

TEAM CODE: T-05

5th RMLNLU SCC ONLINE INTERNATIONAL MEDIA LAW MOOT COURT
COMPETITION

IN THE INTERNATIONAL COURT OF JUSTICE



THE PEACE PALACE,
THE HAGUE, THE NETHERLANDS

THE CASE CONCERNING THE TURENCIA NEWS NETWORK

[2017 General List No. . . .]

THE DEMOCRATIC REPUBLIC OF TURENCIA
(APPLICANT)

v.

THE KINGDOM OF GHOULUM
(RESPONDENT)

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LIST OF ABBREVIATIONS

¶	Paragraph
A.J.I.L.	American Journal of International Law
Annex.	Annexure
App.	Applicant
Art.	Article
CASE W. RES. L. REV.	Case Western Reserve Law Review
COLUM. L. REV.	Columbia Law Review
Doc.	Document
E.C.R.	European Court Reports
EC	European Community
ed.	Edition
EU	European Union
GAOR	General Assembly Official Records
I.C.J.	International Court of Justice
I.C.L.Q.	International and Comparative Law Quarterly
I.L.M.	International Legal Materials
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and
Int'l	International
L.Q.R.	Law Quarterly Review
Ltd.	Limited
NAFTA	North American Free Trade Agreement
No.	Number
OECD	Organization for Economic Co-operation and Development
P.C.I.J.	Permanent Court of International Justice
Pt.	Part

R.I.A.A.	Reports of International Arbitral Awards
Re.	Response
Rep.	Report
Res.	Respondent
S./Sec.	Section
Ser.	Series
Sess.	Session
Ss.	Sub-section
Supp.	Supplement
U.N.	United Nations
U.N.T.S.	United Nations Treaty Series
U.S.	United States
v./vs.	Versus
VCLT	Vienna Convention on Law of Treaties
Vol.	Volume

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- Durga Das Basu, *Law of the press*, (5th Ed., Lexis Nexis, 2010).
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2. International Covenant on Economic Social and Cultural Rights (adopted 16 December 1966, entered into force 23 March 1976), 993 U.N.T.S. 3
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5. Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression' (2011) UN Doc A/HRC/17/27 1

6. Council of Europe Resolution No. 2: Journalistic Freedoms and Human Rights, 4th European Ministerial Conference on Mass Media Policy - Prague, 7-8 December 1994 7
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8. The UN Special Rapporteur on Freedom of Opinion and Expression Abid Hussain UN Doc. E/CN.4/1995/32 13
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14. Statute of the International Court of Justice, Oct. 24, 1945, 832 U.S.T.S. 993
15. Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III) (UDHR)
16. American Convention on Human Rights (adopted 22 November 1969, entered into force 18 July 1978) 1144 UNTS 123 (ACHR) 1, 6
17. UN Human Right Committee, General Comment NO. 34 1, 2 VII

STATEMENT OF JURISDICTION

The Democratic Republic of Turencia and the Kingdom of Ghoulum have agreed to submit the present dispute to the International Court of Justice in compliance with Article 36(1)¹ and Article 40(1)² of the Statute of this Court. The jurisdiction of the Court is being contested by the Kingdom of Ghoulum. This court is competent to determine its own jurisdiction in accordance with Article 36(6)³ of its Statute. The Parties shall accept any Judgment of the Court as final and binding upon them and shall execute it in its entirety and in good faith.

¹**Art. 36(1) of ICJ Statute:** *The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.*

²**Art. 40(1) of ICJ Statute:** *Cases are brought before the Court, as the case may be, either by the notification of the special agreement or by a written application addressed to the Registrar. In either case the subject of the dispute and the parties shall be indicated.*

³**Art. 36(6) of ICJ Statute:** *In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.*

STATEMENT OF FACTS

1. Since its independence in 1992, The Democratic Republic of Turencia (**Turencia**) is the largest democracy in the world located in the northern hemisphere. Together with being the largest democracy, Turencia is also the fourth largest nation in the world as according to its geographical size. Turencia is a secular nation which respects all religions. It is considered to be one of the fastest growing free-market economies and the world leader in the quality of print and visual media.

