

**16th World Human Rights Moot**

**Court Competition**

**15 July to 19 July 2024**

**Geneva, Switzerland**

**IN THE MATTER BETWEEN**

**Tripple C**

**AND**

**Republic of SaManyanga (ROM)**

**MEMORIAL FOR THE APPLICANT**

## Contents

|  |           |
|--|-----------|
| LIST OF ABBREVIATIONS .....  | 4         |
| <b>TABLE OF AUTHORITIES .....</b>  | <b>6</b>  |
| <b>TREATIES .....</b>  | <b>6</b>  |
| <b>Permanent Court of International Justice .....</b>  | <b>6</b>  |
| <b>SUMMARY OF FACTS .....</b>  | <b>8</b>  |
| <b>SUMMARY OF ARGUMENTS .....</b>  | <b>12</b> |
| <b>PART A: JURISDICTION AND ADMISSIBILITY .....</b>  | <b>14</b> |
| <b>JURISDICTION .....</b>  | <b>14</b> |
| <b>ADMISSIBILITY .....</b>   | <b>14</b> |
| <b>PART B: MERITS .....</b>  | <b>16</b> |
| <b>CLAIM A: ROM's elimination of affirmative in education contravenes its international human rights obligations .....</b>                                     | <b>16</b> |
| <b>CLAIM B: ROM's actions to alter the nation's name run counter to its international human rights obligations .....</b>                                       | <b>18</b> |
| <b>CLAIM C: ROM's actions to restrict Prof Headscarf's authority to make changes at KaNjiva run counter to its international human rights obligations.....</b> | <b>20</b> |
| <b>a. Limitations imposed by the Minister infringe Pro Heafscarf's right to economic, social, and cultural development.....</b>                                | <b>20</b> |
| <b>b. KaNjiva did implement restrictive measures to ensure that user's digital rights are protected.....</b>   | <b>21</b> |
| <b>c. Prof Headscarf's rights to equal protection of the law were infringed .....</b>  | <b>21</b> |

|  |           |
|--|-----------|
| <b>CLAIM D: ROM's directive regarding the English Language Test (ELT) violates its international human rights obligations.....</b>     | <b>23</b> |
| <b>CLAIM E: ROM's provision of amnesty to Commander Domini Nomina is in breach of its international human rights obligations. ....</b> | <b>24</b> |
| <b>REPARATIONS FOR RELIEF .....</b>  | <b>25</b> |
| <b>PRAYERS.....</b>  | <b>26</b> |

## LIST OF ABBREVIATIONS

|   |         |
|---|---------|
| African Charter   | Charter |
| African Charter on Human and People's Rights  | ACHPR   |
| African Commission  | AC      |
| Constitutional Amendment  | CA80    |
| Convention on the Elimination of All Forms of Discrimination Against Women          | CEWDAW  |
| Convention on Rights of Persons with Disabilities                                   | CRPD    |
| Elephantia Court of Human Rights  | ECHR    |
| Elephantia Treaty on Human Rights   | ETHR    |
| European Convention on Human Rights   | ECHR    |
| International Covenant on Civil and Political Rights                                | ICCPR   |
| International Conventional on the Elimination of All Forms of Racial Discrimination | CERD    |
| Mind Online Body and Soul   | MOBS    |
| Republic of SaManyanga  | ROM     |
| SaManyanga Constitutional Court   |         |
| United Nations Declaration on the Rights of Indigenous People                       | UNDRIP  |
| Universal Declaration on Human Rights   | UDHR    |

|  |         |
|--|---------|
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| African Charter on Human and People's Rights                               | ACHPR   |
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| Convention on Rights of Persons with Disabilities                          | CRPD    |
| Elephantia Court of Human Rights   | ECHR    |

## TABLE OF AUTHORITIES

### TREATIES

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| Convention on Rights of Persons with Disabilities                          | CRPD    |
| Elephantia Court of Human Rights   | ECHR    |
| Elephantia Treaty on Human Rights  | ETHR    |
| European Convention on Human Rights  | ECHR    |

