



Bonavero
Institute
of Human
Rights



PRICE MEDIA LAW MOOT COURT 2024/2025

CLARIFICATION QUESTIONS AND ANSWERS

**Official Clarifications of the 2025 International Rounds
and the 2024/2025 Regional Rounds in South Asia, Asia
Pacific, Europe, the Americas, the Middle East, and Africa**

QUESTIONS ABOUT YARA

1. Is Yara's journalism the basis for her livelihood?

Answer: Yes.

2. What is Yara's annual/monthly income?

Answer: Her income is variable. As a self-proclaimed journalist, Yara has accounts on different social media platforms, often gaining a lot of visibility from her stories. Furthermore, she also advertises different products and has some millionaire contracts for marketing. It is estimated that she has a net worth of at least \$2 million.

3. Was Yara notified in advance by the Central Criminal Court of the Republic of Boto about the imposed removal of her posts and was she heard upon Court before the decision of her judicial sentence? **No answer required.**

4. Were the videos (Post B) sent to Yara? **No answer required**

FACT-CHECKERS

5. Are the social media fact-checkers mentioned in Paragraph 22 affiliated with Azulfish? **No answer required.**

6. Were the videos uploaded by Yara verified by independent digital forensic experts during the legal proceedings?

Answer: Yes

AZULFISH

7. What is the proportion of Boto users among all Azulfish users? **No answer required**

8. In section 11 of the Facts it is mentioned that Azulfish started operating in 2009 in Boto when it was registered as a subsidiary of AllAzul. However, it is not mentioned where is registered as a subsidiary, because AllAzul is registered only in Longeland. Do we have to consider AzulFish to be registered in both Boto and Longeland or only in Boto? **Answer: In Boto, only.**

9. Does AzulFish automatically determine the selection and display of content, such as "surfing" content, or are human moderators involved in AzulFish's selection of "surfing" content, and does it have its own policies or terms of service?

Answer: AzulFish's algorithms determine the surfing content.

10. Does AzulFish have content moderation mechanisms such as community guidelines/standards, terms of service, and user reporting mechanisms?

Answer: Yes

11. Is Azulfish (the subsidiary company) wholly owned by AllAzul (the parent company)?

Answer: Yes

12. Does deletion of a main post on Azulfish result in a deletion of all the comments under the main post? **No answer required**

13. Did AzulFish have any mechanism to flag and remove unlawful content?

Answer: Yes

14. What is AzulFish's revenue generation model?

Answer: AzulFish is a social media platform which generates profit through (1) selling of advertisement space for advertisers; and (2) promoting paid content. The platform collects and analyses users' personal data to show the most relevant pieces of advertisement. The platform does not seel personal data, just the advertisement space.

APPLICABLE LAWS

15. Which form of "Illegal content" defined in section 3(b) of the 2014 Digital Safety Law is Yara alleged to have posted or promoted contrary to section 3(a)? (Section 3(b)(a), Section 3(b)(b), or Section 3(b)(c)?) **No answer required**

16. Are there any additional provisions in the DSL regarding the term provider and provider's liability?

Answer: The DSL provides various obligations for Providers, but the relevant ones for the case are those indicated in the facts.

17. What is the exact redaction of article 10 of the Constitution of the Republic of Boto? **No answer required**

18. Given that the Digital Safety Law (DSL) penalizes users with fines or imprisonment of up to 12 months for illegal content, it raises the question of whether the court could compel Yara to remove the post. Could such an order be within the court's authority under the DSL or related legal provisions?

Answer: Yes – According to the Supreme Court's jurisprudence, to pursue the objectives of the DSL, the Court could issue a take down notice.

19. Whether The Republic of Boto have any greater clarification of what constitutes 'freedom of expression? **No answer required**

20. "The Republic of Boto has signed and ratified the International Covenant on Civil and Political Rights (the ICCPR) without reservation." That is the first sentence from Paragraph 15; however, the paragraph does not specify whether Boto has also

ratified the Optional Protocol. Should we assume that Boto has not ratified the Optional Protocol?

Answer: Boto ratified the Optional Protocol.

21. Was the DSL in force and effective when Yara's posts were tagged as inaccurate in the past?

Answer: Yes.

22. Is the provision under section 12(a) intended as a fixed penalty?

Answer: No, it should be read as "A fine of up to US 50 million dollars, or 3% of the Providers' previous annual global turnover, whichever greater"

23. What mechanisms, if any, are available for judicial review and procedural safeguards under the remaining provisions applicable to DSL?

