

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

MITCHELL HENDERSON

(Victims)

V

THE REPUBLIC OF ATHLIMA

(Respondent)

MEMORIAL FOR THE RESPONDENT

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STATEMENT OF FACTS

Factual Background

Kefalaio, Athlima's capital city, made the effort to expand the tourism industry with attracting and housing international sporting events to the area. After the success of the 2010 Junior International Rugby federation finals, in Kefalaio, local business leaders complained that businesses lost profits and tourist attraction due to the growing number of vagrant citizens that would panhandle at the time of significant event¹. The National Assembly created the Restoration of Community Act that would pertain to the federal district of Kefalaio. The act outlawed public vagrancy and panhandling, but also provided first time offenders with the option to enroll in the City's Homeless to Work program instead of facing prosecution². The City's Homeless to Work program required that all enrollees must receive a medical evaluation for mental and physical disabilities and treatment was mandatory for any diagnosed impairments³. While undergoing training the participants were given room and board, but if enrolled, he/she must stay on campus for the span of the program⁴. Those who failed to engage in the training program would be asked to leave, if within drawn from the program individuals would face prosecution for the original violation of the Restoration of Community Act⁵.

Mitchell Henderson was involved in an accident in the summer of 2012, which caused a broken left leg and the loss of three fingers⁶. Mitchell then moved to Kefalaio to look for work, but later became a vagrant in October of 2013⁷.

Authorities arrested Mitchell in June of 2014 for violating the Restoration of Community Act, due to panhandling. Mitchell chose to be enrolled in the Homeless to Work program, instead

¹ Hypothetical par. 5

² Hypothetical par. 6

³ Hypothetical par. 7

⁴ Hypothetical par. 9

⁵ Hypothetical par. 10

⁶ Hypothetical par. 13

⁷ Hypothetical par. 14

of facing prosecution⁸. In his initial evaluation Mitchell was diagnosed with having physical disabilities to consist of residuals of a left leg injury and amputation of three fingers and the staff determined that he had PTSD⁹. He was provided with mental and physical therapy and prescribed medication which relieved many of his symptoms¹⁰. While being enrolled in the public works training program, Mitchell determined that his leg injury prevented him from performing and after six weeks he requested to be enrolled in the hospitality serviced training program, but his request was revoked due to his PTSD¹¹. When Mitchell informed the staff of his plans to leave Kefalaio, he was dismissed from the program and the Kefalaio court would be informed of his withdraw¹². The Kefalaio court was made aware of the dismissal of Mitchell on August 30, 2014¹³. The following day, Mitchell was charged with violating the Restoration of Community Act and was sentenced to one-week imprisonment, implemented by the judge¹⁴.

Mitchell's brother, Francis, contacted the human rights organization in Kefalaio, Human Rights Kefalaio (HRK) and informed them that he felt as though his brother had not been provided with a fair chance to abstain imprisonment because of his disabilities. On February 23, 2015, the Athlima Supreme Court established that the work training program discriminated against those with disabilities and ordered the program to incorporate a work training program suitable for those with disabilities¹⁵. The State then provided funding for the Homeless to Work program to accommodate work training for the two existing training programs, extending the programs by 30 days¹⁶. The Inter-American Commission on Human Rights (IACHR) proposed

⁸ Hypothetical par. 15

⁹ Hypothetical par. 16

¹⁰ Hypothetical par. 17

¹¹ Hypothetical par. 20

¹² Hypothetical par. 22

¹³ Hypothetical par. 23

¹⁴ Hypothetical par. 24

¹⁵ Hypothetical par. 31

¹⁶ Hypothetical par. 32

that the state of Athlima do away with the Restoration of Community Act and administer comprehensive reparation measure to compensate Mitchell Henderson and other disabled Athlimians subjected to the Restoration of Community Act.

LEGAL ANALYSIS

1 – JURISDICTION

1.1 – STATEMENT OF JURISDICTION

As a party to the *American Convention on Human Rights*, the Republic of Athlima 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 Rights¹⁷. Additionally, Athlima is treaty bound to respect the sovereignty of the court on matters of human rights violations and conform to the rulings and damages thereafter.