### Permanent Court of International Justice

|  |  |
|--|--|
| AFRICAN COURT ON HUMAN AND PEOPLE'S RIGHTS | XYZ V. REPUBLIC OF BENIN (2020) 4 AfCLR 49.  |
| AFRICAN COURT ON HUMAN AND PEOPLE'S RIGHTS | African Commission v Libya [2016] 1 AfCLR 153.                                     |
| AFRICAN COURT ON HUMAN AND PEOPLE'S RIGHTS | African Commission on Human and Peoples' Rights v Kenya (merits) (2017) 2 AfCLR 9. |

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| AFRICAN COURT ON HUMAN AND<br>PEOPLE'S RIGHTS | XYZ V. REPUBLIC OF BENIN (2020) 4<br>AfCLR 49.    |
| AFRICAN COURT ON HUMAN AND<br>PEOPLE'S RIGHTS | African Commission v Libya [2016] 1 AfCLR<br>153. |

## **SUMMARY OF FACTS**

The Republic of SaManyanga (ROM) is a thriving state on the beautiful continent of Elephandia. It borders Pangolina, a smaller but culturally more advanced country, to the east. With 50 million people, ROM has a diverse range of social dynamics and ethnic backgrounds. The SaManyangas, who make up only 1% of the population, are officially designated as the nation's "first peoples" by the Constitution despite being its original residents. On the other hand, the Shumbas descended from slaves transported from Pangolina, comprise 10% of the population, while the SaManyembas make up 87%.

The conflict between the SaManyanga and SaManyemba factions over the country's identity has thrown ROM into a violent socio-political tempest. The proud native residents of the region, the SaManyanga, fiercely oppose the proposal by the SaManyemba to rename ROM the Republic SaManyemba. The SaManyanga community views the name ROM as a tribute to their heritage as the area's original settlers and as a representation of their ongoing contributions to the region's development.

A prominent professor of computer science at the esteemed Central University of Panda (CUP), Mjolo Headscarf, is leading the SaManyanga opposition. Arguably the third-best university in the world, CUP is a prominent state institution in ROM. Along with being the acknowledged leader of the SaManyanga community, Prof. Headscarf also conceptualised and founded the KaNjiva social media platform with Prof. Minus Opportunity. Also referred to as Prof. MO, is Professor Minus Opportunity.

ROM is a signatory to all international human rights agreements, including the nine fundamental agreements of the United Nations. It also possesses membership in the Elephandia Treaty on Human Rights (ETHR), a regional agreement that has had a significant



impact on the norms of human rights throughout the Elephantia continent. The ETHR is the cornerstone of Elephantia's human rights institutions and, in essence, is a mirror image of the African Charter on Human and Peoples' Rights.

Although English is her second language, Miss Teanto, who was born in Pangolina in 2001, is an exceptional student. Miss Teanto was a symbol of optimism and resiliency because her town was in the throes of a civil conflict, even though she was protected by a Peace Keeping Mission from ROM. For supporting students such as herself, CA80 has received high appreciation. The concept of command responsibility in international criminal law was applied to the violent treatment of Teanto by soldiers under the command of Commander Domini Nomina, who was judged guilty. His sentence was 18 years in prison by the ROM High Court.

Miss Teanto applied for a Bachelor of Laws degree at CUP in 2021. Despite her past trials, she persevered and embodied justice and equality. As an international student, she had to pass the English Language Test, despite being exempt from this requirement for students from former colonies of ROM. Miss Teanto, a passionate advocate for linguistic equality, led a campaign against the ELT requirement at CUP, leading to the abolishment of the requirement in December 2022. However, in July 2023, the ROM Ministry of Higher and Tertiary Education ordered CUP to reinstate the ELT, aligning with the student visa conditions. CUP sued the High Court, arguing the directive infringed on their institutional autonomy and academic freedom.

