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American University Washington College of Law

2026 Inter-American Human Rights Moot Court Competition

Clarifying Questions on the Hypothetical Case on the Right to Protest under International Human Rights Law: Legal Protection and Challenges Ahead

Diego Martin v. Republic of Oropel

1. The hypothetical case states that the Constitution of Oropel (arts. 14 and 15) expressly recognizes the rights to freedom of expression and freedom of the press. It also notes that the right to protest is enshrined in Article 21 of the Constitution. Under this framework, is there any constitutional provision establishing the hierarchy of constitutional rights?

No. Article 42 of the Constitution states: “The fundamental rights recognized in this Constitution are interdependent and indivisible. Duly ratified international human rights conventions are part of the domestic law of the Republic of Oropel.”

2. Since when exactly has Dr. Diego Martin been residing in Oropel? And at that time, did he arrive as a doctor or was he engaged in a different activity?

Diego Martin entered Oropel on December 9, 2005, when he was appointed by International Humanitarian Watch to join the organization’s medical team in Oropel.

3. Who are the individuals or entities that witnessed his work as a consultant, if their names or positions are known?

Prior to 2005, Diego Martin worked under a consulting contract as an advisor to the Epidemiology Division of the Tinselandian Ministry of Health from 2002 to 2004. During those years, the Ministry of Health was headed by Salvador Herrera, who retired from public office in 2015. The Epidemiology Division was led by Dr. Susana Bosch, who later served as Minister of Health of Tinselandia from 2010 to 2012.

4. Does the *Aurora Movement* receive foreign funding and does it have a charter or statement of principles? Are these documents available?

5. How is the *Aurora Movement* structured legally? Is it a registered nonprofit organization, a political party, an unincorporated association, or an informal network? Does it have legal status under the laws of Oropel or any other legal system?



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The *Aurora Movement* is an informal network, not a political party or legally registered civil society organization. As such, the movement receives no funding because it has no formal channels for doing so. However, allegations have been made that NGOs led by members of the movement, and legally registered in Tinselândia, have used funds from regional and international initiatives to support and monitor protests linked to the *Aurora Movement*.

6. Did Diego Martin take any personal action, before or during the organized protests, to promote peaceful conduct or to distance himself from any acts of violence during the protests or from the Manual that encouraged violent actions?

Diego Martin did not make any specific statements about the Manual during this period. With regard to the incidents involving the storming of the Green House, he made the statements mentioned in paragraph 41 of the hypothetical. In some of his comments on social media or messages encouraging others to join the protests, Diego Martin said that oppression and injustice sometimes require “the people to use force,” but there is no evidence that he used the term “violence.”

7. Has the State of Oropel investigated, or ordered an investigation, to identify the author of the “Manual to Explode the System”?

8. Paragraph 32 states that the *Aurora Movement’s* account reposted the “Manual to Explode the System,” which describes violent forms of protest. What efforts has the State made to identify the author of the Manual?

No formal investigations have been conducted to identify the authors of the Manual.

9. Who owns the newspaper *Telegraph*?

Telegraph, mentioned in paragraphs 30 and 32 of the case, is not a newspaper, but rather an online instant messaging platform that allows users to send messages and files. This platform allows users to create “public channels” and “private groups.” Users can proactively search for “public channels,” which allow new participants to join without prior approval and contain a history of previously sent messages.

The platform is owned by the Bosch family of Tinselândia, owners of the country’s leading media conglomerate.

10. Has it been confirmed that Diego Martin was aware of the Manual’s contents before it was posted on the *Aurora Movement’s* account?

11. Who managed and effectively controlled the official accounts of the *Aurora Movement* on the *OroSpace* and *Telegraph* platforms? Specifically, did Diego Martin have access, publishing capabilities, or editorial control over these channels?



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12. Paragraph 32 mentions that the *Aurora Movement*'s account reposted the “Manual to Explode the System.” Can you specify whether it was reposted by Diego Martin or another administrator?

