



Bonavero  
Institute  
of Human  
Rights



**PRICE MEDIA LAW MOOT COURT COMPETITION  
COMPILED CLARIFICATION QUESTIONS AND ANSWERS  
INTERNATIONAL ROUNDS IN OXFORD 2019-20**

*Surya Law (Including Penal Code)*

1. Have terms used in Sections 220 and 300 of the Surya Penal Code been defined in any other place or any further guidelines issued under the law to explain their scope, more specifically of Section 220(3) of the Penal Code of Surya? **No.**
2. Does Surya's criminal procedural law contain provisions on general procedure for evidence gathering? **Yes, Surya's Criminal Procedure Act sets out the procedure.**
3. Is there a law in Surya that prescribes the procedure of investigation and data collection in case of a criminal investigation? **See answer to Question 2.**
4. Does Surya have domestic regulations for competent authorities to collect personal data for the purposes of the prevention, investigation, detection or prosecution of criminal offences? If so, what are those? Or are there other factors being considered before the Suryan government making the decision to request personal data from Hiya!? (e.g. domestic customary law)? **The Criminal Procedure Act enables law enforcement authorities to obtain a judicial warrant to instruct data controllers to disclose user data.**
5. According to Suryan Law, do social media platforms have any obligation to share information and/or cooperate with the State? **See answer to Question 4.**
6. In accordance with the Suryan law, can a public broadcaster legally give personal data of a user to the authorities in case of a criminal investigation? **See answer to Question 4.**
7. Is there a law that prescribes warrantless collection of information in Surya, or is there no law that regulates this matter at all? **See answer to Question 4.**
8. Is there domestic legislation that governs the interrogation? **See answer to Question 2.**
9. Is there domestic legislation that governs the need for a judicial warrant? **See answer to Question 4.**

*Surya Society and Faith*

10. Is Surya a democratic society? **Yes.**

### *Hiya! and its Operations*

11. Are there any agreed-upon terms and conditions between Hiya and its users with respect to the policy of cooperation of Hiya with law enforcement? **No.**
12. Does Hiya! require users to use their real names? **No.**
13. Is it possible for two people to register with only one phone number and still use a channel simultaneously, or can a channel be linked to multiple phone numbers? **A broadcast channel can have more than one Hiya! user listed as an administrator. Each user will have a unique mobile phone number.**
14. Can pre-recorded, scheduled broadcasts be cancelled? **Yes.**
15. Do Hiya! users have knowledge or are they informed about the existence and working mechanism of fAlth? **Yes, the upload filter is mentioned in the Hiya! User Agreement.**
16. Did fAlth! filter out a broadcast based on both audio and video content or just the audio content alone? **The 'fAlth!' filter is trained to identify both visual and audio content.**
17. The Competition Case establishes that in January 2019, "an independent university study found that, if properly trained, the upload filter could detect 87% of 'hate speech' content correctly." Is there any alternate reporting system or mechanism in place for the remaining 13% of the content that doesn't get filtered? **Yes. Any user can complain to Hiya! if they come across content that constitutes 'hate speech' under Hiya!'s 'Standards on Hate Speech'. They can make a complaint using a complaints portal available on the Hiya! Application and official website.**
18. Did the algorithm 'fAlth!' identify any of the videos shared on Hiya! from 18-28 February (paragraph 19 of the Case) as hate speech? **Some videos uploaded during this period were filtered out at the point of uploading and were not viewed by others. The videos that were viewed and shared were not detected by 'fAlth!'.**
19. Referring to paragraph 8 of the Case, a broadcaster can use the bilateral chat function to communicate with any of its subscribers. It also has the option of sending a mass message to all its subscribers using this function. Does the user's (broadcaster's) phone number appear when the user who has a broadcast channel sends messages to its subscribers? **No.**

### *SuryaFirst and its Broadcasts*

20. Did A, B, and X know each other personally? What is the relation between them? Is X an employee of SuryaFirst Channel? **A, B and X are members of the SuryaFirst group, and were involved in the production of the broadcast.**