The CA80 Commission reviewed CA80's impact on modern ROM, assessing its relevance and impact. Despite significant progress, such as increased representation for women and Shumbas, poverty rates dropped, and land rights increased for SaManyangas, the average

income of Shumbas remained at 70% of SaManyembas'. Gender-based income disparity persisted, and SaManyangas still suffered from cultural erasure and minimal representation in Parliament. The Commission's report highlighted the need for affirmative action in modern ROM.

Commander Domini Nomina, a man with a tumultuous past, was granted amnesty by the Romanian government in April 2023. The decision was defended by highlighting his significant contributions to society, including his philanthropic efforts and training of police officers in community policing, ethics, and human rights. However, the Coalition for Rights and Empowerment of Women campaigned against the decision, with 52% of ROM's citizens supporting Domini's second chance. Miss Teanto experienced a devastating blow when Commander Domini was seen on TV, causing her to relive the trauma she experienced. The ROM Electoral Commission conducted an online survey to gauge public sentiment on the controversial issue of amnesty granted to Commander Domini, which is expected to be a landmark decision in ROM's judicial history. The ongoing debates surrounding amnesty and other contentious matters in ROM are significant.

Professor MO proposed KaNjiva to ROMEK for an online survey, earning the nickname "online plebiscite." The survey revealed a 50.1% majority in favour of the renaming, leading Professor Headscarf to accuse Professor MO of rigging the results. She filed a case with SACOCO, accusing them of violating the rights of the SaManyanga people.

On 20 December 2023, a meeting was held to discuss the ongoing legal and social turmoil in ROM. The meeting included Professor Mjolo Headscarf, representing the interests of the SaManyanga, and Miss Teanto, an emblematic figure of the amnesty debacle involving Commander Domini Nomina. During the meeting, Miss Teanto expressed her admiration for Professor Headscarf's groundbreaking innovations but also expressed her distress over the removal of the block feature on KaShiri, which had become a source of trauma for her.

Professor Headscarf was left grappling with the broader social and ethical implications of his work, as he grappled with the irony that Miss Teanto was also adversely affected by his innovations.

Triple C, an alliance of three main litigants, applied to the ECHR Registry, alleging that Romania's actions, including the elimination of affirmative in education, altering the nation's name, restricting Prof Headscarf's authority, and providing amnesty to Commander Domini Nomina, violate its international human rights obligations. The application aims to address the systemic neglect and potential misuse of authority in ROM, highlighting the importance of international human rights.

## **SUMMARY OF ARGUMENTS**

### **CLAIM A**

The affirmative action measures in place by ROM do not amount to racial discrimination because they are aimed at addressing racial inequality.

### **CLAIM B**

Firstly, the name change constitutes an infringement of Article 5 of the African Charter because it disregards the long-standing culture, history, and identity of the SaManyanga tribe. Secondly, the survey conducted is unreliable and cannot be used as a method of determining public support for the name change because the SaManyanga tribe is not proportionately represented on kaNjiva. Lastly, the Parliament of ROM failed to comply with the requirement of public participation as required by the ICCPR, therefore, this decision was taken in contravention of ROM's international obligations.

### **CLAIM C**

The government has no legal reason for restricting Prof Headscarf due to the 2015 AI and Digital Bill of Rights not being violated by the changes on KaNjiva. The changes were reasonable enough for users to choose who and what to interact with, and there was no reasonable threat or emergency that qualifies for the exercise of Article 19 of the ACT 2015. The limitation violates the professor's right to economic development.

### **CLAIM D**

English language is not a home language to all students and therefore it is reasonable to expect that they would struggle to pass it in such cases, some due to the quality of the

education. It is also unreasonable and unjustifiable to make students from former colonies of ROM write ELT even though they are off English-speaking. The requirements act as a barrier to the fulfilment of the right to an education that is provided by numerous treaties that bind the state such as the UDHR, thus in violation of the State's international obligations.

## **CLAIM E**

Commander Domini is convicted for committing a crime that amounts to a crime against humanity in terms of the Rome Statute. Amnesty is therefore not permissible for Commander Domini's conviction as the United Nations Convention on the Non-Applicability of Statutory Limitations to War and Crimes against Humanity does not allow amnesty for crimes against humanity and ROM is a State Party to this Convention.

