



# 13



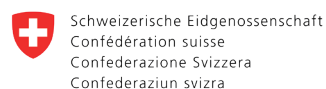
## NELSON MANDELA 13<sup>th</sup> World Human Rights Moot Court Competition

12 - 16 JULY 2021, Palais des Nations, Geneva, Switzerland

2021 HYPOTHETICAL CASE  
IN THE MATTER OF  
PAPA TOMMY TOMATO & 43 OTHERS  
AND  
THE REPUBLIC OF RHAKATAH



[www.chr.up.ac.za/worldmoot](http://www.chr.up.ac.za/worldmoot)



UNITED NATIONS  
HUMAN RIGHTS COUNCIL

## 2021 HYPOTHETICAL CASE

### 13<sup>th</sup> NELSON MANDELA WORLD HUMAN RIGHTS MOOT COURT COMPETITION

GENEVA, SWITZERLAND (12-16 JULY 2021)

IN THE MATTER OF

PAPA TOMMY TOMATO & 43 OTHERS

AND

THE REPUBLIC OF RHAKATAH



1. The Republic of Rhakatah is a developing coastal state on the Continent of Kanthiyeyu (pronounced *can't-hear-you*). Rhakatah gained its independence from Siya-something in 1979 with a population of about 6 million people. Siya-something is a developed state. Both Rhakatah and Siya-something are members of the United Nations (UN). Rhakatah is a member of the Union of Kanthiyeyu (UK) whose functions are similar to those of the European Union. UK's human rights system consists of the Kanthiyeyu Charter on Human Rights (KCHR), the Commission of Kanthiyeyu (CK) and the Kanthiyeyu Human Rights Tribunal (KHRT). The rights provided for in KCHR are similar in substance to those provided for in the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). KHRT has jurisdiction to decide complaints that allege violations of KCHR and any other relevant human rights treaties ratified by the state concerned. KHRT rules on legal standing and admissibility of claims are similar to those of the European Court of Human Rights.

2. Rhakatah accepted the jurisdiction of KHRT in 1992 and has ratified KCHR and all the UN human rights treaties. The Constitution of Rhakatah's Bill of Rights is similar in substance to the ICCPR and ICESCR. Rhakatah has Magistrates' Courts, High Courts and a Supreme Court. The Magistrates' Courts are the lowest courts and the Supreme Court is the highest court of appeal on all issues other than constitutional matters. The Constitutional Court of Rhakatah has jurisdiction over human rights matters. It may be approached directly "in cases of urgency or exceptional importance". When a party raises a human rights-related matter before the Magistrates' Courts, High Courts or the Supreme Court, the relevant court has a discretion to refer the matter to the Constitutional Court if the court considers it to be "a human rights matter that is likely to affect the outcome of the matter". On 13 November 2019, the Government of Rhakatah passed the Rhakatah *Cyber Security and Data Protection Act* (CSDP Act) addressing increased challenges of cyber security and protection of data of citizens. The CSDP Act provides that a Magistrates' and High Court of Rhakatah may be designated to act as a Court for Cyber Security and Data Protection (Cyber Court).
3. The *Rhakatah Liberation Front* (RLF) has been in power since 1979. In all the successive elections since 1979, RLF faced little opposition until the formation of the *Democratic Angels of Faith* (DAF) in 2009 under the leadership of the charismatic prophet, Papa Tommy Tomato, the founder of *Tomato Faith Ministries*. Members of *Tomato Faith Ministries* do not tolerate anyone who criticises their Papa and, on many occasions, they have resorted to violence to promote their cause. On a regular basis, there are violent and fatal clashes between Papa Tommy Tomato's followers and those of other beliefs.
4. Tommy Tomato, or simply "Papa" as he is affectionately called by his followers, is among the richest people on the Continent of Kanthiyeyu. He is the Founder of Hello-Jah, one of the biggest telecommunication networks company on the Continent of Kanthiyeyu. It is amongst the world companies that are in the 5G race and other emerging AI technologies.
5. Some women who are members of TFM live under life-time vows of chastity and are known as Tomato Sisters. As a co-founder of DAF, Sister Betina is a famous Tomato Sister. She also played a critical role in the drafting of the DAF Constitution. Section 2 of DAF Constitution, known as the "relay leadership clause", provides as follows: "In line with the national presidential term limit, all DAF presidents shall lead the party for two terms only. Subject to their availability and unless disqualified under this Constitution or national laws, DAF shall contest in the 2010 and 2015 national elections under the presidency of Tommy Tomato and in the 2020 and 2025 national elections under the presidency of Sister Betina."
6. While Rhakatah and Siya-something have maintained diplomatic and consular relations since 1980, politicians from the ruling party, RLF, constantly accuse Siya-something of "neo-colonialism and of having an imperialist agenda geared towards subverting the revolutionary gains of Rhakatah." Siya-something maintains sanctions on a number of RLF politicians for alleged human rights violations. Nevertheless, Siya-something companies continuously invest in Rhakatah, particularly in areas of emerging technologies. Recently, following an unprecedented hike in cases of online hate and harmful speech in the form of Sinophobia, racial slurs, misogyny, xenophobia and incitement to hatred against religious minorities that worsened with the outbreak of the Covid-19 pandemic and many people spending their time online, *SiyaTech Cloud*, a Siya-something artificial intelligence (AI) Company, sold the Government of Rhakatah an algorithm that is designed to automatically detect and delete certain hate speech online. While many people have raised concerns about violations of freedom of expression through such an

