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INTERNATIONAL MEDIA LAW MOOT

COURT COMPETITION, 2019

March 1-3, 2019

MOOT COMPROMIS

INTERNATIONAL COURT OF JUSTICE



COMPROMIS

BETWEEN

THE REPUBLIC OF KARNAWATI

(APPLICANT)

&

THE SOCIALIST DEMOCRACY OF SHRAVASTI

(RESPONDENT)

TO SUBMIT TO

THE INTERNATIONAL COURT OF JUSTICE

**ON THE DIFFERENCES BETWEEN THEM CONCERNING THE CASE OF
NEWSROOM AND PLAINSPEAK**

Jointly notified to the Court on 29th December 2018

ENTRE LA RÉPUBLIQUE DE KARNAWATI ET LA DÉMOCRATIE SOCIALE DE
SHRAVASTI À SOUMETTRE À LA COUR INTERNATIONALE DE JUSTICE DES
DIFFÉRENCES ENTRE LE NEWSROOM ET LE PLAINSPEAK

notifié conjointement à la cour le 29 décembre 2018

JOINT NOTIFICATION

ADDRESSED TO THE REGISTRAR OF THE COURT:

The Hague, 29th December, 2018

HIS EXCELLENCY,

On behalf of the Republic of Karnawati ("**Applicant**") and the Socialist Democracy of Shravasti ("**Respondent**"), in accordance with Article 40 (1) of the Statute of the International Court of Justice, we have the honour to transmit to you an original of the Compromis for submission to the International Court of Justice on the Differences Between Parties Concerning Newsroom and Plainspeak signed in The Hague, The Netherlands, on the Twenty Ninth day of December in the year Two Thousand and Eighteen.

AMBASSADOR

Of the Republic of Karnawati to the Socialist Democracy of Shravasti

AMBASSADOR

Of the Socialist Democracy of Shravasti to the Republic of Karnawati

(Privileged & Confidential)

COMPROMIS

BETWEEN THE REPUBLIC OF KARNAWATI AND THE SOCIALIST DEMOCRACY OF SHRAVASTI TO SUBMIT TO THE INTERNATIONAL COURT OF JUSTICE ON THE DIFFERENCES BETWEEN THEM CONCERNING THE CASE OF NEWSROOM AND PLAINSPEAK

The Republic of Karnawati and the Socialist Democracy of Shravasti (together, "**Parties**"),

Considering that differences have arisen between the Parties concerning Newsroom and Plainspeak,

Recognizing that the Parties have been unable to settle these differences by discussions and diplomatic negotiation;

Desiring further to define the issues to be submitted to the International Court of Justice ("**the Court**") for settling these differences;

In furtherance thereof the Parties have concluded the following Compromis:

Article 1

The Parties agree to submit the questions contained in the Compromis to the Court pursuant to Article 40(1) of the Statute of the Court.

Article 2

The Parties agree that the Republic of Karnavati shall act as the Applicant and the Socialist Democracy of Shravasti as the Respondent. Such agreement is without prejudice to any questions in relation to burden of proof.

Article 3

- (a) The Court is requested to decide the case on the basis of the rules and principles of general international law, as well as any applicable treaties.
- (b) The Court is also requested to determine the legal consequences, including the rights and obligations of the Parties, arising from its Judgment on the questions presented in the Case.

Article 4

- (a) The Parties agree that all matters of procedure and rules shall be governed in accordance with the provisions of the Official Rules of the Competition;
- (b) The Parties request the Court to ensure that the written proceedings should consist of Memorials presented by each of the Parties. Further, the same shall be filed no later than the date set forth in the Official Schedule of the Competition.

Article 5

- (a) The Parties shall, accept any Judgment of the Court as final and binding. The Parties shall execute any Judgement of the Court in its entirety and in good faith.
- (b) The Parties shall, immediately after the transmission of any Judgment, enter into negotiations on the modalities for its execution.

In witness whereof, the undersigned, being duly authorized, have signed the present Compromis and have affixed thereto their respective seals of office.

DONE at The Hague, The Netherlands, on this Twenty Ninth day of December in the year Two Thousand and Eighteen, in triplicate in the English language.

