



**2025 ESMOAS COLLEGIATE SUMMIT OF THE AMERICAS
INTER-AMERICAN COURT OF HUMAN RIGHTS
MOOT COURT COMPETITION
HYPOTHETICAL CASE**

**THE FAMILIES OF JUAN TRETO & MANUEL FREGA
v.
THE REPUBLIC OF MAYACOBA**

**THE TENTH ANNUAL IACHR MOOT COURT
ST. MARY'S UNIVERSITY SAN ANTONIO, TEXAS**

I. THE REPUBLIC OF MAYACOBA: BACKGROUND

1. **Geography:** The Republic of Mayacoba is an independent unitary republic located in Central America. It has a population of around 87 million and covers a surface area of approximately 300,000 mi². The country is a regional economic and political leader, and shares three land borders —Canellini, a small country to the north with a much smaller economy, The Garbanzo Republic, a country of similar size to the east with a largely agrarian economy, and Edamamia, a medium-sized republic to the south. Edamamia has suffered from extreme political and economic instability. Its political system is dominated by cartels and their associates and, consequently, is a major country of origin for refugees, migrant workers, and asylum seekers. Mayacoba borders the Gulf of Lima to its west.
2. **History:** In ancient times, Mayacoba was at the center of a far-flung, powerful empire known as the Pinto Chiefdom. The Pintos were one of the first to meet the Spanish conquistadors and, due to their extreme wealth, were a priority for colonization by Spain. Mayacoba was under Spanish rule until 1817, when it won a bloody war of independence. Briefly, from 1817-1820, Mayacoba attempted to unify the other Central American republics and act as leader of this federation. Talks of unification eventually gave way to conflict, beginning in the Mayacoba-Edamamia War (1820-1824). Since the war, which ended in a stalemate, tensions between Mayacoba and its smaller, less wealthy neighbors, have fluctuated but have been generally adversarial. Though they collaborate within the parameters of international organizations like the OAS and economically through trade agreements like CAFTA, Mayacoba and, especially, Edamamia are vocally critical of one another on the global stage.
3. **Governmental Structure:** The Republic of Mayacoba has a strong central government and a unicameral legislature. The executive branch is led by a democratically-elected president who serves a six-year term, and may be reelected for as many terms as the popular vote dictates. The legislative branch is a unicameral

- body of 99 elected members who each represent either a major city or a rural district. There is no power distribution among states or provinces- all legal authority is centered in the capital, and all Mayacoban laws are uniformly written and enforced from one local jurisdiction to another. The judicial branch consists of municipal, district, and national courts- all capital crimes are under the jurisdiction of the national courts and national appellate courts.
4. **Regional Alliances:** Mayacoba is a full member of the United Nations (UN) and a founding member of both the Organization of American States (OAS) and the Central American Free Trade Agreement (CAFTA), the Central American Parliament (PARLACEN), and the Central American Integration System (SICA). It is also a member of the International Criminal Court.
 5. **Relations with Edamamia:** Mayacoba and Edamamia have had an adversarial relationship since the mid-Nineteenth Century. In more recent history, a steady stream of migrants and asylum-seekers attempting to flee the political and economic turmoil in Edamamia has entered Mayacoba both legally and illegally. Issues created by the influx of refugees have been a central focus of the past several elections in Mayacoba. In both countries, tensions with their neighbors often take center stage in elections, and foreign policy (including border security and the regulation of tariffs) is routinely cited in both electorates as the primary issue with which voters are concerned.

II. **MAYACOBA= RECENT POLITICAL HISTORY**

1. **Political Parties in Mayacoba:** For the past four decades, there have been five to ten active political parties at the national level in Mayacoba, but only three wield any real power. The National Party (NP) is the right-wing conservative party, and dominated politics in Mayacoba from the turn of the Twentieth Century until 2016, winning fifteen of the twenty presidential elections held between 1884 and 2004. The NP platform concerns itself with national defense, border security, public safety, and national sovereignty above all else. Many of Mayacoba's relatively strict immigration and defense-related policies can be traced back to NP administrations.

