

# 16



**NELSON MANDELA**  
World Human Rights Moot Court Competition  
Concours Mondial de Procès Simulé des Droits de l'Homme  
Competencia Mundial de Derechos Humanos



## NELSON MANDELA 16<sup>th</sup> World Human Rights Moot Court Competition

**15 - 19 JULY 2024**

**Palais des Nations, Geneva, Switzerland**

Students from all universities across the world are invited to argue a hypothetical human rights case before judges from leading international tribunals and human rights experts.

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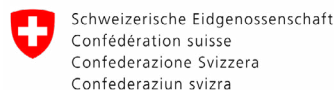
15 - 19 July 2024 (Final Rounds In Person, Geneva)

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**In the Matter between**

**Tripple C**

**and**

**Republic of saManyanga (ROM)**

1. The Republic of SaManyanga (ROM) is a flourishing state situated on the scenic Elephantia continent, sharing its eastern border with the smaller, yet culturally rich, nation of Pangolina. With a population of 50 million, ROM boasts a complex tapestry of ethnicities and social dynamics. Though constituting only 1% of the population, the SaManyangas, the nation’s original inhabitants, are explicitly recognised in the Constitution as the country’s ‘first peoples’. Conversely, the SaManyembas make up 87% of the population, while the Shumbas—descendants of slaves brought from Pangolina—constitute 10%.
2. ROM’s history is marked by its significant role in the slave trade during the 1800s. Pangolina was a primary target for this trade, a historical scar that has continuously been a source of tension between the two nations. Adding to this, ROM was one of the last countries to officially outlaw slave trading, in 1926, further complicating its relationship with Pangolina.
3. Economically, ROM is a heavyweight with a GDP of US\$ 3 trillion, benefiting from diversified industries such as technology, pharmaceuticals, agriculture, and tourism. The per capita GDP stands at US\$ 60,000, almost double that of Pangolina, which has a GDP of US\$ 450 billion and a per capita GDP of US\$ 30,000. Pangolina’s economy primarily relies on agriculture, textiles, and mining. Its population numbers 15 million.
4. Social dynamics within ROM are both intricate and fraught. Despite their small numbers, the SaManyangas wield a disproportionate amount of political and social influence. The SaManyembas, as the majority ethnic group, control significant parts of the economy and public institutions. However, the Shumbas face systemic racial discrimination, an enduring legacy of their ancestors’ enslavement.
5. The relationship between ROM and Pangolina also remains a complicated tapestry of shared history, trade, conflict, and cultural exchanges. As the modern world unfolds, both countries are tentatively taking steps towards fostering a more harmonious and collaborative future, though the scars of the past are yet to fully heal.
6. For a very long time, ROM has been engulfed in a fierce socio-political storm as the SaManyanga and SaManyemba groups grapple over the very identity of their nation. While the SaManyemba call for a renaming of ROM to the SaManyemba Republic, the SaManyanga, proud original inhabitants of the land, fervently oppose this proposition. To the SaManyanga community, the name ROM is a testament to their legacy as the first



inhabitants of the region and a symbol of their enduring contributions to its history and evolution. The name ROM is an embodiment of the SaManyanga’s legacy, dating back to the very foundations of the nation. By seeking to rename the nation, the SaManyanga argue that the SaManyemba are not merely seeking to change the name of the country, but are attempting to erase centuries of history, culture, and identity. Spearheading the SaManyanga's resistance is Professor Mjolo Headscarf, a renowned computer science academic at the prestigious Central University of Panda (CUP). CUP is a prestigious state institution in ROM which is ranked third in the world.

7. Prof. Headscarf is not only the recognised leader of the SaManyanga community, but together with Prof Minus Opportunity, she conceived and founded a social media platform called KaNjiva. Prof Minus Opportunity is popularly known as Prof MO. In the bustling digital landscape of ROM, KaNjiva emerged not merely as another social media platform but as the digital heartbeat of the nation. The platform, echoing the functionalities of Twitter, rapidly entrenched itself in the daily lives of ROM’s citizens. As the years rolled on, the platform's popularity soared to unprecedented heights. Of the total inhabitants of ROM, a staggering 45 million is actively engaged with KaNjiva, marking a 90% user penetration rate. KaNjiva is not merely a tool for the younger generation; it spans age groups, social classes, and regions. The urban dweller in the capital and the farmer in ROM's heartlands alike start their day with a scroll through KaNjiva which is easily identifiable by its logo below:



8. Economically, the impact of KaNjiva is profound. Local businesses harnessing its vast user base for advertising witnessed a whopping 60% uptick in their revenues, injecting billions into ROM’s national GDP. Not just a commercial tool, KaNjiva is also a cultural epicenter. Around 70% of digital cultural content — from music and art to literature and local memes — found its home on KaNjiva. Hashtags born on the platform have become cultural movements, songs, and even lead to social reforms.

