

**THE 2024 EUGENE SCASSA MOCK OAS PROGRAM INTER-AMERICAN COURT
OF HUMAN RIGHTS MOOT COURT COMPETITION**

IN THE INTER-AMERICAN COURT OF HUMAN RIGHTS

April 2024

“GERALDO KARLSSON, PETITIONER”

Petitioner

v.

“THE REPUBLIC OF NOTUSA”

State

MEMORIAL FOR THE STATE

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Statement of Facts

Notusa has been an international leader on the world stage since gaining independence from Germany in 1704.¹ Despite having great relations with other neighboring states, helping found the Organization of American States in 1945 and ratifying law treaties such as the Biological Weapons Convention in 2002.² Notusa has had issues with Notexico, in 1889, Notusa fought in a regional war and annexed land from Notexico which led to issues arising. The group, Notexican People's Liberation Front (NPLF) has staged multiple attacks against Notusa over land issues, the most recent being in 2020 where they used biological agents and ricin .³

Geraldo Karlsson started his career being an investigative journalist, respected and winning awards. He was known for his work reporting on governmental and political issues.⁴ In November 2021, Mr. Karlsson joined a sensationalized radio show called "Fighting for the Truth," after appearing on other shows questioning the honesty of the government and its administration. The show has become popular and is particularly liked by members of the National Right to Freedom Party (NRFP) a far-right political party.⁵ Mr. Karlsson had been warned several times by the Notusan broadcasting body, the National Communications Conference, due to his language's potential for "causing civil unrest based on inflammatory and false information presented as fact."⁶

Despite this, Mr. Karlsson on his December 15, 2021 show, a month after joining "Fighting for the Truth", started with a "call to arms." He also discussed The Verboten Funzig, a top-secret government facility that is well protected after the recent attacks by the PLF. He

¹ Hypothetical ¶1.2

² Ibid. ¶ 6.2-3

³ Ibid. ¶ 1.5, 5.3

⁴ Ibid. ¶ 2.1

⁵ Ibid. ¶ 2.2

⁶ Ibid. ¶ 2.3

proclaimed that the area was home to alien technology.⁷ Mr. Karlsson then set a date of January 5, 2022, to go to The Verboten Funzig to “do whatever was necessary to hold the government accountable for its actions.”⁸ On January 5th, 9,000 protesters, some carrying weapons and signs with verbiage from “Fighting for the Truth,” arrived. Mr. Karlsson however, was not present at the protest. When the protesters received word that he was not there, they started to riot and stormed the facility overwhelming the security. Four people died from gunfire including one policeman, and two people died from trampling. Ultimately causing six deaths overall. The protesters broke their way into the main part of the facility finding samples of a virus similar to the Bolivian hemorrhagic fever being researched for top secret reasons. This break-in had many results: containers being compromised, ten people getting infected, nine dying within a week, and 2 containers remaining missing.⁹

On January 12, 2022, Mr. Karlsson was arrested by Notusan Federal Police and charged with Treason and First Degree Sedition due to, “willingly provided inaccurate information and misled the public about non-existent conspiracies, inciting a riot that resulted in loss of life and the destabilization of national defense efforts that protect the country as a whole” according to The National Prosecutor.¹⁰ Also, four families of the victims have brought civil suits against Mr. Karlsson and “Fighting for the Truth.” Two of the cases were settled out of court for \$2 million and 2 cases are still ongoing. Mr. Karlsson was convicted of seditious acts on February 20, 2022, being sentenced to a maximum of 20 years under Notusa Sedition Law, Title 18 Chapter 115 Article 204. Mr. Karlsson filed one appeal in March 2022 and another in October 2022.¹¹ On January 8th, 2023, Mr. Karlsson filed a petition before the Inter-American Commission on

⁷ Ibid. ¶ 3.1, 5.3

⁸ Hypothetical ¶ 3.2

⁹ Ibid. ¶ 3.2-3

¹⁰ Ibid. ¶ 4.1-2

¹¹ Ibid. ¶ 4.5-7

Human Rights (IACHR) claiming that Notusa violated Articles 5.3, 5.6, 7.6, 13, 15, 16, and 22 of the American Convention on Human Rights. Notusa has countered this by saying that Mr. Karlsson has violated Articles 13.2 and 28.¹²

¹² Hypothetical ¶ 5.1, 5.3

Legal Analysis

1. Admissibility

1.1 Statement of Jurisdiction

The Republic of Notusa became a founding member of the Organization of American States (OAS) in 1945 and has recognized the jurisdiction of the Inter-American Court of Human Rights (IACHR) since 1988. Notusa also ratified the Biological Weapons Convention in 2002, and the American Convention on Human Rights which was adopted in 1969 and entered into force in 1970.¹³

1.2 Exhaustion of Domestic Remedies

Mr. Karlsson filed two appeals to the Notusan Supreme Court, one in March 2022 and another in October 2022. However, both were rejected due to “no new evidence to support a possible overturning of the original conviction.”¹⁴

¹³ Hypothetical ¶ 6.1-3

¹⁴ Ibid. ¶ 4.7

Violations

2. Alleged Violation

2.1 American Convention on Human Rights

The petitioner is alleging that Notusa has violated Articles 5.3, 5.6, 7.6, 13, 15, 16, and 22.

A. Articles 5.3 and 5.6

Mr. Karlsson, in his role of organizing and inciting the protesters to storm The Verboten Funzig, shows his part in the illegal actions and proves that he is indeed one of the criminals. Article 5.6 does not apply in this case, due to his part in the illegal action making him a criminal.

B. Article 7.6

This Article is not applicable because Mr. Karlsson went through the Notusan court system and managed to appeal to the Notusan Supreme Court.

