

**INSTITUTE FOR LEGAL RESEARCH AND ADVOCACY FOR JUSTICE (ILRAJ)  
NATIONAL MOOTING COUNCIL-SL (NMC)**

**INTERCOLLEGIATE MOOT COURT COMPETITION  
MAKENI, NOVEMBER, 2022**

**HYPOTHETICAL CASE**

**Before the Community Court of Justice, ECOWAS**

**Between**

**Alice Kigula - Applicant**

**and**

**The Republic of Atlantis**

**STATEMENT OF FACT**

1. Ms. Alice Kigula is and was at all material times a citizen of Atlantis, having been born in the northern region of Genosha 20 years ago on December 25, 2002.
2. Ms. Kigula recently graduated from the Atlantis College of Technology with a degree in information technology.
3. While at University, she was very active in student politics and became the first woman to be elected President of the Students' Union.
4. Dissatisfied with how things were going in Atlantis, Ms. Kigula and several female friends decided to form a feminist political party, Women Supreme, to contest Atlantis' Presidential and Parliamentary elections in October 2023.
5. She was encouraged to do so by the decision of the government of Atlantis to amend the constitution and enact several laws to promote gender equality, including ensuring 40% of women's representation in parliament and cabinet.
6. The Atlantis Electoral Commission registered the Party.
7. At the Convention of the party, Alice Kigula was elected as their Presidential candidate for the 2023 Presidential elections.
8. Ms. Kigula embarks on the campaign trail. She sets up Facebook, ticktock, Twitter, and other social media accounts. Immediately she is hit by a barrage of vitriol and threats.
9. An unknown individual shared a doctored video on social media that purported to show Ms. Kigula having sex with another woman. Ms. Kigula's effort to remove the media from social media was unsuccessful.
10. After the doctored video was posted, Ms. Kigula received a rape threat when a man phoned her in the middle of the night, threatening to break into her house and rape her with a bat.

11. She reported these incidents to the Police, but they refused to act and discouraged her from speaking about it publicly. The Police explained that threats were something she had to live with as a public person. The Female Commander of the Cyber Unit told her they didn't have the technology to determine whether the social media videos were doctored. She advised that since she was now a local media personality, that was to be expected. 'If you can't stand the heat, get out of the kitchen,' she told her.
12. As a result, she stopped reporting the threats to the Police, but they continued and worsened.
13. At a press conference, the Atlantis Minister of Police Affairs mockingly called her party the 'Lesbian party' and called her 'Atlantis favorite Whore.' He claimed that she passed her University exams by currying sexual favor with the University Principal.
14. Another Minister said at a campaign rally that she should be disqualified from contesting any elections because she was 'uninitiated' and was not a member of any 'society.'
15. While campaigning in the South-South region, a man pointed a gun at her at point blank range and attempted to shoot her. The man was arrested by her private security and handed over to the Police. The Police refused to prosecute the matter, saying that the gun was a replica/prop gun.
16. She reported these allegations to the Electoral Regulatory Commission but received no response to her complaint.
17. These online and offline attacks caused her grave psychological and emotional harm. She spends millions of Sequins, Atlantis' currency, to get therapy and professional help. She also spent a lot of money on security as the Police refused to provide her with any protection.
18. A leading member of the governing Atlantis Freedom Party challenged the registration of the Women's Supreme Party, saying it was discriminatory to have an all-women's party as the Atlantic Constitution prevents discrimination based on gender. He also challenged Alice's right to contest the 2023 Presidential elections saying she had not yet attained the age of 40, which is the minimum age to contest presidential elections.
19. Ms. Kigula's Counsel argued against this and submitted that there was nothing discriminatory in law to have an all-female party and that the age of 40 was discriminatory. She submitted that all those eligible to vote should also be eligible to be voted for as well.
20. The Electoral Tribunal ruled against Alice Kigula and disqualified her and her party from contesting the 2023 elections. This decision was upheld on appeal to the High Court.

Alice consults you to take her case to the ECOWAS Community Court of Justice. That Constitution of Atlantis is ipsissima verba the Sierra Leone Constitution and has ratified the same international treaties that Sierra Leone has ratified.

The case has been set for a hearing based on urgency for 1-4 November 2022. Prepare a memorial for each side dealing with inter alia the following issues:

- A. Whether Ms. Kigula's petition is admissible before the ECOWAS Court?

- B. Whether the disqualification of Ms. Kigula and her political party from contesting in the 2023 General elections is a violation of her right to the enjoyment of freedom of association and equal participation in political and public affairs?
- C. Whether the disqualification of Ms. Kigula and her political party from contesting the 2023 General Election is a violation of the right to equality and non-discrimination?
- D. Whether the Police's failure to investigate the publishing of a doctored pornographic video of Ms. Kigula and the subsequent rape threats and harassment violated her right to dignity, security of person and equal protection of the law?
- E. What are the appropriate remedies?

Atlantis is an active member of the United Nations (UN), African Union (AU), Economic Community of West African States (ECOWAS), Mano River Union (MRU), Commonwealth of Nations, African Development Bank, and Organisation of Islamic Cooperation. The country has signed and ratified the following international instruments: the International Covenant on Civil and Political Rights (ICCPR) (in 1997); the International Covenant on Economic, Social and Cultural Rights (ICESCR) (in 1997); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (in 1989); the African Charter on Human and Peoples' Rights (African Charter) (in 1987); the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (African Women's Protocol) (in 2004); Treaty of the Economic Community of West African States (Lagos Treaty) (in 1975) and the ECOWAS Revised Treaty (Cotonou) (in 1994); Protocol A/P1/7/91 on the Community Court of Justice (Abuja Protocol) (in 2000). the Supplementary Protocol A/SP.1/01/05 amending the Preamble and Articles 1. 2. 9. 22 and 30 of Protocol A/P.1/7/91 relating to the Community Court of Justice and Article 4, Paragraph 1 of the English version of the said Protocol (in 2007); and the AU Charter on Democracy, Elections and Governance (in 2009); Supplementary Protocol A/SP.1/12/ 01 on Democracy and Good Governance Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (in 2004).

On January 29, 2016, Atlantis signed the African Union Convention on Cyber Security and Personal Data Protection and enacted Cybercrime Act No. 1 2020 (Appendix C). The ICESCR is reflected in Chapter 2 of the Atlantis 1992 Constitution, but it is not justiciable under Section 14 of the said Constitution, whereas fundamental rights enshrined in the ICCPR are entrenched in Chapter 3.