In his statement before Judge Elena León, Diego Martin said he and 15 other influential members of the *Aurora Movement* belong to a private *Telegraph* group where they decide on strategy and coordinate social media posts. All members of this group have access to all official *Aurora Movement* accounts and can add or remove people from the public *Telegraph* channel. They can also delete content. Diego stated that he was familiar with the Manual and that it had been shared with the private group prior to its publication, although he had not been involved in approving its publication. Even so, Diego said that, due to the volume and speed with which messages are shared, as well as the horizontal structure of the *Aurora Movement*, he did not believe it was his responsibility or that he was in a position to monitor the content of the movement's social media accounts. However, he stated that “it was common for the content published by the movement on these channels to include information about protests and resistance to abuses of power.”

13. In paragraph 31, did the 415 users (including the official account of the *Aurora Movement*) select the “How cool!” reaction in response to Diego Martin's original post calling for protests, or in response to another user's comment stating: “If Pantaleón does not resign, the people will remove him by force”?

The “How cool!” reaction from 415 users, including the official account of the *Aurora Movement*, was in response to a user's comment on Diego Martin's post, in which the user stated: “If Pantaleón does not resign, the people will remove him by force.”

14. Beyond the fact that they belong to the same movement, is there any direct link between Diego Martin—in terms of relationship, authorship, or identity—and the members who committed violent acts during the protests (such as the attempted storming of the Green House), the “Manual to Explode the System,” and the pseudonym Paulo Gandolpho?

According to Diego Martin's statements before Judge Elena León, he did not know the authors of the Manual or the true identity (or identities) behind the pseudonym Paulo Gandolpho. When questioned by Judge León as to whether the individuals accused of committing violent acts during the protests or attempting to force their way into the Green House were part of the *Aurora Movement*, Diego Martin only replied: “As I said, the *Aurora Movement* is informal; practically the entire population outraged by corruption in Oropel is part of the movement.” When asked why some of these people were his contacts on social media, Diego Martin said that he automatically accepted friend requests from people who followed the official *Aurora Movement* account on social media.



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15. Was Diego Martin present when the National Guard kettled the protesters in Caracolí, and if so, did he suffer the same consequences mentioned in paragraph 38 of the hypothetical case following the police operation?

16. Was Diego Martin physically present in Caracolí during the roadblocks that took place between July 27 and August 3, 2019, or was his presence limited solely to the Madrigal protest described in paragraph 34?

No. Diego Martin was not physically present in Caracolí during the protests held between July 27 and August 3, 2019.

17. Did the demonstrations comply with the prior notice requirements established in Decree 56/2010? Did they take place before or after the publication of the Manual (para. 32)? Is there evidence to support a correlation between the demonstrations and the injuries caused to police officers (para. 33), as well as the looting of 43 establishments (para. 36)? Lastly, what measures were gradually implemented to restore traffic flow on the road before the National Guard effectively reduced the available space (para. 38)?

The demonstrations did not comply with the prior notice requirements. Some testimonies obtained during the judicial investigation suggest that the injuries to police officers and the looting mirrored the tactics described in the “Manual to Explode the System.”

For the other questions, see the facts of the case.

18. Does the Republic of Oropel have any specific protocol for the actions of security forces during large-scale social protests, particularly when those protests affect the delivery of essential services?

19. What legislative safeguards has Oropel established for the use of police forces to suppress demonstrations that seriously hinder or obstruct traffic, and how is that legislation worded?

Oropel’s Public Order Act (Decree Law No. 56/2010) provides that authorities may disperse demonstrations or other types of gatherings that affect vehicular traffic, but it also enshrines the importance of respecting the right to peaceful protest. The Oropelian Police developed a protocol for responding to protests, which is mandatory throughout the country. This protocol requires police officers to act “in accordance with the most current international standards in this area, preserving public order and human rights.” According to the protocol, officers should “use force only when necessary” and when there is a “legitimate interest in doing so.” When force is used, it “may not be excessive and must follow the instructions of the person in command.” Force should only be used against “persons who threaten public order.”



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20. According to paragraph 47 of the facts of the case, the Public Prosecutor’s Office charged Diego Martin with the offenses of “public incitement to commit crimes” and “disturbing public order.” How are these offenses defined in the Criminal Code of Oropel?

