

**INTER-AMERICAN HUMAN RIGHTS
MOOT COURT COMPETITION**

MITCHELL HENDERSON

(Victims)

V

THE REPUBLIC OF ATHLIMA

(Respondent)

MEMORIAL FOR THE VICTIMS

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STATEMENT OF FACTS

Factual Background

Mitchell Henderson was entered into the discriminatory Homeless to Work program prior to its amendment following the ruling of the Athlima Supreme Court on February 23, 2015. During his diagnosis of disabilities by the state in June 2014, Mitchell Henderson was found to have physical disabilities to his left leg and the amputation of three fingers to his dominate hand, and Post-traumatic stress disorder. Physical therapy was prescribed for his physical injuries and an anti-psychotic for his post-traumatic stress disorder. The program did not accommodate his needs as he was placed in a program that strained his injury and the medication made him feel sick. After six weeks in the program he appealed to be moved into a part of program that would allow for the accommodation of his physical injury. He also had previously appealed to have his medication reevaluated to find a solution that would not make him experience the mental disorientation and confusion from his prescribed does. On both occasions the state refused to reevaluate Mr. Henderson's condition.

Mitchell Henderson was taken into States custody, at which point the state failed in its obligation of care for Mr. Henderson while he was in custody. Because of the states admitted failed system Mr. Henderson was imprisoned and given a criminal record. This was detention by discrimination resulting in forced criminalization of Mr. Henderson. The State refuses to address the matter of compensation for the unjust imprisonment and conviction of Mitchell Henderson.

LEGAL ANALYSIS

1 – ADMISSIBILITY

1.1 - STATEMENT OF JURISDICTION

As a party to the *American Convention on Human Rights*, the federal district of Kefalio has a clear mandate to conform to the rulings, mandates, and responsibilities of the convention and the resulting rulings of the Inter-American Court on Human Rights.[1] Additionally, the state of Kefalio is treaty bound to respect the sovereignty of the court on matters of human rights violations and conform to the rulings and damages thereafter.

1.2- ADDMISION OF DISCRIMINATION BY THE STATE

In the development of the Restoration of Community Act the Athlima Supreme Court ruled the work training program discriminated against those with disabilities, such as Mr. Henderson. The reason for Mr. Henderson's failure of the program was due to the discrimination he faced from the State. Had the state taken Mr. Henderson's physical limitations into consideration and provided adequate care and appropriate accommodations, Mitchell Henderson would be a productive member of society, not a criminal. Sense the State has taken steps to address the discrimination for future participants, it is now time to address Mr. Henderson and other victims.

2 – VIOLATIONS OF THE STATE

2.1 - VIOLATION OF ARTICLE 8.2 (g) BY THE STATE

The State put Mitchell Henderson in the position of believing that he would be violating the law with no other courses available to him other than confession, this constitutes a violation of the

American Convention on Human Rights Article 8.2 subsection g. the right not to be compelled to be a witness against himself or to plead guilty¹ Mr. Henderson was unaware of his rights

2.2- VIOLATION OF ARTICLE 24 BY THE STATE

Under the ruling that the work program was discriminatory the State violated Mr. Henderson's right under the American Convention on Human Rights Article 24 which states "All persons are equal before the law. Consequently, they are entitled, without discrimination, to equal protection of the law."² The State did not honor and uphold Mr. Henderson's right, by forcing him into a program that discriminated against him and those with disabilities and he was unable to complete due to the strain it placed upon him. As such the State needs to assume responsibility for its actions and take proper steps to compensate those it discriminated against under the work program prior to restructuring.

2.3- ARTICLE 25 OF THE AMERICAN CONVENTION ON HUMAN RIGHTS.

Under article 25 of the American Convention on Human Rights Mitchell Henderson has the right to address a competent court to address his grievances and seek recourse for the actions the state took against him under Article 25 subsection 1 "Everyone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for the protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention, even though such violation may have been committed by persons acting in the course of their official duties."³ The ruling on over turning his conviction came in January 2015, this was prior to the finding that the program discriminated against

¹ American Convention on Human Rights

² American Convention on Human Rights

³ American Convention on Human Rights

Mitchell Henderson and those with disabilities as of February 2015. Under Article 25 Mitchell Henderson has the right to receive recourse for the actions of the state against him.

3 – REQUEST FOR RELIEF

Based on the evidence before the court and the states admitted discrimination, the petitioner respectfully requests the Court: Order the State provide just compensation for the time Mitchell Henderson was incarcerated as a result of the state admitted discriminatory program, in addition to the expunging of Mitchell Henderson's criminal record, as this will affect Mitchell Henderson's future rights and employment opportunities. This conviction resulted from the State discriminating against those with disabilities and forcing disabled people into a program that would result in some individuals being unable to complete it as to limitations imposed on them due to their disabilities.