algorithm, Rhakatah scientists have moreover also criticised the algorithm as a tool that was developed and trained using data sets that are more specific to the context of Siya-something than that of Rhakatah.

7. In the 2010 and 2015 national elections, DAF won a parliamentary majority although it lost the national presidency to RLF. This has made it difficult for Mr Bosha, President of Rhakatah and leader of RLF, who has resorted to rule by decree, passing presidential statutory instruments instead of waiting for Acts of Parliament. One of the Bosha Government's initiatives that has been resisted by DAF parliamentarians is the adoption and use of mass surveillance AI monitoring technologies from *SiyaTech Cloud*. On many occasions, Bosha has referred to his Government's lack of majority in the Rhakatah Parliament as "a pebble in the shoe that makes him wish to walk barefoot".
8. In March 2019, there was a huge political fall-out between Sister Betina and Papa after the latter insisted that DAF should hold a plebiscite to decide, through votes of DAF members, whether he should continue as the presidential candidate of DAF in the 2020 national elections regardless of Section 2 of the DAF Constitution. Sister Betina, on the other hand, argued that there was no need for such a plebiscite since the DAF Constitution is clear on the matter. Papa went ahead to hold a plebiscite which resoundingly decided in his favour.
9. In October 2019, Sister Betina approached the High Court of Rhakatah with a case against Papa (*Sister Betina v Papa & DAF*) in which she asked the High Court for an order compelling Papa and DAF to recognise her as the legitimate leader of DAF as provided for in DAF Constitution. While the case was still pending at the High Court, Sister Betina registered for the 2020 elections in terms of the *Rhakatah Electoral Act* (REA) and the procedures of *Rhakatah Electoral Commission* (REC). Her party was identified as DAF-B, the "B" standing for Betina. REC is provided for in terms of the Rhakatah Constitution and is a nominally independent Commission which controls elections at all levels of Rhakatah politics.
10. DAF's criticism of the RLF Government has intensified since 13 February 2020 when President Bosha announced lockdown measures and policies following cases of Covid-19 in Rhakatah. In the morning of 12 February 2020, Rhakatah recorded its first case of Covid-19. By the evening of the same day, 11 more cases had been recorded in Chi-Town, the capital city of Rhakatah. In the evening of 13 February 2020, President Bosha appeared on *Rhakatah National Television* (RNT) and announced as follows:

My fellow Rhakatians, it is a sad moment to announce that 12 cases of Coronavirus infections have been recorded in our beloved nation. Our country is now confronted with a severe threat that demands an extraordinary response and much sacrifice. We have seen how the coronavirus pandemic has taken a heavy toll on our neighbours. We do not have to wait for fatalities to do the right thing. As such, the following measures have been put into place from 14 February 2020:

- All non-essential travel is banned.
- Any gathering of more than 20 people is prohibited.
- All political gatherings and in-person political campaigns for the 2020 elections are hereby suspended.
- Opening of accommodation, hospitality venues, churches, restaurants, bars, taverns and tours is prohibited.
- Family and social visits are banned.
- Social distancing, wearing Covid-19-approved-face-masks and good hygiene must be observed."