According to paragraph 47, the Public Prosecutor’s Office charged Diego Martin with four offenses: (1) public incitement to commit crimes, (2) disturbing public order, (3) sedition, and (4) attack against authority.

The offense of public incitement to commit crimes is provided for in Article 280 of the Criminal Code, which states: “Art. 280. Anyone who publicly and directly incites, finances, or encourages another person or persons to commit a specific crime, without it being necessary for the act to occur, is subject to a term of imprisonment of between 4 and 12 years.”

The offense of disturbing public order, provided for in Article 282 of the Criminal Code, states that: “Art. 282. Anyone who disturbs public order, whether by interfering with the operation of emergency services, endangering human life or public health, or joining associations whose purpose is to impose their ideas by force, or promoting other types of serious disorder in public spaces, is subject to a term of imprisonment of between 2 and 8 years, or a fine of 5 to 20 times the minimum monthly wage.”

The offense of sedition is provided for in Article 296 of the Criminal Code, which states: “Art. 296. Anyone who, collectively and through public acts, rises up or acts with the purpose of seriously disrupting the constitutional order or the legitimate functioning of State institutions, through the use of force, violence, serious intimidation, or organized resistance, without constituting armed rebellion, commits the crime of sedition. This crime is punishable by a term of imprisonment of 10 to 15 years.”

Lastly, the offense of attack against authority is provided for in Article 302 of the Criminal Code, which establishes: “Art. 302. Anyone who forces a public official to perform or refrain from performing an act within the scope of his or her duties that was not voluntarily ordered or initiated by that official is guilty of an attack against authority. Depending on the seriousness of the act, this offense is punishable by a term of imprisonment of between 6 months and 5 years or a fine of 4 to 30 times the minimum monthly wage.”

The sentence imposed by Judge León (see para. 59) and upheld on appeal by the Superior Criminal Court in October 2021, was for the offenses of public incitement to commit crimes (12 years’ imprisonment), disturbing public order (fine of five times the minimum monthly wage), and attack on authority (a fine of seven times the minimum monthly wage). The judge acquitted Diego Martin of the crime of sedition, finding that the prosecution had failed to prove beyond a reasonable doubt the defendant’s specific intent to “seriously disrupt the constitutional order or the legitimate functioning of State institutions,” as required under Article 296 of the Oropelian Criminal Code.



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- 21. According to paragraph 48 of the facts of the case, Diego Martin’s visa was canceled for “carrying out activities that are incompatible with the purposes of the visa and threaten public order.” According to the relevant law of the Republic of Oropel, what is the purpose of a humanitarian visa?**
- 22. What distinction does Oropelian law draw between humanitarian activities and political activities when assessing the right of foreigners to remain in the country?**
- 23. What standards does the National Immigration Office use to classify an activity as contrary to public order or incompatible with the purposes of a visa, and how were these express, objective, and proportionate criteria set out, as required by Law 455, in the notice served on Diego Martin on August 25, 2019?**
- 24. What, specifically, were the “well-articulated arguments” presented by the National Immigration Office (mentioned in paragraph 50) to justify the immediate revocation of Diego Martin’s visa? In particular, what specific facts and evidence would indicate that he engaged in activities incompatible with the purposes of the humanitarian visa or that violated public order? Similarly, what exactly were the visa restrictions and, if Diego had work, community, and family ties in Oropel, how were these taken into account?**

Diego Martin’s work visa was a humanitarian worker visa (V-E2). This type of visa is granted under a special regime for international humanitarian aid organizations, designed to allow and regulate professional activities exclusively related to humanitarian assistance. These include emergency aid, protection of vulnerable populations, healthcare, and support in humanitarian crisis situations. The visa is regulated by the Aliens and Migration Act (Law 455 of 2005).

Under this type of visa, the holder may only perform activities directly related to the humanitarian mandate of the NGO; no other work, commercial, or professional activity unrelated to that mandate is permitted. The special regime expressly prohibits the holder from participating in political activities, understood as “those aimed at influencing electoral processes, political parties, campaigns, elected positions, or internal public policy decisions of the receiving State.” This restriction reflects the nonpartisan, neutral, and independent nature of humanitarian action, as well as the need to preserve the specific purpose of immigration authorization.