9. Politically, KaNjiva has been turned into an unmatched arena for debate and information. Nearly three-quarters of the population turn to it to stay updated on political developments, and 40% credit the platform with influencing their voting decisions. Professor Headscarf, ever passionate about KaNjiva's societal role, once eloquently captured the zeitgeist by noting: “We now live in a world where we have two lives - one in the physical world, and another in the digital realm. KaNjiva facilitates the latter. And as ROM looks to the future, the digital heartbeat shows no sign of slowing, with KaNjiva at its core.”

10. Following the digitalisation of ROM and adoption of several emerging information technologies, ROM established the Ministry of Artificial Intelligence, Information and Communication Technologies (AIICT). The Ministry of AIICT also lobbied government to adopt the 2015 AI and Digital Bill of Rights (Act 2015). Relevant sections of the Act are as follows:



**“Preamble**

Recalling the right to dignity and freedom which are inherent in the foundational principles of the ROM Constitution;

Noting that within this constitutional framework, the concept of personal autonomy stands as a fundamental pillar guiding the interpretation of the Constitution;

Emphasizing the sanctity of the personal sphere for every individual, including the right to determine the particulars of one’s identity, this Digital and AI Bill of Rights seeks to extend these principles into the digital realm;

...

**Article 2(1)**

The State has primary responsibility for safeguarding, respecting, promoting, and fulfilling digital rights.

**Article 2(2)**

Every person has a duty to respect the digital rights of others. This duty entails a solemn commitment not to engage in unlawful, arbitrary, or disproportionately intrusive actions that infringe upon the digital rights of fellow individuals.

...

**Article 6(1)**

Every person has a right to personal identity which includes a right to digital identity.

**Article 6(2)**

Subject to applicable laws, the right to digital identity encompasses the right to be represented in the digital sphere in a manner that one wishes.

**Article 6(3)**

Subject to applicable laws, the right to digital identity extends to the freedom to cultivate and manage multiple identities in digital environments, encompassing the use of pseudonyms and heteronyms.

**Article 6(4)**

Subject to applicable laws, the right to digital identity includes the right to delete and recreate identities, embodying the right to be forgotten and the subsequent right to commence anew.

...

**Article 19**

In instances of emergencies where actions by non-state actors pose a credible threat of irreparable harm in the digital sphere, the Minister of Artificial Intelligence, Information, and Communication Technologies is empowered to implement provisional measures. These measures, aimed at halting immediate harm, remain in effect until the matter is adjudicated by a Court of Law. Failure to comply with the Minister’s provisional measures under Article 19 is a criminal offence.

**11.** The enactment of Act 2015 triggered numerous legal discussions, as certain legal scholars raised concerns about its alignment with the ROM Constitution and various regional and international human rights treaties that are legally binding on ROM.

**12.** ROM, like Pangolina, is a member of the United Nations (UN). In addition to their UN membership, the two countries are also part of the Elephantia Union (EU), a regional organization that serves functions similar to those of the Council of Europe. This membership entails economic cooperation, political dialogue, and the pursuit of social and cultural agendas that impact the entire Elephantia Continent.

**13.** ROM is a state party to all international human rights treaties, including the nine core UN human rights treaties. It is also a state party to the Elephantia Treaty on Human Rights (ETHR), a regional instrument that has greatly influenced human rights standards on the Elephantia continent. In substance, the ETHR mirrors the African Charter on Human and Peoples’ Rights and serves as the foundational document for the Elephantia human rights systems. The ETHR establishes the Elephantia Court of Human Rights (ECHR), a judicial body with



the jurisdiction to interpret and enforce the provisions of the ETHR. As part of its mandate, the ECHR deals with applications alleging violations of ETHR and other UN human rights treaties to which a state is party. Admissibility and legal standing before the ECHR must adhere to rules similar to those of the European Court of Human Rights.