AMBASSADOR

Of the Republic of Karnawati to the Socialist Democracy of Shravasti

AMBASSADOR

Of the Socialist Democracy of Shravasti to the Republic of Karnawati

STATEMENT OF AGREED FACTS

A. Introduction

Karnawati

1. The Republic of Karnawati (“**Karnawati**”) is an island nation located in the Ahimsa Sea. Karnawati maintains a robust electoral democracy with President as the head of the State. Karnawati’s legal system provides for a Supreme Judicial Council (“**Council**”) comprising of seven judges and headed by the Minister of Justice who is appointed by the President in consultation with the Karnawatian Parliament. The Constitution of Karnawati guarantees freedom of speech and expression. Consequently, the law grants and protects absolute freedom of speech. The news media in the country is free and till date, there have been only two instances of censorship. However, recently, the Council has ruled that the right to privacy is a fundamental right. The ruling was given in a petition filed by a media organization challenging the constitutionality of Right to Privacy Act, 2017 passed by the Karnawati Parliament on 29th December 2017.

Shravasti

2. The Socialist Democracy of Shravasti (“**Shravasti**”) is another island country located in the Ahimsa Sea. Shravasti follows a single party democracy and the regime identifies itself with socialism. The economy is heavily dependent on government owned but professionally run public sector undertakings. Since 1993, Shravasti has achieved unprecedented growth rate and currently, is considered to be a developed country. Recently, in a report released by World Bank, Shravasti was ranked number one in the

‘Digital Governance’ segment. The World Bank Report hailed Shravasti for its successful implementation of Internet of Things (“**IOT**”) in almost all aspects of governance.

Newsroom

3. Newsroom Information Corporation (“**Newsroom**”) is one of the largest media organizations in the world. It is headquartered in Patliputra, the capital of Shravasti. Though Newsroom was established by an executive decision of the Department of Communication, Shravasti, it has gone through several rounds of disinvestment and the government now holds only 50.5% of the shares in Newsroom. Newsroom does not have any direct operations in the media sector but merely acts as a holding company and invests in private and public media organizations across the world. As per its filing with Registrar of Companies in Shravasti in 2018, Newsroom held majority stake in 17 media organizations and was a shareholder in more than 53 media organizations.

Media Investment Business Holdings Inc.

4. In 2011, through an act of Parliament, Shravasti created an autonomous body called Media Investment Business Holdings Inc. (“**MIB**”) and the entire government shareholding in Newsroom (50.5%) was transferred to MIB. MIB nominated retired civil servants from Ministry of Telecommunications, Ministry of Defense, Ministry of Internal Affairs, Ministry of Finance, Ministry of Information and Publicity, Ministry of Electronics and Ministry of International Affairs as its representatives on the Board of Newsroom. The Ministry of Corporate Affairs also nominated three Independent Directors from media and telecommunication sectors. One of the directors nominated by private shareholders was unanimously selected as the Chief Executive Officer. Further, as per the act creating MIB,

any entity in which MIB held less than 75% of shares was ineligible to be audited by Comptroller and Auditor General of Shrivasti.

5. Since last quarter of 2011, Newsroom started to diversify its holdings and began to invest heavily in transmission, broadband agencies and cable networks. Around September 2011, Newsroom reported in its filing before Shrivasti Stock Exchange that it was in process of acquiring controlling stake in Cableway Networks Inc. ("**Cableway**"), the largest cable TV service provider in Karnawati. By 2013, Newsroom owned 71% of shares in Cableway. In another filing in 2012, Newsroom reported that it had acquired controlling stake in a venture capital fund Futureplant Inc. ("**Futureplant**"), registered in Vertland Islands. Futureplant invests in tech startups in the field of software, robotics, green energy and alternate communication. The annexure with the filing listed the names of the startups which Futureplant had invested in. Most of these startups have been involved in development of cutting edge privacy software, security solutions, artificial intelligence, psychometric and psychographic profiling for marketing and sales industry, trading solutions, automated behavior analysis for law enforcement agencies and creation of software for military use.

Plainspeak, The Index & The Referencer

6. Plainspeak.com ("**Plainspeak**") is a crowdfunded web portal which is home to a large number of investigative stories originating from all over the world. While its parent company DigiShadow Media Inc. is incorporated in Karnawati, Plainspeak is not registered with the Registrar of Media Organizations, Karnawati ("**RMOK**") as a media organization. Plainspeak claims that this has been done in order to avoid disclosing the exact location of its servers. However, Plainspeak in accordance with Karnawati Privacy

Act, 2017, has declared that the servers are located in Karnawati. It has seven journalists who have been accredited by Karnawati Government. Plainspeak has gained popularity and credibility in recent times due to its exclusive stories on blood diamonds from Africa and biological weapons in south Eurasia. A substantial number of ministers of Karnawati Government write extensively and exclusively for Plainspeak as columnists. In a filing with Registrar of Companies in Karnawati, Plainspeak had disclosed that it had received 65% of its advertisement revenue from the Karnawati Government and that 70% of its donations from Karnawati government affiliated entities.