2. On the other hand, The Kingdom of Ghoulum (**Ghoulum**) is geographically a smaller nation situated in the Southern Hemisphere. Ghoulum is a Monarchy since, its independence in 1942 the leader of their nationalist army assumed the throne and declared him the monarch of the kingdom. Since then the throne is being passed to the Descendants without any election. The official religion of Ghoulum is “Illia” and the entire legal system of Ghoulum is based on the principles of Illia law and is governed through its Holy book “Iliyatah”. The book suggests that, *“King is the representative of God on Earth and even death is too small a punishment for a man who defies his King”*, and the whole Illia Law is based on this principle.

3. In December 2009, Anshianah Praksheshi, the King of Ghoulum issued an executive order opening up the economy in a limited manner and inviting foreign investors to set up their businesses in Ghoulum. The order specifically allowed up to 100% foreign direct investment in Ghoulum and assured the investors about investment friendly practices and that they will be treated similar to the domestic corporations.

4. The Turencia News Network (“**TNN**”) is the largest media corporation incorporated in Turencia, founded in 1998 by Robin Pestos, a well renowned journalist. On January 2, 2010, TNN’s board of directors passed a resolution for the company to expand its business to the southern hemisphere. The executive order by Ghoulum in 2009 was considered as an open opportunity. The legal department of TNN on January 5, 2010 advised the company not to invest in Ghoulum without any investment treaty.

5. On April 21, 2010, Robin Pestos met King Praksheshi, and the king assured Mr. Pestos a hassle-free environment for the company and also provided TNN with 45 Acres of land to setup the offices. TNN established them in Ghoulum and the first show was aired on November 12, 2011. Mr. Pestos started a talk show “way of life” and it became very popular in a short span.

6. On December 10, 2015, www.theworldofwomen.org, a popular website espousing the cause of equal treatment of women, published a report titled “The Ghoulum Report”. This report contained several vilifying statement about the nation and the King.

7. On January 1, 2016, the episode of “way of life” took up the issue of women’s condition in Ghoulum. Several affronting statements about the king were made on the show by Mr. Pestos. This episode had an unprecedented reaction and thousands of women rights activists took to streets shouting slogans against the King, burning his effigies and claiming equal rights for women.

8. On January 28, 2016, the Justice Department of Ghoulum issued a press statement asserting that TNN has committed serious violations of Section 12⁴ of the Information and Broadcasting Act. TNN’s offices were sealed, their equipment confiscated and the all the Turencian citizens, except Mr. Pestos were sent back to their country. Mr. Pestos was arrested and was charged with sedition under Section 23B⁵ of the Ghoulum Criminal Code.

9. TNN sought the help of the Democratic Republic of Turencia to get the dispute resolved through the ministerial level talks between the two states. However, the said talks did not reach any conclusion. Under immense pressure from the international community to resolve the dispute expeditiously, both the nations came to a conclusion and agreed to refer all matters in dispute to the International Court of Justice, through a Special Agreement. It was agreed that the Court will also adjudge the issue of maintainability and its jurisdiction over these disputes.

⁴**Section 12 (Information and Broadcasting Act)** *“Every individual or corporation (whether a national or foreigner) shall independently corroborate every information before broadcasting the same, failing which the State shall have the power to terminate all the information broadcasting activities and confiscate all the property belonging to such person or individual.*

Notwithstanding anything contained in any other law for the time being in force, such termination shall be final and binding on the parties concerned and may not be subject to judicial scrutiny.”

⁵**Section 23B (Ghoulum Criminal Code)** *“Whoever, by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the King, shall be hanged till death.”*

ISSUES RAISED

The Kingdom of Ghoulum respectfully asks this Court to decide:

ISSUE I: Whether the ICJ has jurisdiction over the present dispute or not?