**14.** In ROM, the judicial system features a tiered framework to manage various types of cases, from criminal and civil matters to constitutional issues. At the apex of this structure sits the SaManyanga Constitutional Court (SACOCO), the highest court in the land, vested with exclusive jurisdiction over human rights matters and constitutional questions. SACOCO is comprised of a Chief Justice and ten other justices, all of whom are appointed by the President of ROM in consultation with the Judicial Service Commission. The Court's mandate is highly specialized, focusing solely on constitutional matters and the interpretation and protection of human rights. Any case involving a constitutional issue or a fundamental human right must, ultimately, find its way to SACOCO for final adjudication.

**15.** SACOCO's decisions are final and binding. It has the power to declare laws unconstitutional, thereby invalidating them, and it can also issue orders compelling state actors to cease actions that violate constitutional rights. Legal representation in SACOCO is almost universally deemed necessary given the complex nature of the cases it handles. Non-governmental organizations often engage in strategic litigation before the Court to push for broader societal change. Legal scholars and practitioners closely monitor SACOCO decisions, as they serve as a barometer for the state of human rights and rule of law in ROM.

**16.** The judicial system below SACOCO includes the Supreme Court, which deals with appeals on civil and criminal matters from lower courts but does not have the jurisdiction to handle constitutional or human rights issues. The High Court stands below the Supreme Court, dealing with both original and appellate jurisdiction in serious criminal and civil cases. Then, there are the Magistrates' Courts, which handle the bulk of ROM's everyday legal matters, including minor criminal offenses and civil cases involving smaller claims.

**17.** In 1980, ROM underwent a seismic shift in its approach to civil rights and social justice, catalyzed by fierce activist movements advocating for the rights of women, persons with disabilities, indigenous peoples and the Shumba. These movements emphasise the need for ROM to acknowledge its dark past in relation to the genesis of systemic racism and colonial extractivism. In response, the ROM Parliament adopted Constitutional Amendment 1980 (CA80), colloquially known as the "Affirmative Action Clause". CA80 aimed to rectify the long-persisting disparities in the representation in public life of racial minorities, all genders, persons with disability, and indigenous peoples. The relevant provisions of CA80 are as follows:

***Article 1: Purpose and scope***

The purpose of CA80 is to address and mitigate the racial, disability, gender and minority disparities in the education, employment, and other socio-economic sectors within the jurisdiction of ROM. Affirmative action policies implemented under CA80 shall be temporary, and be designed to establish a more equal nation.

***Article 2: Affirmative action authorisation***

For a period of 40 years from the date of the enactment of CA80, the Government of ROM is authorised to enact and implement affirmative action policies that are aimed at rectifying disparities in education, employment, and others socio-economic sectors occasioned by discriminatin based on race, gender, and disability. These policies shall be equally applied to indigenous peoples.

**Article 3: Review and assessment**

- a) A commission shall be established to oversee the implementation of CA80. This commission shall be known as the CA80 Commission.
- b) Every 10 years, the CA80 Commission shall review the effectiveness of affirmative action policies implemented under CA80. The CA80 Commission shall present its findings to the ROM Parliament, which may adjust policies accordingly.

**Article 4: Sunset clause**

- a) All affirmative action policies authorised by CA80 shall cease to have effect 40 years from the date of enactment, unless authorised to be extended by a two-thirds majority vote of the ROM Parliament.
- b) Within 3 years prior to the expiration of CA80, the CA80 Commission shall conduct a comprehensive review to determine whether the objectives of these policies have been achieved and whether there is a continuing need for such policies.
- c) If CA80 Commission determines that the objectives have been met, or if no reauthorisation occurs, all affirmative action policies under CA80 shall expire and be rendered null and void.

**18.** In implementing CA80, ROM explicitly stated that it was taking "Temporary Special Measures" to advance equality in alignment with the provisions of the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of Persons with Disabilities (CRPD), and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

