto, LongeLand was not colonised by Matintaland. It has a vibrant technological industry and is home to many of the largest social media companies in the world, including AllAzul. LongeLand has not regulated the use of new technologies extensively, save for providing in legislation that social media platforms are not to be considered the publishers of the content that is published on their platforms by their users. There are no rules on data protection or content moderation and social media platforms enjoy the freedom to operate as they wish.

10. In the last decade, Boto has seen a sharp growth in its digital and technological industry. These developments have been primarily led by young Botanians who have

returned from student exchanges in LongeLand. They have developed cutting-edge technologies, such as tools for generative AI, as well as facial recognition programs. In 2019, a group of researchers at the Central University of Boto developed facial recognition software called FacesMatch, which is now commercially available, through a university spin-off company, BDT (Botanian Digital Technologies). FacesMatch is based on a continually updated database of faces extracted from public CCTV cameras in Boto and in its Terms of Service (ToS) for FacesMatch, BDT claims that FacesMatch is 99.9% accurate. FacesMatch has been adopted by police and law enforcement services across Boto. It has also been acquired by many private companies who use it in the course of their business. BDT lobbied the government successfully not to introduce legislation to regulate facial recognition technology.

11. The most popular social media platform in the Republic of Boto is AzulFish. It started operating in the Republic of Boto in 2009, when it was registered as a subsidiary of AllAzul. AllAzul is headquartered in LongeLand.

12. Since it began operating in the Republic of Boto, Azulfish has grown rapidly and now hosts more than 70 million users in Boto, although this number is suspected to be slightly inflated because of the prevalence of bots and fake accounts on the platform. Most politicians, government officials and institutions have an official AzulFish account and AzulFish is thus used as an official medium of communication with citizens. Politicians and government officials often post issues of public interest on their AzulFish accounts. Even in regions where there is no television signal, the population has access to internet through satellites provided by AzulFish. Almost 80% of the population has an imported smartphone.

13. AzulFish allows users to post short 300-character comments, as well as videos, and photos. Users may also pay to promote their content for a small fee. Whenever a user opens AzulFish, they see content from the people they follow, as well as content that AzulFish deems to be of interest to them – which is partly based on the data collected by the platform on the user’s interests, and partly based on the ‘trending’ content at the moment, or ‘*surfing*’, as AzulFish’s interface shows. The *surfing* content includes any content which is being widely shared, commented on, as well as posts that have been promoted by the user.

Digital Safety Law (DSL)

14. The Republic of Boto introduced a Digital Safety Law (DSL) in 2014, which has since been copied by other countries in the region, though not by LongeLand. The 2014 Digital Safety Law imposes obligations on both social media platforms and their users. Key provisions of the DSL are as follows:

Section 1. Application

(a) The provisions of this law apply to all Providers who provide their services in the Republic of Boto.

(b) The obligations provided herein bind Providers even when their headquarters and/or servers are not located within the Republic of Boto.

Section 2. Definitions

(a) **Providers:** Any and all social media companies and platforms, online forums, content providers, and other entities which enable users to create and share content through the internet.

(b) **Users:** Any and all users who use the services of the Providers.

Section 3: Illegal Content

(a) Providers and Users shall neither post nor promote Illegal Content.

(b) Illegal content is defined as any content generated, edited, or modified by Providers, Users or any form of generative algorithm which contains:

a. A call for violence which could be reasonably perceived as a call to disturb the peace, national and social order.

b. Speech that, although not directly calling for violence, can lead to physical or psychological harm.

c. Speech or videos that misrepresent the truth about the perpetrators of violence, or the conduct of violence, or are posted with reckless disregard for the truth.

(...)

Section 11. Providers' liability – Providers will not be liable for any Illegal Content published, produced or posted by third parties, except:

(a) in the case of omission after being provided with adequate notice about the existence of content which can be reasonably interpreted as constituting an Illegal Content, and/or

(b) when they actively promote Illegal Content.

Section 12. Sanctions on Providers - Should any Provider be in breach of article 11(a) and/or (b), it shall be guilty of a criminal offence and if convicted, subject to the following sanctions:

(a) A fine of US 50 million dollars, or 3% of the Providers' previous annual global turnover, whichever greater; and/or

(b.1) The suspension of its operations within the Republic of Boto for up to 30 days; and/or

(b.2) A permanent prohibition on operating in the national territory of the Republic of Boto.

Section 21. Users' liability – Users who create, generate, post, or promote Illegal Content shall be guilty of a criminal offence and if convicted, subject to the following sanctions:

- (a) A fine not exceeding US 1million dollars; and/or
- (b) A sentence of up to 12 months' imprisonment.