## PART A: JURISDICTION AND ADMISSIBILITY

### **JURISDICTION**

The ECHR establishes the ECHR and confers it with jurisdiction to interpret and enforce the provisions its provisions.<sup>1</sup> It is mandated to deal with applications alleging violations of the ECHR and other applicable UN treaties.<sup>2</sup>

Article 32 of the ECHR confers jurisdiction to the ECHR in all matters related to the interpretation of the Convention. Where there is a dispute, the Court has the power to decide it. All five legal issues allege violations of the ECHR and other UN human rights treaties to which ROM is a signatory, the adjudication thereof necessarily involves the interpretation of the Convention and several other UN treaties.

### **ADMISSIBILITY**

Article 34 allows the Court to receive applications from any person, non-governmental organisation, or group of individuals claiming to be a victim. Triple C falls under this category as it is a group consisting of a juristic person and two non-governmental organisations representing victims. The lack of registration of the group is therefore of no consequence.

For a matter to be admissible, Article 35(1) provides that all domestic remedies must have been exhausted, according to the generally recognised rules of international law, and within four months from the date on which the final decision was taken. Article 35(2) contains a list of applications which are excluded from consideration. It includes those applications that are

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<sup>1</sup> Facts, para 13.

<sup>2</sup> Ibid.

anonymous or substantially the same as a matter that has already been examined by the Court.

For Claims A and B, all domestic remedies have been exhausted with the ROM's apex court SAROCO handing down judgements to the detriment of the Applicant.<sup>3</sup> Further, the application to this Court was within 4 months from the date of the final judgment.

For the rest of the issues, local remedies were not exhausted. To this end, local remedies must only be exhausted if they are available, effective, and sufficient.<sup>4</sup> It was further stated that local remedies will be deemed available if they can be pursued without hindrance, effective if there is a reasonable likelihood of success, and sufficient if they offer redress for the violations in question.

For Claim C local remedies were not effective because the ruling of SACOCO would not be impartial as evidenced by the video of the Chief Justice and the Registrar.<sup>5</sup>

Similarly for Claim D, the exhaustion of the local remedies by way of appealing to SACOCO would not be effective due to the Court's impartiality being compromised.<sup>6</sup> The High Court's decision<sup>7</sup> is therefore sufficient to show that there was no likelihood of success.

Finally for Claim E local remedies were not fully exhausted because they were not sufficient. This is because SACOCO was approached but the date of the hearing was set after 8 long months, in the interim there is no redress.<sup>8</sup> In the premises, the Applicant submits that all issues are admissible and do not fall within the scope of the listed exclusions.

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<sup>3</sup> Facts, para 26 and 35.

<sup>4</sup> African Commission v Libya [2016] 1 AfCLR 153 para 67.

<sup>5</sup> Facts, para 43.

<sup>6</sup> Ibid.

<sup>7</sup> Facts, para 25.

<sup>8</sup> Facts, para 32.

## **PART B: MERITS**

### **Claim A: ROM's elimination of affirmative in education contravenes its international human rights obligations**

ROM as part of treaties,<sup>9</sup> it is bound by them. Article 3 of the Charter declares every individual to be equal before the law and entitled to equal protection thereof. It is widely accepted in our international law that true equality encompasses both formal and substantive equality.

Article 1(4) of the CERD empowers States to take special measures to advance certain racial or ethnic groups or individuals. This is provided that it does not lead to the maintenance of separate rights for different racial groups and that they do not continue after meeting their objectives.

This position is confirmed by Article 3 of CEDAW, Article 5(4) of CRPD and Article 21(2) of UNDRIP.

To ensure compliance with international responsibilities and develop a more equal nation, ROM implemented the Constitutional Amendment (CA80) to address imbalances in education and other socio-economic sectors related to race, disability, gender, and minority groups. This qualifies as a special measure.<sup>10</sup> In terms of the above, these measures despite the differentiation do not constitute discrimination.