2 – NOT IN VIOLATION OF AMERICAN CONVENTION OF HUMAN RIGHTS ARTICLE 7

2.1 – ARTICLE 7.1 AND 7.2 OF AMERICAN CONVENTION OF HUMAN RIGHTS

The IACHR found that the Restoration of Community Act violated articles 7, 8, 24, and 25 of the American Convention of Human Rights¹⁸.

Article 7.1 and 7.2 of the American Convention of Human Rights states that everyone has the right to personal liberty and no one shall be deprived of his physical liberty except for the reasons and under the conditions established beforehand by the constitution of the State Party concerned or by a law established pursuant thereto¹⁹.

The Republic of Athlima was in no means setting Mitchell Henderson up for failure when he moved to Kefalaio in the summer of 2012. Mitchell Henderson was given a fair opportunity,

¹⁷ American Convention of Human Rights

¹⁸ Hypothetical par. 35

¹⁹ American Convention of Human Rights

same goes for all vagrant residents of Kefalaio whether they be disabled or not, to succeed in the growing economy. The State did not prevent Mitchell Henderson from finding, acquiring, or maintaining a job in the capital city of Kefalaio. Mitchell Henderson had the equal right to pursue a well-established job in the city of Kefalaio. The State had no choice, but to arrest or allow Mitchell Henderson to enroll in the Homeless to Work program due to the implementation of the Restoration of Community Act that was passed and signed into law in January of 2013²⁰. Mitchell Henderson violated the Restoration of Community Act in June of 2014 when he was caught panhandling in downtown Kefalaio, which he later committed to violating the Restoration of Community Act²¹. This explicitly violates the Restoration of Community Act according to the record in article one section six, which states that the Restoration of Community Act outlaws public vagrancy and panhandling. Due to this implemented law, Mitchell's right to personal liberty was not violated because of the established outlawing of public vagrancy and panhandling and his voluntary plea of guilt.

2.2 – ARTICLE 7.3 AND 7.4 OF THE AMERICAN CONVENTION OF HUMAN RIGHTS

Articles 7.3 and 7.4 of the American Convention of Human Rights state that no one shall be subject to arbitrary arrest and anyone who is detained shall be informed of the reason for their detention and shall be promptly notified of the charge or charges against them²².

Mitchell Henderson was arrested in June of 2014 for panhandling, which violates the Restoration of Community Act which was implemented in January of 2013²³. All vagrants were made aware of the enforced law of illegal vagrancy and panhandling²⁴. At the time of his arrest Mitchell Henderson was given the option to face prosecution due to the violation of the

²⁰ Hypothetical par. 6

²¹ Hypothetical par. 15

²² American Convention of Human Rights

²³ Hypothetical par. 6

²⁴ Clarification Question 11-a

Restoration of Community Act or enroll in the Homeless to Work program, Mitchell enlisted in the Homeless to Work program²⁵. The State informed Mitchell as to why he was being arrested and was given the option to not face prosecution for a crime he committed. As stated in the record at the time of his plan to leave the Homeless to Work program, the staff informed Henderson he would be considered dismissed from the program and they would inform the Kefalaio court²⁶. The staff had no choice, but to inform the court because Mitchell had violated the rule of failing to engage adequately in the training program under the Restoration of Community Act guidelines²⁷. The State did not violate articles 7.3 and 7.4 of the American Convention of Human Rights due to that Mitchell Henderson was made aware of why he was subject to arrest and the reasons behind his possible prosecution.

2.3 – ARTICLE 7.5 OF THE AMERICAN CONVENTION OF HUMAN RIGHTS

Article 7.5 of the American Convention of Human Rights states that any person detained shall be brought promptly before a judge or other authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to be released without prejudice to the continuation of the proceedings²⁸.

Upon Mitchell Henderson's arrest of violating the terms of the Restoration of Community Act, Henderson's trial took place the following day of his arrest, which in turn means that the State provided Henderson with a timely trial. He then began to serve the one-week imprisonment the judge, an authorized power by law, on September 14, 2014, only two months following the trial²⁹. The State delivered Mitchell Henderson a prompt trial which was determined by an authorized judge of the law. The State was not in violation of article 7.5 of the American

²⁵ Hypothetical par. 15

²⁶ Hypothetical par. 22

²⁷ Hypothetical par. 10

²⁸ American Convention of Human Rights

²⁹ Hypothetical par. 24

Convention of Human Rights, the process of a trial within a reasonable time was followed promptly.