15. The Republic of Boto has signed and ratified the International Covenant on Civil and Political Rights (the ICCPR) without reservation. The fundamental rights of Botonians are established by the Constitution, mirroring the rights safeguarded by the ICCPR and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Particularly, Article 10 of its Constitution entrenches freedom of expression in similar language to Article 19 of the ICCPR and notes that freedom of expression is a core pillar of the Republic of Boto's democratic Constitution. The Supreme Court of Boto is the highest court in the Republic, vested with exclusive jurisdiction to hear constitutional matters. According to Constitutional Amendment 1, the Supreme Court shall interpret all fundamental rights according to Boto's obligations under international law.

16. In 2014, shortly after the DSL was enacted, civil society groups immediately launched challenges against its key provisions, notably sections 3, 11, 12 and 21. They argued that the provisions were in breach of Article 10 of the Constitution, as well as in conflict with Article 19 of the ICCPR. Their claim failed before the Supreme Court of Boto, who held that the provisions were not in breach of Article 10.

The Greenies and the protests

17. Following the enactment of the Great Green Laws in 2022, although some sectors of the population strongly supported them, others did not and protests against the laws began. Once it became clear that the laws would lead to redundancies, the protests became more frequent and intense.

18. It was thus within the context of high political contestation around the Great Green Laws that the national election campaign took place in 2023. The two main parties contesting the election were the Verde Party and the National Union Party. The National Union Party (NUP) advocated the repeal of the Great Green Laws. The NUP contends that the Great Green Laws have led to economic decline which has impaired the socio-economic rights of citizens. The NUP denies that there is any causal relationship between deforestation and the floods and desertification that have affected regions of Boto. They also dispute the extent of deforestation. They claim the Verde Party fabricated the data on deforestation, alleging that the levels of deforestation were stable prior to the enactment of the Great Green Laws. The NUP also oppose the land reform project provided in the Great Green Laws. In their view,

returning land to the Panaã people will unfairly deprive existing owners of their rights, and also lead to land become economically wasted.

19. The NUP enjoys widespread support from in rural areas and towns, as well as the support of the large agricultural enterprises, agricultural trade unions and workers. On the other hand, the Verde party is widely supported in towns, and by university graduates, and Panaã people.

20. The NUP won the highly contested elections by a narrow margin. In November 2023, Pateng Caju, the new president, announced that the process of revoking the Great Green Laws would commence. Thus, in January 2024, a bill to repeal the Great Green laws was introduced in Parliament.

21. The introduction of the Bill led to widespread social protests. Members and supporters of the Verde Party, university students, as well as the traditional leaders of the Panaã community launched sustained protests against the repeal Bill. The protestors, called 'Greenies' by the media, initially organised very peaceful demonstrations. Every Friday, from the day that President Caju announced his intention to repeal the Great Green Laws, Greenies gathered on the lawn in front of Parliament with banners and signs.

22. One of the leading activists in the protests was Songa Yara. She is a former student at the National University, and a self-proclaimed journalist, who regularly posts on her AzulFish account her opinions on matters related to politics in the Republic of Boto. She has more than 20 million followers on her AzulFish account, where she constantly criticises President Caju. Being a Panaã descendant, she fears the impact the repeal of the Great Green Laws on the Panaã people. Some of her posts have been flagged as factually inaccurate by social media fact-checkers.

23. Parliament scheduled its vote to repeal the bill for 1 April 2024. As the date approached, the Greenies intensified their protests. Crowds grew bigger, and resulted in the closure of streets in the capital city and traffic was interrupted at times. In the last week of March, the Greenies established an encampment on the lawn outside Parliament which as the crowds grew, spilled over into the streets. At times, it caused severe traffic disruption and affected the major City hospital, which is close to Parliament, and caused, on several days for short periods of time, the closure of the main bus station in the city which is the hub for both local and regional bus services. Although there were no reported instances of violence, President Caju ordered the deployment of a large number of police to monitor and seek to contain the protests. Around 1500 armed police officers were deployed, creating an atmosphere of fear among the 3000 Greenies who were camping outside Parliament.

24. On 1 April, the crowd in front of the Parliament grew to approximately 10 000 Greenies. The Greenies chanted songs and displayed signs with sayings advocating for more environmental rights. Others displayed banners attacking President Caju, calling him a criminal and calling for his arrest for crimes against the environment.