11. These lockdown measures were greeted with different reactions by the citizens of Rhakatah. While some applauded them as legitimate measures for public health, others condemned them as “disproportionate measures on a day when people are supposed to go out to celebrate love”. Sister Betina was one of the politicians who commended the measures as something good for the nation as a whole. Her political rival, Papa, commented as follows:

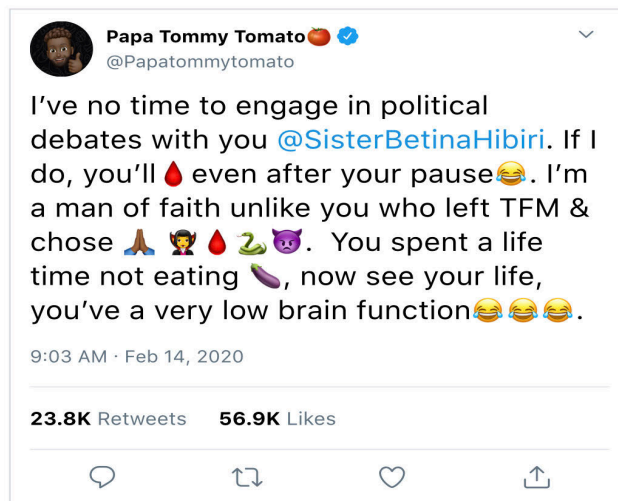


12. In the early morning of the Valentine's Day, while many prepared and adjusted to celebrate their love in their homes, *twar* – “twitter war” – between Sister Betina and Papa continued. In one of her tweets, Sister Betina noted as follows:



13. Papa responded within six minutes. His response was something that would convert *twar* into “lawfare” before the courts of Rhakatah. He responded as follows:





14. The above tweet was neither flagged nor deleted by Rhakatah’s AI that detects and deletes various forms of online hate speech. Nevertheless, after Sister Betina replied on 14 February 2020 that “The tweets by @Papatommytomato are dangerous misogyny and also contravene the 18 commitments on #Faith4Rights!” and tagged Rhakatah’s Ministry of Information, the latter took Papa to the relevant High Court sitting as Cyber Court, alleging violations of Sections 13 of CSDP Act. Section 13 provides that “any person who unlawfully and intentionally through a computer, digital platform or information system uses language that incites to hatred or tends to lower the reputation or feelings of persons for the reason that they belong to a group of persons distinguished on the grounds set out in Section 75(5) of the Rhakatah Constitution or any other grounds whatsoever shall be guilty of an offence”. Section 75(5) of the Rhakatah Constitution provides that “every person has the right not to be treated unfairly in a discriminatory manner on such grounds as their nationality, race, colour, tribe, place of birth, ethnic or social origin, language, class, religion or belief, political affiliation, opinion, custom, culture, sex, gender, marital status, age, pregnancy, disability or economic or social status, or birth”. In terms of Section 39 of CSDP Act, the Cyber Courts are empowered to sanction the deletion of tweets, suspension of Twitter handles and ban offenders from using Twitter or other digital platforms for a specified period of time.
15. The Cyber Court found Papa’s tweets to be in violation of Section 13 of CSDP Act. The Court ordered the deletion of Papa’s offending tweets and imposed a one-year ban on him from Twitter, Instagram and Facebook. Following the ruling and outside the court house, a journalist asked Papa how he felt about the ruling to which he responded: “I do not understand how those judges arrogated to themselves the right to attach secondary meanings to emojis and what I mean when I use certain emojis. I feel violated, not only as a political and spiritual leader but also as a human being. My rights have been violated. But since the Court only banned me on Twitter, Instagram and Facebook, I have created a TikTok account.”
16. Between 14 February 2020 and 29 April 2020, President Boshua and the First Lady were seen on various occasions distributing food packages to hundreds of people – including those in DAF strongholds – while encouraging them to vote for RLF. Responding to many political players who complained about this, President Boshua responded: “You have to understand that my obligations as the leader of this country are not the same as yours. I am alive to the fact that the lockdown measures have adversely affected our people and they face starvation. We are risking our own lives to make sure that everyone, including your own supporters, are cushioned during

these difficult times. An appreciation of our efforts will go a long way. We need not politick every good deed.”