The NP is opposed primarily by the Mayacoba Alliance Party (MAP), the nation's primary liberal political party. The MAP champions migrant rights, gender equality, public access to healthcare and education, and regulation of industry and banking. In more recent years (beginning in the 1968 election), the Mayacoban Freedom Party (MFP) has proved to be an influential third option. Though it has only won one presidential election outright, the party is large enough to influence elections and force either of the two traditional parties to work alongside them to achieve majority. The MFP bills itself as a "centrist" party, but tends to track right-of-center slightly. As such, the NP has become more radicalized in recent years to differentiate itself from the MFP and has pushed itself significantly farther right. This culminated in the 2022 election, which saw the development of a much more aggressively conservative NP under the leadership of Eduardo "Eddie" Alegro.

2. **Administration of Juan-David Melendez (2004-2016):** Melendez served two six-year terms as President of Mayacoba beginning in 2004. Melendez was a member of the National Party (NP), an ultra-conservative party concerned with defense, border security, and national sovereignty. The NP has had a policy of isolationism relative to the other parties (the Mayacoba Alliance Party and the Mayacoban Christian National Party), and much of the legislation adopted during the Melendez administration sought to curb border incursions from Edamamia and increase financial independence through pro-industry and pro-business development policies. Under Melendez, the Constitution was amended four times. The 34th Amendment, the most applicable to this case, states that the Government of Mayacoba is responsible to, and answers to, only legal citizens of Mayacoba, and renounces all responsibility to defend, protect, or guarantee rights to any non-Mayacoban citizen, either inside or outside its borders.
3. **Administration of Javier Colima (2016-2022):** Javier Colima was elected to one six-year term as President of Mayacoba in January 2016. As a member of the liberal Mayacoba Alliance Party (MAP), Colima championed the protection of human rights, immigration reform, and better cooperation with Edamamia as part of his platform. During his tenure, relations with Edamamia thawed and many restrictions on immigration were loosened. As a result, migration of Edamamian citizens to

Mayacoba nearly quadrupled from 2014 to 2018. Colima's administration actively worked to repeal the 34th Amendment entirely, but had not cleared all of the necessary procedural hurdles to do so by the time of the next election.

- 4. Administration of Eduardo Alegro (2022-Present):** Eduardo Alegro was elected in 2022, chiefly as a result of backlash against the sudden influx of refugees. Alegro was a protégé of Melendez, and seen widely as his "heir apparent" to lead the NP. During the previous administration, the NP moved decidedly to the right. The NP platform under Alegro included not just tighter restrictions on immigration and more money for border security, but executive acts and legislation meant to close the borders entirely. Alegro, as part of his election promises, began much more active enforcement of the 34th Amendment, including mass deportations and the revocation of the right to free grade-school education of any children of undocumented families, instead requiring families living in Mayacoba but lacking citizenship to pay a tuition fee for their children to attend.

III. THE PACIFICOPA CARTEL AND COUP D'ETAT

- 1. Juan Treto & Manuel Frega- Background:** Juan Treto and Manuel Frega were both naturalized citizens of Edamamia, born and raised in the impoverished and crime-plagued central part of Edamamia's capital Soy City. A difficult upbringing and limited education and career opportunities led both men to become involved with the Pacificoba Cartel, one of the most powerful gangs in Edamamia. The Pacificoba controls the vast majority of organized crime and illegal activity within central Edamamia. Treto began as a low-level street ghug, but soon worked his way up the ladder to become the gang's leader in the inner city Los Santos Barrio, placing him in the inner circle of the cartel and allowing him to become one of its wealthiest and most powerful members. Similarly, Manuel Frega used his reputation of extreme violence and temper as a local gang enforcer to rise through the ranks of the organization and, eventually, to become a confidant of the gang's national leader, Chuy "el Jefe" Guzman.

