

INTER-AMERICAN COURT OF HUMAN RIGHTS
MOOT COURT COMPETITION

GERALDO KARLSSON

(Petitioner)

v.

THE REPUBLIC OF NOTUSA

(State)

Memorial for the State

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STATEMENT OF JURISDICTION

The Organization of American States (OAS) was founded in 1948 with the Republic of Notusa as one of its founding members. Notusa is also a member state of the American Convention on Human Rights, UN, and NATO and values the jurisdiction of the Inter-American Court of Human Rights.

STATEMENT OF FACTS

The Republic of Notusa is a unitary republic in North America with a significant presence in global politics through its involvement with the Organization of American States, NATO, and the UN¹. After completing an award-winning career in investigative journalism, Geraldo Karlsson began to host “Fighting for the Truth” a political radio show that focused more on his fringe political views.² On December 15, 2021, on an airing of “Fighting for the Truth,” Mr. Karlsson made speculative claims about the Notusa government concealing alien materials at the Verboten Funfzig, a Notusa government base.³ After several weeks of continuous discussion on the military base, January 5, 2022, was set as a day to gather at the base and demand answers.⁴ On the day of the show-sponsored event, Mr. Karlsson never showed up instead, going live from a nearby hotel; after this information was disseminated, the crowd of 9000 decided to storm the gates leading to the deaths of 6 people.⁵ By 6:00 pm, the rioters had arrived at the central laboratory and proceeded to ransack the premises.⁶

The aftermath of January 5th led to Mr. Karlsson's arrest and subsequent charges of first-degree sedation and treason. Since then, he has sought the assistance of the Inter-American Commission on Human Rights on the basis of journalistic freedom and the violation of Articles 5.3, 5.6, 7.6, Article 13, 15, 16, and Article 22 of the American Convention on Human Rights.⁷

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PLEADINGS

I. THE STATE DID NOT VIOLATE THE RIGHTS OF GERALDO

KARLSSON

Article 5.3 and 5.6 (Right to Humane Treatment):

The State asserts that Karlsson's detention was lawfully justified as the inciting nature of his broadcast led to his arrest..With regards to Article 5.6, the State argues that Mr Karlsson's detention did not involve any inhuman treatment as claimed by him and violated no rights as

Article 7.6 (Personal Liberty)

Notusa is bound by the American Convention on Human Rights but refers to Article 28 which enables regulation of national security and public order. The state argues that its sedition laws including Mr Karlsson's conviction under those statutes, were legitimate and protected under the provisions of the Convention.

Article 13 (Freedom of Thought and Expression)

The country argues that Mr. Karlsson's broadcasts were inflammatory, inciting violence with a clear and present danger in the run-up to January 5th events. This claim is based on similar reasoning given in *Counterman v Colorado*

Articles 15 and 16 (Right of Assembly and Freedom of Association)

The measures taken by the State against Karlsson are supported by the fact that Mr. Karlsson acted in a way that threatened public order and national security. Article 16 permits restrictions for reasons of public order or national security. The state respects the need for freedom of assembly but would like to emphasize that this meeting was violent and was incited by Mr. Karlsson.

Article 22 (Freedom of Movement and Residence)

The State's position is that any restrictions placed against Karlsson or his people were in accordance with the provisions of Article 22.3. They were necessary to prevent further unrest or violence and were legally imposed as steps to safeguard national security and public order rather than merely curbing individual liberties.

II. THE PROTECTION OF THE RIGHTS OF OTHERS

Articles 4 and 5 (Right to life right to be treated humanely)

the incivility created by Karlsson's violence and disorder violated the rights of the government employees who worked at the faculty, such as Article 4's right to life, and Article 5's right to be treated humanely. it is the state's right and duty to safeguard those rights and ensure they are protected for all citizens. In that way, the state is justified in shutting down Karlsson's rally.

REQUEST FOR RELIEF

On the foregoing grounds, the Republic of Notusa respectfully requests this court:

- I. That the court rule that the rights protected under articles 5.3, 5.6, 7.6, 13, 15, 16 and 28 of the American Convention on Human Rights were not breached by the Republic of Notusa.
- II. Accept the sentence of 20 years' imprisonment handed down to Mr Karlsson.