**19.** Following the enactment of CA80, ROM universities – including CUP – adopted a series of targeted affirmative action measures in education, following the guidance given by the ROM Ministry of Education. For example, ROM’s Ministry of Education adopted a policy authorising affirmative action quotas for admissions, which set a predetermined percentage of seats reserved for students from underrepresented groups. Acting in accordance with this policy and in a concerted effort to reshape admissions criteria, CUP adopted a comprehensive approach that goes beyond traditional academic metrics. The revised criteria now takes account of socio-economic backgrounds, geographic locations, and an applicant’s ability to overcome adversity. CUP explained that this inclusive admissions process ensures a fair representation of students from diverse backgrounds, fostering an enriching and culturally varied educational environment. Despite the well-intentioned goals of these affirmative action measures in admissions, there is a growing sentiment among some professors that these policies are impacting negatively on the standards of university education. Professor Johnson, a senior faculty member at CUP, voiced concerns, stating: “While the intention behind affirmative action is commendable, the strict adherence to predetermined quotas compromises the academic excellence we strive for. Admitting students based on factors other than merit undermines the very essence of a university’s commitment to intellectual rigor.” Additionally, students are expressing discontent over what they perceive as an unfair advantage given to certain individuals. Sarah McLean, a third-year student, commented: “*I worked hard to earn my place at this university, but it feels like my efforts are being undermined by policies that prioritize diversity over merit. It is disheartening to think that someone might have been admitted based on criteria other than academic achievement.*”

**20.** Equally, explaining its aim to alleviate economic barriers for underprivileged students, ensuring that the cost of education does not serve as a hindrance, the ROM Ministry of Education adopted a policy on mandatory financial aid and fee waiver programmes in Higher Education. Acting in accordance with this policy, CUP introduced university merit-based scholarships exclusively designed for underrepresented groups. CUP explained that these scholarships were founded on the principle of equal opportunity aimed to provide financial support to academically talented individuals from marginalized communities, thereby fostering a more diverse student



body. The introduction of mandatory financial aid and fee waiver programmes has sparked a debate on the impact of such measures on the overall educational environment. Professor Rodriguez remarked:

“While the intent to alleviate economic barriers is noble, the unintended consequence is a strain on university resources. This can compromise the quality of education offered, affecting everyone, including those who might have benefited from these programmes.”

**21.** ROM Ministry of Education also adopted a policy that require universities to prioritise mandatory diversity training for faculty and staff across higher education institutions to provide a supportive educational environment for students from underrepresented backgrounds. The Ministry explained that these mandatory training programs aim to heighten awareness of unconscious biases, cultivate cultural competence, and empower educators to create inclusive learning environments. Acting in accordance with this policy, CUP adopted mentorship and support programs targeted at students benefiting from affirmative action measures. CUP explained in its policies that successful education involves more than just access, and as such sought to pair incoming students from marginalised communities with experienced mentors who offer guidance and academic support. On one of CUP’s opening days, the Vice Chancellor of CUP noted that these policies “address unique challenges that are faced by individuals from marginalized backgrounds which directly contribute to increased retention rates and overall student success.” In response to mandatory diversity training, some faculty members argue that it places an additional burden on educators. Professor Anderson stated: “We are educators, not diversity experts. While fostering an inclusive environment is crucial, the mandatory nature of these programs distracts from our primary mission of imparting knowledge. It is creating an environment where educators feel compelled to conform rather than focusing on academic excellence.”

**22.** Meanwhile, students like Ntentanwer Teasacar Ntovoontucarchii, fondly known as Miss Teanto, have praised CA80 in opening avenues for students with a background like hers. Miss Teanto was born on 5 June 2001 in a quaint rural village in Pangolina. By 2010, the world would know her name, not just because of her unique heritage, but for her incredible gift. That year, despite English being her second language, Miss Teanto clinched the title at an international English Spelling Bee Competition. For a girl from a small village in Pangolina, whose mother tongue is Pangolinia, this was no small feat. Her victory was all the more poignant because of the context in which it occurred. At the time, Pangolina was in the throes of a fierce civil war. Miss Teanto's village, in fact, was under the protective arm of a Peace Keeping Mission from ROM, led by Commander Domino Nomina. Her success against this backdrop drew the attention of international media outlets, which celebrated her as a “symbol of hope amidst the chaos”.

**23.** However, the following year, in the summer of 2011, her story took a dark turn. Soldiers under Commander Domino Nomina raped Miss Teanto and committed several acts of sexual violence against her. The repercussions were swift for Commander Nomina, who, under the international criminal law principle of command responsibility, was found guilty of the violence suffered by Miss Teanto and others. The ROM High Court sentenced him to 18 years in prison, which he started serving in January 2015.