Answer: none.

24. **International Conventions:** Is the Republic of Boto a party to any international conventions other than the International Covenant on Civil and Political Rights (ICCPR)? **No answer required**

ON THE SENTENCES

25. After the Central Criminal Court issued its decision, the Supreme Court imposed additional sanctions on Azulfish without admitting the claim and starting a new procedure. Can new sanctions be applied under Boto's procedural rules to a case that has already been closed?

Answer: There were no procedural issues with the Supreme Court procedure.

26. AzulFish was fined and sanctioned for upholding the posts and refusing to comply with removal orders. Was this refusal the primary basis for the penalty, or was it considered an active promotion of illegal content under Section 11(b) of the Digital Safety Law?

No answer required

27. Paragraph 42: In August 2024, the Boto Central Criminal Court found Yara's posts on 1 April, particularly Post C, to be in violation of Article 3 of the DSL. She was fined US 50.000 dollars and given a suspended prison sentence of three months. AzulFish was also found guilty of violating Article 3 of the DSL and sanctioned to pay US 25 million dollars. Did the domestic courts in the Republic of Boto expressly indicate which paragraph of article 3 of the DSL AzulFish and Yara Songa were in breach of?

Answer: no.

28. Paragraph 44: It accordingly ordered that in addition to the sanctions imposed by the Central Criminal Court that the company be permanently prohibited from operating in the national territory of the Republic of Boto, unless it, within six

months from the Supreme Court decision, became independent of its parent company in LongeLand and complied with the order made by the Central Criminal Court. Is there any legal basis at all which allows the domestic courts in the Republic of Boto to apply the sanctions they have imposed on AzulFish (becoming independent of its parent company)?

No answer required

29. Section 12(a) of the 2014 Digital Safety Law provides for “A fine of US 50 million dollars, or 3% of the Providers’ previous annual global turnover, whichever greater.” On what basis was AzulFish assessed a sanction of US 25 million dollars? Was AzulFish assessed the additional sanction of US 25 million dollars?

No answer required

30. There is a part in the statement of agreed facts para 42, "She was fined US 50.000 dollars and given a suspended prison sentence of three months." Is this fifty THOUSAND or 50? The period after 50 is throwing us off.

Answer: Thousand.

31. At [42] of the Competition Case, it is stated that the Boto Central Criminal Court gave Yara a suspended prison sentence of 3 months. What were the main conditions imposed on Yara for this suspended sentence?

Answer: She would not need to serve any jail time, provided that she refrained from engaging in any illegal activities for the period of her suspension. This also meant she should refrain from posting or promoting Illegal Content, as per Section 3 of the DSL.

FACESMATCH

32. Was Facesmatch granted any certification for its credibility?

No answer required

OTHER ISSUES

33. In August 2024, the Boto Central Criminal Court found AzulFish guilty and the judge ordered AzulFish to remove all posts by Yara concerning the protest on 1 December. The case does not reference any protests beyond those occurring on April 1. Therefore, the nature or details of the December 1 protest are unclear or unspecified within the provided context. Could you clarify or provide additional information regarding the protest on 1 December?

Answer: It should be read as “ordered AzulFish to remove all posts by Yara concerning the protests on 1 April”

34. Does the Supreme Court of Boto have the jurisdiction to hear other matters than constitutional ones?

No answer required

35. Did Jabuti pursue legal action against Yara or AzulFish?

Answer: no.

36. What has the Republic of Boto achieved so far in terms of investigating the injuries inflicted on the officer?

Answer: the investigation is still ongoing.

37. **The DSL:** Is Section of the DSL referred to as "Section" or "Article"?

Answer: Section.

38. Given the claims that FacesMatch makes in paragraph 40, we need clarification as to the antecedent of a pronoun (bolded and underlined 'it') as used in the highlighted phrase in a sentence from paragraph 38 of the case:

"On 6 April, FacesMatch officially requested AzulFish to delete Post C, claiming it was spreading fake news, as **it** appeared to have been generated by AI, and its ongoing publication was causing damage to the reputation of the software."

Using the grammar and syntax of the sentence, it refers to Post C; however, in paragraph 40, FacesMatch claims that "in their view the videos could not be relied upon as accurate accounts of factual events" because they "had been digitally altered." Given FacesMatch's claim, it seems equally likely that the "it" is meant to refer to the video(s) used to create the screenshot of the FacesMatch match. To a lesser extent, it could be that the pronoun is referring to the screenshot of the FacesMatch match.

Answer: It refers to Post C.