2.4 – ARTICLE 7.6 OF THE AMERICAN CONVENTION OF HUMAN RIGHTS

Article 7.6 of the American Convention of Human Rights states that anyone who is deprived of their liberty shall be entitled to recourse to a competent court, in order that the court may decide without delay on the lawfulness of their arrest or detention and order their release if the arrest or detention is unlawful³⁰.

The Republic of Athlima is not entitled to deliver Mitchell Henderson compensation for the so-called deprivation of his liberties, because there was no record of the state depriving Henderson of his liberties. Mitchell Henderson had the freedom to continuing looking for a job in the capital city of Kefalaio, but chose to become a panhandling vagrant, when in fact he had the option of moving to his brother's, Francis's, hometown of Notios before an arrest could have taken place. Other options were available to Mitchell Henderson, for example, he was capable to apply for the government sponsored social security program for citizens of Athlima who were not enrolled in the Homeless to Work program³¹. The social security aid would have provided Mitchell Henderson with disability money to allow Henderson to afford essential living expenses. Instead of taking his time to apply for social security, Mitchell Henderson broke the law of public panhandling, therefore in this case, deprivation of personal liberty was not violated, and shall not be compensated for.

2.5 – ARTICLE 7.7 OF THE AMERICAN CONVENTION OF HUMAN RIGHTS

³⁰ American Convention of Human Rights

³¹ Clarification Question 2-a

Article 7.7 of the American Convention of Human Rights states that no one shall be detained for debt. This principle shall not limit the orders of a competent judicial authority issued for nonfulfillment of duties of support³².

Mitchell Henderson was not detained for debt under any circumstances according to the record. He offended the Restoration of Community Act and later plead guilty to the act of public vagrancy. After trial proceeded, Henderson was detained for one week, a below average sentence for this time of crime, for the offense of public vagrancy which is in violation of the Restoration of Community Act, therefore, there was no record of Mitchell Henderson being detained for debt³³.

3 – NOT IN VIOLATION OF AMERICAN CONVENTION OF HUMAN RIGHTS ARTICLE
8

3.1 – ARTICLE 8.1 OF THE AMERICAN CONVENTION OF HUMAN RIGHTS

Article 8.1 of the American Convention of Human Rights states that every person has the right to a hearing, with the due guarantees and within a reasonable time, by competent, independent, and impartial tribunal, previously established by law, in the substantiation of any accusation of a criminal nature made against them or for the determination of their rights and obligations of a civil, labor, fiscal, or any other nature³⁴.

It is clearly stated in the record that Mitchell Henderson was given a timely trial and within two months he was serving the time the judge allocated for his crime of public panhandling³⁵. The State gave Mitchell Henderson a proper trial, within a timely manner and took all evidence into consideration when determining the final outcome of Henderson's crime

³² American Convention of Human Rights

³³ Hypothetical par. 24

³⁴ American Convention of Human Rights

³⁵ Hypothetical par. 24

of public panhandling. The State followed all due process within article 8.1 in the case of Mitchell Henderson.

3.2 – ARTICLE 8.2 OF THE AMERICAN CONVENTION OF HUMAN RIGHTS

Article 8.2 of the American Convention of Human Rights states every person accused of a criminal offense has the right to be presumed innocent so long as his guilt has not been proven according to the law. During the proceedings, every person is entitled, with full equality, to the following minimum guarantees: subsection e (the most relevant to the case of Mitchell Henderson vs. the Republic of Atlima), the inalienable right to be assisted by counsel provided by the state³⁶.

As stated in the record Mitchell Henderson was afforded the opportunity to have legal counsel, but waived his right to have counsel and wanted to proceed without legal assistance³⁷. Mitchell Henderson was fully capable of determining whether or not he wanted to have legal counsel during his trial, it is not the State's duty to force legal counsel upon any criminal offender. PTSD (Post Traumatic Stress Disorder) is not considered a disability that meets the standard of mental incompetence for criminal convictions. All homeless citizens in the capital city of Kefalaio are presumed innocent under the due process of the law, there are no presumptions of guilt. The State followed due process within article 8.2 because they awarded Henderson with the option of having legal counsel, however, the state is not responsible for an offender's decision of whether they choose to proceed with legal counsel.