**24.** The trials of her past did not hinder Miss Teanto’s ambitions. A decade later, in 2021, she decided to apply for a Bachelor of Laws degree (LLB) at CUP. She was admitted. Miss Teanto's journey from a small village in Pangolina to the halls of a leading global university has been nothing short of remarkable. In her resilience and advocacy, she embodies the spirit of justice and equality, continuously challenging the status quo to effect positive change. As an international student from Pangolina, she was informed of the requirement to pass the English Language Test (ELT) before enrollment. While international students from countries where English was the official language and medium of instruction in educational institutions were exempt from this rule, all



students from ROM's former colonies – even if English was the official language and medium of instruction in educational institutions that that country – were still required to take the test.

**25.** This requirement did not sit well with Miss Teanto. Armed with the spirit of advocacy and driven by a sense of justice, she led a campaign against this rule on the CUP campus. Her efforts bore fruit when, in December 2022, CUP decided to abolish the ELT requirement for students from *all countries* where university instruction was in English. To cement her advocacy, Miss Teanto founded “Students for Linguistic Equality” (SOLE). However, this triumph was short-lived. In July 2023, the ROM Ministry of Higher and Tertiary Education passed a directive instructing CUP to reinstate the ELT, aligning with the student visa negatively conditions implemented by the government. In terms of the English language visa condition, applicants must prove that “they can read, write, speak and understand English” in accordance with an advanced standard set by ROM Ministry of Education. Aggrieved by the government's interference, in September 2023, CUP approached the High Court in ROM, arguing that the directive infringed upon its institutional autonomy and academic freedom. Unfortunately for CUP, the court sided with the government and handed down its judgment on 3 October 2023.

**26.** Meanwhile, in January 2022, the CA80 Commission conducted an exhaustive review of CA80. With the 40-year sunset clause of CA80 expired, the Commission sought to evaluate its impact and continued relevance in modern ROM. The Commission's review presented a dichotomy of opinions and evidence. On one hand, the data showed significant progress had been made over the 40 years. For instance, women, who in 1980 only held 5% of senior level positions in government departments, now held 40%. Shumbas, previously marginalized, had seen an increase in representation in similar roles, going from 2% in 1980 to 20% in 2021. Additionally, the poverty rate among marginalized communities dropped by 50%, and physical access for persons with disabilities to public and private facilities had increased by 60% between 1980 and 2021. SaManyangas also benefited from the clause with a 30% increase in land rights and cultural preservation activities. However, the statistics also painted a picture of lingering inequalities. Despite the gains, the average income of Shumbas remained 70% of what SaManyembas earned. Educationally, only 10% of Shumbas proceeded to tertiary institutions compared to 50% of SaManyembas. Gender-based income disparity persisted with women earning 80 cents for every dollar earned by men. The Commission's Report also noted that there were other persons who, despite not belonging to marginalised or historically oppressed groups, were equally disadvantaged yet did not benefit from affirmative actions in terms of CA80. Despite an increase in their land rights, the SaManyangas still suffered from cultural erasure and had minimal representation in Parliament, making up just 1% of that body. Moreover, the unemployment rate for persons with disabilities was still twice as high as for those without disabilities.

**27.** Faced with these conflicting statistics, the ROM Parliament found itself in a deadlock. For the first time in history, no political party held a majority, leading to the failure of a motion to renew CA80. This failure threw the nation into a state of social and legal uncertainty. A week after the failed motion, the Minister of Education released a directive instructing all state universities to abandon CA80's affirmative action policies. In response, CUP and an NGO called the Citizens Initiative for Democracy (CID), aggrieved by the termination of CA80, sought judicial intervention from SACOCO.

**28.** In a landmark judgment delivered on 17 October 2022, SACOCO ruled in favour of the government, stating that in the absence of a renewed CA80, educational institutions were obliged to heed the government's directive. SACOCO's decision rekindled nationwide debates about equality, justice, and the nation's obligation to its marginalized communities.

**29.** Meanwhile, earlier in April 2023, another decision by the government of ROM sent shockwaves through the nation. Commander Domini Nomina, a man with a chequered past, was granted amnesty. The government defended its controversial decision by highlighting Commander Domini's substantial contributions to society in





the intervening years. “His philanthropic efforts have been monumental”, a government spokesperson announced, “and he has also played a pivotal role in training police officers. He has trained 500 police officers in community policing, ethics, and human rights, resulting in a 30% reduction in police brutality cases and a 25%

increase in solved crimes.” Indeed, since Domini's training programme, the number of complaints against police had decreased by 40%. Additionally, a US\$ 5 million donation from Domini's personal funds had bolstered education and healthcare in impoverished communities.