ISSUE II: Whether Section 12 of the Information and Broadcasting Act and the action of the Kingdom of Ghoulum based on that law violates the international laws?

ISSUE III: Whether Ilia Law breach any obligation imposed by the international law on Ghoulum?

ISSUE IV: Whether the comments made by Mr. Pestos on “Way to Life” is protected under the freedom of speech?

SUMMARY OF ARGUMENTS

1. The Court does not have jurisdiction over the present dispute, because the alternative remedies have not been exhausted so far.

It is humbly submitted that the applicants have breached the principle of exhaust alternate remedies and has brought the matter before this Hon'ble Court. The applicants must have presented the case before the domestic courts of Ghoulum or to the United Nation Security Council. The UN Security Council would have suggested the most competent and peaceful means of settlement.

2. Section 12 of the Information and Broadcasting Act and the actions of the Kingdom of Ghoulum do not violates the international laws.

The respondent humbly submits that there has been no violation or breach of international law either by the application of Section 12 or by the actions of the Kingdom of Ghoulum.

3. The Iia Law does not breach any obligation imposed by the international law.

It is humbly submitted the Iia law does not breach any obligation imposed by the International law as a sovereign state is under its rights of determination of national law and domestic policy.

4. The comments made by Mr. Pestos on "Way to Life" are not protected under the freedom of speech.

The freedom of speech is not an absolute right and the comments made by Robin Pestos on the 'Way of Life' has created a situation of threat to the peace and security of Ghoulum. Further the comments made by him are evidently seditious under Section 23B of the Ghoulum Criminal Code.

ARGUMENTS ADVANCED

1. The Court does not have jurisdiction over the present dispute, because the alternative remedies have not been exhausted so far.

It is humbly submitted that the applicants have breached the principle of exhaust alternate remedies and has brought the matter before this Hon'ble Court. The applicants must've decided the case into their domestic courts because the offence has breached the local law of the Kingdom of Ghoulum. Since there is a breach of Illia law, the applicants must first adjudge the matter in their competent domestic courts. Exhaustion of domestic remedies developed from the principle of non-intervention and state sovereignty, meaning that one state should not intervene in the matters of another state.⁶ Similarly in the present matter Mr. Pestos is an offender of Ghoulum, he has done wrong towards Ghoulum hence he should be tried in the domestic courts of Ghoulum in spite of moving to the International courts. Thus, on first instance the matter must be tried by the domestic courts of Ghoulum as Mr. Pestos has breached the domestic laws of Ghoulum, not any International Obligation. There are many reasons for the principle of exhaustion of domestic remedies, but one main reason is state sovereignty. In state sovereignty lies that each state has responsibility for what goes on in their own territory, and should be free from intervention from others. In the present matter also, Ghoulum has full right to deal with the matter in its domestic courts without the intervention of Turencia, because everything occurred in the territory of Ghoulum and Turencia shall not interfere in the matter. The Permanent Court of International Justice in the *Brazillian Loans*⁷ case decided that, due regard must be paid to the decisions of municipal courts as they provide jurisprudential guidance on the effect of the particular domestic law in the municipal sphere. Thus, the Municipal court of the Kingdom of Ghoulum will be competent to adjudge the present matter as it will be more proficient to guide the matter on the local law of Ghoulum which has been breached in the present matter. The domestic courts are more adept because apart from the legal comments and analysis the court would

⁶ Cancado Trindade, *The application of the rule of the exhaustion of local remedies in International Law: Its rationale in the International Protection of Human Rights*, Cambridge University Press, 1983, p.521.

⁷ *Brazillian Loans Case (France v Brazil)* PCIJ, Ser A, No. 21 (1929) 124

also look into the matter through jurisprudential perspective because it is based on Ghoulum's local law and the domestic court will be having more wider concept regarding the same.

