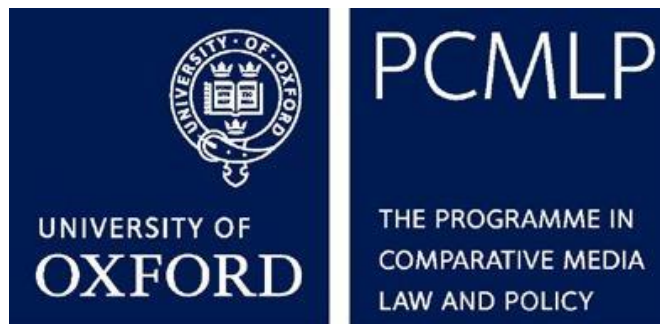


PRICE MEDIA LAW MOOT COURT COMPETITION CASE

2016/2017 COMPETITION YEAR



*Official case of the 2017 International Rounds and the
2016/2017 Regional Rounds in South Asia, Asia Pacific,
South-East Europe, North-East Europe, the Americas
and the Middle East*

Amostra's political tensions

1. Amostra is a small country with an unstable political history. The majority of inhabitants are members of two major religious groups, 30% Yona and 70% Zasa.

Amostra has experienced increased social unrest in the past five years, as members of the Yona religious minority maintain that the primarily Zasa-led government has systematically subjected Yona people to various forms of political and economic discrimination. There have been frequent non-violent protests and occasional skirmishes between the Yona protestors and Zasa counter-protestors that have resulted in arrests of protestors primarily from the Yona sect.

On February 15, 2016, violence erupted during a protest outside Parliament. Protestors threw bottles and rocks and police responded with tear gas and physical force. During the clash, a Yona protestor was killed by a blow to the head, possibly from police forces or a small group of Zasa counter-protestors.

2. On June 6, 2016, after months of continued protests and political pressure from the international community, both of which were amplified by the protestor's death, the Prime Minister of Amostra announced that general elections would be held in 60 days, on August 5. The announcement received positive reaction in the international community and was followed by a period of relative calm in Amostra.

Election Safety Act of 2016

3. Also on June 6, the National Election Authority, a group of government-appointed regulators who are responsible for managing Amostra's elections, announced restrictions on elections-related speech, which they deemed necessary to prevent public disorder.
4. As relevant, the Election Safety Act of 2016 ("ESA") reads:
 - a. **Section 1.** Political demonstrations of more than ten people are not permitted on the public streets of Amostra within 30 days of a general election where participants in such a demonstration spread an extremist or seditious message, or seek to incite hatred, violence, or disrupt the democratic process.
 - b. **Section 2.** Attending a public demonstration barred by Section 1 of this Act constitutes an offence punishable by a maximum fine of \$10,000.
 - c. **Section 3.** Inciting a public demonstration barred by of Section 1 of this Act constitutes an offence punishable by a maximum fine of \$500,000 or two years' imprisonment.

SeeSey and Its Presence in Amostra

5. Citizens of Amostra have access to the Internet, and the use of social media is popular. The government of Amostra has the ability to block Amostra-based Internet users' access to specific Internet services, but they have never carried out such a block. The government does not have the technical ability to block specific posts from a specific social media service; if they block, they must block the entire service.
6. SeeSey is a social media platform that allows users to post content and also share or comment on posts they see. SeeSey accounts are free, and all content is publicly visible to anyone who is logged into an account. SeeSey shows content to users based upon two factors: (1) the user's self-selected "Home Location" (the most recent and most popular posts receive the most visibility), and (2) content from accounts that the user has added to the user's "SeeMore" list. The platform is accessible worldwide, including in Amostra, which has many SeeSey users, though these users only make up a small fraction of SeeSey's worldwide users.
7. SeeSey has the technical ability to block individual posts in individual countries. For instance, it could make a post invisible in Amostra but visible in the rest of the world. SeeSey also has the ability to block the "SeeMore" option in specific countries. For instance, if a certain account contained speech that was illegal in Amostra, SeeSey has the technical ability to stop Amostra-based users from adding that account to their "SeeMore" list. To date, SeeSey has not blocked any posts or accounts in Amostra.
8. SeeSey has its headquarters and hosts all worldwide data on servers in Sarranto, a large, affluent, politically stable country located more than 1000 miles from Amostra. Sarranto has significant influence in international affairs and global markets. Sarranto also has a large immigrant population from a number of countries, including Amostra.
9. SeeSey owns a subsidiary company, SeeSALES, which is headquartered and has its sole office in Amostra. SeeSALES is independently operated in Amostra and has 10 employees, all of whom work to promote the use of SeeSey by Amostra businesses, including the purchase of paid ads on SeeSey. SeeSALES earned 5 million USD in revenue last year and paid all appropriate taxes to the Amostra Bureau of Taxation. SeeSey has many such subsidiaries around the world, and does not provide any of them access to the data stored on SeeSey servers.