17. On 26 February 2020, *Siya-Pharm Inc.*, a Siya-something pharmaceutical company, announced that it had made a breakthrough and found a Covid-19 vaccine which it named *Muto*. Siya-something’s Department of Health approved *Muto* attesting that it is effective and safe. Nevertheless, tabloids in Siya-something criticised the move noting that the *Muto* was approved while still under a phase I trial, having been used only on 94 people and without published results. The tabloids relied on an open letter that was written by some scientists in the region noting that *Siya-Pharm Inc.* had used some “questionable” data in its clinical trials. When reached for comment, an unnamed scientist from *Siya-Pharm Inc.* said that phase IV of *Muto* will be done outside Siya-something and the company had its eyes on the Continent of Kanthiyeyu.
18. Meanwhile, the faction of DAF led by Papa coalesced with other opposition political parties and called itself the DAF-Alliance. The DAF Alliance Agreement provides that parties have the option of leaving or remaining part of the Alliance after the 2020 national election. The DAF-Alliance was recognised as a political party by REC for purposes of the 2020 national elections. Nevertheless, because DAF-B used the original logo of DAF, DAF-Alliance was asked to choose another logo, with which it complied. Since the DAF faction led by Papa was the biggest in the DAF-Alliance, there was agreement in terms of the DAF Alliance Agreement that the DAF faction led by Papa should provide 80% of the candidates to contest in the parliamentary elections and that Papa should be the leader of DAF Alliance. These candidates were chosen through an internal election. The national elections were scheduled for 30 April 2020 and lockdown measures were relaxed to allow millions to vote. A system of postal voters was also put in place. Since the first Covid-19 infection cases in February 2020, infection rates have remained steady and very low in March, April and May. Medical and pandemic management experts have attributed this feat to president Boshá’s comprehensive lockdown measures.
19. Notwithstanding the ban on Twitter and the inability to hold in-person public campaigns as per the 13 February lockdown measures, Papa’s DAF Alliance won 68% of parliamentary seats in the national elections that were held on 30 April 2020. Papa narrowly lost the presidential election, getting 3 607 514 votes while President Boshá got 3 700 260 votes. Papa claimed that Boshá rigged the presidential election. Sister Betina received 36 928 votes in the presidential election and DAF-B won 3 parliamentary seats – less than 2 percent of the total votes. In a bid to facilitate peace in Rhakatah, Boshá invited all political parties for a political dialogue that was scheduled for 2 June 2020. Papa called Boshá’s initiative an attempt to pacify real opposition and create a one-party state. On 2 June 2020, the day that the leaders of opposition political parties met with Boshá, Papa did not attend. He chose, instead, to meet with the Ambassador of Siya-something, Ms. Ally Gator, who has become his close friend in recent years. There are rumours that Papa and the Ambassador of Siya-something are in a romantic relationship. Some local newspapers and RNT carried a story that Boshá was thoroughly dismayed and felt disrespected by Papa’s snub of his proposed political dialogue and vowed to decimate the DAF-Alliance. When asked how he planned to do that, President Boshá replied: “We must be respected. We are the ruling party. We are the Government. We are the police. We are the army. We are the intelligence officers. We are the courts. We are the law. We are everything you can think of.”
20. On 10 June 2020, the High Court of Rhakatah delivered its judgment in the case of *Sister Betina v Papa & DAF*. It held that Papa and the leadership of DAF had violated DAF Constitution by

holding a plebiscite to extend the presidency of Papa. It further held that the rightful leader of DAF is Sister Betina, and ordered Papa to vacate the headquarters of DAF and surrender assets of DAF to Sister Betina. The High Court emphasised that political parties play a fundamental role in strengthening constitutionalism at the national level and as such must respect their own constitutions as charity begins at home. The High Court judgment was strongly criticised by local legal experts and political commentators who argued that the judge failed to take judicial notice of the political reality of the case. On 12 June 2020, the DAF Alliance appealed to the Supreme Court of Rhakatah.