7. Apart being a platform for investigative reports, Plainspeak also has an artificial intelligence-oriented data processing and ranking service called the 'World Index' ("**Index**"). Index is an automated ranking system that runs on an algorithm that rates countries based, *inter alia*, on their political, economic and social climate, and recent events. Plainspeak claims that the rating is real-time and completely automated with no human interference at all. It automatically picks up content from 72 different media portals, filters them and uses them to curate the rankings. Index has ranked Karnawati at #3 while Shravasti is ranked at #31.
8. Index is quite popular among investors, students and tourists and has substantial subscriber base in 111 countries. Plainspeak has content sharing agreements with several third-party websites that display Index rankings. Plainspeak also maintains a comprehensive database of countries, 'The Country Referencer' ("**Referencer**"). Referencer merely collates and chronologically publishes the reasons given by the Index algorithm for a particular Country's ranking. Referencer is considered to be one of the most read information websites after Wikipedia. Plainspeak also issues a monthly

newsletter (“**Index Plus**”) containing investment and travel advisories to its subscribers based on material published in Index and Referencer.

9. Karnawati and Shravasti have enjoyed cordial relations for the last two centuries and maintain full diplomatic missions. The trade relations between the countries are modest with collective turnover of about USD 31 Billion. However, Karnawati has voted against Shravasti in United Nations and WTO on the issues of trade tariffs and dumping of goods on multiple occasions.
10. Shravasti & Karnawati are the founding members of the United Nations and the European Union and are common law countries. Further, Shravasti and Karnawati are parties to the (a) Statute of International Court of Justice; (b) the Vienna Convention on Law of Treaties; (c) the Vienna Convention on Diplomatic Relations ("**VCDR**") and Vienna Convention on Consular Relations ("**VCCR**"); and (d) Budapest Convention on Cybercrimes. Both the countries have signed but not ratified the International Covenant on Civil and Political Rights.

B. The Dispute

11. On 16th February 2018, an investigative report authored by the editorial staff of Plainspeak was published at Plainspeak.com titled ‘*The Spying Socialist*’ ("**Report**"). The Report claimed that Shravasti was using Newsroom and the startups Newsroom had invested in, to spy and profile individuals across the globe. The Report alleged that the cable companies owned by Newsroom supplied customers with set top boxes/content sourcing devices pre-installed with automated content recognition ("**ARC**") software. It was alleged that this ARC software collates data pertaining to content watched by the user and this

collated data is transmitted to the servers of agencies, controlled by Futureplant, for the purpose of psychometric analysis and psychographic profiling of its users. Pertinently, the article claimed that this data was collated by the said ARC software by requesting users to link their social media profiles with the set top boxes/ content sourcing devices on the pretense of value added and/ or bonus deals. Additionally, it was claimed that such data was recently used by Newscorp to alter the course of elections in Kingdom of Vijaynagar, a mineral rich country located in South America. Notably, post the election, a company incorporated in Shrivasti was allotted exclusive mining rights in Vijaynagar. It was further claimed that Shrivasti had been employing this technology since 2013 on its own citizens and testing on foreign soil started on or around 2015. Plainspeak announced that it will release second part of the Report on 19th February 2018.

12. Shrivasti denied the 'malicious' Report and claimed that the Report was a '*figment of the imagination of Plainspeak- a clandestine organization run and funded by fascist and rouge elements across the world*'.
13. On 19th February 2018, Plainspeak published another report titled the '*The Advent of Socialist Imperialism*' ("**Second Report**") where it claimed that Shrivasti had used Cableway to carry out psychometric analysis and psychographic profiling of Cableway users in Karnawati. The Second Report alleged that the local employees of Cableway were kept in the dark and were told that the ARC additions were merely signal boosters. It was further alleged that Cableway's popular "Invest Now" plugin, used to give live updates to users about the Karnawati Stock Exchange ("**KSE**"), was also used to collect data about investments and market preferences of the customers. The Second Report also stated that it was unclear if the data and profiling was to be used to manipulate any election in

Karnawati. It was further alleged that in the last three years, Futureplant had collected substantial amount of personal data of Karnawati citizens through the ARC employed set top boxes/content sourcing devices. Along with the Second Report, Plainspeak published 72 diplomatic emails originating from the embassy of Shrivasti in Karnawati which talked about the political environment in Karnawati and how the interests of Shrivasti were being harmed by the current regime in Karnawati. Plainspeak also claimed that it had access to certain additional diplomatic cables which mentioned the *‘inevitable need to employ Newsroom resources and package’* repeatedly. However, these cables were not published.