**30.** However, the amnesty did not sit well with everyone. The Coalition for Rights and Empowerment of Women (CREW), a renowned NGO in ROM, vehemently campaigned against the decision. Public opinion was deeply divided. A national survey indicated that 52% of ROM's citizens believed in giving Domini a second chance, referencing his significant contributions to society. However, a considerable 48% felt that his crimes were too heinous, and amnesty was an affront to justice.

**31.** The situation became even murkier when ROM's law on amnesty came to light. It provides that "the Executive may consult the victims concerned" before granting amnesty. About 60 of the victims were consulted. One third supported the amnesty, one third opposed and another third was undecided. One significant voice that was missing in this consultation was that of Miss Teanto. It was only when she saw Commander Nomina addressing the nation on national television that she became aware of the government's decision. In that address, Nomina advised the police force on the ongoing demonstrations regarding CA80, urging them to act with empathy and understanding: “We are aware of ongoing demonstrations regarding CA80 and its non-renewal. I urge all police officers not to escalate the situation; to understand the sensitivities of this matter. The issues at hand concern rights of peoples and groups who have suffered discrimination for too long. I urge you all to be empathetic, do your job with your heart.”

**32.** The sight of Commander Domini on TV was a devastating blow for Miss Teanto. She confided: “My first thoughts were this cannot be right, it cannot be, he must be in prison. For the following days, I had to relive all the trauma that I went through.” By November 2023, CREW, taking up the cudgels for Miss Teanto, approached SACOCO. They contended that the amnesty granted to Commander Domini was a blatant violation of her rights. With the national and international gaze firmly fixed on this legal battle, the matter was slated for hearing on 29 July 2024. ROM Constitutionalists have indicated the significance of this development noting that the impending verdict promises to be a landmark decision in ROM's judicial history in as far as amnesty is concerned.

**33.** Amidst the sweeping national debates surrounding the amnesty, CA80 and other issues, another contentious issue erupted in ROM in 2023. The parliamentary decision to change the name of ROM to SaManyemba, adopted on 17 October 2023, spurred immense discussions on its legal ramifications. In an attempt to gauge public sentiment on this critical matter, the ROM Electoral Commission (ROMECE) decided to conduct an online survey.

**34.** Seeing another opportunity to employ their platform for public service, Professor MO proposed to Professor Headscarf that they offer KaNjiva to ROMECE to facilitate this online survey. Considering the vast user base of KaNjiva, this proposition was seen as a potential win-win, allowing for a large swathe of the public to air their opinions. The survey quickly earned the nickname “*online plebiscite*” due to its massive reach and significance.

**35.** The results of the “*online plebiscite*” revealed a neck-and-neck division: out of 26 million participants, 50.1% were in favour of the renaming. The aftermath of the survey brought with it a whirlwind of accusations and revelations. Professor Headscarf discovered, to her dismay, that Professor MO had been a staunch



supporter of the renaming initiative all along. Feeling betrayed and suspecting foul play, she called into question the validity of the “*online plebiscite*”. Professor Headsarf vehemently claimed that the survey results were manipulated, stating that nearly 23% of the participants were not genuine voters but bots designed to skew the

results. Prof Headsarf also indicated that a considerable number of SaManyanga indigenous people live in the rural areas where they do not have access to internet and as such, did not participate in the online plebiscite. Acting as a representative for the SaManyanga people, who deeply resonated with the original name due to its historical and cultural significance, Professor Headsarf filed a case with SACOCO on 29 October 2023. She alleged gross violations of the rights of the SaManyanga people due to the potential name change. The nation waited with bated breath for SACOCO's decision. However, in a finding that shocked many, especially the SaManyanga community, SACOCO sided with the government in a judgment of 6 November 2023.

**36.** Following the fallout over the "online plebiscite", Professor Headsarf had irreparable differences with Professor MO. As the dominant stakeholder in KaNjiva, with 70% shares, she wielded considerable influence. Utilizing this leverage, she managed to edge Professor MO out of the company, acquiring complete ownership. Soon after consolidating her position, Professor Headsarf made radical changes. The iconic social media platform "KaNjiva" was rebranded to "KaShiri". Not just the name, but its logo underwent a transformation.



**37.** In a dramatic overhaul, Professor Headsarf implemented significant changes to the platform's core algorithms, transforming the way users interact with content. One of the most controversial moves was the modification of the visibility algorithm, which altered the kinds of posts users see on their feeds. This change was coupled with a relaxation of content moderation rules, which many argue has had a detrimental impact on user experience.