Stability and Integrity Act of 2014

10. In 2014, after a protest outside of Parliament led to significant destruction of government property and a series of threats against the lives of the Prime Minister and leading officials, the government of Amostra enacted stringent laws prohibiting extremist or anti-patriotic statements: the **Stability and Integrity Act of 2014** ("SIA"):
 - a. **Section A.** The definition of such extremist or anti-patriotic statements under this Act includes those made by "*a person*" doing any of the following:

“defaming”, “calling for illegal action”, “conduct or speech inciting people to rebel against, or conduct or speech insulting of, government authorities or law enforcement officials”, “undermining the authority and impartiality of the judiciary”, “engaging in or promoting sedition,” and “publicly inciting hatred against religious groups”,

- b. **Section B.** Any “*person*” guilty of a criminal offence under this Act is subject to fines and prison sentences. It is not necessary to show that the extremist or anti-patriotic statement was in fact published to a third party, provided there was an intent to do so.
 - c. **Section C.** Any “*person*” distributing, hosting or caching, or acting as a conduit for, material which is illegal under this Act can be compelled, by a civil court order (“*Take down order*”), to remove the content and post an apology.
 - d. **Section D.** In order to be convicted of an offence or made subject to a civil order under this Act, the offending statement must be physically distributed or published in Amostra or be addressed to Amostra residents.
11. The SIA also requires all media organisations providing content to citizens of Amostra to register with the Ministry of Defense and consult with the Ministry on a quarterly basis to discuss the type of content they have recently published and that they intend to publish. Any media organisation failing to do so may have its operating licence withdrawn.
12. Because of media censorship and political instability, including occasional disruption of local news distribution services due to violence or threats, citizens of Amostra have particularly embraced SeeSey’s social media platform as a source of news and discourse. In fact, among 18-35 year-olds, SeeSey ranks as the most popular source of news and political discussion, and users regularly share and comment on media content on the platform.
13. SeeSey does not maintain a media operating license in Amostra, and the Ministry of Defense has never asked SeeSey to register.
14. SeeSey’s site lists its publicly available Operating Policies, which explain that it may remove posts from its service “*where required by law or necessary for a person’s safety,*” but that it will never “*edit or change your content.*” The CEO of SeeSey has publicly stated that SeeSey is “*the planet’s best news source,*” and “*the best way to promote the causes most important to you*”.

Blenna Ballaya’s column

15. Blenna Ballaya is a citizen of Amostra who is resident in Sarranto. She is a famous blogger who regularly writes about political matters on her blog. Ballaya is widely regarded as an insightful and bold writer on political developments in Amostra, but is particularly known for being the first to post the latest political rumours and caricatures. Ballaya is, however, unpopular with members of the Zasa sect, who

perceive her writing and caricatures to be especially sympathetic toward the Yona sect.

16. In light of her growing success and popularity, The Ex-Amostra Times (“The Times”), a Sarranto-based domestic newspaper popular with Amostran immigrants, paid Ballaya to write a one-time column as an opinion contributor.
17. The print copy of The Times is not distributed outside of Sarranto, but its website is visible to users wherever they are located. The Times maintains an account on SeeSey where it posts select articles from its website content. As is the case with all SeeSey accounts, users may comment on its articles and columns and share them with other users. By contrast, The Times’ own website does not allow viewers to comment on articles and columns.
18. Ballaya’s column (“An Open Letter to the Oppressors”) was published on July 7, 2016, in The Times print edition, on The Times website, and on The Times’ account on SeeSey. The column accuses the Prime Minister and other members of the Zasa sect of corruption and human rights violations against Yona people, and calls the August election a sham for Zasa political gain. The column concludes by echoing calls by other anti-government Amostrans for an active but peaceful Day of Resistance on August 1.
19. The column was read by many citizens of Amostra. In Sarranto, where citizens have access to The Times website and The Times in print, the vast majority nevertheless accessed the column via SeeSey. The column was quickly shared among users on SeeSey, including being viewed by thousands of people in Amostra. Amostra users also saw the post if they had previously added The Times SeeSey account to their “SeeMore” list.
20. A large number of Yona sect who read the column on SeeSey posted comments underneath, including some who said they were prepared to defend themselves and would carry knives or other available weapons in case of persecution by law enforcement or the government on the Day of Resistance.
21. On the called-for Day of Resistance, Ballaya travelled to Amostra to attend a largely peaceful public protest, at which participants held signs and chanted in support of Yona-affiliated candidates. However, a minority of the Yona sect demonstrators chanted hard-line political messages, set fire to a Zasa religious building frequented by leading government officials, and attacked law enforcement who tried to prevent the arson attack. Although there was no evidence that the attackers had read the column, they chanted the words of a famous Yona unity song, which Ballaya had used in the column:

*“We trust that our faith will carry us home
We are not afraid to fight, not afraid to die”*

Amostra's Prosecution of Ballaya and Order against SeeSey

22. Following the riots and violence Ballaya was arrested and marked as an organizer of the protest in connection with her column.
23. Amostra charged Ballaya under Sections A and B of the SIA; she was found guilty and sentenced to three years' imprisonment. Ballaya was also prosecuted pursuant to Section 3 of the ESA; she was found guilty and was fined \$300,000.
24. Amostra also applied for a civil order forcing SeeSey to take down the material worldwide and post a form of an apology to calm tensions. An Amostran court issued an order against SeeSey requiring it to remove "*all offensive content replicating or relating to Ballaya's column, including comments made by users of SeeSey, so that such content is no longer accessible anywhere on SeeSey from any location worldwide, including in Amostra and Sarranto.*"
25. Both Ballaya's conviction and the order against SeeSey were upheld in Amostra's Supreme Court, exhausting their domestic appeals.
26. Ballaya and SeeSey challenge these verdicts in the Universal Freedom of Expression Court, and the Court has certified their appeals on four discrete issues:
 - a. Whether Amostra's prosecution of Ballaya under the SIA violates international principles, including Article 19 of Universal Declaration of Human Rights ("UDHR") and Article 19 of the International Covenant on Civil and Political Rights ("ICCPR").
 - b. Whether Amostra's prosecution of Ballaya under the ESA violates international principles, including Article 19 UDHR and Article 19 of the ICCPR.
 - c. Whether Amostra has jurisdiction to obtain and enforce the civil order against SeeSey in Amostra and Sarranto.
 - d. Whether Amostra's civil order against SeeSey violates international principles, including Article 19 of UDHR and Article 19 of the ICCPR.