14. Based on the Report and the Second Report, the Index, on the evening of 19th February 2018, noted a substantial downgrade in the ranking of Shrivasti. Surprisingly, the ratings were downgraded with retrospective effect i.e. from 2013. The Referencer was also edited to reflect these events from the year 2010 and the content published by Plainspeak in the Report and the Second Report was added to the ‘Facts’ section. On the same day, a special edition of Index Plus, circulated to 3 million individual and corporate subscribers of Plainspeak, declared Shrivasti to be a *‘threat to world peace and stability’*. The special edition of Index Plus predicted a series of sanctions/countermeasures by various countries against ‘Shrivasti’ that rendered the investment outlook in Shrivasti *‘unstable’* and also advised people against visiting Shrivasti.
15. On 21st February 2018, Shrivasti issued an official press note denying all the allegations contained in the Report and the Second Report and declared the contents therein to be *‘a conspiracy by fascist and rouge elements to harm the sovereign and economic interests of Shrivasti’*. It denied any link to or any knowledge about the investments made by

Newsroom and Futureplant and stated that it neither controlled nor managed either of the said entities. While the press release did not counter the contents in the Report and the Second Report allegation wise, it indicated Shrivasti's desire to explore legal options against Plainspeak in Karnawati as well as in Shrivasti. (**Annexure A**).

16. Shrivasti also issued a strongly worded diplomatic démarche to the Ambassador of Karnawati stating that by allowing privileged diplomatic communications of Shrivasti to be leaked and published, Karnawati had violated international law. It alleged that Karnawati had unlawfully deprived Shrivasti of its right to privileged diplomatic communication. It further requested Karnawati to take action against Plainspeak. However, the demarche did not elicit any response from Karnawati and notably no action was initiated against Plainspeak by Karnawati.
17. On 23rd February 2018, Shrivasti, through its Ambassador in Karnawati, filed two applications before the Council seeking (a) seeking immediate removal of the Report and the Second Report from Plainspeak (b) restoration of the ranking on Index and withdrawal of the Special edition of Index Plus and (c) injunction against Plainspeak from publishing any further reports/ articles in this regard.
18. On 24th February 2018, Newsroom also filed a set of three motions seeking leave of the Court to institute actions for defamation and libel against Plainspeak, Index and Referencer. The Admission Committee of the Council, headed by the Minister of Justice, refused to admit Shrivasti's Applications and the motions filed by Newsroom *vide* summary orders uploaded on Council's website on 27th February 2018, holding that the

‘acts of Plainspeak did not meet the ‘threshold’ required to consider any relief that restricts the freedom of speech of any legal person in an adverse manner’. (Annexure B)

19. On 25th February 2018, the Shrivasti’s Ambassador addressed a letter to the Editor of Plainspeak informing that Plainspeak will not be available in Shrivasti with immediate effect. It requested Plainspeak to refrain from publishing any malicious content on its website regarding Shrivasti.
20. Meanwhile, Karnawati issued a diplomatic démarche to the Ambassador of Shrivasti dated 27th February 2018 and requested Shrivasti to handover all the materials in relation to Newsroom, and Futureplant scandal. The demarché also expressed ‘anguish’ and ‘protested’ the acts of Shrivasti in *‘seeking to overthrow the long established democratic practices in Karnawati by illegal, immoral and wrongful invasion of privacy of citizens of Karnawati’.* (Annexure C)
21. Shrivasti replied to the diplomatic démarche on the same day and denied that *‘Shrivasti or any government agency’* had acted in any manner which was *‘detrimental to the interests of Karnawati’.* It requested Karnawati to take action in the domestic courts of Shrivasti in case *‘Karnawati wanted to pursue legal claims against Shrivasti or its governmental agencies based on rumors, surmises and frivolous reports’.*
22. In response to Shrivasti's reply to its diplomatic demarche, Karnawati issued a strongly worded letter to the Ambassador of Shrivasti and declared him persona-non-grata. Shrivasti appointed another Ambassador to Karnawati on the same day and termed

Karnawati's action as '*regrettable*' and reaffirmed its commitment to '*peaceful and cordial relations with Karnawati*'.