**38.** The changes also included a reconfiguration of the platform's user verification process. In the days of KaNjiva, a white-and-blue check mark signified verified accounts, granted exclusively to renowned individuals and organizations, lending credibility to their posts. Now, under the new system, any user can obtain the coveted check mark for a US\$ 10 monthly fee. This has led to an inflation of verified accounts, diluting the marker's significance and making it harder to distinguish legitimate accounts from potentially fraudulent or “ghost” accounts.

**39.** Further adding to the user experience disarray, the traditional newsfeed has been divided into two distinct sections: a "For You" tab featuring algorithmically-curated posts, much like TikTok's popular feature, and a separate "Following" tab displaying posts solely from accounts the user follows. This change has not only made the platform less intuitive but has also led to user confusion and dissatisfaction.

**40.** In the wake of the sweeping changes instituted by Professor Headsarf, there was a notable pocket of users who have welcomed some of the new features introduced on KaShiri. For instance, the platform now



allows for longer posts, extending the character limit from 280 to 1000. This has been particularly well-received by writers, journalists, and thought leaders who find the extended limit a more conducive space for nuanced discussions and detailed explanations that were not possible under the previous constraints. Further, KaShiri introduced a "Tip Jar" feature, enabling followers to financially support content creators directly within the

platform. For influencers, musicians, artists, and other creative professionals, this feature offers a new revenue stream that was previously unavailable on KaNjiva. Furthermore, despite concerns over the dilution of the verification checkmark's credibility due to the US\$ 10 fee, small business owners and lesser-known creators argue that this change has democratized the verification process, making it more accessible for those who do not have large followings but still desire verification for credibility. Other users have also welcomed the introduction of "KaStories", ephemeral posts that disappeared after 24 hours.

**41.** A recent survey indicates that the new algorithmic and functional shifts have not been well-received: 65% of users, including influential figures in the tech world, believe that these changes have eroded the platform's quality and user-friendliness. The updates have been especially jarring for long-time users, who find the platform to be less predictable than before. Streets of ROM saw multitudes protesting against the unilateral decisions of Professor Headscarf. Several wrote complain letters to the Ministry of AICT. The Minister of AICT, citing Article 19 of the 2015 AI and Digital Bill of Rights, instructed KaShiri to immediately stop any further changes to the platform.

**42.** "Mind, Online, Body and Soul" (MOBS), an NGO, further championed the cause of those disgruntled by KaShiri changes by dragging KaShiri before SACOCO, contending that such modifications infringed upon the digital rights of user as provided for in the 2015 AI and Digital Bill of Rights, the Constitution and other human rights documents. Professor Headscarf sought to join the proceedings as a respondent, asserting her stake in the matter. However, her application was belatedly filed and thus dismissed. Eventually, SACOCO's ruling favoured MOBS on 9 December 2023.

**43.** Feeling deeply wronged, Professor Headscarf, on 15 December 2023, arrived at SACOCO to present her grievance. However, she abruptly abandoned her legal pursuit and went live on KaShiri to explain to her audience: "Today, as a law-abiding citizen, I sought justice from SACOCO regarding its recent decision on KaShiri. Unfortunately, as you will see in this video I recorded, it appears that the odds are already stacked against me." The video displayed the Chief Justice of SACOCO and the Registrar engaged in a light-hearted conversation, laughing. In the video, the Chief Justice said: "What a catastrophe it is going to be to lose two battles on name change." This is followed by laughing again.

**44.** The clip swiftly went viral, not just within ROM but across the entire Elephantia continent. However, a few hours later, a counter-narrative emerged. Professor MO released an op-ed, in which he insinuated that the video presented by Professor Headscarf could have been artificially generated. He cautioned the public, stating: "In this era of generative AI, do not believe everything that you see. Unless the video that Prof Headscarf presented is verified in a court of law, treat it not with a pinch of salt, but a mountain of it."