The jurisdiction of the ICJ depends on the consent of the States.⁸ If even one state denies the jurisdiction then the jurisdiction can be challenged.⁹ The principle is also based on the logic that when there is an available judicial remedy for the dispute to be resolved, it should be sought, and that foreigners are presumed to take into account the local law and means of addressing wrongs.¹⁰ It gives the state a chance to address the alleged claim, if needed, make compensation for an injury, and thus avoiding international responsibility. Judge Córdova, supports state sovereignty by saying that the main reason for the existence of the principle of exhaustion of domestic remedies is “the indispensable necessity to harmonize the international and the national jurisdictions assuring in this way the respect due to the sovereign jurisdiction of States”.¹¹ This is based on the assumption that the state is capable of administering justice and has available effective remedies to do so.¹² Every system has its limitations, and one reason for the principle of exhaustion of domestic remedies is based on this. International bodies and courts have limited time and resources, and if all cases from all countries could freely be filed, the international mechanisms would be quickly overwhelmed and overworked.¹³ By making cases go through domestic remedies first, a large number are solved there and the pressure on the international systems is reduced.

Similarly in the present matter also, the dispute can be easily resolved by referring it to the competent domestic and local bodies of Ghoulum instead of referring it to this Hon'ble court.

⁸ Case concerning Border and Transborder Armed Actions (*Nicaragua v. Honduras*) (Jurisdiction and Admissibility), 1988 I.C.J. 69 at 109 [hereinafter Armed Action case]; The case of the Monetary Gold Removed from Rome (*Italy v. France, UK and USA*) (Preliminary Question) 1954 I.C.J. 19; The case concerning the land and maritime boundary between Cameroon and Nigeria (*Cameroon v. Nigeria*) (Application for Intervention) 1999 I.C.J. ; Case concerning Certain Phosphate Lands In Nauru (*Nauru v. Australia*), 1992 ICJ 240; Case Concerning East Timor (Portugal v. Australia) 1995 ICJ 89; Ambatielos case (*Greece v. UK*), 1952 I.C.J. 28 at 39; Anglo-Iranian Oil Company Case (*Iran v. UK*), 1952 ICJ 93 at 114. See also, Norman Kogan, United Nations Agent of Collective Security, 61 Yale L.J. 1.

⁹ Davis S. Robinson, *Should The United States Reconsider Its Acceptance of World Court Jurisdiction*, 79 Am. Soc'y Int'l L. Proc. 95.

¹⁰ Mr. John R. Dugard, Special Rapporteur, Doc A7CN.4/514, Second report on Diplomatic Protection, 2001, para 2, citing Borchard, *The Diplomatic Protection of Citizens Abroad or the Law of International Claims*, pp. 817-818.

¹¹ International Court of Justice (ICJ), *Case of Interhandel (United States of America v. Switzerland)* Preliminary objections, separate opinion of Judge Cordova, 1959, p.45.

¹² ECtHR, Key case-law issues; Exhaustion of Domestic Remedies, 2006, LVI, 1–5, para 4.

¹³ Case of the Free Zones of Upper Savoy and the District of Gex (*France v. Switzerland*), PCIJ, Ser. A., No. 22 at 13

The principle of exhaustion of alternate remedies tries to avoid unnecessary diplomatic conflict. In international law cases are between two, or more, states. One conflict can easily lead to further diplomatic disputes between the parties, and by forcing them to try to resolve it on the domestic level, the rule of exhaustion of domestic remedies tries to avoid the necessity of cases reaching the international level, and thereby limiting or altogether avoiding diplomatic disputes.¹⁴ Therefore, if in the present matter also both the state shall reach a decision of referring the matter to the domestic courts of Ghoulum, so that the diplomatic relation between Turencia and Ghoulum will not be further affected.

Apart from that, the principle of exhaustion of domestic remedies forms a part of current customary international law is supported by both literature¹⁵ and international cases. The two most pertinent cases are the *Interhandel case*¹⁶ and the *ELSI case*¹⁷ adjudged by the International Court of Justice (ICJ). In the *Interhandel case* the ICJ stated that the rule was “a well-established rule of customary international law”¹⁸ because it had been generally observed in cases. In the *ELSI case* the ICJ described the principle not only as a rule of customary law, but as “an important principle of customary international law”.¹⁹ Adhering to the above mentioned cases the customary International Law shall be strictly obligated.