21. On 13 June, *Hello-Jah* announced its breakthrough on one of its projects on 5G holographic augmented reality. To showcase the product, *Hello-Jah* created a 5G holographic augmented reality of Papa dancing all evening on top of Chi-Town City Council Buildings. While dancing, he sang:

“If you believe in the virus-corona  
I crown you the moron-ah  
Come get your corona (crown)”

While some drones projected the show, some recorded it. Papa posted the recorded video on his TikTok account and it immediately went viral under the hashtag #FakeCovidDanceChallenge. Thousands of people participated in the #FakeCovidDanceChallenge. On 14 June 2020, TikTok deleted Papa’s #FakeCovidDanceChallenge as part of its rules against misinformation on Covid-19. The video was, however, reposted by the Embassy of Siya-something in Rhakatah (@SiyalInRhakatah) on Twitter with the comment: “We disagree with this but we should all be free to express ourselves. In any event, this video entertained many in this lockdown.”

22. Meanwhile, on 15 June 2020, the Government of Rhakatah, reasoning that Sister Betina was the legally recognised and legitimate leader of DAF, allocated funds to Sister Betina’s DAF faction, funds that are disbursed in terms of the *Rhakatah Political Finances Act* (APFA). In terms of Section 4 of APFA on state financing of political parties, political parties whose candidates received at least five percent of the total number of votes cast in the most recent national election are entitled to the same proportion of the total monies allocated to qualifying political parties in terms of the APFA.
23. On 14 July, there was an uproar in Rhakatah following the tweets below from Bosh’s Presidential Spokesperson, Mr Cayman Lacoste who tweets from @Woolishcroco and from the Permanent Secretary in the Rhakatah Ministry of Information, Mr Mick Bafana, who tweets from @TheBigRat. Regional and international inter-governmental organisations to which Rhakatah is a party were concerned about the tweets and contacted Rhakatah Government seeking clarifications. The Ministry of Information held a press conference that was aired live on RNT and emphasised that the issue was an internal matter which the Government was looking into, “to get to the bottom of what transpired regarding the tweets”. The tweets in question read as follows:





24. In the morning of 15 July 2020, the Supreme Court of Rhakatah dismissed with costs, Papa's appeal in *Papa & DAF v Sister Betina*. In the afternoon of 15 July 2020, President Boshia officially recognised Sister Betina as the Leader of Opposition in Rhakatah Parliament, a role that is provided for in the Constitution of Rhakatah. In the evening of 15 July 2020 and on the basis of the Supreme Court decision in *Papa & DAF v Sister Betina*, Sister Betina, invoking Section 75 of Rhakatah Constitution and Section 44 of *Rhakatah Electoral Act* (REA), recalled 43 DAF Parliamentarians who were elected under the ticket of the DAF Alliance and had publicly announced their allegiance to Papa.
25. Section 75 of Rhakatah Constitution provides for the tenure of Seat of Member of Parliament. In Section 75(3), it provides that "the seat of a Member of Parliament becomes vacant if the Member has ceased to belong to the political party of which he or she was a member when elected to Parliament and the political party concerned, by written notice to the Speaker or the President of the Senate, as the case may be, has declared that the Member has ceased to belong to it." When the 43 named DAF-Alliance Parliamentarians heard that Sister Betina had submitted a notice in terms of Section 75, they approached the High Court, seeking an injunction against Sister Betina whom they claimed had no authority to recall them.
26. While the High Court was still to make its determination in regard to the recalls, REC announced in *Rhakatah Gazette* that vacancies had arisen in Parliament in terms of Section 44(5) of REA, which provides as follows: "In the event of a vacancy occurring in terms of Section 75 of the Rhakatah Constitution, the President of the Senate or the Speaker, as the case may be, shall notify Rhakatah Electoral Commission (REC) of the vacancy, in writing, as soon as possible after he or she becomes aware of it. Upon being notified of a vacancy, REC shall, without delay, notify the public of the vacancy by notice in the *Rhakatah Gazette* and invite the political party in writing to submit the name of a qualified person to fill the vacancy, for which purpose the political party must lodge with REC a nomination paper that is countersigned by any two of the

designated national office-bearers of the political party.” Sister Betina submitted a list of replacements drawn from politicians from DAF-B faction. She also included her own name. Following the parliamentary recalls, various supporters of DAF Alliance and voters sought to demonstrate against what they perceived as a clamp down on their fundamental human rights but were arrested for violating lockdown measures.

