



PRICE MEDIA LAW MOOT COURT COMPETITION 2014-15
COMPILED LIST OF CLARIFICATION QUESTIONS AND ANSWERS

AMERICAS REGIONAL ROUND

1. Considering that the earnings of Grand Parder are partly paid by Lydina's Government and that the President "**trusts that the Grand Parder will take the appropriate steps to resolve the conflict**" (item 19), could he be qualified as an official delegate of Lydina? *The Grand Parder is a State Actor.*
2. Is the term internet services provider defined in the SMS Charter? *Yes. An Internet service provider is an organization that provides services for accessing, using, or participating in the Internet.*
3. Is 'broadcaster' defined in the SMS Charter? *It defines 'broadcasting' – Broadcasting is the distribution of audio and/or video content to a dispersed audience via any electronic mass communications medium in a one-to-many model.*
4. Were the anti-sadujist memes mentioned in paragraph 4 posted before or after Lydina signed the SMS Charter? *The memes were posted in March 2012, after Lydina signed the SMS Charter.*
5. What were the nature (criminal or not) and the content of the sanctions established in abstract by law and effectively applied to Kutik and DigiTube by Lydinian Courts? The sanctions were imposed for the violation of which articles of the SMS Charter? *The SMS Charter attracts civil penalties.*
6. What is the specific system of Government in operation in the Republic of Lydina? *Lydina is a democracy.*

ASIA-PACIFIC REGIONAL ROUND

1. Is there a god or any religious symbol or holy figure in the religion Saduja?
Yes. For example, we mentioned Saminder in paragraph 4.
2. When did the casualties take place, before the Grand Parder issued the Perdu or after? *Before.*
3. Is there any legal liability in the SMS Charter and Content Integrity Act? Do the domestic courts of Lydina make the decision on penalty to Kutik and Digitube? *Yes and Yes.*

INTERNATIONAL ROUNDS (Clarifications provided to Direct Qualifiers)

1. What penalties were imposed on Kutik and DigiTube for violating the SMS Charter? *The violations attracted civil penalties.*
2. What percentage of Lydinan Malanis adheres to religions other than Parduism? *20%*
3. What is the percentage of the New Parduists? *0.5%*
4. On para. 1: Is the Republic of Lydina a democracy? *Yes*
5. On para. 22: Which were the penalties imposed on the applicants by the domestic courts and were these of a civil or criminal nature? *Fines; Civil penalties.*
6. What is the definition of "Internet Service Provider" contemplated in the case and does it include content providers? *An Internet service provider is an organization that provides services for accessing, using, or participating in the Internet.*

MIDDLE EAST REGIONAL ROUND

1. Does the government pay any other religious figures in Lydina?
Yes, it paid salaries to religious leaders other than the Grand Parder; however, not all religious groups had state-paid leaders.

2. The company that owns DigiTube, called Centiplex Corporation, is it a Lydian company or a foreign company? And is it owned by a Sadujist or Parduist person?

Centiplex Corporation is a foreign Company. It is owned by neither Sadujists nor Parduists.

3. Does the Leadership of Parduism in Lydina have legal personality? In other terms, does the Grand Parder have the legal personality to represent the Parduism religion in Lydina?

Yes.

4. What are the punishments that Kutik and DigiTube were liable for under the domestic law of Republic of Lydina?

Civil penalties were imposed.

SOUTH ASIA REGIONAL ROUND

1. Is the Constitution of Lydina the superior law of Lydina? *Yes.*
2. Is Lydina a democracy? *Yes.*
3. What is the relationship between the Grand Parder and the New Parduists? *The Grand Parder and the New Parduists do not always agree on theological and religious law matters.*
4. What is the legal status of the Grand Parder's pronouncements in the Republic of Lydina? *The Lydinan court system is heavily influenced by the opinions of the Grand Parder, though not in a formal way.*
5. Why have anti-Saduja memes never led to any litigation? *No one ever brought a claim.*
6. Is Centiplex Corporation an Internet Service Provider? Is it a Lydian Corporation? *Yes. No.*
7. Does the SMS Charter attract civil or criminal consequences? *Civil.*
8. Can the person uploading a video on DigiTube modify or delete the same? *Yes.*

9. Which is an Internet service provider: Centiplex Corporation or DigiTube?
Centiplex Corporation.
10. Did the State of Lydina make comprehensive reservations to Articles 18-20 of the International Covenant of Civil and Political Rights in their entirety or was the reservation limited to the scope of its exact wordings – “Proselytism and other acts that may lead to division between religions are not protected by the Covenant”? *Limited scope.*
11. What was the source of getting scientific discoveries claimed by Deri Kutik? (Fact Dossier 9). *A reputable academic journal.*
12. Paragraph 15 includes “The SMS Charter requires signatory countries to establish rules to promote Malani culture while also encouraging the use and development of modern technology”, is that a mandatory precondition for being a Member State of the Charter? *That statement explains the scope and purpose of the Charter.*
13. Paragraph 4 states that ‘this meme caused uproar, **mostly** on social media’, so was there any physical violence as an outcome of the post? *Yes, as Paragraph 4 explains, “there was also at least one confirmed arson attempt...”*
14. What kind of practices does Digitube employ to monitor content provided to it and broadcasted by it? Is there human monitoring or is the process mechanical? *Often, a combination of the two.*
15. Are there any further provisions of the SMS Charter beyond the first two articles given in Para 15? *Yes.*
16. In para 5, does "similar breakdown" in the surrounding Malani countries imply a similar statistical religious divide in the population as Lydina, or violent tensions similar to Lydina among the religious groups? *The phrase refers to the population breakdown.*
17. What is the role or importance of the Grand Parder, apart from being the highest religious leader of Parduism, in the governance of the country of Republic of Lydina, which justifies the payment of the portion of his salary? *The Lydinan court system is heavily influenced by the opinions of the Grand Parder, though not in a formal way.*
18. The SMS Charter has been enacted as a regional charter for neighbouring countries around Lydina and has been enacted to regulate media content

under the above nations' jurisdiction. However, the case in the domestic courts and the Supreme Court of Lydina has been filed by the Grand Parder of Lydina (a private individual) against Deri Kutik and DigiTube for violation of provisions of the SMS Charter. Thereafter an appeal was made from the decision to the Universal Freedom of Expression Court. How can a private individual file a case against another private individual for violation of a regional charter enacted for Malanian nations and when the onus to regulate media is on them? *The Grand Parder is a state actor.*

SOUTH-EAST EUROPE REGIONAL ROUND

1. Did the Government of Lydina pay a portion of salaries of other religious leaders (such as Saduja, Muslims, Hindus, Christians)? *Yes, it paid salaries to religious leaders other than the Grand Parder; however, not all religious groups had state-paid leaders.*
2. Regarding the information given in the paragraph 4 of the case, where it states that anti Saduja memes have never led to any litigation, was it because there were no complaints or the Court dismissed all accusations? *There were no complaints.*
3. What is the exact date of posted meme(s) named in paragraph 4? *March 2012.*
4. Para 15 Compromis: "the Charter requires signatory countries to establish rules" - Is the SMS Charter a legally binding document for signatory states upon ratification? *Yes.*
5. Did Deri Kutik post any videos to DigiTube prior to posting this one? *Yes, but none relating to religion.*