The limitation that these measures should be temporary and therefore cannot continue after their objectives are met is acknowledged. Article 4 of the CA80 provides for the Commission

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<sup>9</sup> Facts, Para 12.

<sup>10</sup> Article 1 of CA80.



to conduct a comprehensive review to determine whether the objectives of these policies have been achieved and whether there is a continuing need.

From the review,<sup>11</sup> the enactment resulted in tremendous progress being made and benefited women, and disabled persons. While affirmative action under CA80 reduced poverty rates and increased land rights for marginalized groups, the review finds that there are still differences in representation in Parliament, earning power, education, and culture and that some people still do not benefit even though they do not belong to historically oppressed or marginalized groups.

CA80 has significantly improved the lives of ROM citizens, but the persistent inequality suggests it's not a viable option to remove the Act, as its objectives have not been met. The primary consideration is whether the measures are temporary, as the law requires the measures to be met.

Here the objectives have not been met because inequality persists as shown by the CA80 review.<sup>12</sup> The progress made shows the potential that CA80 has in curing inequality if it continues to be in operation. It is clear from the general comments that the idea of adequate advancement implies goal-directed objectives that have the objective of remedying disparities that persist.

Paragraph 35 of General Recommendation No. 32<sup>13</sup> further provides for a continuing system of monitoring of the special measures using appropriate qualitative and quantitative methods. This was not followed because the review only happened at the end.<sup>14</sup> The 40-year period of special measures is a long enough period for beneficiaries to expect continued use, which is a violation of paragraph 35's obligation for the State to consider the

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<sup>11</sup> Facts, para 26.

<sup>12</sup> Ibid.

<sup>13</sup> International Convention on the Elimination of all Forms of Racial Discrimination CERD/C/GC/32 -24 September 2009.

<sup>14</sup> Ibid.

consequences of abrupt withdrawal, especially when these measures have been in place for a long time.

**Claim B: ROM's actions to alter the nation's name run counter to its international human rights obligations.**

The Charter of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) guarantees that every individual can freely participate in their community's cultural life, while the State must promote and protect traditional values. Indigenous people have the right to self-determination, allowing them to determine their political status and pursue their economic, social, and cultural development. They also have the right to self-government in internal and local affairs. Article 8(1) and (2) of UNDRIP states that indigenous people have the right not to be subjected to forced assimilation or destruction of their culture, and the State must provide effective mechanisms for preventing and redressing such actions.

Changing the name of ROM is significant and has far-reaching consequences for the country's original inhabitants, this is due to the unique history behind the name.<sup>15</sup> This goes against their recognition in the ROM Constitution as the "first people". Despite constituting only 1% of the nation's population,<sup>16</sup> they are afforded protection in terms of the above provisions.

In interpreting sections 17(2) and (3) of the Charter, it was held that the protection of the right to culture goes beyond the negative duty not to destroy or deliberately weaken minority

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<sup>15</sup> Facts, para 6.

<sup>16</sup> Facts, para 1.

groups but requires respect for and protection of their cultural heritage essential to the group's identity.<sup>17</sup> Accordingly, the right must be construed in its widest sense encompassing the total way of life of a particular group shared values of its members which reflect its distinctive character and personality.<sup>18</sup>

The AC notes that the preservation of the indigenous people's culture is of paramount importance due to their vulnerability. Changing the name is therefore an infringement on their culture and human dignity as guaranteed by Article 5 of the Charter. This is more so because the new name is not neutral but would reflect another tribe. This would indeed have the effect of erasing centuries of history, culture, and identity. No substantive reason is given for changing the name, only that the procedural requirements were met.

Additionally, indigenous people due to the location they occupied were excluded from the online survey which was conducted by the ROM Electoral Commission and intended to gauge public sentiment matter.<sup>19</sup> This is because the survey was done after the name change was enacted, the results did not matter in the name-changing process.

