

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

**GERALDO KARLSSON**

(Petitioner)

v.

**THE REPUBLIC OF NOTUSA**

(Respondent)

**MEMORIAL FOR THE PETITIONER**

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### ***Legal Books and Articles***

#### **Herrera Ulloa v. Costa Rica:**

This case is about freedom of information, and in particular, the chilling effects that slander and libel laws can have on journalists. In this case, a journalist and the director of his newspaper were sued for libel for having reported on news printed in another newspaper in Belgium where it was claimed that a State diplomat was suspected of several crimes. The Court found the burden the State courts placed on the victims (that they had to prove the facts reported by the other newspaper were true) to be unreasonable and, thus, found the State in violation of the American Convention.

Resolution: The Inter-American Court of Human Rights ruled in favor of Herrera Ulloa. The court held that Costa Rica had violated Article 13 (Freedom of Thought and Expression) of the American Convention on Human Rights by restricting Herrera Ulloa's access to information. The case centered on Herrera Ulloa's attempt to access information related to a controversial police operation and the government's refusal to provide him with the requested documents.

## STATEMENT OF FACTS

### *Factual Background*

#### The Republic of Notusa

The Republic of Notusa is an independent unitary republic found in North America. The country is a dominant force in local and global politics and trade and shares three land borders. Notamala, a small country to the northwest, Notanada, a country of comparable size to the north, and Notexico, a medium-sized republic to the south.<sup>1</sup> The Republic of Notusa has a strong central government and a bicameral legislature. It is among the ten largest global economies and enjoys significant political influence through both international organizations and because of its sizeable military.<sup>2</sup> Notusa is a full member of the North Atlantic Treaty Organization (NATO), the United Nations (UN), and a founding member of the Organization of American States (OAS).<sup>3</sup>

Due to significant philosophical and religious differences between the countries, Notusa and Notexico have kept a tense relationship, with a closed land border. Citizens in southern Notusa have routinely been targeted by Notexican terrorist organizations and, because of government instability in Notexico itself, there is a refugee crisis as well, with thousands of Notexicans attempting to enter Notusa illegally. During the Regional War of 1889, Notusa annexed a large swath of Notexican land (around 60,000 square miles). The concluding Treaty of Notalupe settled the border, with Notusa retaining much of the annexed land. Notexican groups like the Notexican People's Liberation Front (NPLF) believe the land was stolen, and routinely stage terrorist attacks in the region.<sup>4</sup>

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<sup>1</sup> Hypothetical pg. 1, para. 1

<sup>2</sup> Hypothetical pg. 1, para. 3

<sup>3</sup> Hypothetical pg. 1, para. 4

<sup>4</sup> Hypothetical pg. 2, para. 1

### Geraldo Karlsson

Geraldo Karlsson is a long-tenured investigative journalist who originally worked in the national public radio arena. During much of his career, Mr. Karlsson was a respected voice in the arena of political journalism, winning nearly every honor and award in the industry. He is especially known for hard-hitting investigative reporting on government waste and campaign corruption.<sup>5</sup> After his retirement from the national public radio, he took a position as host of a syndicated radio show, “Fighting for the Truth” which is a tabloid and sensationalized call-in talk show.<sup>6</sup>

During his time hosting “Fighting for the Truth,” Mr. Karlsson has received several warnings from the government through the National Communications Conference, the ruling body over broadcasting in Notusa. The warnings have essentially been threats to fine or revoke the broadcasting license for “Fighting for the Truth” because of its “irresponsible and misleading treatment of facts” and its potential for “causing civil unrest based on inflammatory and false information presented as fact”. Prior to January 12, 2022, no fines or penalties have been assessed.

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### The Verboten Funfzig

The Verboten Funfzig , it's a Notusan top-secret government facility supervised by the Department of Security. This area is well-known by civilians and government officials as the nation's foremost top-secret research center, and little information is known about research conducted there. The area is under 24-hour surveillance and surrounded by several layers of fencing, razor wire, and alarm systems, as well as armed members of the military.<sup>8</sup>

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<sup>5</sup> Hypothetical pg. 2, para. 2

<sup>6</sup> Hypothetical pg. 2, para. 3

<sup>7</sup> Hypothetical pg. 2, para. 4

<sup>8</sup> Hypothetical pg. 3, para. 1

## Incident

On January 5, 2022, a gathering occurred at The Verboten Funfzig, following broadcasts by Geraldo Karlsson, a former investigative journalist turned tabloid radio host. "Fighting for the Truth," had been discussing sensational claims about alien technology and government secrecy surrounding The Verboten Funfzig, inviting listeners to assemble at the facility to seek answers.