23. Karnawati also issued a press release stating that Shravasti's and its public-sector undertakings had engaged in unlawful collection of private data of the citizen of Karnawati. The entities had, without informing the Karnawati's Information Technology Regulator ("**ITR**"), transmitted the data to servers located outside Karnawati which was in breach of Right to Privacy Act, 2017. A spokesperson for the Ministry of Foreign Affairs of Shravasti government refused to comment on the press-release.

On 27th March 2018, a substantial part of the urban population in Karnawati received telephonic message notifications at 8.55 am whereby it was informed that the KSE will be operational only for 30 minutes till 9.30 am and shall remain closed till 31st March 2018 due to unexpected software issues. When the markets opened, the notification caused a panic with shares plummeting 1100 points within first 50 minutes. The market was also affected by an 'undue delay' noticed in the execution of the online trading transactions. While the Karnawati Government clarified that the notification was a rumor and decided to shut down the stock exchange at 10.45 am, news reports of massive foreign exchange pull out from the communication and media sector started coming in. When the markets finally closed at 10.52 am, the stocks had plummeted by 1282 points. The direct losses were estimated around USD 17 billion while the indirect losses were still being calculated.

24. Karnawati Government tasked its Cyber Monitoring and Research Agency ("**CMRA**") to investigate the matter on a priority basis. On 5th April 2018, after concluding the preliminary investigations, CMRA submitted its report to the Government ("**CMRA**

Report"). The CMRA Report recorded that it had been ascertained that the telephonic notifications originated from a location in high seas and the satellite imagery of the location at the relevant time indicated presence of three vessels including a merchant vessel under the flag of Shrivasti. The other two vessels belonged to a shipping company incorporated in Karnawati. The CMRA Report also alleged that apart from the telephonic notifications, all the past and present subscribers of Cableway had additionally received notifications on their social media accounts. While the CMRA Report noted that subscribers of Invest Now had also received the notifications through their Invest Now accounts, there was nothing on record to substantiate this aside from inconsistent witness statements of a few subscribers. Further, the CMRA Report noted that false market advisories were issued by anonymous users online and trends on social media website Twitter were manipulated to create panic. Further, bots and AI algorithms were employed to target small investors specifically. The CMRA Report went on to allege that the small investors who were specifically targeted by rumor were identified through Invest Now portal.

25. Further, the CMRA Report also alleged that the delay in the effecting the transactions was due to a malware which had infiltrated in the software at KSE as part of a well-coordinated cyber-attack. The attackers had employed cross-site scripting to access the confidential financial data in real-time and simultaneously delay the service by using Distributed Denial of Service (DDOS) bots. The confidential financial data was employed by AI software to reuse multiple user credentials to carry out self-defeating transactions clogging the system as well as causing financial harm to hundreds of investors. The CMRA Report pointed out that Hackatheme, a Futureplant subsidiary had publicly

marketed TradeNow, a software similar to the one used to clog the system, as a faster and reliable option for automated trading.

26. Interestingly, Newsroom had filed a declaration with KSE recording that Cableway will be shutting down its operations within next 4 months and submitted its exit plan while the market was in a turmoil. The news of the largest cable company exiting the market had considerable impact on technology and media stocks.
27. On 29th April, after the CMRA Report was tabled in the Karnawati Parliament, the President of Karnawati, in a publicly telecast speech, stated that the cyber-attack was carried out by agencies located within the territory and control of Shravasti. She further alleged that these acts amounted to waging war against Karnawati and that Shravasti had breached international law by using force to undermine Karnawati's sovereignty and its economic interests. She also stated that the Report and the Second Report published by Plainspeak.com had been found to be accurate by an independent judicial commission. Karnawati expelled the entire diplomatic staff at the Embassy of Shravasti including the Ambassador.
28. On 21st July 2018, Shravasti addressed a letter to Plainspeak *vide* the Ambassador of Karnawati and informed Plainspeak that it was exercising its right to be forgotten (**Annexure D**). It requested Plainspeak to remove all content on Plainspeak, the Referencer and any other associated, affiliated and partner website in relation to Shravasti or its public-sector undertakings including Newsroom and Futureplant. Plainspeak, replied to the said letter, *vide* a press release dated 24th July, 2018 on its website refusing to '*take the letter seriously let alone act on it*'. (**Annexure E**) The press-release, for the

first time, disclosed the name of Plainspeak's editor-in-chief- Ms. Mao Blackwater. Ms. Blackwater, till May 2017, was the Minister of Diplomatic Relations and Minister of Information and Broadcasting in Government of Karnawati.