The visa is temporary and conditional in nature, and its validity depends on the continuity of the humanitarian project, maintenance of the link with the sponsoring NGO, and compliance with the applicable immigration conditions. The completion of the project, the termination of the worker’s employment, or noncompliance with the conditions of the special regime may result in the revocation or nonrenewal of the visa.

Lastly, this type of visa does not confer permanent immigration status or general rights of residence or employment, nor does it grant immunity from domestic law.



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Under these regulations, the National Immigration Office of the Ministry of the Interior determined, as stated in paragraph 48, that Diego Martin’s visa should be canceled due to activities that were disruptive to public order and incompatible with his visa. According to the Office, the incompatibility is evident in the “clear political nature” of his activities with the *Aurora Movement* and in his calls for protests. In the Office’s view, the protests “were intended to influence the presidential elections in Oropel, as well as crucial domestic public policy decisions.”

25. Article 22 of the Aliens and Migration Act (Law 455 of 2005), cited in paragraph 12 of the case, provides that the Ministry of the Interior may revoke or cancel residence or work visas. However, paragraphs 48 and 49 indicate that the National Immigration Office gave notice of, confirmed, and processed the cancellation of Diego Martin’s visa. Could you clarify the allocation of powers and responsibilities between the Ministry of the Interior and the National Immigration Office with regard to the revocation and cancellation of visas, and whether both authorities have decision-making powers in this area?

The National Immigration Office is a body of the Ministry of the Interior, created as part of an administrative reform subsequent to Law 455. It is headed by the Minister of the Interior. According to the ministry’s internal regulations, the National Immigration Office performs the functions assigned to the ministry by Law 455.

26. Paragraph 51 states that Diego Martin’s defense filed an extraordinary appeal with the Constitutional Court on September 10, 2019. What exactly was the purpose of this extraordinary appeal? Was it a direct challenge to the constitutionality of the Aliens and Migration Act (Law 455 of 2005, as amended), that is, an abstract or general review of whether the law itself violates the Constitution? Or was it a specific challenge to the specific decision of the administrative disputes court or the initial decision of the National Immigration Office?

The extraordinary appeal did not question the constitutionality of the law in abstract terms. This appeal sought the suspension of the deadline for Diego Martin’s departure from the country, arguing that the measures against him violated his fundamental rights, in particular freedom of expression and due process. The appeal was decided as described in paragraph 51.

27. Paragraph 59 of the fact states that “This decision was upheld on appeal by the Superior Criminal Court on October 14, 2021.” Was any rationale or basis given for this second instance judgment, or were any reasons stated in the decision?

The second instance judgment was based on similar reasoning as the first instance decision.

28. Paragraph 57 of the hypothetical case refers to the judgment of February 20, 2021, and paragraph 60 refers to the judgment of February 20, 2022. Is this the same judgment with the years stated incorrectly, or are these in fact two different judgments?



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These paragraphs refer to two different judgments: the subject of the first is Diego Martin; the second judgment, referred to in paragraph 60, concerns the 20 individuals identified as participants in the looting of commercial premises, as well as those accused of attempting to storm the Green House.

29. When National Police officers arrived at Diego Martin’s residence, was he allowed to travel to the airport by his own means, was he allowed to make phone calls or communicate with third parties before the transfer, and under what security measures or physical restrictions was he kept during the trip to Madrigal Airport?

When National Police officers arrived at Diego Martin’s residence, they did not make a criminal arrest; rather, they carried out an administrative immigration control measure, which consisted of transporting him to Madrigal International Airport in compliance with a prior decision by the National Immigration Office.

Diego Martin was transported in an official National Police vehicle, without the use of force. He was not handcuffed or physically restrained during the trip from his residence to the airport. While in transit, he was allowed to make calls from his cell phone and was able to contact his lawyer.

30. Did Diego Martin have the opportunity to return to Oropel after his expulsion to appear in the legal proceedings brought against him, or were both proceedings (legal and administrative) conducted entirely in his absence?

31. Considering that Diego Martin was returned to Tinselândia, did he attend the criminal hearing and reading of the court’s judgment in Oropel?