Over 9,000 individuals gathered at the facility's gates, many of which were armed with concealed weapons. When Karlsson did not appear as expected and instead broadcasted from a nearby location, the crowd grew restless. After a standoff of several hours, they breached the gates, resulting in a tumultuous situation. Tragically, three civilians and one military police officer lost their lives by gunfire, and two other citizens were trampled to death.<sup>9</sup>

By 6:00 pm, before reinforcements could arrive, the crowd had breach of The Verboten Funfzig's central laboratory leading to the discovery of a weaponized virus similar to Bolivian hemorrhagic fever. This virus infected several individuals, resulting in 9 fatalities due to exposure and the disappearance of at least two virus containers.<sup>10</sup>

Subsequently, Karlsson was arrested and charged with First Degree Sedition and Treason by the National Prosecutor. The charges alleged that Karlsson's broadcasts had destabilized national defense efforts by spreading misinformation. In response, Karlsson's defense team argued that his actions were protected by journalistic freedom and were aimed at uncovering government misconduct. Karlsson was convicted on February 20, 2022, of seditious acts and sentenced to a maximum of twenty years in a federal penitentiary.<sup>11</sup>

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<sup>9</sup> Hypothetical pg. 4, para. 1

<sup>10</sup> Hypothetical pg. 4, para. 2

<sup>11</sup> Hypothetical pg. 5, para. 4

Following Karlsson's arrest and conviction, he filed a petition before the Inter-American Commission on Human Rights (IACHR), asserting violations of his rights to journalistic freedom and freedom of speech. He contends that the government's actions, including his prosecution and imprisonment, were discriminatory and aimed at suppressing dissent.

The Inter-American Commission issued a report on admissibility and merits on June 8, 2023. In that document, the IACHR asked the State to implement its recommendations. These recommendations included:

- I. Reduction in the sentence for Mr. Karlsson to a period of no more than five years, and revocation of his broadcasting license.
- II. That the Republic of Notusa cooperate more fully with the United Nations with reference to its clear violation of the Biological Weapons Convention, and that portions of The Verboten Funfzig appointed as biochemical weapons laboratories or storage facilities be decommissioned.
- III. This part of the recommendations came because of confirmed reports that the biological agent research had begun in 2016, and not in direct response to the terrorist attack of 2020.

Notusa refused to implement any of the recommendations made by the Commission. Due to this, on October 15, 2023, the case was sent to the Inter-American Court of Human Rights (IACHR) for adjudication.<sup>12</sup>

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<sup>12</sup> Hypothetical pg. 7, para. 2

## LEGAL ANALYSIS

### I. ADMISSIBILITY

#### *Statement of Jurisdiction*

As a party to the *American Convention on Human Rights*, the Republic of Notusa has a clear duty to conform to the rulings, mandates, and responsibilities of the Convention and the resulting rulings of the Inter-American Court on Human Rights. Additionally, Notusa is treaty-bound to respect the sovereignty of the Court on matter of human rights violations and conform to the rulings thereafter.

### II. ARGUMENTS ON THE MERITS

#### Violation of Article 5.3

- a. Geraldo Karlsson's conviction and sentencing to a maximum of twenty years in prison for his action as a radio host violates Article 5.3 of the IACHR<sup>13</sup>, which states that "Punishment shall not to be extended to any person other than the criminal."
- b. While "Fighting for the Truth" might have contributed to the creation of the assembly, Karlsson's direct involvement in criminal activities that took place in the Verboten Funfzig was minimal. Punishing him with such severity extends the reach of punishment beyond the perpetrator to an individual whose actions did not directly cause harm or engage in criminal conduct.
- c. By disregarding the Article 5.3, the Notusan government undermines the principle of personal integrity within the legal system, denying Karlsson the right to be protected from punishment that exceeds his own culpability and accountability for the criminal acts committed.

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<sup>13</sup> Inter-American Commission on Human Rights



#### Violation of Article 5.6

- a. The sentencing of Geraldo Karlsson to a maximum of twenty years in prison without considering measures aimed at his reform and social readaptation violates Article 5.6 of the IACHR, which mandates that “Punishments consisting of deprivation of liberty shall have as an essential aim the reform and social readaptation of the prisoners.”
- b. Karlsson’s broadcasts, while they could be considered provocative, did not call for a punitive approach devoid of efforts to ease his rehabilitation and reintegration into society. The imposition of such a lengthy prison term to a 62-year-old man, without provisions for his reform neglects the fundamental purpose of punishment within the context of human rights principles.

#### Violation of Articles 13 and 16

- a. Karlsson’s conviction and sentencing for his broadcasts on “Fighting for the Truth” stands for a violation of Articles 13 and 16 of the IACHR, which protects freedom of expression and the right to seek, receive, and impart information.
- b. Karlsson’s broadcasts aimed to inform the public about secretive government activities at the Verboten Funfzig, a matter of public interest. However, the government’s response through legal action sends a chilling message to journalists and whistleblowers about the consequences of exposing government wrongdoing.
- c. By punishing Karlsson for exercising his right to freedom of expression and seeking to hold the government infringes upon his rights to freedom of expression and information, undermining the principles of democracy, transparency, and accountability for safeguarding human rights.

**REQUEST FOR RELIEF**

Based on the foregoing submissions, the Petitioner respectfully requests the court to reduce the sentence for Mr. Karlsson to no more than five years and revocation of his broadcasting license.