In addition to the domestic remedies being the alternate remedy for the present dispute, the UN charter also suggests some dispute settlement procedure in its chapter VI. Articles 36(3) and 36(1) of the UN Charter²⁰ allow the Security Council to recommend dispute settlement by the ICJ in case of a legal dispute between States. But this does not itself establish the jurisdiction of the ICJ²¹. The Article 33(1) of the UN Charter²² gives the power to the Security Council to help the parties settle their dispute by any means, these means mainly includes, negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means. Apart from the judicial

¹⁴ ICJ, Ahmadou Sadio Diallo (*Republic of Guinea v. Democratic Republic of the Congo*), preliminary objections, 2007.

¹⁵ ECtHR, Key case-law issues; Dugard; Jan Paulsson, *Denial of Justice in International Law*, Cambridge University Press, 2010, p. 102.

¹⁶ *Interhandel (United states of America vs Switzerland)*, preliminary objections, 1959

¹⁷ *Elettronica Sicula S.p.A (ELSI) (United States of America vs Italy)*, 1989, para 50.

¹⁸ *Interhandel*, p. 27

¹⁹ *ELSI*, para 50.

²⁰ Charter of the United Nations, 26 June 1945, Can. T.S. 1945 No 7 [hereinafter “The Charter”] Article 36.

²¹ BRUNO SIMMA, *THE CHARTER OF THE UNITED NATIONS- A COMMENTARY* 626, (2nd ed., 2002) [hereinafter BRUNO SIMMA].

²² The Charter, supra note 19.

settlement there are many other peaceful and speedy means of settlement in the article, thus here in this dispute, since both the nations are member of the United Nation instead of bringing the matter directly to the ICJ, the case shall also be taken to the UN Security Council, and the Security Council would have further decided the means that would have been appropriate for the settlement of this dispute. Article 35(1) of the UN Charter gives all the members of the United Nation right to bring any dispute before the Security Council and further Article 34 of the Charter allows the Security Council to investigate the matter and decide the nature of the matter and further suggest the means for the settlement of the matter. In the present case also the Security Council is an alternate remedy before moving to the ICJ and the Security Council shall be approached to get the dispute resolved peacefully and rapidly.

Therefore it has been proved that the Petitioners has not exhausted all the alternate remedies and had directly presented the matter in this Hon'ble Court and has diverted from the universal principle of "exhaustion of alternate remedies"

2. Whether Section 12 of the Information and Broadcasting Act and the action of the Kingdom of Ghoulum based on that law is violates the international laws?

The respondent humbly submits that there has been no violation or breach of international law either by the application of Section 12 or by the action of the Kingdom of Ghoulum. Whenever we talk about foreign direct investment, there need to an investment agreement which ascertain the rights and duties of both the parties in the investment structure. In the present case there is no bilateral or any other form of investment agreement entered into between Turencia and Ghoulum. Further it is clear that the Kingdom of Ghoulum follow the natural law version as prescribed by Ilia Law and according to it, the law of nations is based in the implicit consent of nation as demonstrated through customary practice. On April 21, 2010, when Robin Pestos met the king, he was aware of the law of the land and he established TNN without making any formal procedure of investment.

Furthermore, Section 12 of the Information and Broadcasting Act²³ treats foreign media agencies at par with the national media agencies and imposes similar liabilities and duties on them. Section 12 does not violate any international law. It is a reasonable restriction on the media and individual to prevent them from producing or circulating any wrong or potentially damaging news among the people of Ghoulum as it may cause a situation of chaos and mistrust.

There is no concept of absolute freedom of press and it has not been globally recognized as a binding customary international law and thus there is no obligation on the Kingdom of Ghoulum to provide a completely censorship free space to the media. Media is undoubtedly an important pillar of the society but it also needed to keep an eye on them for their proper conduct.

