

INTER-AMERICAN COURT OF HUMAN RIGHTS

MOOT COURT COMPETITION

GERALDO KARLSSON

(Petitioner)

v.

(State)

THE REPUBLIC OF NOTUSA

Memorial for the Petitioner

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STATEMENT OF FACTS

The Republic of Notusa (hereby referred to as “the State,” “Notusa”), an independent unitary republic in North America, is a dominant force in local and global politics and trade.¹ With a population of approximately 225 million and covering a surface area of about 2.5 million square miles, the State is bordered by Notamala to the northwest, Notanada to the north, and Notexico to the south, in addition to its coastlines along the Caribbean Sea, the Atlantic Ocean, and the Pacific Ocean.² The State’s history is marked by its independence from Germany in 1704 and its growth from a mix of Spanish, Dutch, German, and indigenous peoples.³ Furthermore, Notusa’s strong central government, significant international alliances, strong military, and leading roles in the development of science and technology underscore its global leadership status.⁴ Despite this, its relationship with neighboring Notexico has been historically tense, exacerbated by territorial disputes, philosophical and religious differences, and security concerns, including terrorist activities by the Notexican People’s Liberation Front (NPLF) and a refugee crisis.⁵

The Petitioner, Geraldo Karlsson (hereby referred to as “Mister Karlsson”), is a retired, award-winning investigative journalist, known for his tough reporting on government waste and corruption.⁶ Since retirement, Mister Karlsson has assumed the role as host of “Fighting for the Truth,” a radio show with a fringe political message, and a cult following among the National Right to Freedom Party.⁷ Throughout his time as host, Mister Karlsson has been threatened

¹ Hypothetical ¶ 1.1

² Ibid.

³ Ibid., ¶ 1.2

⁴ Ibid., ¶ 1.3

⁵ Ibid., ¶ 1.5, 2.1

⁶ Ibid., ¶ 2.2

⁷ Ibid., ¶ 2.3

multiple times with fines and the revocation of his broadcast license by the National Communications Conference for the content of his messages.⁸

On December 15, 2021, Mister Karlsson stated during an episode of “Fighting for the Truth” that the State was withholding information about from the public at The Verboten Funfzig, a top-secret government facility that he alleged housed alien technology, and that the government’s secrecy constituted a threat to public security.⁹ During future broadcasts, Mister Karlsson not only questioned the State’s transparency, but also organized a demonstration day for listeners to assemble at The Verboten Funfzig on January 5th, 2022.¹⁰

On the date set by Mister Karlsson, January 5th, 2022, over 9,000 individuals, influenced by Mister Karlsson’s call to action, assembled at The Verboten Funfzig.¹¹ However, Mister Karlsson did not appear at the location, leading to a confrontation with security forces and a violent riot breaking out.¹² The riot led to multiple casualties and the unintended release of a weaponized virus from the facility, shedding light on the State’s covert biological research.¹³ The incident drew sharp criticism from the international community, particularly concerning the State’s adherence to the Biological Weapons Convention, and resulted in Mister Karlsson’s arrest and subsequent conviction for seditious acts.¹⁴ As punishment for his actions, Mister Karlsson was sentenced to a maximum of 20 years in a federal penitentiary.¹⁵ In addition, four families of victims have brought civil suits against Mister Karlsson and his radio network, two of which have been settled out of court, and two of which are still pending.¹⁶

⁸ Ibid., ¶ 2.4

⁹ Ibid., ¶ 3.1

¹⁰ Ibid., ¶ 3.2

¹¹ Ibid., ¶ 4.1

¹² Ibid.

¹³ Ibid., ¶ 4.1, 4.2

¹⁴ Ibid., ¶ 4.3, 5.1, 5.4

¹⁵ Ibid., ¶ 5.4

¹⁶ Ibid., ¶ 5.3

After his sentencing, Mister Karlsson filed two appeals, both of which were rejected by the Notusan Supreme Court.¹⁷ However, on January 8th, 2023, Mister Karlsson filed a petition before the Inter-American Commission on Human Rights (hereby referred to as "IACHR"), claiming that his right to journalistic freedom and free speech had been discriminated against, citing articles 5.3, 5.6, 7.6, 13, 15, 16, and 22 of the American Convention on Human Rights.¹⁸ Despite this, the State rejected his petition, claiming that the issue was domestic, and that Mister Karlsson was in violation of Articles 13.2 and 28 of the aforementioned convention, negating his Article 13 rights.¹⁹ In light of this, the IACHR issued its report on admissibility and merits on June 8th, 2023, recommending the State to reduce Mister Karlsson's sentence and cooperate more fully with the United Nations and its conventions.²⁰ Upon seeing the State fail to implement any of the IACHR's recommendations, the case was submitted to the Inter-American Court of Human Rights (hereby referred to as "the Court"), who alleged the same violations as specified in the IACHR report.²¹ Therefore, the Court has chosen to hear Mister Karlsson's case regarding the merits and reparations of the instant case.²²