2. **The Pacificoba Cartel:** The influence of the Pacificoba Cartel reached a zenith in 2021, as the group and its associates maintained a stranglehold on the national government and had operatives in nearly every bureau and organization within the national government. In essence, Edamamia ceased to become a truly democratic republic by 2021, functioning instead as a narco-state through which drugs, small arms, and human trafficking all operated, under the supervision of the Pacificoba Cartel.
3. **The Turf War:** On June 14, 2022, a skirmish on the streets of Soy City between local operatives of the Pacificoba Cartel and enforcers from their rival gang, the Latin Ghosts, starting as a disagreement over territory, exploded into unprecedented violence when members of the rival gangs began opening fire with automatic and semi-automatic weapons in the middle of the afternoon, in front of dozens of bystanders. By the time the firefight was over, a total of twenty-four gang members from the two cartels combined were dead, along with thirteen civilian bystanders and fifteen law enforcement officials. This very public tragedy, covered by news media outlets from across Latin America, created a rising public sentiment that something must be done to curb the cartel's power and influence in the country. Using the public's backlash and pressure on the government to distance itself from the Pacificoba Organization, the Latin Ghosts became more aggressive in challenging the Pacificoba's territory, seizing much of the Pacificoba's territory and income. Eventually, this resulted in a complete overthrow of the Pacificoba-backed regime and a "cleaning house" of all Pacificoba-associated officials within the national government, thanks to a military *coup d'état*. After the coup, the military generals who orchestrated the overthrow yielded authority to members of the Latin Ghosts, who had infiltrated the armed forces to the degree that the army and the gang's enforcement wing were almost indistinguishable.
4. **Changes to Border Policy in 2022:** The alignment of an overthrow of Pacificoba power in Edamamia with a change in government policies in Mayacoba was a serious issue for members of the Pacificoba Cartel hoping to escape the country after being deposed. Members of the Pacificoba Cartel who remained in Edamamia faced grave

danger, as many high-ranking cartel members were assassinated or disappeared beginning shortly after the Latin Ghosts' *coup d'etat*.

5. **Treto & Frega Renounce Membership:** In mid-September 2022, both Treto and FregaIn ceased associations with other members of Pacificoba and, according to all available evidence, began living a normal life free of any criminal activities. They each began jobs with reputable businesses and retained employment with their respective employers until April 2023. This renouncing of cartel ties and the lifestyle change was made both in an effort to protect themselves and their families from the cartels and, according to their own testimony, to change their lives for the better. Though these actions do seem to have resulted in a self-driven rehabilitation of both men, it did not however protect them completely from possible retribution from the Latin Ghosts- on at least three separate occasions, according to Frega's sworn testimony, attempts were made on his life.
6. **Treto & Frega Flee to Mayacoba:** In early April 2023, both Treto and Frega managed to cross the border into Mayacoba under cover of darkness, presumably with the help of a hired "shepherd" whose specialty was providing incognito transport for illegal immigrants seeking a new life in Mayacoba. This shepherd, later identified as Patricio Guzman, is a former Mayacoban intelligence officer under the Colima Administration. Guzman resigned from his position in the Mayacoban Intelligence Agency (MIA) after the election of Alegro in 2022, becoming an advocate for migrant rights and a "vigilante border security opponent" who used his knowledge of border security processes to help shuttle individuals into Mayacoba illegally. From April until September of 2023, both men lived illegally in Mayacoba under assumed names, working regular jobs and remitting portions of their income back to Edamamia for their families. During this time, neither made any effort to apply for asylum or citizenship, nor did either attempt to obtain work visas or other documentation.

IV. **THE FREGO-TRETO MURDERS**

- 1. The Events of September 10, 2023:** On the evening of September 10, 2023, the two men met for dinner at a small restaurant in the village of Goya, where both had been residing and working as day laborers for the past three months. During their meeting, three armed assailants stormed into the establishment, shooting both Frega and Treto dead. During the fracas, three other civilians sustained casualties (one died, two were critically injured). The men then drew, in blood, the initials “LG” and a cross (the symbol of the Latin Ghosts) on an adjacent wall facing the victims. This method of execution is well-known as the calling card of the Latin Ghosts’ assassinations of rival gang members.
- 2. Mayacoba Intelligence Agency Report:** As is required with any suspected international gang violence in Mayacoba, the state investigative bureau, the Mayacoba Intelligence Agency (MIA), conducted an investigation and produced a public report on its findings on October 12, 2023. In its report, the MIA confirmed that the deaths of the two men were retaliatory in nature and orchestrated by high-ranking members of the LG.
- 3. Families Locate Whistleblower:** Claiming that there was more to the events than the MIA report had suggested, the families of the two men began their own investigation, interviewing associates of Treto and Frega who still had ties to the cartel and, thus, information that the government had either not made public or of which it was not aware. During this investigation, the families spoke with a cartel associate with an informant in the Mayacoban defense ministry. This informant claimed that the MIA and other members of the Mayacoban military and security forces had been aware of the presence of Latin Ghost executioners working and residing within Mayacoban territory and carrying out assassinations of current and former Pacificoba officials. Further, the informant suggested this was an unofficial state policy- allowing warring cartels to remove each other’s leaders as a way of deterring both cartels’ growth, influence, and ability to operate within Mayacoba. This “hands off” policy with regard to inter-cartel affairs was carried out by MIA and border patrol officers by simply looking the other way, ignoring the presence of

