

INTER-AMERICAN HUMAN RIGHTS

MOOT COURT COMPETITION

GERALDO KARLSSON

Petitioner

V

THE REPUBLIC OF NOTUSA

Respondent

TABLE OF CONTENTS

INDEX OF AUTHORITIES.....	2
STATEMENT OF FACTS.....	5
LEGAL ANALYSIS.....	7
1 ADMISSIBILITY.....	7
1.1 STATEMENT OF JURISDICTION.....	7
1.2 Exhaustion of Domestic Remedies.....	7
2 ARGUMENTS ON THE MERITS.....	7
2.1 THE STATE VIOLATED KARLSSON'S RIGHT TO HUMANE TREATMENT..	7

INDEX OF AUTHORITIES

STATEMENT OF FACTS

The Republic of Notusa is an independent unitary republic bordering Notexico and Notsa Rica in North America. It gained its independence from Germany in 1704 and has since become a dominant global economy with a large military and substantial political influence, as well as a global leader in science and technology. The Department of Security supervises Notusa's top-secret government research facility known to the general public as The Verboten Funfzig. However, relations with Notexico have been tense due to land claim issues, a refugee crisis, and terrorist attacks. In 2016, the Republic of Notusa has been researching a biological agent which it claims was in response to a Notexican terrorist attack in 2020.

Geraldo Karlsson is a respected, award-winning investigative journalist and has been the host of a radio show, "Fighting for the Truth." As part of a publicity stunt, on December 15, 2021, Karlsson issued a "call to arms" for his supporters to demand the truth from the government concerning research conducted at The Verboten Funfzig, which he claimed involved alien technology. In a later broadcast, Karlsson revealed his source was an unidentified government official and continued to encourage listeners to pressure the government into revealing the truth about research conducted at The Verboten Funfzig. Karlsson set the date January 5, 2022, as a "demonstration day" for his supporters to rally at the gates of Verboten Funfzig and demand the truth from the government. Karlsson has held rallies of this nature before that occasionally led to some people being arrested for Public Intoxication and Disturbing the peace. "Fighting for the Truth" issued a disclaimer at the end of episodes that specified "[b]reaking into government facilities is illegal and dangerous" and encouraged "listeners to use critical thinking and research before taking any action" and emphasized that the show "is informational and entertainment programming."

On January 5, 2022, Geraldo Karlsson broadcast live from a hotel in a town near The Verboten Funfzig during the planned demonstration. Roughly 9,000 people gathered at the gates of The Verboten Funfzig, some with slogans from the show on signs, some with concealed weapons. As Karlsson was not present at the rally, other members of the crowd took it upon themselves to speak and act in a leadership capacity. The crowd became agitated as Karlsson failed to appear and eventually began to riot and storm the gates. The crowd was then able to overwhelm the armed security and breach the central laboratory facility ransacking its contents. As a result of the riot, two civilians were trampled to death, and three crowd members and one military policeman were shot and killed.

It was later revealed that the facility was housing samples of a weaponized virus similar to that of Bolivian Hemorrhagic Fever. The weaponized virus was not of alien origin. Ten people were infected due to the containers being compromised, nine of whom died within a week of exposure. At least two of the samples of the weaponized virus continue to be unaccounted for.

On January 12, 2022, federal police arrested Gerlado Karlsson and charged him with First Degree Sedition and Treason. Karlsson was then prosecuted by the National Prosecutor and placed on trial. He was convicted on February 20, 2022, of seditious acts and sentenced to a maximum of 20 years in a federal penitentiary. Geraldo Karlsson filed an appeal in March 2022, which was rejected by the Notusan Supreme Court on the basis that no new evidence had been presented that would overturn the original conviction. A second appeal was filed in October 2022, which was subsequently rejected on the same basis by the Notusan Supreme Court.

LEGAL ANALYSIS

1 ADMISSIBILITY

1.1 STATEMENT OF JURISDICTION

As a founding member of the Organization of the American States ('OAS'), the Republic of Notusa has been a member since 1945. In 1969, the Republic of Notusa adopted the American Convention on Human Rights, and entered into force in 1970. The Republic of Notusa has recognized the jurisdiction of the Inter-American Court of Human Rights since 1988.

1.2 Exhaustion of Domestic Remedies

Geraldo Karlsson appealed his conviction in March 2022 and then again in October 2022. The Notusan Supreme Court rejected both appeals on the basis that no new evidence had been found that would overturn the conviction. In accordance with the provisions of Article 46 of the Convention on Human Rights 1 (a), Karlsson has exhausted all legal remedies under domestic law. On January 8, 2023, Karlsson filed an individual petition before the Inter-American Commission on Human Rights ('IACHR'). The IACHR issued its report on the admissibility and merits and gave its recommendations to the Republic of Notusa.

