

MOOTFACTS

1. In 2022, the Republic of Zamora, a West African nation, faced escalating insurgency in its northern provinces. Extremist groups carried out bombings, kidnappings, and attacks on schools and hospitals, leaving thousands dead and displacing entire communities. In response, the government launched the Security and Stability Program (SSP) to restore peace and protect civilians.
2. The Republic of Koma is another West African nation at the far east of Zamora. Koma is a more peaceful country, rich in mineral resources such as; Gold, Iron and Copper. Zamora and Koma are both parties to the UN nine core treaties, Treaties of the African Union and International Humanitarian Law. Both Zamora and Koma are monist states.
3. The SSP authorized surveillance, curfews, and preventive detentions in “high-risk” areas. In 2023, the Parliament enacted the Public Order and Security Act (POSA), granting the executive broad powers to restrict assembly, censor publications inciting violence, and monitor communications. Ouster clauses excluded judicial review of executive actions, justified by the government as necessary to avoid delays in urgent security operations. In 2008, Zamora and Koma entered into the “All Progressive Human Right” treaty, allowing the functioning of any human right NGO from any of the both countries to function without having to

undergo registration and should any dispute arise between the both nations on any issue whatsoever, it would be resolved by a special court agreed upon by the both nation.

4. During the ongoing unrest while human rights groups alleged abuses, the government maintained that most detentions were lawful and targeted individuals with credible links to insurgents. Officials emphasized that rights could be lawfully derogated during emergencies under the Constitution.

The Social Media Campaign

5. Dr. Chinyere Okafor a citizen of the both nations, university lecturer and prominent social media influencer with over two million followers across Instagram, TikTok, and Facebook, began a nationwide campaign against SSP and POSA in early 2023 alongside Amnesty Watch Koma. Through viral posts, live streams, and trending hashtags, she mobilized thousands of young Zamorans to protest what she described as “state oppression” and “digital authoritarianism.”

6. Her campaign gained momentum quickly, with online calls to action translating into mass gatherings in major cities. Intelligence reports suggested insurgent sympathizers were exploiting her online movement to infiltrate protests and spread anti-government propaganda.

The Protests and Riot

7. On July 14, 2023, one of Dr. Okafor and the AMK's largest mobilizations took place in the capital city. Initially peaceful, the protest escalated into a riot. Demonstrators clashed with security forces, leading to property damage, looting of shops, and disruption of public order. Security agents attempted to disperse the crowd using tear gas and rubber bullets.

8. In the chaos, reports circulated of two alleged deaths. However, the circumstances were unclear: some speculated the deaths were caused by demonstrators themselves, while others alleged excessive force by security agents. No official autopsy or government report confirmed the cause of death.

9. Eyewitnesses alleged that security forces used disproportionate force, including live ammunition, raising questions about accountability and proportionality under Zamora's constitutional and international obligations.

Arrest and Detention

10. Dr. Okafor was arrested and was proceeded against by the Government of Zamora under POSA for "inciting public disorder." The government justified her detention as preventive, citing intelligence that her continued mobilization could trigger further violence. Bail was denied on grounds of national security.

Litigation

11. Upon getting to know about the unrest happening in Zamora, the Republic of Koma filed a claim in April 2024, at the Special Hybrid Court stating thus;

- That the detention of Dr. Okafor and the thwarting of the activities of the Amnesty Watch Koma (AMZ) is a violation of Zamora's Human Right obligations and the 'All Progressive Human Right Treaty'

In July 2024, Amnesty Watch Koma (AWK) a civil society organization advocating for digital rights and human rights with its origins from the Republic of Koma, but still undergoing registration at the Corporate Affairs Commission (CAC) joined Dr. Okafor in filing suit at the High Court. Although not yet fully registered, AWK had already established itself as a leading voice in human rights advocacy, with recognition from international bodies such as the African Commission on Human and Peoples' Rights.

12. The Appellants alleged violations of rights to life, dignity, freedom of expression, assembly, and fair trial. They argued that POSA's ouster clauses were unconstitutional, requiring courts to uphold Human rights obligation and that the Republic of Zamora should go and answer to their suit at the Special Hybrid Court as the claim of the Republic of Koma was incorporated into the appellant's process

turning the matter into two independent suit but was however merged by the High court as one. The government defended itself and cross claimed, arguing:

- The SSP and POSA were enacted by Parliament, reflecting democratic will.
- Rights under the Constitution are subject to lawful derogations during emergencies
- Judicial review was excluded to prevent interference with urgent security operations.
- Dr. Okafor's social media campaign directly contributed to riots, property destruction, and alleged deaths.
- Freedom of assembly and expression must be balanced against public safety.
- Zamora's international obligations must be interpreted in harmony with domestic law and national security needs.
- AWK lacked proper legal standing as it was not yet fully registered under CAC

13. The High Court dismissed the suit, holding that national security outweighed individual rights and that Parliament validly enacted POSA. The Court of Appeal affirmed, emphasizing judicial restraint in matters of security policy.

14. Koma and Zamora are parties to the UN nine core treaties, African Union Treaties and International Humanitarian Laws. Koma ratified the IHL Treaties in 1982, and Zamora ratified the IHL treaties in 2009 but later acceded from, it in 2021 for national and political reasons. Aggrieved, the Appellants have now appealed to the Supreme Court of Zamora. Applicable laws for the purposes of this moot are *impari materia* with those applied in Nigeria, United Nations and IHL. This includes that:

i. The Constitution of Zamora mirrors the Constitution of the Federal Republic of Nigeria 1999 (as amended).

ii. The Public Order and Security Act (POSA) is comparable to Nigerian emergency powers and public order legislation.

iii. Zamora is a signatory to the African Charter on Human and Peoples' Rights, domesticated in Nigeria through the African Charter (Ratification and Enforcement) Act.

iv. Nigerian case law, statutory provisions, and constitutional principles are directly applicable and persuasive in interpreting Zamora law.

B. the Applicants and Respondents would argue on:

i. Jurisdiction

ii. Locus Standi

iii. Merits and

iv. Conclusion