25. Just before lunchtime, a small group of protestors entered Parliament through a side gate and moved through the building. The Police demanded that they leave, and after a tense stand-off the group of protestors agreed to do so, and they left the building at around 1:30. Meanwhile, outside there were reported clashes between some of the Greenies and the police. It is unclear how the clashes started, but the television news at 3pm reported that ten protestors had been badly hurt and taken to hospital and that one police officer had suffered life threatening injuries following a blow to the head and subsequent fall. The police authorities claimed that the police officer had been assaulted by a Greenie protestor, while the Greenies denied this. There were also reports that police used batons and tear gas to try to disperse the voters. Due to the tense situation outside of the Parliament, the voting on the repeal of the Great Green Laws was suspended.

The posts

26. Later, on 1 April, Songa Yara made a series of posts on her AzulFish account. At 15:30, she posted and promoted the following post: **(POST A)**

“Today’s protest shows the police in Boto are biased. They were beating the Greenies and protecting the criminals who are members of NUP. We did not attack anyone; it was a peaceful protest. If any violence occurred, it was in self-defence. They cannot silence us. Our voice needs to be heard!”

27. Because the post was promoted, it was viewed by many users. In 1 hour, it had more than 1,000,000 views and 200,000 shares. Soon after, some AzulFish users replied to her post saying they saw members of the NUP calmly chatting with the police officer who claimed he had been attacked by the Greenies inside the parliamentary chamber at 1.15pm (the protestors had not entered the parliamentary chamber).

28. At 16:30, Yara released a new post: **(POST B)**

“**URGENT NEWS!** Exclusive footage from inside the Parliament! Help me identify this individual!”

29. The post contained a link to several short videos with a date stamp of 1 April. In the first video, time stamped 1.15pm, a police officer was seen calmly chatting with members of

NUP in the parliamentary chamber, apparently while the parliamentarians were waiting for the Greenie protesters to leave the building. A second video time stamped 1.30pm, shows an unknown individual leaving the parliamentary building with the same police officer shown in the first video. A third video time stamped 1.32pm shows the footage from another camera, positioned just outside the Parliament building and close to the protest. In the video, the unknown individual is seen arguing vehemently with the police officer and then he strikes the police officer on the head with a rolled umbrella. The police officer falls over a parapet, down approximately two metres, onto a stone terrace where the protestors are standing. The protestors can be seen in the background growing agitated, especially when the police officer was struck and fell over the parapet.

30. Once again, Yara's post attracted great attention. This time, there were approximately 2M shares in just about 2 hours. Some of the users commented that Yara could use the FacesMatch app, developed by the National University of Boto to identify the unknown individual who struck the police officer and caused him to fall over the parapet.

31. At 18:30, Yara issued a new post: **(POST C)**

“URGENT NEWS! Members of the NUP infiltrated our protest! Are we going to accept this or are we going to act?! OUR RIGHTS ARE IN OUR HANDS!”

32. This post contained a screenshot of the FacesMatch app, which indicated a 99.9% probability of the face of the unknown individual in the earlier videos being Jabuti, one of President Caju's sons. Jabuti does not hold any office and does not have a high public profile. The reaction to this post was even more massive. By 20:00, it had been shared more than three million times and been liked ten million times. One of the reasons for this was that AzulFish's algorithm considered the post to be surfing and started showing it to more users.

33. Jabuti replied to the post, approximately at 21:00.

“Unlike some claimed, I did not take part in today's protest, and I did not attack a police officer. The Greenies promoted the violence. They have no shame in attacking the police force or your rights. They try to forcefully impose their views, as they forcefully will take your land and your jobs.”

34. One user replied to the post, copying FacesMatch, and saying: “What is false about the video? Is @FacesMatch unreliable?”

35. FacesMatch replied using their official AzulFish account: “As per our terms of service, the accuracy of our technology of facial recognition is 99,9%. Our software is as reliable as possible”.

Jabuti, on the other hand, replied: “You spread lies. If you continue defending the Panaã, they’ll soon appropriate your technology, as they have been trying to appropriate our lands”.

36. Later that night, a group of around 100 people gathered in front of the presidential palace and waited for Jabuti to leave the premises. They were chanting against NUP’s measures and Jabuti’s alleged attack on the police officer. Jabuti left the building through a backdoor, but a group of around ten to twenty Greenies spotted him. They followed his car, but Jabuti’s driver managed to dodge the protesters who were crowded around the car.

