

**INTER-AMERICAN COURT OF HUMAN RIGHTS**

**MOOT COURT COMPETITION**

**GERALDO KARLSSON**

(Petitioner)

V.

**THE REPUBLIC OF NOTUSA**

(Respondent)

**MEMORIAL FOR THE RESPONDENT**

## **TABLE OF CONTENTS**

INDEX OF AUTHORITIES .....	3
STATEMENT OF FACTS.....	4
LEGAL ANALYSIS.....	7
I.    Admissibility.....	7
II.   Proposed Violations: American Convention on Human Rights.....	7
III.  Provisions for limitations of expression, assembly, and association .....	7
IV.   The right to protect national security .....	7
V.    The right to protect public health, safety, and order.....	8
VI.   Setting a precedent for future insurrections.....	9
VII.  Examining Precedent Cases .....	9
VIII. Biological Weapons Irrelevancy .....	10
IX.   Request of The Respondent .....	11

## **INDEX OF AUTHORITIES**

### **Treaties and International Agreements**

- I. American Convention on Human Rights (1969)

### **Inter-American Court of Human Rights Cases**

- I. Alvarez Ramos v. Venezuela (2019)
- II. Granier et al. (Radio Caracas Television) v. Venezuela (2015)

## **STATEMENT OF FACTS**

Since November of 2021, Mr. Karlsson has hosted a radio show titled: “Fighting For the Truth”. Over time, the station has developed a loyal, cult following. Mr. Karlsson was made aware of his following at several protests and rallies, where thousands of people attended to support him. Out of fear that Mr. Karlsson’s statements could start civil unrest, The Republic of Notusa issued several warnings and threatened to revoke the broadcasting license of the show. In spite of these warning, Mr. Karlsson made no adjustments to his speech.

On December 15, 2021, Mr. Karlsson was on air for his broadcasting and issued a call to action. He explained to his audience that there was a military base called The Verboten Funfzig, and speculated that there were secretive experiments related to extraterrestrial life being conducted at the facility. He then used some inciting statements when he called his followers to “storm the gates of secrecy”, “band together and march on [the] gate”, “do whatever is necessary” and to “gather up, gear up and meet at the gates”. He also states that his followers “may even need to break in there by force”.

On January 5, 2021, the day that Mr. Karlsson had planned, close to ten thousand people gathered at the gates of The Verboten Funfzig. Many of these protesters had weapons, some even carried semi-automatics. Mr. Karlsson himself did not attend the rally, but rather broadcasted live from a “safer and more secure location”. The crowd grew restless after several hours, and overwhelmed the security measures of the facility. Two people were trampled to death in the chaos; an additional two people and one military policeman were shot and killed as well.

Once inside the base, Karlsson’s followers broke into the central lab at the facility. In this lab there were multiple vials of a lethal virus which is most closely related to the Bolivian Hemorrhagic Fever. Multiple of the containers were damaged and compromised. This led to the

infection of ten people, nine of which lost their lives to the virus. Once support arrived and the riot had been extinguished, it was discovered that two of the containers/vials were unaccounted for.

Because of the IACHR's policies which prohibit biological weapons production and research, Notusa was admonished for its actions in this area. Though Notusa claimed that the weapons were being developed solely for defensive purposes, the international disdain for Notusa's secrecy prevailed.

One week after the riot, Mr. Karlsson was arrested for First Degree Sedition and Treason against the Notusan government. During his trial, his defense claimed that his radio show was for entertainment purposes only and had no intention of violence. Furthermore, they claimed that the violence and threat occurred because of the Notusan government's secrecy and not because of Mr. Karlsson's actions. In the end, Mr. Karlsson was convicted of Seditious Acts and sentenced to a 20 year maximum in prison. Two appeals were filed with the Notusan Supreme Court, but they were not granted certiorari due to the lack of any new evidence to discredit or change the original conviction.

During this period, Mr. Karlsson and the radio station which runs "Fighting For The Truth" faced four civil suits from the families of several victims. Two of these cases have been settled out of the court with the Network agreeing to pay the families a total of 2 million dollars in damages. The other two cases are still in the process of being heard and decided on.

On January 8, 2023, Mr. Karlsson filed a petition with the IACHR, claiming that his right to expression had been violated by Notusa. He claimed that Notusa violated many articles in the American Convention on Human Rights, however the court found that there was only a basis to charge Notusa with violating Articles 13, 15, and 16. The state of Notusa claimed that this was

purely an internal problem and claimed that the provisions in Article 13 negated Mr. Karlsson's freedom of expression, in this case. A hearing date was subsequently set for April 19-20 in Austin, TX.

## LEGAL ANALYSIS

### I. Admissibility

We're not even supposed to be here; the case has been heard and decided upon in the proper venue. However since we are being subjected to this appeal, the

### II. Proposed Violations: American Convention on Human Rights

- a. The Petitioner asserts violations of Articles 13, 15, and 16 of the Inter-American Commission on Human Rights.*

The Respondent recognizes The Petitioner's accusations and their call to reduce Mr. Karlsson's sentence to a period of no more than five years along with the revocation of his broadcasting license. The Respondent asserts, however, that the aforementioned articles were not violated. Therefore, since the state's laws and their application are in adherence with the IACHR, there is no reason for the IACHR's involvement in the appeal and sentencing of Mr. Karlsson. The matter is purely internal and has no grounds for a hearing at this venue.