32. If Diego was sentenced to prison without being in Oropel, how and where will the sentence be enforced?

33. Paragraph 52 of the case says that Diego Martin was deported to Tinselândia, so how is the custodial sentence established in paragraph 59 being enforced?

Diego Martin did have the legal opportunity to participate in the proceedings brought against him. Although Diego did not physically return to Oropel after his expulsion to Tinselândia, he appeared in the criminal proceedings remotely. He testified before the judge and was represented at all times by his trusted defense attorney, André de Zapata.

Diego Martin attended the criminal hearing and the reading of the judgment remotely, which, under the standards of the Oropelian criminal justice system, does not invalidate the appearance or affect the validity of the proceedings, as long as the defendant is informed of the charges, has the opportunity to challenge the evidence, and is assisted by legal counsel—conditions that were met in this case.



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However, although Diego Martin was sentenced to prison, this sentence cannot be enforced while he remains outside Oropel's territory, given that: (1) the enforcement of prison sentences is territorial; (2) there is no extradition treaty or mechanism for transferring convicted persons between Oropel and Tinselândia; and (3) Diego Martin was not subject to pretrial detention during the proceedings.

Hence, the sentence was neither served nor vacated; rather, it remains legally valid, although materially unenforceable, until Diego Martin surrenders himself to the authorities in Oropel. The conviction has full legal effect (including the finality of the judgment and the existence of an arrest warrant), but its enforcement is suspended de facto because the State lacks coercive jurisdiction outside the national territory.

Therefore, considering that Diego Martin was deported to Tinselândia, the custodial sentence mentioned in paragraph 59 is not currently being enforced. Instead, it remains pending enforcement, which can only take place if Diego Martin voluntarily returns to Oropel or is made available to its authorities through a valid international cooperation mechanism, which does not exist in this case.

34. Under what procedure in Oropel was Diego Martin's case assigned to Judge Elena León?

According to Oropel's criminal law, cases are assigned to judges based on their subject matter and territorial considerations. Jurisdiction for the criminal proceedings was established in the capital, Madrigal, as the alleged crimes were committed against public authorities and the State. The specific assignment to Criminal Judge Elena León was made through the judicial lottery mechanism administered by the Judicial Branch of Oropel, as noted in paragraph 54.

35. Do doctoral theses that express an opinion (whether favorable or negative) on a particular topic constitute a preconceived idea that could be used to assess judicial impartiality?

Please refer to the facts of the case.

36. Paragraph 56 states that the Recusal Chamber of the Superior Criminal Court dismissed the recusal request but did not rule on the alleged lack of appearance of impartiality. Please clarify whether there was any way to challenge or appeal the Recusal Chamber's decision on those grounds and, if so, whether Diego Martin's defense team made use of that remedy.

Under the applicable laws, there are no independent ways to challenge or specifically appeal final decisions of the Recusal Chamber of the Superior Criminal Court on requests for recusal made in criminal proceedings. Therefore, the dismissal of the request for recusal—even though it



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did not include an explicit analysis of the argument regarding the appearance of impartiality—was a final and unappealable decision under the procedural framework in force.

37. Did Diego Martin report the incidents of harassment, death threats, and stalking to the authorities in Oropel, and did they subsequently investigate those incidents?

38. Considering that President Pantaleón Bonifacio issued a public statement (see para. 44 of the case) calling on the authorities to investigate the attack on Diego Martin by two hooded individuals, was any investigation launched to determine whether a crime had been committed?

39. What efforts has the State made to investigate and punish the August 7, 2019, attack on Diego Martin and the harassment, death threats, and stalking at his home?

On August 8, 2019, Diego Martin went to a police station, where he reported his injuries and the limited information he had about his attackers, which did not include any conclusive identifying details. The police referred the case to the Public Prosecutor’s Office of Oropel, in keeping with national criminal law. An investigation was launched, during which Diego Martin was heard on two additional occasions. However, to date, the investigation is still at the preliminary stage and the alleged perpetrators have not been identified.

40. According to paragraph 19, Pantaleón was accused of promoting hostile speech toward civil society organizations and independent media, engaging in the very same bad practices he had criticized in the past. What was the content of this alleged hostile speech?

