

PRICE MEDIA LAW MOOT COURT COMPETITION CASE

2014/2015 COMPETITION YEAR



*Official case of the 2015 International Rounds and
the 2014/2015 Regional Rounds in South Asia,
Asia Pacific, South-East Europe, the Americas
and the Middle East*

1. The coastal Republic of Lydina depends on oil, cotton, and other natural resources.
2. The Republic of Lydina currently has a deep religious divide in its population: 75% of the population adheres to the religion called Parduism and 20% of the population adheres to the religion called Saduja. Hindus, Muslims, and Christians, together, constitute the remaining 5% of the population.
3. The two major religious populations are frequently involved in violence against each other, and this has led to many riots and disruptions in the country. Parduism is a monotheistic religion while Saduja can best be described as a diverse set of intellectual and moral beliefs without strict religious laws or a central scripture.
4. The religious violence has increased markedly between the adherents of the two religions and social media has been deemed to be an important contributing cause. 67% of Lydinan households have internet access. 70% of the population and 82% of 18-35 year olds own smart technology. On numerous occasions, Parduists (typically, young men and women with extremist leanings) have posted memes on Facebook caricaturing the founder of Saduja, Saminder. One meme depicted Saminder as a mime with the words, "No one takes Saminder seriously except Sadujists. Sadujists take him seriously, and they're a joke." This meme caused uproar—mostly on social media, but there was also at least one confirmed arson attempt on the home of a Parduist who had posted the meme on his Facebook page. Despite the unrest, the anti-Saduja memes have never led to any litigation.
5. The Republic of Lydina is located in a region where the ethnicity of most of the population is Malani. Many of the Malani countries surrounding Lydina have a similar breakdown in their religious population. For these Malani countries where Parduism is the majority religion, there are strong influences of Parduism in their culture including in diet, music, dress, and social values.
6. Parduism has been the majority religion in Lydina for centuries and has developed a strong cultural bond for Lydinan Malanis. The Lydinan Constitution, while not mentioning Parduism by name, states that all Lydinans believe in One God. Belief in One God is a critical distinction between Parduism and Saduja.
7. Although the first Sadujist families in Lydina came during the colonial period and have been there for over three hundred years, those groups ultimately trace their roots to sub-Saharan Africa, the birthplace of Saduja. A small but significant percentage of Sadujists are ethnic Malanis.

8. On January 17, 2014, a young Sadujist man, named Deri Kutik, uploaded a video on the video-sharing website DigiTube.com. DigiTube is owned by the Internet services company Centiplex Corporation. The video featured him preaching the values of the Saduja religion, including the Saduja teaching that every human being is part divine. During his uploaded sermon, he asserts that Saduja is superior to Parduism because it integrates reasoning and morality into its set of values and belief system—unlike Parduism, which Kutik says relies only on its scripture and stresses “blind belief” in everything stated in the scripture. He also holds that “all Parduists are inferior and should be converted—by any means—to believe in Saduja.”
9. Later in the same video, Deri Kutik speaks about how Chapter 3, Verse 130 in the Parduistic scripture (“3:130”), the Zofftor, is false. Kutik explains that 3:130, which claims that a certain plague took place in history where a holy man was able to cure the disease, never actually occurred. Kutik relies on scientific discoveries of old fossils of the area described in the Zofftor as strong evidence that no such plague historically took place in that region. Parduists point to other scientific evidence that they say supports the Zofftor’s account.
10. The Sadujist belief that every human being is part divine contradicts the Zofftor, which teaches that humans have no divine element and that God is a higher being that cannot be connected to anything on this Earth. Also, Parduism holds as one of its main tenets that believers have deep faith in the divine origins of the Zofftor.
11. The DigiTube video went viral and was circulated all over Lydina. Many Parduists who viewed the video became outraged at the fact that a Sadujist was criticizing, and in their view, insulting their religion. Some Parduists responded by rioting, attacking Sadujist individuals and Sadujist sites, along with many businesses not associated with any religion. Some Sadujists engaged in retaliation against Parduists and Parduist places of worship.
12. The Lydina government became extremely concerned about the video’s disruptive effects. Although no one died, over 100 people were injured in the riots, which ended one week after the publication of the DigiTube video. Most but not all of the victims were Sadujists. Numerous homes and businesses, a local Centiplex facility, and a major Parduist historical place of worship, dating back over 400 years, were completely destroyed.
13. The highest religious leader of Parduism in Lydina is called the Grand Parder. The government of Lydina pays a portion of his salary. On January 20, 2014, the Grand Parder issued a *perdu*, or a pronouncement of Parduist religious law, that:

- a. The DigiTube video was blasphemous;
 - b. The Sadujist beliefs, as articulated in the video, insulted Parduism; and
 - c. Kutik's historical analysis of 3:130 was intentionally provocative. More specifically, Kutik's statements about the divinity of humans and his historical analysis of 3:130 violated the Parduist creed, which states: "One God created the world and he gave men the Zofftor so that they would know Him."
14. Unlike the Grand Parder and the majority of Parduists, one group of Parduists, known as the New Parduists, was not offended by Kutik's historical claims. If anything, Kutik's findings supported the New Parduist interpretation of 3:130. As one New Parduist leader explained, when interviewed by the press about the Grand Parder's *perdu*, "it is clear that 3:130 is speaking of a spiritual plague and not an actual, historical one; 3:130 refers to a time when there were no believers of Parduism and society had become morally bankrupt, its spiritual health ailing."
15. Because of the increased use of social media by the population and to prevent religion-based violence within the country, the Republic of Lydina in 2008 signed a regional charter, called the *Social Media Speech (SMS) Charter*. The Charter requires signatory countries to establish rules to promote Malani culture while also encouraging the use and development of modern technology.

According to the Charter, "Member states must ensure that media under their jurisdiction":

Article 1.

- a) Respects human dignity and the rights of others in the content of online videos, posts, and blogs.
- b) Complies with the religious and ethical values of Malani culture and society.
- c) Maintains the social integrity of Malani traditions.
- d) Refrains from insulting God, revealed religions, religious symbols, Holy Scriptures, and holy figures.
- e) Maintains the Malani identity against negative influences of globalization, especially with regard to hostility and harmful propaganda.

Article 2.

- a) Prevents incitement of hatred based on race, religion, ethnicity, and gender.

- b) Prohibits provocation. Provocation is defined as “speech or conduct that deliberately hurts religious feelings or values of Malani culture and triggers violent protest inspired by Malani solidarity.”
16. Pursuant to the *SMS Charter*, the Republic of Lydina enacted the Content Integrity Act in 2009.
17. The Content Integrity Act states, “Internet service providers are not responsible for the content of any posts, blogs, or videos on its website so long as they do not broadcast illegal conduct.” “Illegal conduct” includes all conduct that violates any Lydinan, regional, or international law.
18. Lydina is a member of the United Nations and has ratified the International Covenant on Civil and Political Rights (ICCPR). When ratifying the ICCPR in 2000, the Government of Lydina made a reservation to **Articles 18-20** of the ICCPR that “Proselytism and other acts that may lead to division between religions are not protected by the Covenant.” However, five other States parties to the ICCPR objected to this reservation, arguing that this “makes it unclear to what extent Lydina considers itself bound by the obligations of the ICCPR and raises concerns as to the Government’s commitment to the object and purpose of the ICCPR.”
19. The Lydinan government issued a press statement stating, “The President is deeply concerned about the unrest caused by Deri Kutik’s DigiTube video. She has and will continue to take steps to curb the violence and bring the criminals to justice. The President is also concerned that the video violates Article 2 of the *SMS Charter*. As for the religious significance of Kutik’s statements, the President understands that she is not equipped to evaluate the matter and trusts that the Grand Parder will take the appropriate steps to resolve the conflict.”
20. On April 21, 2014, the Grand Parder of Lydina sued Kutik and DigiTube in the domestic courts of Lydina. The Grand Parder brought the same three claims against Kutik and DigiTube: Both violated Article 1 and 2 of the Charter when in his DigiTube video Kutik stated that:
- a) Saduja is superior to Parduism;
 - b) All Parduists should be converted—by any means—to believe in Saduja; and
 - c) 3:130 is disproven by historical evidence.
21. The Grand Parder prevailed on all claims in the domestic courts of Lydina. Given the Grand Parder’s religious leadership, the Court gave special deference to his claim that Kutik’s statements, and DigiTube’s posting of Kutik’s video, violated Article 1 (b) and (d). The Court also rejected the counter-

claim by Kutik and DigiTube that the *SMS Charter* was invalid under the ICCPR.

22. Both rulings were appealed to the Lydina Supreme Court, the highest appellate court in Lydina, and the Lydina Supreme Court dismissed all of the appeals, thereby exhausting all domestic remedies. Lydina is a signatory to the Universal Freedom of Expression Court and accepts the Court's jurisdiction.

23. Kutik and DigiTube have challenged all of the following holdings of the Lydina court in the Universal Freedom of Expression Court:

- a. Defendants violated Article 1 (b) in that the statements fail to comply with the religious and ethical values of Malani culture and society;
- b. Defendants violated Article 2 (a) by speech that incited hatred based on religion, leading to division and violence between religions;
- c. Defendants violated Article 2 (b) by provocative speech that deliberately hurt religious feelings and the values of Malani culture and triggered violent protest inspired by Malani solidarity; and
- d. The SMS Charter is valid under the ICCPR.

23. The Universal Freedom of Expression Court finds that it has jurisdiction and invites parties to submit memorials and prepare for oral argument as such date and time as set by the Clerk of the Court.