### III. Provisions for limitations of expression, assembly, and association

The Petitioner claims that Notusa is in violation of articles 13, 15, and 16 of the Inter-American Commission on Human Rights. These articles protect the right to expression, association, and assembly. However, none of these rights are unconditionally protected under the IACHR from certain reasonable limitations. According to the commission, these rights can be limited when their practice and application threatens "national security, public order, or public health".

### IV. The right to protect national security

- a. Articles 13, 15, and 16 allow for the restriction of rights in order to protect national security.*

National security was significantly threatened by the January 5 riot, a riot which resulted directly from the speech of Mr. Karlsson. In his broadcast, Mr. Karlsson tells his followers that they might need to “storm the gates” or “break in there by force”. He also calls them to “take [the] fight to the next level” and to “gear up”. All of these statements set the tone for and created the violent situation which took place on January 5. To say that Karlsson’s statements were purely for entertainment is refuted by Karlsson’s decision to set a date for a riot and his call for his followers to show up. Karlsson was advocating for a direct threat to a national military compound. The riot resulted in the breach of a government facility, the death of a policeman, the exposure of 10 people to a weaponized virus, and the loss of two of these virus containers. These containers hold an extremely lethal virus which is now in the hands of an unknown insurrectionist. These viruses could be used against the US in the form of terrorism. For all these reasons, the liberties afforded under articles 13, 15, and 16 no longer apply to Karlsson because his expression and speech threatened national security. Therefore, Notusa did not violate article 13, 15, or 16 of the IACHR.

V. The right to protect public health, safety, and order

Additionally, Notusa was right to punish Mr. Karlsson for his expression because the violence that it incited resulted in the deaths of 15 people. The fact that there are now two unaccounted for virus containers, shows that there could be additional threats to public safety down the line because of his actions. What’s more, Mr. Karlsson was keenly aware of the violence that his words were going to cause. In an interview he states that his lack of presence at the riot was to observe from “a safer and more secure location”. This negates Mr. Karlsson's



claim that his speech was only for entertainment purposes. Notusa needs to enforce its sedition and treason laws in this situation because Karlsson's actions have had such a destructive effect on the public's health and safety. If The Petitioner does not view the death of 15 people and the possible outbreak of a lethal virus as a threat to public health and safety, what *would* constitute an exemption from the protections listed in Article 13 rights?

VI. Setting a precedent for future insurrections

Because of the catastrophic outcome of Karlsson's words, Notusa has a duty to protect its nation from further threats. This also means that there needs to be retribution for Karlsson's actions, in order to discourage future calls to riot. If Mr. Karlsson is not held responsible for his words, what is to discourage other public figures from inciting violence?

VII. Examining Precedent Cases

Based on the IACHR database, the court has taken no cases where the freedoms of expression, assembly, or association were limited in order to protect national security, public health, or public order. Because Notusa had such a clear threat posed against them by Karlsson's actions, precedent cases should not be used to reach a decision in this trial.

In the case of Alvarez Ramos v. Venezuela, Mr. Ramos filed multiple complaints and reports against the government, especially the president, Hugo Chávez. He was found guilty of defamation in Venezuelan court and sentenced to two years and two months. Though Karlsson was speaking out against his government, Notusa did not respond in the same way that the Venezuelan government did. If Notusa's aim had been to purely limit free speech, they would have silenced Mr. Karlsson's talk show previous to the events of the January 5 riot. However, because of the state's respect for the right of free speech, they issued Karlsson multiple warnings

and only prosecuted him once he had posed a serious threat to the nation. Had Mr. Ramos been inciting violence in the manner that Mr. Karlsson did, one can assume that the IACHR would not have intervened. This is because free speech is not protected by the commission when it poses a threat to national security or public health.

The case of Granier et al. (Radio Caracas Television) v. Venezuela is the most similar to the current case, yet it still has striking disparities which discredit its use as a precedent case. In Granier et al. (Radio Caracas Television) v. Venezuela, a radio broadcast expressed criticism about the president in Venezuela and was shut down. The IACHR ruled that this violated Article 13 of the convention. Although Mr. Karlsson's speech and his broadcasting platform were limited in a similar way, the cause for their limitation was more significant than the Radio Caracas Television. Mr. Karlsson encouraged violence against the government and was successful in legitimately threatening the safety of Notusa. If Article 13 allows for the freedom of expression to be limited when it poses a threat to national security and Mr. Karlsson is found to be innocent of seditious conduct and treason, what value does the exemption in Article 13 hold? The IACHR's claims against Notusa's sentencing contradicts its own commission. The two cannot coexist; either free speech is protected even when it poses a threat to national security, public health or public safety, or it is prosecuted as unprotected expression. If the IACHR wishes to have judicial standing in the internal matter of Mr. Karlsson's sentencing, they must amend their commission to allow so.

#### VIII. Biological Weapons Irrelevancy

Though Notusa has been admonished for their biological weapons research by the IACHR, it is irrelevant to the case of Mr. Karlsson's sentencing. The biological weapons, in the manner that The Respondent was storing them, posed no threat to the public. It was Mr.

Karlsson's inciting words that caused the weapons to pose a danger to society. The fact that Notusa was conducting secretive research does not negate the claim that Mr. Karlsson's actions threatened national security, public health, public safety, and took the lives of many citizens.

IX. Request of The Respondent

For all of these reasons, The Respondent asks that the charges against Notusa be removed. Notusa is not guilty of violating any of the articles in American Convention on Human Rights in regards to their handling of Mr. Karlsson and the January 5 riot. There is no need for international venue or intervention on behalf of Mr. Karlsson, as the state has dealt with him justly.