certain cartel operatives entirely, or passively allowing them to cross into and out of Mayacoban territory without harassment.

- 4. Families Confront MIA Leadership:** As the families are citizens of Edamamia, they lack access to Mayacoban government officials and possess no rights to information from any Mayacoban agency. As such, all their requests for an audience with MIA or other Mayacoban officials were either denied or ignored. Their efforts, though, benefited in February 2024 when the former leader of MIA, Guillermo Menti, resigned amid a corruption investigation. During his corruption trial, Menti testified that the aforementioned “hands off” policy was, in fact, a commonly utilized method for dealing with Edamamian cartels and other “undesirables” who had entered the country. Due to the stricter enforcement of the 34th Amendment under President Alegro, former cartel operatives of Edamamian citizenship were considered not under the umbrella of protection of Mayacoban police or other security forces and, in the words of Menti, were “on their own” should they choose to attempt illegal residence within Mayacoba.

V. PROCEEDINGS BEFORE THE INTER-AMERICAN HUMAN RIGHTS SYSTEM

- 1. Filing of Petition:** On March 11, 2024, the families of Juan Trego and Manuel Frega jointly filed a petition with the Inter-American Commission on Human Rights. In it, they sought a claim of IACHR jurisdiction, since they have had no legal recourse through the Mayacoban justice system. The petition claimed that the families of the deceased men were owed civil damages in the amount of \$1.5 million (the amount, total, that they presume their heads of household would have been able to remit over their lifetime were it not cut short). The families’ case rests on claims that the Republic of Mayacoba violated several articles of the American Convention on Human Rights, both directly with regard to Juan and Manuel, and indirectly due to their constitutional position regarding human rights of non-citizens. Specifically, the families contend that the state violated:

- i. Article 1 (The State's Obligation to Respect Rights), arguing that the state failed to "ensure to all persons subject to their jurisdiction the free and full exercise of those rights..."
 - ii. Article 3 (The Right to Juridical Personality), arguing that by removing all guarantees and protections of rights for non-citizens, Mayacoba in effect has ceased to recognize undocumented foreigners as people before the law.
 - iii. Article 7.1 (The Right to Personal Security), arguing that, by removing all protections from the men while they were in Mayacoba, the government deprived them of personal liberty and security.
 - iv. Article 8 (The Right to a Fair Trial), arguing that, through the "hands-off" policy of allowing cartel leaders to execute one another on Mayacoban soil for perceived crimes, the government is allowing these gang leaders to serve as a judge and jury, rather than providing a fair trial.
2. **Processing of IACHR Petition:** On May 12, 2024, the IACHR began processing the petition, forwarding the pertinent parts to the Republic of Mayacoba and granting it the standard 3-month deadline for the submission of its reply.
 3. **State Objection Filing:** The Republic of Mayacoba filed its reply on July 30, 2024. In it, the state objected to the admissibility of the petition altogether, alleging that the petition simply sought out the IACHR because the families had no, and were entitled to no, legal recourse within Maycoba. The state answered each of the accusations, referring to Article 22.3 of the American Convention on Human Rights, stating that they "restricted rights pursuant to existing law that was adopted in order to protect the national security, public safety, and public order of the citizens of Mayacoba," and that it had no obligations beyond the protection of its own citizens with regard to "criminals occupying Mayacoba illegally and without due process".
 4. **Admissibility & Merits Report:** In view of the State's reply, the Inter-American Commission issued its report on admissibility and merits (Report 31/2024) on September 30, 2024. In that document, the IACHR contends that the state DID act within its legal rights as per its stated constitutional law, but that the case was admissible because "the 34th Amendment to the Mayacoban Constitution may be interpreted as antithetical to the idea of universal human rights and may run