C. Article 13

Article 13.5 negates the argument that Mr. Karlsson's Freedom of Thought and Expression was violated because he made propaganda against the Notusan government that led to the incitement of lawless violence on January 5th. He also violated Article 13.2 which will be discussed in 3.2 on page ten.

D. Articles 15, 16, and 2

The rights listed in Articles 15, 16, and 22 were not violated due to their language, which says restrictions are set only if the person participates in an act that violates national security, public safety, public order, public health, and public morals. The actions of January 5th violate all of these provisions.¹⁵

¹⁵ American Convention on Human Rights, Art. 15-22, 22

Arguments on the Merits

3. Violations perpetrated by Geraldo Karlsson

3.1 Notusa Sedition Laws

Mr. Karlsson violated Notusa Title 18 Chapter 115 Articles 201, 203, 204, and 205.

A. Article 201 - Treason & Article 203 - Rebellion and Insurrection

Mr. Karlsson violated Articles 201 and 203 as his seditious act of giving the protesters aid in organizing the event and giving them information about the location through his propaganda which led to an insurrection.¹⁶ In *Gillars v. United States*, Mildred Gillars gave aid to the Government of the German Reich through her propaganda.¹⁷ Article 201 states that those found guilty like Mr. Karlsson was, are subject to imprisonment no less than 10 years while Article 203 sets an imprisonment time limit of 20 years.¹⁸

B. Article 204 - Seditious Conspiracy

Mr. Karlsson, the station, and the protesters not only opposed the authority of Notusa but Notusan property was also seized. Mr. Karlsson specifically committed sedition from his language in his broadcast. Mr. Karlsson said statements such as, “time to storm the gates of secrecy (referring to The Verboten Funzig),” “going to take this fight to the next level,” “revolution is just getting started,” “time has come for us to stop letting the government lie to us any longer,” “need to break in there by force,” “I’ve set a date-on January 5 I’m calling for all listeners to listen up, gear up, and meet at the gates of the Verboten Funzig,” and many more examples of language like this.¹⁹ These statements are seen as fighting words and seditious, similar to the language used by Watler Chaplinsky that led to the court case *Chaplinsky v. New*

¹⁶ Republic of Notusa Sedition Law, Notusa Title 18 Chapter 115 Article 201, 203

¹⁷ *Gillars v. United States*, 182 F.2d 962 (1950)

¹⁸ Republic of Notusa Sedition Law, Notusa Title 18 Chapter 115 Article 201

¹⁹ Hypothetical 7.1-2

Hampshire. In *Chaplinsky v. New Hampshire*, the court ruled that the insults Chaplinsky made were fighting words because they led to direct harm to their target.²⁰

C. Article 205 - Advocating Government Overthrow

While Mr. Karlsson was not present at the riot, *Countertermen v. Colorado* sets a precedence of connecting someone's language to an event in which they were not physically present. Billy Raymond Countertermen was found guilty of stalking without physically being in the same place as the victim; the reason why he was found guilty, is that his messages and language used, counted as stalking.²¹ Writing language that advocated and organized the event to protest the government, led to government property being destroyed and the deaths of six people. This applies to Article 205 as Mr. Karlsson willfully advocated, distributed, and organized an assembly of people to destroy the government and its property.²²

3.2 American Convention on Human Rights Violations

Geraldo Karlsson has violated Articles 13.2 and 28.

B. Article 13.2

Article 13.2 states that subsequent imposition of liability will ensure the respect for the reputations of others, and the protection of national security, public order, public health, or, morals.²³ Mr. Karlsson violated this by broadcasting sensational information that led to the destruction of government property and a public health emergency that would not have occurred if the protest had not happened. In *Granier et. al. v. Venezuela*, the judges reported that journalists must correctly tell the public information without sensationalizing it. This shows that judges say that journalists have to report non-sensationalized news which Mr. Karlsson does.

²⁰ *Chaplinsky v. New Hampshire*, 315 U.S. 568 (1942)

²¹ *Countertermen v. Colorado*, 600 U.S. ____ (2023)

²² Republic of Notusa Sedition Law, Notusa Title 18 Chapter 115 Article 205

²³ American Convention on Human Rights, Art. 13.2

Also, the sensationalized broadcast organized and supported the event in which government property was destroyed.²⁴

C. Article 28

Article 28 negates the claim that Mr. Karlsson was proclaiming that Notusa violated his rights. The Article states that States have jurisdiction and have the right to take measures per their laws.²⁵ Notusa has already tried Mr. Karlsson and convicted him of seditious acts.²⁶ According to a report made by the IACHR on Protests and Human Rights, ““The criminalization of speech relating to terrorism should be restricted to instances of intentional incitement to terrorism, understood as a direct call to engage in terrorism... This Commission has in turn stated that the same standard should apply to cases where there is an intention to accuse a person for offenses such as treason or rebellion, or the dissemination of ideas or information that is uncomfortable for government authorities.”²⁷ This shows and connects to Article 28 as it says that Notusa has the right to set laws and find one guilty of using speech or broadcast systems that incite rebellion or disseminate ideas uncomfortable for government authorities. Allowing States to set laws means that under Article 28, Notus did have jurisdiction to convict Mr. Karlsson. Mr. Karlsson was warned several times due to his language’s potential to cause civil unrest based on inflammatory and false information presented as fact. However, he continued his shows using language that incited the seditious action on January 5th.

²⁴ *Granier et. al. v. Venezuela* (2015)

²⁵ American Convention on Human Rights, Art. 28

²⁶ Hypothetical 4.3

²⁷ IACHR Report OEA/SER.L/V/II (2019)

Request for Relief

For the above-stated reasons, the State respectfully asks that the Court:

1. Find Geraldo Karlsson in violation of articles 13 and 28
2. Uphold the conviction and sentencing of Geraldo Karlsson