¹⁷ Ibid., ¶ 5.5

¹⁸ Ibid., ¶ 5.6, 6.1

¹⁹ Ibid., ¶ 6.3

²⁰ Ibid., ¶ 6.4

²¹ Ibid., ¶ 7.2

²² Ibid., ¶ 7.3

LEGAL ANALYSIS

I. ADMISSIBILITY

A. Statement of Jurisdiction

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).²³ In addition, Notusa has ratified several human rights and international humanitarian law treaties, including: the American Convention on Human Rights (adopted in 1969 and entered into force in 1970); the Geneva Conventions (since 1949), as well as the three Additional Protocols of 1977 and 2005; the Biological Weapons Convention (2002) and has recognized the jurisdiction of the Inter-American Court of Human Rights since 1988.²⁴

B. Exhaustion of Domestic Remedies

Mister Karlsson exhausted all domestic remedies in the Republic of Notusa following his conviction for seditious acts. After his trial and conviction in the National Criminal Court, Mister Karlsson filed two appeals.²⁵ The first appeal was filed in March 2022, and upon its rejection, a subsequent appeal was filed in October 2022.²⁶ Both appeals were ultimately dismissed by the Notusan Supreme Court on the grounds that there was no new evidence to support overturning the decision.²⁷ Having pursued these legal avenues without success, Mister Karlsson has met the requirements of exhausting all domestic remedies before filing a petition with the IACHR.

²³ Ibid., ¶ 1.4

²⁴ Ibid., ¶ 7.6

²⁵ Ibid., ¶ 5.5

²⁶ Ibid., ¶ 5.5

²⁷ Ibid.

II. ARGUMENTS ON THE MERITS

A. Article 13: Freedom of Thought and Expression

The Court is likely to find that Mister Karlsson’s Article 13 rights, which protect freedom of thought and expression, were violated when he was arrested by the State on January 12th, 2022.

Article 13 of the American Convention on Human Rights encompasses the “freedom to seek, receive, and impart information and ideas of all kinds,”²⁸ through any medium, safeguarding the circulation of ideas and opinions without interference from the State. Furthermore, Article 13.3 specifically prohibits the restriction of this right through any means “tending to impede the circulation of ideas and opinions,”²⁹ further protecting the exchange of views and opinions within member states. This right is foundational to all democratic societies, enabling the public to engage in political discourse and express dissent without fear of persecution or penalization by the state.

Applying these principles to Mister Karlsson’s situation reveals a clear Article 13 violation. Mister Karlsson, a respected journalist with a history of political engagement and significant following, was arrested for expressing his views and opinions, seemingly under the presumption that he was spreading misinformation.³⁰ This action by the State not only prevented Mister Karlsson from imparting his ideas and opinions, but also sets a dangerous precedent for the State’s ability to control the freedom of thought and expression, a right directly outlined and protected by the American Convention on Human Rights.

Furthermore, it is essential to remember Mister Karlsson’s role as a prominent social figure and political commentator. As previously mentioned, Mister Karlsson is a well-respected,

²⁸ American Convention on Human Rights, Art. 13.1

²⁹ Ibid., Art. 13.3

³⁰ Hypothetical ¶ 5.1

award-winning journalist with a substantial following among the National Right to Freedom Party.³¹ Moreover, Mister Karlsson has a “long history of rallying support,”³² and has “spoken at rallies of several thousand people,”³³ before, with over 9,000 present on January 5th, 2022.³⁴ That said, Mister Karlsson is clearly a prominent political and social leader to thousands of people, expressing the opinions of his followers and the National Right to Freedom Party. Previously, the Court has ruled (see *Norín Catrimán et al. v. Chile*) that the detainment and imprisonment of prominent leaders hindered the ability to express the political and social interests of their respective groups, thereby violating Article 13 of the American Convention on Human Rights.³⁵ Therefore, given Mister Karlsson’s prominence as a political and social leader, the State’s actions directly impeded the democratic process and free exchange of ideas, constituting a violation of his Article 13 rights.