29. Shravasti, through its Deputy Prime Minister, addressed a letter dated 29th July 2018 to President of Karnawati and requested him to take suitable actions against Plainspeak for breaching the principles of international law, recognized by European Union and all civilized nations. The letter pointed out that Plainspeak enjoyed ample funding and patronage of Karnawati Government and therefore, Karnawati should take responsibility for Plainspeak's actions. Lastly, the letter concluded that *'the mere fact that Ms. Blackwater, who was the Hon'ble Minister for Diplomatic Relations as well as Minister of Information and Broadcasting in your government is now the Editor-in-Chief and CEO of Plainspeak is enough to raise justifiable doubts that the diplomatic communications published by Plainspeak were deliberately leaked by your agents, agencies and sources within your Government. Our Government is deeply worried whether all the diplomatic missions in your country are under illegal surveillance by your Government and whether all diplomatic communications are illegally intercepted.'* The Karnawati Government did not respond to the said letter.

30. Aggrieved by the said press release dated 24th July, 2018 and lack of response from Karnawati, Shravasti filed an Application before the Council whereby it (a) asserted Shravasti's right to be forgotten; (b) requested the Council to direct Plainspeak to remove all content related to Shravasti and the controversy from plainspeak.com, affiliates and partner websites; and (c) in case Plainspeak refuses to do so, direct the government of Karnawati to confiscate the servers of Plainspeak and carry out the removal of data under the supervision of the Council and in the presence of a nominated representative of

Shravasti. The Council refused to admit the Application and stated that '*we do not see any merit in the assertion of the Shravasti that it has a right to be forgotten*'.

31. Shravasti also filed an Application seeking an injunction on Plainspeak from publishing any diplomatic communication authored or received by Shravasti or its agents. The Council admitted the Application but refused to grant any interim relief. The Application has been listed for August 2019 for final hearing.
32. Aggrieved by the denial of the Council to hear the matter and recognize its right to be forgotten, Shravasti issued a public note accusing Karnawati of using Plainspeak to harm the sovereign and economic interests of Shravasti. It alleged that Karnawati had financed the publication of the First Report and the Second Report on Plainspeak and had actively provided the diplomatic cables to Plainspeak. It also accused Karnawati of spying on its diplomats and intercepting its diplomatic cables. Lastly, it attributed the actions of Council to the Karnawati Government as the Council was merely following the position taken by Karnawati Government publicly. It called upon the civilized nations to join Shravasti in condemning the unlawful acts of Karnawati.
33. As the tensions escalated, the parties were encouraged to settle the differences through bilateral negotiations. Subsequently, in the third and fourth quarter of 2018, Shravasti & Karnawati engaged in bilateral negotiations through ministerial level talks. However, as the talks failed to end the dispute, the parties have decided to approach the International Court of Justice through a special agreement. The parties have agreed formulate the prayers as per the following paragraphs.

C. The Prayers

34. The Republic of Karnawati respectfully requests the Hon'ble Court to adjudge and declare that:
- A. Shravasti has no right to be forgotten under international law and Karnawati has not breached the international law by refusing to recognize the same.
 - B. Shravasti has waged war against Karnawati by using its governmental agencies to attack national critical infrastructure of Karnawati.
 - C. Karnawati has not breached the international law by failing to secure the privacy of the diplomatic cables of Shravasti.
 - D. Shravasti has breached international law by unlawfully gathering, transmitting, storing and using the data of the citizens of Karnawati without the express permission of the citizens of Karnawati and in violation of laws of Shravasti.
 - E. Karnawati is entitled to damages on account of (B) & (D) above and Shravasti is not entitled to any order on damages on account of (A) above.
35. The Democracy of Shravasti respectfully requests the Hon'ble Court to adjudge and declare that:
- A. Shravasti has the right to be forgotten under international law and Karnawati has breached the international law by failing to recognize the same.
 - B. Shravasti has not waged war against the Karnawati by using its governmental agencies to attack national critical infrastructure of Karnawati.
 - C. Karnawati has breached international law by failing to protect the privacy of Sharavasti's diplomatic cables.

- D. Shravasti has not breached international law by unlawfully gathering, transmitting, storing and using the data of the citizens of Karnawati without the express permission of the citizens of Karnawati and in violation of laws of Shravasti.
- E. Shravasti is entitled to damages on account of (A) above and Karnawati is not entitled to any order on damages on account of (B) & (D) above.