- 27.** Late in the evening of 15 July 2020 and following the Ministry of Health’s report of 2717 new cases of Covid-19, a hike from the 722 cases that had been recorded since February 2020, President Boshia made another national address and stated as follows:

Fellow Rhakathians, once again, I come back to you in these difficult times of covid-19. I am aware that since the announcement of the first lockdown measures, we managed, until recently, to keep infection rates very low. This was not an easy feat and I am aware that this has been very difficult for all of us. Now we are confronted with a terrible increase in the number of infections. We are, indeed, faced with difficult choices. The choice between the right to freedom of movement and the right to privacy; the choice between the right to freedom of association and the right to health; the choice between the right to freedom of speech and irresponsible information sharing that affect the right to health; the choice between the right to privacy and the right to health. But I can assure you, the right to health is intrinsically linked to the right to life. We are only able to exercise all these other rights because we are alive. It is, therefore, a necessary evil. A necessary sacrifice. Yes, we may have the lowest infections at the moment but we have seen a number of people who are not respecting the lockdown measures and it is difficult to monitor such people or track those they may have potentially infected. The slightest lapse in our alertness or efforts can lead to catastrophic fatalities. Don’t listen to DAFT PROPHETS and their fake news campaign against vaccination! We have all seen what have been happening in neighbouring countries because they failed to see that sometimes what may be seen as evil is for the greater good. The Government of Rhakatah has procured essential technologies from *SiyaTech Cloud* and a vaccine from *Siya-Pharm Inc.* that will make a difference in the fight against the deadly virus. Through *SI/15/07/2020*, I am announcing the following new and additional measures:

- The installation of mass surveillance and facial recognition technology across Rhakatah to enable the Government to monitor people, identify and punish those who break lockdown rules.
- The use of AI algorithms to monitor people’s smart-phones for purposes of checking people’s body temperature, medical condition, identifying suspected coronavirus carriers, and tracking their movements and those they may have infected.
- In the interest of public health, there will be compulsory *mutowenyemba* vaccination.
- *Hello-Jah’s* 5G license is hereby suspended pending conclusions on corona-related investigations.
- We are aware that these measures will anger some politicians whose supporters are known for violence and have already exhibited their violent intentions to spread covid-19. As such, all political assemblies are hereby prohibited for the next three months.
- Rhakatah soldiers are henceforth deployed to help Rhakatah Police in enforcing lockdown measures and helping with compulsory vaccinations.

- 28.** Following these developments, there were various online protests from different stakeholders in Rhakatah, from citizens and human rights non-governmental organisations. On 16 July 2020, the Embassy of Siya-something in Rhakatah which was closely following the developments also tweeted as follows:



29. Thirteen minutes after the tweet from the Embassy of Siya-something, the Government of Rhakatah responded through the Ministry of Information. It noted as follows:



30. A week later, on 23 July 2020, to celebrate the 22nd anniversary of Tomato Faith Ministries and address various instances of police brutality in enforcement of lockdown measures, Papa went to Tomato Faith Ministries in Chi-Town to make a virtual address. The event was livestreamed on Twitter through @SiyainRhakatah Twitter handle. In his opening address, Papa said:

We have always maintained that covid-19 is a political and capitalist excuse to exploit the vulnerable of this earth. For a long time, DAF has resisted these AI technologies that are unnecessarily intrusive and violate our people's fundamental rights. Now, Boshá's Government, knowing that it does not have a parliamentary majority, is now using covid-19 as an excuse to normalise the deployment of mass surveillance technologies that the people have rejected for a long time. As a man of faith, the hidden has been revealed to me by the sacred spirits: Covid-19 is the work of the devil; the devil is using capitalist governments of this world who engineered and orchestrated this fake pandemic in order to suck us dry. Even if one was to get sick, one can take hydroxychloroquine. Medical research by our esteemed medical doctors has shown that if you take hydroxychloroquine, you will totally be fine. There is no need to hide in your houses like rats afraid of cats or vampires afraid of the sunlight. Yet, Boshá's Government refuses to listen to us; it prefers to continue pandering fear. Medical evidence which it presents on covid-19 is neither unanimous nor conclusive. Yet, Boshá's Government unjustifiably prefers one medical evidence to another. Medical research that does not support their narrative of fear is demonised and branded as fake news. To this Government and its cabals, fear is profit. We hear that Boshá's wife has shares in *SiyaTech Cloud*. Boshá's two daughters have shares in *Siya-pharm Inc*. He has not denied it. It is corruption that stinks to the highest level, risking our health. All these measures that are being taken are not only disproportionate but unnecessary. Why should I be forced to wear a mask? If you think a mask works, then good for you, it means I won't be able to infect you if I have the fake virus, so why do you worry about whether or not I am wearing a mask myself? It is my choice. If you insist that *muto* works and prevents infections, why should you be worried about me not getting the vaccination? If it simply means you can't be infected if you get a