3.3 – ARTICLE 8.3 OF THE AMERICAN CONVENTION OF HUMAN RIGHTS

³⁶ American Convention of Human Rights

³⁷ Hypothetical par. 24

Article 8.3 of the American Convention of Human Rights states that a confession of guilt by the accused shall be valid only if it is made without coercion of any kind³⁸.

Mitchell Henderson clearly plead guilty under his own decisions, he knew he had broken the law of public panhandling. There was no coercion on the State's part to extract a guilty confession from Mitchell Henderson. There was no reward on the State's side to coerce Mitchell Henderson to plead guilty or not guilty, the State wanted justice, but did not use coercion to receive the justice they were looking for. Mitchell Henderson clearly violated the law and confessed to the violation under no acts of coercion from the Republic of Athlima.

4 – NOT IN VIOLATION OF AMERICAN CONVENTION OF HUMAN RIGHTS ARTICLE 24

4.1 – ARTICLE 24 OF THE AMERICAN CONVENTION OF HUMAN RIGHTS

Article 24 of the American Convention of Human Rights states that all persons are equal before the law. Consequently, they are entitled, without discrimination, to equal protection of the law³⁹.

With good intentions, the Republic of Athlima provided the homeless community with the Restoration of Community Act with no intention of discriminating against peoples with disabilities. After participants completed the 120 days on campus, each individual was provided housing for six months and job counseling services⁴⁰. Each participant with disabilities were not withheld from the provided housing or job counseling services, all were provided with the opportunity, only if they completed the Homeless to Work program. Of the 26% that were enrolled in the Homeless to Work program that were diagnosed with either a mental or physical disability, 25% of those participants graduated from the program, therefore, a 96% completion

³⁸ American Convention of Human Rights

³⁹ American Convention of Human Rights

⁴⁰ Hypothetical par. 8

rate of those with disabilities⁴¹. In the case of Mitchell Henderson, the State had to take his disabilities into consideration when deciding what program to enroll Henderson in. Mitchell Henderson was enrolled in the public works training program because the State felt as though that was the best possible position for Mitchell, in good faith the Republic of Athlima decided which training program was fit for Henderson and his disabilities. The State had to decide which program Mitchell would be most likely to succeed in and that was the public works training program. According to the European Convention of Human Rights article 5e states that the lawful arrest or detention of persons for the prevention of the spreading of infectious diseases, or persons of unsound mind, alcohol or drug addicts or vagrants⁴². It is normative to outlaw public vagrancy and panhandling and is done so in many other places, in order to keep cities clean and to allow for potential growth. It is not discriminatory to arrest Mitchell Henderson just because he obtains a disability and is a vagrant, the State provided him with another option to resist trial, the Homeless to Work program. Mitchell Henderson then broke the rules of the Homeless to Work program and then proceeded to plead guilty, therefore the State had every right to arrest Henderson for the violation of the Restoration of Community Act.

5 – NOT IN VIOLATION OF AMERICAN CONVENTION OF HUMAN RIGHTS ARTICLE 25

5.1 – ARTICLE 25 OF THE AMERICAN CONVENTION OF HUMAN RIGHTS

Article 25 of the American Convention of Human Rights states that everyone has the right to simple and prompt recourse, or any other effective recourse, to competent court or tribunal for the protection against acts that violate their fundamental rights recognized by the

⁴¹ Clarification Question 3-a

⁴² European Convention of Human Rights

constitution or laws of the state concerned or by this Convention, even though such violated may have been committed by the persons acting in the course of their official duties⁴³.

Under the policy of Ex Gratia, the state might have a moral right to compensate Mitchell Henderson, but not a legal one⁴⁴. The Republic of Athlima is a very low-income state, creating the Homeless to Work program with limited funds, was out of good faith to help the homeless community of Kefalaio. The State easily could ignore the homeless community if they wanted to, but they created a program that helps those to keep a job and provide for themselves. Therefore, the Republic of Athlima has no obligation to refund Mitchell Henderson with money the state did not gain from the Homeless to Work program.