2 ARGUMENTS ON THE MERITS

2.1 THE STATE VIOLATED KARLSSON'S RIGHT TO HUMANE TREATMENT

The Republic of Notusa Violated Geraldo Karlsson's right to humane treatment by failing to abide by the provisions of Articles 5.3 and 5.6 of the American Convention on Human Rights. Article 5.3 reads, "Punishment shall not be extended to any person other than the criminal." Karlsson was convicted of seditious acts under Notusan law. Title 18 Chapter 115 Article 203

states, “ whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of Notusa or the laws thereof, or gives aid or comfort thereto shall be fined under this title or imprisoned not more than twenty years.” However, Karlsson did not incite or take part in a rebellion or insurrection. Karlsson organized a rally as a publicity stunt that was turned into a riot by those who attended. Karlsson himself was not in attendance and had no control over the events that took place at the Verboten Funfzig on January 5, 2022. Even if the Republic of Notusa claimed that the riot was a rebellion, Karlsson did not take part in it as he was not present and further did not incite the incident because he only called for his supporters to demand answers and not to break in or arm themselves.

The Republic of Notusa further violated Karlsson’s right to humane treatment as stated in Article 5.6 of the Convention on Human Rights, which states, “punishments consisting of deprivation of liberty shall have as an essential aim the reform and social readaptation of the prisoners.” By sentencing Karlsson to up to twenty years in prison for organizing a rally that was intended to bring light on illegal government action, the Republic of Notusa is not aiming to reform or socially readpat Karlsson but instead to punish him for his speech in his radio show “Fighting for the Truth.” The IACHR noted in *Lopez et al. v. Argentina* that “depriving detainees of their liberty affects their human rights and personal liberty... therefore in a democratic society, any restriction of these rights is only justifiable when absolutely necessary.” The Republic of Notusa did not consider any other punishment for Karlsson’s behavior and unnecessarily deprived him of his liberty by sentencing him to prison for up to twenty years for a crime he did not commit. Had Notusa stripped him of his broadcasting license, they would not have infringed upon his right to humane treatment.

2.2 THE STATE VIOLATED KARLSSON’S RIGHT TO JOURNALISTIC FREEDOM

The Republic of Notusa violated Geraldo Karlsson’s right to freedom of thought and expression as outlined by the American Convention on Human Rights Article 13. Article 13. 1 states that “this right includes freedom to seek, receive, and impart ideas of all kinds.” The IACHR has noted in the past that “the state must promote pluralistic opinions, views, and voices.” The court further “reaffirmed the significance of pluralism in the context of freedom of expression.” In *Bedoya v. Colombia*, the court stated, “The right to freedom of expression is of particular importance for public interest matters regarding officials transparency and accountability in a democracy.”

Geraldo Karlsson in his radio show “Fighting for the Truth,” expresses ideas that are different than the average media. His show has received warnings from the federal government in the past due to the views expressed on his show. When he was arrested and convicted for the events that took place at Verboten Funfzig on January 5, 2022, the Republic of Notusa was punishing Karlsson for the views he expressed on his show despite the fact that the show nor the views expressed were not directly responsible for the incident. “Fighting for the Truth” was merely advocating for increased transparency on behalf of the Notusan government concerning the research that was being conducted at the Verboten Funfzig. Karlsson did not make up a conspiracy concerning The Verboten Funfzig for mere entertainment, instead, he was receiving information from a respected government official on illegal activity being conducted by the government of Notusa. Illegal research activity falls under the purview of public interest matters and is, therefore, a journalistic right that Karlsson had to share that information with his audience. While Karlsson was wrong about the nature of the illegal research activity, he was correct in his claims that illegal research activity was occurring. The fact that the Republic of

Notusa is now facing backlash from the international community for the illegal research on biological weapons reflects a motive to silence journalistic endeavors that investigate illicit government activity by convicting Karlsson of sedition and sentencing him to twenty years.

3.1 REQUEST FOR RELIEF

Based on the foregoing submissions, the Petitioner respectfully requests the Court:

1. Declare the Republic of Notusa in violation of the rights enshrined by 5.3, 5.6, 7.6, 13,15, 16, and 22 with respect to Gerlado Karlsson.
2. Declare Karlsson as negligent and reduce his sentence to five years as recommended.