Specifically, their right to self-determination means they are entitled to a say in the running of the State as provided by Article 3 of the UNDRIP. The majority vote that was obtained to change the name is therefore not enough for something so significant. The change therefore has a significant impact on the social fabric and weakens the culture and historical identity safeguarded by Article 19-21 of the ICCPR.

Moreover, any decision to change the name of the state must involve a participatory process where all stakeholders, including minority groups and the indigenous populations, have the opportunity to express their views and consent to such a change. This is per the obligation of the states to ensure public participation in matters affecting cultural rights. Articles 19-21

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<sup>17</sup> African Charter on Human and Peoples' Rights.

<sup>18</sup> African Commission on Human and Peoples' Rights v Kenya (merits) (2017) 2 AfCLR 9 para 179.

<sup>19</sup> Facts, para 33.

of the UDHR outline fundamental rights of participation – those of opinion, expression, assembly, association, and to take part in government directly or through freely chosen representatives.

In as much as this is met through the selection of the parliament of ROM, the Parliament is accountable to the public, therefore, it is accepted that before the enactment of provisions the public should be given the right to be heard.

**Claim C: ROM's actions to restrict Prof Headscarf's authority to make changes at KaNjiva run counter to its international human rights obligations.**

**a. Limitations imposed by the Minister infringe Prof Headscarf's right to economic, social, and cultural development.**

Article 21(1) of the ACHP provides for the exclusive right that all people may freely dispose of their wealth.<sup>20</sup> Disposing of includes the sale of a business<sup>21</sup> Prof Headscarf is selling or renting the check mark for \$10 per month, violating the right to economic, social, and cultural development as provided by Article 22 (1) of the ACHP. The Minister's implementation of restrictions is disturbing the enjoyment of these rights, as ROM is obligated by UN treaties to respect, protect, and fulfil citizens' rights. The modification of KaShiri, which includes a personal fee of \$10 and a "tip jar" feature for users, is an economic development for both Prof Headscarf and the app's users, but the restrictions are disturbing the enjoyment of this right. In *XYZ v Benin* the African Court on Human and People's Rights held that such disturbance is a violation noting that the "right to development is an inalienable human right

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<sup>20</sup> Article 21(1) of the African Charter on Human and People's Rights.

<sup>21</sup> Cambridge Dictionary.

by virtue of which every human person and all peoples have the right to participate in and to contribute to economic, social and cultural development in which the political development is a part”.<sup>22</sup> The applicant then submits that such restrictions are unreasonable and against the obligations.

**b. KaNjiva did implement restrictive measures to ensure that user’s digital rights are protected.**

The newsfeed of KaNjiva is divided into two parts, the “For you” tab shows posts of all the users, irrespective of following them or vice versa, and the “Following” tab shows only interactions from the users that one follows. The Minister of AIICT did receive complaints and protests ensued but these are provided rights to the citizens in Article 21 of the ICCPR. The reliance by the Minister on Article 19 of Act 2015 is not tenable because there is no evidence of the protesting posing irreparable harm.

**c. Prof Headscarf’s rights to equal protection of the law were infringed**

MOBS challenges kaNjiva in the highest court in the country, and Prof Headscarfs is not represented in the case proceedings.<sup>23</sup> This is even though it is conceded that SACOCO’s decisions are final and legal representation is almost universally deemed necessary given the complex nature of the cases that come before it.<sup>24</sup> Article 26 of the ICCPR provides that everyone is equal before the law. In as much as her papers were late, the court has the discretion to condone such mistakes, provided that no one is prejudiced in the process. The

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<sup>22</sup> XYZ V. REPUBLIC OF BENIN (2020) 4 AfCLR 49 para 127.

<sup>23</sup> Facts, Para 42.

<sup>24</sup> Facts, Para 15.

court also misinterpreted Article 19 of the 2015 Act when it made a ruling enforcing the restrictions.

The state is not adhering to the international human rights obligations to respect the rights of the citizens and ensure that it does not whether directly or indirectly violate them. The restrictions placed on Prof Headscarf are unreasonable and procedurally unfair, therefore such restriction is against the obligations.