37. Over the following days, Jabuti continued to be threatened online and physically stalked by Greenies whenever he left the presidential palace. He continued to deny that he had assaulted the police officer. The Boto public prosecutors did not open any criminal case against Jabuti, despite the fact that the police officer who had been injured remaining in a life-threatening situation in hospital. On 5 April, Jabuti deleted his AzulFish account and refused to speak to the media. Two months later, he moved to LongeLand and reopened his account. He updated his followers on the move, claiming the threats had gone too far and he had decided to flee his country.

Legal proceedings

38. Yara did not delete any of her posts of 1 April. On 6 April, FacesMatch officially requested AzulFish to delete Post C, claiming it was spreading fake news, as it appeared to have been generated by AI, and its ongoing publication was causing damage to the reputation of the software. AzulFish refused to comply with the request.

39. FacesMatch launched a petition in Boto’s courts and a judge of first instance granted an interim measure demanding the suspension of the post, on the basis that it was digitally fabricated and constituted disinformation. AzulFish refused to comply with the order. A newspaper from LongeLand reported some of the founders of AzulFish allegedly commented on the court order by saying they would never comply with orders that violate the company’s values, including ample and unrestricted exercise of freedom of expression.

40. Given the public attention to the use of FacesMatch to identify Jabuti in Yara’s post, FacesMatch initiated an internal investigation to understand whether the software had malfunctioned. The engineers uncovered that the software’s match was accurate, but they

also discovered that the three videos posted by Yara had been digitally altered in ways that they could not specify. They stated publicly that in their view the videos could not be relied upon as accurate accounts of factual events. Following the publication of this statement, the Greenies lost considerable support from the population, who believed they had initiated a violent attack against the police. Despite that, Yara neither deleted the posts nor made any public comments on the truthfulness of the videos.

41. In light of the FacesMatch public statement, the public prosecutors started proceedings against both AzulFish and Yara for violations of the Digital Safety Law. They also launched an official investigation into whether the videos had been altered, and if so, how, but expert opinion was divided and unclear.

42. In August 2024, the Boto Central Criminal Court found Yara's posts on 1 April, particularly Post C, to be in violation of Article 3 of the DSL. She was fined US 50.000 dollars and given a suspended prison sentence of three months. AzulFish was also found guilty of violating Article 3 of the DSL and sanctioned to pay US 25 million dollars. The judge also ordered AzulFish to remove all posts by Yara concerning the protests on 1 December. Failure to do so would result in a sanction of additional US 25 million dollars.

43. AzulFish, on its official account, criticised the decision in a post dated 1 September saying: "AzulFish makes USD 25M in less than 5 minutes. The Republic of Boto thinks they can use us a tool to silence opponents? We fight, defend, and promote freedom of expression. We will appeal this rotten decision". The social media platform kept the posts online.

44. Both Yara and AzulFish appealed the Central Criminal Court decision to the Supreme Court of the Republic of Boto. In November 2024, the Supreme Court unanimously dismissed the appeal, thus confirming the decision of the Central Criminal Court, both as to conviction and sanction, as it related to Yara. On the conviction and sanction relating to AzulFish, the Supreme Court unanimously dismissed the appeal against the conviction and fines imposed by the Central Criminal Court. However, in addition, it noted Azulfish's post of 1 September and concluded that the social media platform was displaying an unrepentant attitude. It accordingly ordered that in addition to the sanctions imposed by the Central Criminal Court that the company be permanently prohibited from operating in the national territory of the Republic of Boto, unless it, within six months from the Supreme Court decision, became independent of its parent company in LongeLand and complied with the order made by the Central Criminal Court.

Universal Court of Human Rights

45. Following the Supreme Court ruling, AzulFish and Yara approached the Universal Court of Human Rights, which exercises exclusive jurisdiction to receive and consider applications from persons alleging violations of rights recognised in the ICCPR.

46. AzulFish and Yara have exhausted all domestic remedies, and in a preliminary hearing, the Court found both their applications to be admissible. The Court decided to hear the applications together and certified the applications on two issues:

ISSUE A: Whether the fines and suspended prison sentence imposed on Yara by the Central Criminal Court of the Republic of Boto and confirmed by the Supreme Court, arising from her posts on Azulfish on 1 April 2024, violate her freedom of expression as protected by article 19 of the ICCPR.

ISSUE B: Whether the fines and sanctions imposed on AzulFish, by the Central Criminal Court of the Republic of Both and the Supreme Court of the Republic of Boto violate its freedom of expression.

AzulFish and Yara seek from the Universal Court of Human Rights (1) declarations that their rights under the ICCPR have been violated; and (2) directions to the Republic of Boto to take immediate actions to fulfil its obligations under the ICCPR.