

2024 ESMOAS COLLEGIATE SUMMIT OF THE AMERICAS

INTER-AMERICAN COURT OF HUMAN RIGHTS

MOOT COURT COMPETITION

“GERALDO KARLSSON”

(Petitioner)

v.

THE REPUBLIC OF NOTUSA

(Respondent)

MEMORIAL FOR THE RESPONDENT

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STATEMENT OF FACTS

Factual Background

In the case Geraldo Karlsson was a well-known investigative journalist who worked in the public radio system of Notusa. He was a very respected journalist who shared his views on government corruption and information regarding conspiracies raised.¹ The government of Notusa had previously given the journalist warnings about language used throughout his show because the information could be misleading and or potentially cause civil disruption within the community. On December 15, 2021 Mr. Karlsson gave a broadcast indicating that views should start to question the facility of “Verboten Funzig” which is a facility used by the government in order to conduct top secret projects. The facility is guarded and protected by Notusa governmental soldiers and is under 24-hour surveillance. ² During the broadcast Karlsson continued to speculate and express his views surrounding extraterrestrial beings that he assumed were being experimented on within the facility. Several weeks these allegations began to grow and he eventually convinced viewers to overall raid and demand answers from the facility. He eventually set the date for January 5 to be the day that he and his viewers would storm the facility and find answers for themselves. Although he was directly stating that he wanted a peaceful riot he did not provide details of a peaceful demonstration. On the day of the riot 9,000 individuals rallied around the facility and Geraldo Karlsson did not show up to the rally and broadcasted from a nearby area. ³ this ultimately angered the crowd and they began breaking into the protected facility. Many were injured and it was discovered that the Notusa government was hiding a specimen used to protect against Terriots attacks. The specimen was illegal, and nine individuals died from exposure. Geraldo was tried and charged with sedition and Treson. He was also sued in civil courts by four families for which he paid 2 million. ⁴

¹ Hypothetical Geraldo Karlsson v. Notusa(2024)

² Hypothetical Geraldo Karlsson v. Notusa (2024)

³ Hypothetical case Geraldo karlsson v Notusa

⁴ Hypothetical Case gerald Karlsson v. Notusa

LEGAL ANALYSIS

I. ADMISSIBILITY

a. *Statement of Jurisdiction*

- II. The Republic of NotUSA declared its independence 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. Notusa is in good standing when it comes to the Organization Of American States and the Economic commission for Latin America. They are also a founding member of the OAS since 1945.⁵

III. ARTICLES. 13 VIOLATIONS AGAINST ART. 13 FREEDOM OF THOUGHT AND EXPRESSION

The actions of Geraldo Karlson regarding the expression and language used within the Broadcast demonstrated a direct violation of Chapter 115 Article 205- Advocating Government overthrow and Chapter 115 Article 204 –Seditious Conspiracy. NotUSA did not violate articles 13. Freedom of thought and expression.

Articles 13 freedom of speech which states that an “Any propaganda for war and any advocacy of national, racial, or religious hatred that constitute incitements to lawless violence or to any other similar action against any person or group of persons on any grounds including those of race, color,

⁵ Hypothetical Geraldo Karlsson v. Notusa

religion, language, or national origin shall be considered as offenses punishable by law.”⁶ Ultimately an individual is allowed to express themselves with no frontiers other than inciting war or lawless action towards to government.

Velez Restrepo and Family v. Colombia (1996) August 26, 1996, Soldiers apart of the Colombian National army were attacked a journalist by the name of Mr. Luis Gonzalo “Richard” Velez Restrepo who was a Journalist filming a protest.⁷ Prior to the events several death threats were made to the Restrepo family which got worse once the family decided to take legal action. Mr. Velez Restrepo decided to leave Colombia due to the harassments made.⁸ The state was found in violation of the American Convention on human rights. Unlike the events in the case the state of Notusa issued warnings prior to January 12, 2021, to Geraldo Karlsson that were far from physical threats. The state excersied every measure to ensure respect and uphold the rights listed within Articles 13. Freedom of speech. Geraldo is a respected well-known journalist within Notusa and his voice is recognized by the public. As stated in Chapter 115 Article 204- Seditious conspiracy is the act of a party of two or more individuals that reside in the state of Notusan Territory that conspire to destroy, overthrow, and or use force to hinder national law. ⁹ since Verboten Fun zig was officially government property the actions of inciting the riot led to the direct violation. In the Broadcast given on December 15, 2021, Karlsson states “Now im not advocating for violence or anything illegal. But sometimes, the only way to uncover the truth is to take bold action. Together, we can unravel this and reveal the existence of extra-terrestrial life. Thats why I've set a date—on January 5 I'm calling all listeners to gather up, gear up, and meet at the gates of the Verboten

⁶ IACHR InterAmerican convention on Human rights (OAS)

⁷ Velez Retrepo Family v. Colombia iachr Loyola law

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⁹ VIII. appendix Sedition Law Sec. 3

Funfzig. Ill be reporting live and we're going to take our moment and show the world we won't be kept in the dark any longer. Let's go demand answers!”¹⁰ Even though a disclaimer was given to viewers the action of providing direct protocol on how to peacefully riot without violence was never instructed. His wording encouraged viewers to break the law. Under federal law in outside courts inciting a riot is defined as “includes acts of "organizing, promoting, encouraging, participating in a riot" and urging or instigating others to riot. The criminal code clarifies that incitement is not the same as simply advocating ideas or expressing beliefs in speech or writing.”¹¹ Instead of expressing his views and beliefs he went past the line of the law once he directly instigated the trespassing of Notusa government territory. As stated in clarification question 12 the crowd became more agitated once the appearance of Karlsson was falsely advertised indicating their was no leadership or structure to guide the crowd towards peaceful assembly. Geraldo Karlsson’s platform was respected, and stipulations were not placed on him regarding his views but due to his actions thousands of lives were put at risk.

IV. VIOLATION AGAINST ARTICLES 15 PEACEFUL ASSEMBLY

V. ARTICALS

¹⁰ Hypothetical case Geraldo Karlsson v. The republic of Notusa VII Sec 2

¹¹ 18 U.S.C. § 2101 - U.S. Code crimes and criminala procedure