- contradictory to the principles of the IACHR and other multinational organizations”. The IACHR requested the state reconsider the application of the asked the State to reconsider the wording and application of the amendment, and to adjust its policy of refusing legal protection to undocumented individuals residing in its territory, at least with regard to protecting them (and bystanders) from loss of life due to violence.
5. **Admission of the Case to IACHR:** Once the deadline and the requirements set forth in the American Convention and the Rules of Procedure of the Commission had been met, and because Mayacoba refused to implement any of the recommendations made by the Commission, on December 1, 2024, the case was submitted to the Inter-American Court of Human Rights (IACHR) for adjudication. It alleged the violation of the same articles specified in the Commission’s report on the merits.
 6. **Official Hearing Set:** The Inter-American Court of Human Rights set a preliminary hearing date for March 14-15, to be attended remotely, and an official hearing date for March 28-29, 2025, during its Extraordinary Session in San Antonio, TX, to hear the arguments of the representatives of the petitioners and the state regarding the merits and reparations in the instant case.

VI. **APPLICABLE TREATIES AND INTERNATIONAL AGREEMENTS**

1. **Overview:** Mayacoba is a member in good standing of the international community, but its border security policy, particularly the recent expansion of the 34th Amendment’s scope and power, have drawn criticism from other members of the UN and OAS, as well as Human Rights Watch and other non-governmental organizations with focus on migrant rights and immigration reform.
2. **International Organizations:** Mayacoba is a member in good standing of the Organization of American States and the United Nations, and holds seats on the Economic Commission for Latin America and the Caribbean (ECLAC). It was a founding member of the Pan American Union, and became a founding member of the OAS in 1945.
3. **Pertinent Treaties and Agreements:** Mayacoba has ratified several human rights and international humanitarian law treaties, including: the American Convention on

Human Rights (adopted in 1969 and entered into force in 1970); the Geneva Conventions (since 1949), as well as the three Additional Protocols of 1977 and 2005; and has recognized the jurisdiction of the Inter-American Court of Human Rights since 1988.



PRIMER ON ASSOCIATED CASES & PRECEDENTS

1. International Conventions, Declarations & Treaties

- a. The Hague Regulations (1907)
- b. Universal Declaration of Human Rights (1948)
- c. Geneva Conventions (1949) and additional protocols
- d. American Declaration of the Rights and Duties of Man (1948)
- e. International Covenant on Economic, Social, and Cultural Rights (1966)
- f. American Convention on Human Rights (1978)
- g. Cartagena Declaration on Refugees (1984)
- h. UN Declaration on the Human Rights of Individuals who are not Nationals of the Country in which They Live (1985)
- i. Declaration of Non-Nationals (1985)
- j. UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (1989)
- k. UN Guiding Principles on Internal Displacement (1998)

2. International Case Law

- a. *Wong Wing v. United States* (1896: U.S. Supreme Court)
- b. *Mathews v. Diaz* (1976: U.S. Supreme Court)
- c. *Isabel Morel De Letelier, et al. v. The Republic of Chile, et al.* (1980: US District Court for the District of Columbia)
- d. *Leopoldo Zumaya and Francisco Berumen Lizalde (via ACLU) v. the United States* (2011: IACHR Petition 1190-06)
- e. *The Pacheco Tineo Family v. The Plurinational State of Bolivia* (2013: IACHR)
- f. *Human Rights Defender et al. v. Guatemala* (2014: IACHR)
- g. *Qatar v. United Arab Emirates* (2018: International Court of Justice)
- h. *M.H. and Others v. Croatia* (2021: European Court of Human Rights)
- i. *Alhawsais v. Hungary* (2023: European Court of Human Rights)
- j. *Active Memory Civil Association v. Argentina* (2024: IACHR)

3. Historical Incidents and Other Resources

- a. The Assassination of Orlando Letelier (1976)

- b. James Hendry, “A Narrowed Scope of ‘National Origin’ Discrimination under CERD by the International Court of Justice” (2021)
- c. *Migration and International Human Rights Law: A Practitioner’s Guide* (2014)