Considering the outlined legal framework and its application to Mister Karlsson’s case, it is evident that the State’s actions contradicted Article 13 of the American Convention on Human Rights. Furthermore, by arresting Mister Karlsson for his political expression, the State unjustly restricted his right to freedom of thought and expression, adversely affecting the democratic process and free exchange of ideas.

B. Article 15: Right of Assembly, Article 16: Freedom of Association

The State’s actions against Mister Karlsson, specifically punishing his participation in the January 5th, 2022, protest, likely violates Articles 15 and 16 of the American Convention on Human Rights. These articles protect the right of assembly and freedom of association, respectfully.

³¹ Ibid., ¶ 2.3

³² Clarification Question 11

³³ Ibid.

³⁴ Hypothetical ¶ 4.1

³⁵ *Norín Catrimán et al. v. Chile* (2016)

Article 15 of the American Convention on Human Rights protects the right of individuals to meet peacefully without arms.³⁶ Additionally, Article 16 protects the freedom of association, allowing individuals to "associate freely for ideological, religious, political, economic, labor, social, cultural, sports, or other purposes."³⁷ Subsequently, the State's role is to ensure that these freedoms are not unjustifiably restricted. However, Article 15's protection only extends to peaceful gatherings, requiring that states do not interfere unless it is "in the interest of national security, public safety or public order, or to protect public health or morals or the rights or freedom of others."³⁸ Likewise, Article 16's provisions follow the same structure.³⁹ In totality, both rights are fundamental to positive democratic participation, influencing political discourse, and the peaceful expression of dissent.

In evaluating Mister Karlsson's involvement in the January 5th, 2022, protest, it is essential to emphasize the peaceful nature of his actions leading to the aforementioned event. Mister Karlsson, as the host of "Fighting for the Truth," utilized his platform to advocate for transparency and involvement in government affairs, clearly stating that he was "not advocating for violence or anything illegal."⁴⁰ Furthermore, his call to action for a public demonstration was intended as a means for the public to peacefully demand accountability and transparency regarding the activities at the Verboten Funfzig. Most importantly, Mister Karlsson did not participate in the gathering's violent outcomes; rather, he broadcast remotely, maintaining his stance as a peaceful advocate.⁴¹

Consequently, Mister Karlsson's participation in the January 5th, 2022, protest aligns with the fundamental rights protected under Articles 15 and 16, and his arrest and imprisonment

³⁶ American Convention on Human Rights, Art. 15

³⁷ Ibid., Art. 16.1

³⁸ Ibid., Art. 15

³⁹ Ibid., Art. 16.2

⁴⁰ Hypothetical ¶ 9.4

⁴¹ Ibid., ¶ 4.1

by the State for his actions directly contradicts the principles of these articles. Previously, the Court has found (see *López Lone et al. v. Honduras*) that punishment stemming from peaceful participation in a protest violates the Convention, and that disciplinary action from the state should only be leveraged "when the individual acted unlawfully."⁴² In that light, it is clear that the actions of the State- restricting Mister Karlsson's rights under the guise of national security or public order without justification- would constitute violations of Articles 15 and 16.

Given the outlined rules, relevant case law, and their application to the facts of Mister Karlsson's case, it is evident that the State likely violated his rights to peaceful assembly and freedom of association as protected by Articles 15 and 16 of the American Convention on Human Rights. In line with its obligations under the Convention, the State should ensure that individuals like Mister Karlsson can exercise their rights without undue interference or penalization.

⁴² *López Lone et al. v. Honduras* (2017)

REQUEST FOR RELIEF

For the above stated reasons, the petitioner respectfully requests that the Court:

- I. Find the Republic of Notusa in violation of Articles 13, 15, and 16 of the American Convention on Human Rights.
- II. Require the State to immediately acquit Geraldo Karlsson from the charges of seditious acts, and immediately release him from the state penitentiary he is currently being held at.
- III. Request that the State acknowledges the violations of Mister Karlsson's human rights and seek fair and adequate compensation for the harm suffered due to his conviction and imprisonment.
- IV. Demand that the State implement legislative or policy changes to ensure that similar violations do not occur in the future. This could include:
 - A. Revising laws used to convict Mister Karlsson to align with international standards of freedom and human rights, or
 - B. Introducing new legislation to prevent future incidents from occurring.