36. The parties have further agreed to divide the hearing into two tranches- liability and damages. The present tranche of hearing will deal with the liability (prayers A, B, C & D). Neither party has moved any application for interim relief and have agreed to maintain status quo till the final outcome of these proceedings. As a gesture of good faith, Karnawati has offered to restrain Plainspeak from publishing any further diplomatic cables.



-----Department of State-----

Press Release

21.02.2018

The Socialist Democracy of Shravasti denies any and all the allegations leveled against it *vide* the web portal plainspeak.com. The allegations are nothing but a conspiracy by fascist and rouge elements to harm sovereign and economic interests of the socialist democracy of Shravasti. As the Socialist Democracy of Shravasti has doubts about the motive of plainspeak.com for publishing such utterly false, mischievous and bizarre news reports, it is considering all possible legal actions to ensure plainspeak.com is held liable for such irresponsible and illegal conduct.

The Socialist Democracy of Shravasti does not believe that it has to address the allegations by plainspeak.com as the same are absolutely untrue and without any basis whatsoever. The Socialist Democracy of Shravasti vehemently denies that the Socialist Democracy Of Shravasti or any of its government entities are involved in any such activities as alleged by the web portal plainspeak.com.

The Socialist Democracy of Shravasti demands that plainspeak.com take down these articles and issue an unconditional apology for hurting the reputation of the Socialist Democracy of Shravasti, sentiments of its patriotic citizens and its economic interests.

The Socialist Democracy of Shravasti further demands that all the material in relation to the two reports be handed over to Shravasti in order to ensure a free and fair investigation into the publication of privileged diplomatic communication.

ANNEXURE B

**THE HON'BLE SUPREME JUDICIAL COUNCIL OF KARNAWATI
AT
PATLIPUTRA
(Admissions Committee)**

Application (L) No. 321 of 2018

Application (L) No. 322 of 2018

Application (L) No. 323 of 2018

**The Democracy of Shravasti (through The Ambassador to
Karnawati)** ...Applicant

Versus

Plainspeak Inc. ...Respondent

and

Motion (L) No. 722 of 2018

Motion (L) No. 724 of 2018

The Newsroom Information Corporation ...Applicant

Versus

Plainspeak Inc. ...Respondent

**Coram: Hon'ble Minister of Justice, Government of Karnawati, Hon'ble Mrs. Justice
Akshita Maurya and Hon'ble Mrs. Justice Veerta Kapoor**

SUMMARY ORDER

The Admissions Committee of the Supreme Judicial Council, after the perusal of the material on record, has decided to refuse the Applications and the Motions filed by the Democracy of Shravasti and Newsroom Information Corporation respectively. In the considered view of the Admissions Committee, the acts of Plainspeak Inc. do not meet the 'threshold' required to consider, let alone grant, any relief that restricts the freedom of speech of any legal person in an adverse manner. Accordingly, disposed.

Sd-



-----Ministry of Foreign Affairs, Government of Republic of Karnawati-----

Excellency,

The Ministry of Foreign Affairs, Republic of Karnawati presents its compliments to the Ministry of Foreign Affairs of Socialist Democracy of Shravasti.

The Government of Karnawati considers it necessary to communicate the following to the Government of the Shravasti.

The People of Karnawati express deep shock and anguish over the contents of the news reports published by plainspeak.com. The acts attributed to your government and its agencies are a cause of great concern for our Government. The Government and People of Karnawati register strong protest against such acts. These acts of Shravasti and its agencies in seeking to overthrow the long established democratic practices in Karnawati by illegal, immoral and wrongful invasion of privacy of citizens of Karnawati do not reflect well upon civilized nations.

People of Karnawati are looking forward to your positive and decisive response to the contents of the news report and allegations put forward therein. Our Government also formally requests your Government to handover all the details and documents in relation to the controversy for our agencies to investigate the matter in a just manner.

We would also like to take this opportunity to convey our sincere desire to maintain and further develop the friendly relations between our nations.

Please accept, Excellency, the assurances.