**45.** In an unprecedented move that sent ripples through the social media landscape, an account on KaShiri, believed to belong to the Chief Justice of SACOCO, posted a reply to Professor Mutuvi MO's op-ed. The account, which had recently received a verification checkmark after subscribing to the platform's US\$ 10 monthly fee, simply stated: "I said what I said." To add fuel to the fire, the cryptic message was accompanied by a viral video meme featuring a warrior emphatically stating: "I don't want peace, I want problems, always." This post instantly caught the attention of the KaShiri user base and was reposted thousands of times within a matter of hours. Given that this account has been consistently posting matters related to SACOCO, including judgments and legal



discussions, it has been widely assumed to indeed belong to the Chief Justice, despite the unconventional nature of the reply. The ramifications of this post have been varied. Some users have questioned the professionalism of a high-ranking official engaging in social media antics, while others interpret it as a sign of the times, underscoring the blurring lines between formal institutions and the public's digital life. Legal experts are also debating whether the post could potentially have implications on the neutrality of the court system, especially

since it came in direct response to an op-ed that questioned the legitimacy of a video related to a highly sensitive and ongoing legal matter. In reply, Prof MO said: "It is Prof Headscarf's actions that has led to the mushrooming of these verified accounts, now, it has become harder to know which accounts are verified on account of authenticity and which ones are not. The incident has certainly added a layer of complexity to the already convoluted narrative surrounding the renaming of ROM, the KaNjiva-to-KaShiri transition, and the role of key personalities in shaping public discourse in the digital age."

**46.** On 20 December 2023, a watershed meeting was held that brought together various stakeholders deeply enmeshed in the ongoing legal and social turmoil in ROM. The meeting included Professor Mjolo Headscarf, representing the interests of the SaManyanga and the controversies surrounding the "KaNjiva" to "KaShiri" transition, Miss Teanto, the emblematic figure of the amnesty debacle involving Commander Domini Nomina, along with representatives of the Coalition for Rights and Empowerment of Women (CREW), Citizens for Inclusive Democracy (CID), and Central University of Panda (CUP).

**47.** During the tea break of the momentous meeting, Miss Teanto and Professor Headscarf found themselves in a quieter corner, sipping on their beverages. With a blend of admiration and hesitation in her eyes, Miss Teanto began: "Professor, you should know that I've always looked up to your work. The innovations you've brought into our digital lives are truly groundbreaking." Grateful, Professor Headscarf smiled, about to express his thanks, when Miss Teanto continued: "However, I have to be honest. Some of the changes you've made to KaShiri have had a negative impact on me." Caught off guard, Professor Headscarf listened intently. "The removal of the block feature has been particularly disturbing for me. Ever since Commander Domino was granted amnesty, I've been forced to see hisposts as well as content supporting his amnesty. As someone who has personal reasons to find this distressing, the platform has become a source of trauma rather than connection for me." The room seemed to close in on Professor Headscarf. The weight of Miss Teanto's words rendered him speechless. Here he was, a tech magnate whose platform had become interwoven into the social fabric of ROM, suddenly faced with the unintended but very real consequences of his decisions. The irony was not lost on him that Miss Teanto, someone who admired him, was also adversely affected by his innovations. Caught in a vortex of emotions and ethical considerations, Professor Headscarf found himself dumbfounded, grappling with a harsh reality that had never been presented to him so directly before. As the tea break came to an end and the two rejoined the others, the gravity of their brief conversation lingered, leaving Professor Headscarf with an unsettled feeling and profound questions about the broader social and ethical implications of his work.

**48.** Recognizing the common strands of their alleged human rights violations, systemic neglect, and potential misuse of authority that ran through their individual predicaments, the participants engaged in intense deliberation on how best to address these multifaceted challenges. The outcome was a united front: they decided to form an alliance, pooling together their resources, narratives, and legal acumen to approach the ECHR. For representational simplicity and solidarity, it was agreed that three main litigants – CUP, CREW, and CID – would collectively represent the group. In the application to the ECHR, they identified themselves as "Triple C" even though there is no organisation registered as Triple C in ROM. Just after Christmas Day, on 26 December 2023, Triple C filed an application at the ECHR Registry, alleging the following:



- a) ROM's elimination of affirmative in education contravenes its international human rights obligations.
- b) ROM's actions to alter the nation's name run counter to its international human rights obligations. Equally, ROM's actions to restrict Prof Headscarf's authority to make changes at KaNjiva run counter to its international human rights obligations.
- c) ROM's directive regarding the English Language Test (ELT) violates its international human rights obligations.
  
- d) ROM's provision of amnesty to Commander Domini Nomina is in breach of its international human rights obligations.

49. The matter between Tripple C and the Republic of SaManyanga (ROM) was set for oral hearing between May and July 2024.

**Instruction:** Prepare written arguments for both the Applicant (Tripple C) and Respondent (ROM), addressing jurisdiction, legal standing, admissibility, merits and reparations.