



Judgement

UCN Board of Elders v Upper Chantler
[2018] CILJ App 1

1 Notes

Notes written by Imperium Anglorum on 15 February 2020. The text of the judgement was very lightly edited to correct typographical errors and updated citations.

Judgement given 3 November 2018 before Xagill, The United Oman, and Trabardia. It does not appear any hearing was conducted.

Ecclestia served as counsel for the Union of Christian Nation's Board of Elders and filed the appeal on their behalf.¹

2 Opinion of the Court

Head Judge (Xagill), The United Oman, and Trabardia.

[1] The original judgement failed to address the original case in terms of a tie-breaking mechanism as well as providing no comments on regarding if the tiebreaker mechanism was valid under law, or if the election result was valid. As such the court will rule if a tie-breaking mechanism is valid or not, we will not comment on what type of mechanism the region chooses to use.

[2] Noting the arguments presented in the original case, it seems in agreement from both parties that cases from 'Christadelphia', especially *Upper Chantler v Government of Christadelphia* (Tribunal, 27 October 2016) (Christadelphia) are an influencing factor in law. As such when the regional Charter is vague these cases should be consulted, and a decision made in accordance with the said judgements. Furthermore, in the original decision, the mention of 'freedom of speech' has no impact on this case and should not be decided on. 'Freedom of speech' does not have any impact on a democratic process.

¹ See Appeal (Ecclestia), Document 1.

[3] As such this election is considered valid.

[4] The Chamber of Regional Appeals recommends the government is either to specify a clause in the regional charter for a tiebreaker mechanism. If Union of Christian Nations is a continuation of 'Christadelphia' then all cases that were held should be considered officially as precedent.

3 Documents

3.1 Appeal (Ecclestia)

[1] Almost two months ago, the Union of Christian Nations held an election for the position of 'Elder which is a group of nations responsible for governing the region. The election was conducted by a poll which can be viewed here. The result was a tie: 2-2. In the initial telegram to the nations of the region, it was noted that in the event of a tie, the nation with the highest influence will either progress to the next round or be elected. Upper Chantler then brought a case forward claiming that this provision breached section 7(1) of the Charter and that the election was not valid.

[2] A Tribunal was held where a number of points were put forward by the parties and a subsequent judgement was given.

[3] I am appealing the judgement as I believe that the judgement contains error of fact, error of law, did not address the points raised by the parties, and gave no guidance as to whether or not the election was valid.

[4] *Error of fact* – The judge ruled about the legality of 'casting lots'. The case was [on the use of] 'influence' as a tiebreaking mechanism in the election and if that is valid. Whilst casting lots to appoint leaders in the Bible was quoted as a reason to support a tiebreaking mechanism, it was not at all what the case was

about and was merely used as an additional argument. As such, I am appealing this case and asking the Court to rule on the legality of the original question regarding the tiebreaking mechanism.

- [5] *Error of law* – The judge ruled that the decision was made because it 'isn't allowing the citizens to have a excellent right of free speech'. No such right exists in the region. Our only legal authority is currently the Charter which doesn't list any right to free speech. Section 3(3) and 3(4) touch on something similar, however, I believe that there is no express right to free speech and that the judge made an error of law on 'freedom of speech'.
- [6] *Points raised* – The judge was asked to determine whether past cases from other regions were binding or persuasive precedent for the Union of Christian Nations. This point was not even mentioned in the judgement.
- [7] *Guidance* – The judgement gave not guidance as to whether the election was valid or not which was the whole point of the case, meaning there was nothing tangible for the government to change/apply as a result.
- [8] I ask for the Court to assess these points by reviewing the original case and giving a revised judgement.