6 – UNJUST ENRICHMENT

6.1 – NO ACT OF UNJUST ENRICHMENT

The debate of unjust enrichment, one party had to profit at the expense of the other, is not in context with this case⁴⁵. The Republic of Athlima provided the homeless community of Kefalaio with options to possibly improve their futures with free housing and the potential to secure jobs. The State had to pay for the housing, for those who graduated the program, for six months after and the State arranged for job counseling to graduates in hopes for them to connect with local businesses. The Republic of Athlima, a low-income state, is not making money by providing the homeless society with the Homeless to Work program, the state is using their money to implement this assistance. There is no contingency of unjust enrichment on the State's

⁴³ American Convention of Human Rights

⁴⁴ Journal of Criminal Law and Criminology Volume 85 Issue 2 Fall 1994 A Transatlantic Perspective on the Compensation of Crime Victims in the United States Desmond S. Greer

⁴⁵ World Intellectual Property Association - Intellectual Property and Anti-trust UNECE Seminar on Enforcement of intellectual Property Rights

part because there is no direct income being provided to the Republic of Athlima from the Homeless to Work program⁴⁶.

7 – ACTIO POPULARIS

7.1 – PARTY CANNOT BRING SUIT ON BEHALF OF OTHERS

The argument that you cannot bring suit on behalf of others who have not agreed to be a party of the suit, is relevant to the request of relief that Mitchell Henderson asserts that the State is in compliance to compensate all who were disabled and enrolled in the Homeless to Work program⁴⁷. According to the record, Mitchell Henderson is requesting the State to implement comprehensive reparation measures to compensate Mitchell Henderson and all other disabled Athlimians subjected to the Restoration of Community Act⁴⁸. Mitchell Henderson plead guilty, without duress, and shall not be granted compensation due to his violation of the Restoration of Community Act, which outlawed public vagrancy. Additionally, in the case of *Ethiopia v. South Africa* and *Liberia v. South Africa*, the International Court of Justice urges that it is not possible to make the assumption of wishes and intentions of those concerned with the events being debated in the court, also the party cannot make assumptions as to what those wishes might entail⁴⁹. The other disabled enrollees in the Homeless to Work program did not ask to be a party in the case, in fact there is no evidence that proves other disabled admitted into the Homeless to Work program did not enjoy their time during and after the program. Furthermore, of the 26% that were disabled and enrolled in the Homeless to Work program, 25% of those graduated and

⁴⁶ Yale Law School Yale Law School Legal Scholarship Repository Student Scholarship Papers Yale Law School Student Scholarship 9-20-2008 Unjust Enrichment Unjustly Ignored: Opportunities and Pitfalls in Bringing Unjust Enrichment Claims Under ICSID Ana T. Vohryzek-Griest

⁴⁷ University of Chicago Legal Forum Volume 2003 | Issue 1 Article 9 Actio Popularis - The Class Action in International Law by William J. Aceves

⁴⁸ Hypothetical par. 35

⁴⁹ *South-West Africa Cases (Ethiopia v. South Africa; Liberia v. South Africa); Second Phase*, International Court of Justice (ICJ), 18 July 1966, available at: <http://www.refworld.org/cases,ICJ,4023a9414.html> [accessed 28 October 2017]

completed the program⁵⁰. Mitchell Henderson cannot speak for the total 26% of disabled enrolled in the Homeless to Work program because the participants did not ask to be a part of the party in the case. Mitchell Henderson is the only class that is standing in this suit.

8 –THE RESTORATION OF COMMUNITY ACT

8.1 – THE RESTORATION OF COMMUNITY ACT IS RELEVANT

The Restoration of Community Act, outlaws public vagrancy and panhandling, but allows first time offenders to enroll in the City's Homeless to Work program instead of facing prosecution. The act allows for public vagrancy and panhandling to be under control and provides the city with the opportunity of growth and development. In order to keep the growth of Kefalaio in an upward spiral, the homeless dilemma needed to be solved for future sporting events that would lead to 10,000 more jobs, which would in turn allow those who are homeless to potentially receive one of those 10,000 new tourism jobs⁵¹. Therefore, the Restoration of Community Act was necessary in order to keep Kefalaio on a positive growth track. After completion of the Homeless to Work program, graduates receive free housing for six months and job counseling services. This would allow for all graduates to potentially receive a job that would assist and support their needs to keep them from living on the streets of Kefalaio. The State, in good faith, created this program in hopes that public vagrancy and panhandling would decrease in order to keep the economy flowing in Kefalaio.