21. What position does X, A and B serve in the SuryaFirst Group? Are they just members of SuryaFirst? [Yes, they are just members.](#)
22. Did A and B decide the content of the SuryaFirst channel? Or were they merely owners of the channel? [See answer to Question 20.](#)
23. Did A and B have the opportunity to edit the content after posting on a channel? [Yes.](#)
24. Was there a confidentiality agreement/promise of secrecy between A & B and X as to identity of X? [No.](#)
25. Were A and B required to register for Hiya! with their true names before creating a joint account for SuryaFirst? How are their two phone numbers associated with the account? [See Answers to Question 12 and 13 above.](#)
26. What were A and B's involvement in the making and dissemination of the 16 November SuryaFirst broadcast, apart from the fact that they owned the SuryaFirst channel? [See answer to Question 20.](#)
27. Did the word "live" remain onscreen for the Sun Prince's concluding statement after the street altercation on February 16? [No.](#)
28. Concerning the 'live broadcast': Section 15 of the fact pattern regards to the event, which occurred on the 16th February 2016. At 4pm, SuryaFirst 'pinged' the subscribers, sent them a link and thereby notified them that a new live broadcast was about to begin on the channel at 4:15 pm. Section 16 then explains how the broadcast began, namely with a video message by a masked individual ('Sun Prince'). The fact pattern refers to this bit of the broadcast as a 'video message' and only names the broadcast 'live broadcast' in section 17, implying that the video message could have been pre-recorded and could not have been transmitted 'live'. Is the video message from the Sun Prince a part of the 'live broadcast'? [See answer to Question 27.](#)
29. Was the whole broadcast on February 16 'live'? [See answer to Question 27.](#)
30. Is Sun Prince also the person who actually removed the blindfold (the group leader) in the broadcast of 16 February? [No.](#)
31. FAIth! did not identify the broadcast as 'hate speech' pursuant to Section 220(3) of the Penal Act (Compromis 18). Please clarify, how Section 220(3) grants a special position to Suryan faith that enabled fAIth! not to identify said broadcast as 'hate speech'. [The Hiya! AI trainers interpreted the words "the forefathers' original faith" to mean the Suryan faith.](#)
32. Para 18 of the Facts states that fAIth! did not identify the SuryaFirst broadcast as 'hate speech' because it had been trained to accommodate the special position of the Suryan faith pursuant to section 220(3). However, it seems that section 220(3) applies to voluntary reconversions to all original faiths (regardless of whether it is the Suryan faith). [See answer to Question 31.](#)
33. There is a contradiction between the non-detection of Surya first broadcast and section 220(1) as no one shall be forced to convert; Section

220(3): voluntarily returning to one's own original faith shall not be construed as conversion. However, Andha believers did not voluntarily return to their faith but were forced to do so by the acts of Suryan believers. Accordingly, how wasn't the broadcast considered as hate speech and Tarakans were forced to convert? In other words, what is the relation between the filtering system of Hiya and Section 220(3)? [See answer to Question 31.](#)

34. Are the videos or its derivatives still in circulation? [Yes.](#)

### *Criminal Investigation and Prosecution*

35. Is a “formal letter” as noted in paragraph 24 an official document of the government, and does it imply certain procedures or standards, or is it simply a letter? Does Surya’s criminal justice system normally require a pre-trial judge to authorize each step of an investigation? What is the typical relationship between a neutral judge and a criminal investigation? [See answer to Question 4.](#)

36. It was mentioned in para 24 of the moot problem that phone numbers of the broadcasters associated with SuryaFirst were given to the prosecutor. In the same paragraph, personal data of specific users has been mentioned. What does this specific data pertain to and what information does it contain? Is there any reason/acquisition of personal data by Surya which led towards this qualification? [Hiya! only disclosed the mobile phone numbers of the two users.](#)

37. What did the police investigators do to “track down the broadcasters of the SuryaFirst channel”? [After obtaining the mobile phone numbers of the broadcasters from Hiya!, a judicial warrant was obtained to direct the relevant mobile phone service providers to release the names of the persons to whom the mobile phone numbers belonged.](#)

38. Did the prosecutor office use the mobile phone numbers provided by Hiya! to track down A and B? If yes, how did the prosecutor office use the numbers, for example, by way of technical location tracking? [See answer to Question 37.](#)

39. Was X's identity available to the public after its discovery by the Prosecutor’s office? [The court proceedings were public.](#)

40. Is A and B’s argument saying that there was no law in Surya requiring a service provider to provide personal data to the government true? Wasn’t it regulated in Surya’s Communication Act? Or wasn’t it elaborated in the user agreement of Hiya!? [See answer to Question 4.](#)