Regards,

Edvina Snowden,
Secretary (Foreign Affairs)
Government of Karnawati

Dated: 27th February 2018

ANNEXURE D



PRIVILEGED AND CONFIDENTIAL

To,
The Editor
Plainspeak.com
Karnawati

(Through)

Ms. Olivia Sally, Her Excellency
The Ambassador for the Republic of Karnawati in the Socialist Democracy of Shravasti

Dear Editor,

We write to you on behalf of the Government of the Socialist Democracy of Shravasti (hereinafter “**Our Client**”) in reference to the malicious content hosted by your web portal plainspeak.com and its affiliates *vide* the news reports dated 16th & 19th February 2018. We have annexed the copies of these reports as Annexure A-Colly.

On behalf of our Client, we hereby provide you the official notification seeking the removal of any and all content (“**Content**”) in relation to Our Client or any of the Shravasti public sector undertaking from your web portal and its affiliates. An indicative list of the Content along with the corresponding hyperlinks is provided at Annexure B.

We request you to immediately act on this notice and remove the Content (including the content mentioned in Annexure B) from all portals under your control or publishing such information by virtue of any commercial or otherwise transaction with you. We further request you to cease and desist from posting, hosting or storing of any content in relation to Our Client and its public sector undertakings on your web portal in future. We also request you to refrain from transferring the Content hosted on your web portal or stored at your servers to any third party.

Please be advised that law requires you, as a media organization, to remove or disable access to the Content upon receiving this notice. We also request you to permanently remove the Content from your servers.

We are providing this notice in good faith and with the reasonable belief that you will act as a responsible media organization and remove all the content.

Needless to add, this letter and its contents are without prejudice to the rights and contentions of Our Client.

Should you wish to discuss this, please contact the undersigned directly.

Thank you.

Marry Mayweather

Counsel

Bishop, Michaux & Armstrong



Press Note

We, at Plainspeak, are in receipt of a letter by Marry Mayweather of Bishop, Michaux & Armstrong on behalf of the Imperial Empire of Shravasti, asking us to take down almost everything there is about Shravasti on our portal and partner websites. We have taken a serious note of the demands. After much deliberations, we have decided not to take the letter seriously let alone act on it. We take pride in what we do at Plainspeak and will not let any entity which has no respect for basic human rights to dictate us regarding the content hosted on our website.

Keep reading,

Mao Blackwater

Editor-in-Chief & CEO

Plainspeak

Relevant Extracts from Right to Privacy Act, 2017

CHAPTER I
DEFINITIONS, INTERPRETATION AND INTRODUCTION

2. (1b) *Territory means the territory of the Republic of Karnawati.*

CHAPTER XIV
TRANSFER, STORAGE AND SECURITY OF PERSONAL DATA

(21). *No government agency authorized under this act shall collect, store, retain and use any personal data in contravention of this chapter-*

(1) *No personal data shall be shared in contravention of the provisions of this Act.*

(2) *No personal data shall be retained after the achievement of purpose for which it was collected and has been duly completed up to the satisfaction of all parties:*

Provided that nothing in this section shall apply to databases of sensitive personal data duly established by the Government as the case may be.

(3) (a) *No person shall store any personal data of another person for a period longer than is necessary to achieve the purpose for which it was collected or received, or, if that purpose is achieved or ceases to exist for any reason, for any period following such achievement or cessation.*

(b) *Save as provided in sub-section (3), any personal data collected or received in relation to the achievement of a purpose shall, if that purpose is achieved or ceases to exist for any reason, be destroyed forthwith.*

(c) *Notwithstanding anything contained in this section, any personal data may be stored for a period longer than is necessary to achieve the purpose for which it was collected or received, or, if that purpose has been achieved or ceases to exist for any reason, for any period following such achievement or cessation, if—*

(i) *the person to whom it pertains grants his consent to such storage prior to the purpose for which it was collected or received being achieved or ceasing to exist; or*

(ii) *it is required to be stored for historical, statistical or research purposes under the provisions of an Act of Parliament:*

Provided that only that amount of personal data that is necessary to achieve the purpose of storage under this sub-section shall be stored and any personal data that is not required to be stored for such purpose shall be destroyed forthwith.

22. (1) No non-governmental entity operating in or carrying out business in the Territory shall, without express written authorization of the Information Technology Regulator, shall collect, store, transmit, cause to transmit or use any information belonging to any citizen resident or legal person incorporated in the territory.

Provided such information can be collected, stored, transmitted and used within the territory with the consent of the citizen resident or the legal person incorporated in the territory to whom such information belongs.

(2) Any person, if within 3 years of the knowledge of his information being in possession of the non-governmental entity makes a request, shall have the right to seek deletion of such information permanently.

Provided the Information Technology Regulator shall have the authority to refuse any such deletion, if required, as per the provisions of this act.