*muto* shot, surely, you shouldn't be bothered by those who don't get it. We must refuse to be anyone's guinea pigs! This is a watershed moment that if we do not resist these intrusions, they will forever alter – if not destroy – the human rights project as we know it today. It is the poor who continue to be hit hard by these lockdown measures; losing their jobs, their trade and failing to feed their families, their health compromised while dictatorial governments like that of Boshia are taking it as an opportunity to invade our rights *en-masse*. I say let us end this now. Go out there and live your life. We only live once after all.

- 31.** As he continued his address, over 500 people streaked to Tomato Faith Ministries – the majority of them not wearing masks – and started cheering Papa. Many were met with the brutal force of Rhakatah Police and Army. Armed with a search warrant, special squads of Rhakatah Police were immediately dispatched to Tomato Faith Ministries where, upon arrival, they seized an iPad device from which the event was being livestreamed. During the livestream, the iPad was pitched on a stand. As the police seized it, the Ambassador of Siya-something who was attending the event protested that the iPad was hers and thus covered under diplomatic privileges and immunities. Citing violations of lockdown rules and Article 7 of CSDP Act, the Police stopped the livestreaming and deleted all the videos and press-statements of Papa that were posted on @SiyaInRhakatah's timeline. Article 7 of CSDP Act provides that "any person who unlawfully and intentionally through a computer, digital platform or information system misinform or disinform the public in a manner that menace public health, public order and national security shall be guilty of an offence". The videos that were deleted concerned Papa's consistent views on the Covid-19 pandemic. The Police also used the AI algorithms to track through their smart-phones the movement of 834 people, mostly supporters of DAF Alliance, in order to identify those who were close to Tomato Faith Ministries on 23 July 2020 and charged them with violating the measures under SI/15/07/2020. During the first appearance of the 843 accused persons before the Magistrates' Court, a week later, their lawyers requested that the constitutionality of the lockdown measures be referred to the Constitutional Court. The Magistrate declined the request on the basis that "no court is likely to find the measures to be unjustified".
- 32.** The incident at Tomato Faith Ministries resulted in a diplomatic fall out between Siya-something and Rhakatah who are now before the International Court of Justice to adjudicate the dispute. Papa approached the Constitutional Court of Rhakatah arguing that the Police actions on 23 July 2020 violated his right to administrative justice. The Constitutional Court ruled in favour of the State noting that public health takes precedence in the matter. Meanwhile, two weeks after the incident of 23 July 2020, Rhakatah's Ministry of Health reported a shocking 4 420 new cases of Covid-19 infections.
- 33.** On 16 November 2021, Papa and 43 recalled Parliamentarians approached the Kanthiyeyu Human Rights Tribunal alleging the following:
- a) The recalling of Democratic Angels of Faith Alliance's Members of Parliament violates the Kanthiyeyu Charter on Human Rights and other relevant human rights treaties.
  - b) The deletion of tweets from @papatommytomato and @SiyaInRhakatah, and the ban of Papa Tommy Tomato from Twitter by the Rhakatah Government violate the Kanthiyeyu Charter on Human Rights and other relevant human rights treaties.
  - c) The lockdown measures of 13 February 2020 and 15 July 2020 violate the Kanthiyeyu Charter on Human Rights and other relevant human rights treaties

**Instruction:** Prepare memorials for **Applicant** (Papa Tommy Tomato and 43 others) and **Respondent** (Republic of Rhakatah) addressing jurisdiction, admissibility, merits and remedies.

## CONTACT WITH ORGANISERS

All correspondence in relation to the Competition has to be addressed to:

**Mr Eduardo Kapapelo**

Project Coordinator

Centre for Human Rights

Faculty of Law, University of Pretoria

[eduardo.kapapelo@up.ac.za](mailto:eduardo.kapapelo@up.ac.za)

[www.chr.up.ac.za/worldmoot](http://www.chr.up.ac.za/worldmoot)