The Homeless to Work program had a completion rate of 95%, no program can be perfect, there will be stragglers that fall through the cracks in any program. Of the 95% who completed the Homeless to Work program 94% found employment⁵². The State provided this program to the homeless community without an expense of their own money and it has been

⁵⁰ Clarification Question 3-a

⁵¹ Clarification Question 1-a

⁵² Clarification Question 5-a

highly successful of keeping public vagrancy and panhandling to a minimum. The Homeless to Work program is successful with helping people with disabilities 96% of the time, therefore being a lucrative program.

In response to the ruling of the unjust institutionalization of those with disabilities, the State provided funding for a supplemental work training path in the Homeless to Work program that arranged for accommodation work training within the two training paths that added 30 days to the program⁵³. The State made the Homeless to Work program more accessible to those with disabilities. The State does not want those with disabilities to fail in the program, but in the case of Mitchell Henderson the State had to choose the lesser of two evils, with good intentions. With the funds that the State has, they provided the homeless community with a free opportunity to potentially receive a job, free housing for six months, and accommodations for those with disabilities.

9 – NOT IN VIOLATION OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)

9.1 – ARTICLE 9.5 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)

Article 9.5 of the International Covenant on Civil and Political Rights states that anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation⁵⁴.

The State is not liable to compensate Mitchell Henderson for the alleged discrimination of those detained with disabilities. Mitchell Henderson was given the option to resist trial and

⁵³ Hypothetical par. 32

⁵⁴ United Nations Human Rights – Office of the High Commissioner - International Covenant on Civil and Political Rights Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 23 March 1976, in accordance with Article 49

enroll in the Homeless to Work program in hopes that he would find a job. After breaking the rules of the Homeless to Work program, Mitchell was given due process under the law, and received a fair trial, where he willingly plead guilty to the crime of public panhandling. The State is not receiving funds from the Homeless to Work program, the program is a tool that the homeless have the option of using, but it must not be abused. Therefore, the Republic of Athlima has no duty to compensate Mitchell Henderson for pleading guilty to a violation of the Restoration of Community Act which he was fully aware of was in statue.

9.2 – ARTICLE 14.6 OF THE INTERNATIONAL COVENANT ON POLITICAL AND CIVIL RIGHTS (ICCPR)

According to article 14.6 of the International Covenant on Civil and Political Rights when a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him⁵⁵.

Due to the voluntary plea of guilt for the crime of public panhandling, violating the Restoration of Community Act, without duress, Mitchell Henderson is not entitled to compensation from the Republic of Athlima. The State followed all due process under the law, provided Henderson with an option to avoid possible prosecution, but he disregarded the rules of

⁵⁵United Nations Human Rights – Office of the High Commissioner - International Covenant on Civil and Political Rights Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 23 March 1976, in accordance with Article 49

the Homeless to Work program and was therefore asked to leave the program. The State is in no way obligated to provide a guilty criminal with compensation.

10 – REQUEST FOR RELIEF

Therefore, for these reasons:

The Republic of Athlima is not in violation of the American Convention of Human Rights, articles 7, 8, 24, and 25, and articles 9.5 and 14.6 of the International Covenant on Civil and Political Rights, therefore there was no breach in habeas corpus, the inalienable right to a fair trial, discrimination of persons, and compensation is not obligated from the State.

The State was receiving no funding from the Restoration of Community Act, the State provided the Homeless to Work program free to homeless individuals. The fact of unjust enrichment will not be found on the State's part.

A party cannot bring suit on behalf of others who have not agreed to be a party of the suit, therefore Mitchell Henderson cannot attest for all other disabled individuals in the Homeless to Work program.

The Restoration of Community Act was created in good faith, but in the case of Mitchell Henderson, the State had to take his disabilities into consideration. The Homeless to Work program was then reprimanded to accommodate those with disabilities, adding 30 days to each training path. The act was implemented in hopes that public vagrancy and panhandling would decrease in order for economic growth to rise in the capital city of Kefalaio. With the help from the Restoration of Community Act, Kefalaio is expected to grow tremendously, creating 10,000 more tourism jobs.

The Republic of Athlima respectfully requests the court:

The Restoration of Community Act to resume with the hopes that there should be no compensation allocated to Mitchell Henderson and all the disabled in the Homeless to Work program because Henderson plead guilty without duress, and a party is not allowed to bring suit on behalf of others.