As far as the action of the king is concerned, it has been authorized by section 12 of the IB Act. It has been clearly mentioned that in case of violation of section 12, the state shall have power to terminate all the information and broadcasting activities and confiscate all the property belonging to such person or individual. Also there is a provision regarding the superiority of this law in respect to any other law for the time in force. Furthermore, it is widely accepted principle in the International jurisprudence that any foreign country seeking to do business in a host country agrees to be bound by their domestic laws.

3. Whether Illia Law breach any obligation imposed by the international law on Ghoulum?

The petitioner humbly submits that, Illia law does not breach any obligation imposed by the international law. The statute of the International Court of Justice describes customary international law as “a general practice accepted as law”²⁴

²³ Section 12: “Whoever, by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the King, shall be hanged till death.”

²⁴ ICJ statute, article 38(1) (b)

Article 2(1) of the United Nation Charter states that this organization is based on the principle of sovereign equality of all its member. Illia law is the law of land of Ghoulum and it is widely accepted by the citizens of this country. The principle of state sovereignty is a substantive term conferring supreme authority over the state to govern itself without any interference from outside sources or institutions and prohibits any kind of international interference. The kingdom of Ghoulum believes in the theory of dualism and according to that an International law becomes obligatory to a nation only if it has been incorporate in the domestic laws. There is no legislation in Ghoulum which makes it obligatory to the Internationa law.

The Kingdom of Ghoulum is a party to the Vienna Convention on the Law of Treaties. Article 27 of the VCLT states, a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty. Article 27 only speaks of treaties and the draftsmen would have mentioned customary international law otherwise if it were to be included as obligatory. It has been alleged by Turencia that Illia law directly violates customary international law but there is no convention or treaty making those customary law obligatory to the Kingdom of Ghoulum. It is usually agreed that the existence of rule of customary international law requires the presence of two elements, namely state practice and a belief that such practice is necessary or prohibited, depending upon the nature of the rule.

It was stated in the case of *United States v. La Jeune Eugenic*²⁵, “each State is independent and interprets for itself how far the principles of international law are to apply,” because there are as no international courts to enforce international law, though there are courts to interpret it, and what we find in practice is that States interpret international law for themselves, usuallv as they find it expedient.

4. Whether the comments made by Mr. Pestos on “Way to Life” is protected under the freedom of speech?

The respondent humbly submits that the freedom of speech is not an absolute right and the comments made by Robin Pestos on the ‘Way of Life’ has created a situation of threat to the

²⁵ 26 Fed. Cas. 832, No. 15,551 (C. C. D. Mass. 1822).

peace and security of Ghoulum. Further the comments made by him are evidently seditious under Section 23B of the Ghoulum Criminal Code.

The right of freedom of expression guaranteed under Article 19 of UDHR is not absolute. It is universally recognized as a limited right. It carries a number of duties and responsibilities. Every UN based treaties which provide right to freedom of expression also outline restriction on freedom of expression. Article 29(2) of the UDHR, clarifies that right to free shall be subject to such limitation as are determined by law for the purpose of securing due recognition and respect for the rights and freedom of others. Article 19(3) of the ICCPR also provides certain restriction on the freedom of expression. The comments made by Mr. Pestos advocate national and religious hatred and the states are required to prohibit it at the domestic level. The limitations imposed by the Kingdom of Ghoulum is justified under Article 29(2) as it pursues a legitimate aim.

In the case of *Altug Taner Akcam v Turkey*,²⁶ the ECtHR considered that whether the interference with the right to freedom of expression was prescribed by the law; it stated that law must be written with enough precision that a reasonable person would be able to foresee the consequences of a particular action. In the present case, Section 23B of the Ghoulum Criminal Code is very clear about the consequences if someone tries to go against the king. The legitimate ground of restriction is allowed for the protection of reputation of others and for the protection of national security or public order. The ECtHR in *The Sunday Times v UK*,²⁷ state that a restriction is prescribed by law if it is accessible, foreseeable and precise to the degree that a reasonable person can regulate his conduct accordingly.