**Claim D: ROM's directive regarding the English Language Test (ELT) violates its international human rights obligations.**

Article 2(1) of the ICCPR provides that “each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognised in the present Covenant, without distinction of any kind, including national or social origin, property, birth, among others”, any failure to provide education based on the above grounds it amounts to racial discrimination. Article 1(1) of CERD provides that “racial discrimination” shall mean any distinction, exclusion, restriction, or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life. The usage of the English Language Test (ELT) as a tool to measure who gets higher education is a form of racially discriminating against individuals based on descent and ethnic origin.

Article 26 of the UDHR provides that everyone has a right to education, but the ELT is a barrier to some, to close the gap and ensure that the right to higher education is achieved and exercised, the state must take affirmative action in favor of the previously disadvantaged group. In making these affirmative actions, the aim is to realise the equality of the law when it comes to the protection and enjoyment of the law. Such affirmative action would be to permanently abolish the ELT.

**Claim E: ROM's provision of amnesty to Commander Domini Nomina is in breach of its international human rights obligations.**

Amnesty for anyone convicted of heinous crimes like genocide, torture, and other crimes against humanity is fundamentally in contrast with the fundamental principles of international human rights law. Article 7 of the Rome Statute describes crime against humanity as “any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack, amongst others, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity”. Domini was convicted of violence suffered by Miss Teano and others which was sexual violence <sup>25</sup> which is a crime against humanity. This law aims to protect victims' rights, administer justice, and guarantee accountability. In these situations, amnesty deprives victims of their right to an effective remedy as outlined in many human rights agreements such as the ICCPR. Article 7 of the Rome Statute provides the following crimes as those against humanity and prohibited by international law rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization, or any other comparable acts of sexual violence. Commander Domini Nomini committed crimes against humanity, violating human rights such as the right to dignity, and safety. Granting of amnesty without due procedure followed which included contacting the victims of Commander to assess their position in such is a violation of the international human rights law.

Miss Teanto's right to partake in the process of whether granting amnesty would be appropriate was infringed since such right was never given the platform to be exercised.<sup>26</sup> There is no evidence provided that the amnesty was granted based on the Commander being rehabilitated and in the best interest of the human rights of both him and the victims.

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<sup>25</sup> Facts, Para 23.

<sup>26</sup> Facts, Para 31.



Striking the balance between their right and weighing as to which is more imperative, the right to justice and the state's obligation to respect, protect and fulfil that right is more paramount.

The United Nations Convention on the Non-Applicability of Statutory Limitations to War and Crimes against Humanity provides that no statutory limitation shall apply to crimes against humanity, providing that no amnesty should be applied to these types of crimes as they are serious that they must not go unpunished. Commander Domino committed crimes against humanity and the victims have a right to justice which is reasonable jail time, granting of amnesty by the government is the state violating the obligation to not directly or indirectly interfere with the rights the citizens are entitled to.

## **REPARATIONS FOR RELIEF**

Applicant requests that the court grant delictual damages to Professor Headscarf for infringement of her right to have control of her business and the damage the company suffered during the period of limitation till the passing of the judgment.

The applicant further requests that the court grants delictual damages for the mental trauma Teanto suffered due to the granting of amnesty to Domini.

## **PRAYERS**

The Respondent prays that this honourable court:

a. Declare that:

- i. The applicant does have legal standing to bring this matter before this court.
- ii. Claims A, B, C, D, and E are admissible.

b. Declare that:

- i. The respondent's International Human Rights obligations are violated by the removal of Affirmative actions.
- ii. The limitations placed on KaNjiva are against the Respondent's international law obligations.
- iii. The name change of the country is against the provisions of the treaties signed by the stated, therefore unlawful.
- iv. The respondent's international human rights obligations are violated by the decision to restore the English Language Test.
- v. The respondent's International duties are violated by the decision to grant Commander Nomina amnesty.

## **Word count**

Summary of the argument: 350

Memorial: 2954