The respect for the rights and freedoms of others is a legitimate aim under Article 29(2). As stated by ECtHR in *Pfeifer v Austria*,²⁸ in order to recognise the right to privacy, the State is obliged to adequately protect individuals against attacks by others on both privacy and reputation. Here in the present case the comments of Mr. Pestos are against both privacy and reputation of the king.

²⁶ App. No. 27520/07 (2011)

²⁷ App no 6538/74 (ECtHR).

²⁸ (2009) 48 EHRR 8

The ECtHR in *News Verlags GmbH v Austria*²⁹ stated that pressing social need has been determined with the consideration of the general context. Furthermore in *S. and Marper v UK*, the court left a wide option to the state as they can better evaluate the necessity, suitability and overall reasonableness of a limitation of fundamental rights.³⁰

The ECtHR in *Von Hannover v Germany* held that revealing information about private life of public persons may be an intrusion of the right to privacy.³¹ Moreover, the ECtHR stated that even if a person is known to the general public, he may rely on a legitimate expectation of protection and respect for his private life.³² Finally, the ECtHR stated in *Gourguenidze* case that the violation of privacy takes place if information is obtained without the knowledge or consent of the recorded person.³³ In this instance, the reports on which the comments of Mr. Pestos is based is not an authentic one as it was obtained without the knowledge of the Ghoulum administration.

²⁹ *News Verlags GmbH & Co KG v Austria* App no 31457/96 (ECtHR, 11 April 2000).

³⁰ *S and Marper v UK* App nos 30562/04 and 30566/04 (ECtHR, 4 December 2008); *Z v Finland* App no 22009/93 (ECtHR, 25 February 1997); *Chassagnou and others v France* App nos 25088/94, 28331/95 and 28443/95 (ECtHR, 29 April 1999).

³¹ *Von Hannover v Germany* App nos 40660/08 and 60641/08 (ECtHR, 7 February 2012); *Schussel v Austria* App no 42409/98 (ECtHR, 21 February 2002); *Chauvy and others v France* App no 64915/01 (ECtHR, 29 September 2004); *Petrina v Romania* App no 78060/01 (ECtHR, 6. April 2009).

³² *Von Hannover v Germany* App nos 40660/08 and 60641/08 (ECtHR, 7 February 2012); *Katz v United States* 389 US 347 (1967); *United States v Jacobsen* 466 US 109 (1984); *California v Ciraolo* 476 US 207 (1986); *Halford v UK* App no 20605/92 (ECtHR, 25 June 1997); *Leempoel & SA ED Ciné Revue v Belgium* App no 64772/01 (ECtHR, 9 November 2006); *Standard Verlags GmbH v Austria* (no2) App no 21277/05 (ECtHR, 4 June 2009); *Hachette Filipacchi Associés v France* App no 12268/03 (ECtHR, 23 October 2009).

³³ *Gourguenidze v Georgia* App no 71678/01 (ECtHR, 17 October 2006); *Reklos and Davourlis v Greece* App no 1234/05 (ECtHR, 15 April 2009); *Hachette Filipacchi Associés v France* App no 12268/03 (ECtHR, 23 October 2009).

PRAYER

In light of the issues raised, arguments advanced and authorities cited, the counsel for the Petitioner humbly prays that the Hon'ble Court be pleased to adjudge, hold and declare:

1. That there is no breach of the principles of International law by the Kingdom of Ghoulum.
2. That the comments made on the show "Way of Life" is seditious and was made to disturb the peace of Ghoulum.
3. That Illia Law has not breached any International Obligation.
4. Reparations for loss of international reputation.

And pass any order that this Hon'ble court may deem fit in the interest of equity, justice and good conscience. And for this act of kindness, the counsel for the petitioner shall duty bound forever pray.