During his first term, the President was involved in various arguments on *OroSpace* with critics of his administration. When independent journalists criticized an important public health policy, Pantaleón Bonifacio said that “*these gentlemen are incapable of producing quality journalism*” and that they “*take pride in opposing the country’s development,*” which was roundly rejected by Oropelian press associations. On another memorable occasion, the president of an NGO published an opinion piece in *Vale Verde*, stating that Pantaleón Bonifacio “cares more about his vacations than he does about the people of Oropel.” President Pantaleón reacted by posting a photo of the activist on his *OroSpace* profile, with the caption: “*This is the person trying to stir up conflict between the president of Oropel and his people. I remind the press that they have rights, but so do I.*”

41. Paragraph 63 notes that the investigations into corruption allegations against President Bonifacio in connection with international humanitarian aid funds for the 2018 hurricane have not resulted in any convictions. Please clarify whether any formal remedies exist for individuals in Oropel to raise their concerns, such as filing a formal complaint alleging corruption, and if so, whether such remedies have been used, through which channels, and by which parties.



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Oropel's legal system provides multiple formal channels for individuals to report acts of corruption, including those involving high-ranking government officials such as the president of the republic.

First, anyone can file a criminal complaint with the Office of the Prosecutor General (*Fiscalía General de la Nación*), without having to prove a direct interest. The Prosecutor's Office is the competent authority for investigating acts constituting crimes against the public administration, such as embezzlement, bribery, undue interest in the execution of contracts, or unlawful enrichment of a public official. Because the president of the republic enjoys presidential immunity from prosecution, the Constitution of Oropel provides for a special procedure in which the investigation and indictment are handled by the Congress of the Republic and the trial, if any, by the Supreme Court of Justice.

There are also disciplinary oversight mechanisms, under the responsibility of the Office of the Attorney General (*Procuraduría General de la Nación*), that allow for the investigation of possible disciplinary offenses arising from acts or omissions in the discharge of public duties, even when no criminal responsibility is involved. These mechanisms can be set in motion by citizen complaints filed by individuals, social organizations, or civil society entities.

Similarly, fiscal oversight over the use of public resources falls to the Comptroller General of the Republic, before whom any person may file fiscal complaints when there is evidence of asset loss or misuse of public funds.

In this case, President Bonifacio's alleged misappropriation of public funds was the subject of a hearing by the Congress of the Republic of Oropel, but it did not advance or lead to a criminal investigation or loss of the president's constitutional immunity. Nor did the complaints filed by several citizens with the Attorney General's Office and the Comptroller's Office make any progress.

42. Do the signs of document tampering revealed by the newspaper *Vale Verde* following the hiring of independent experts refer to strategies by the media outlet to falsely implicate President Bonifacio in acts of corruption?

In December 2018, the newspaper *Vale Verde* published an editorial questioning the absence of public works in rural areas of the country after the hurricane. The article mentioned in paragraph 28 cited two anonymous sources from the Oropelian government, one of whom allegedly shared a document (not published by the newspaper) implicating the president in knowingly participating in the acts described. The newspaper subsequently hired independent experts, who suggested that the document showed signs of tampering. *Vale Verde* published these findings in full and maintained the opinion expressed in paragraph 63 of the case.



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43. Did the special bulletin that Rosa Robles (para. 16) published on the social network *OroSpace* through the company *Neta* include any kind of indication, warning, disclaimer, or reference link that allows readers to distinguish between Rosa’s personal political and social positions and the other original posts by network users, selected algorithmically, that make up the newsletter’s content (para. 11)?

There are two types of weekly newsletters: “regular” and “special.” Special newsletters are specifically designated with the term “Special Bulletin” at the beginning of their titles. When the newsletters reflect Rosa Robles’ personal views, her photograph and signature appear at the end of the article, as was the case with the one described in paragraph 16. Special bulletins do not usually include a standard disclaimer; instead, Rosa Robles expresses her opinions in the text. It is not explicitly known how *OroSpace* selects user posts for inclusion in its newsletters; the company’s policy states that “our team, with the support of the algorithm, selects posts that are representative of the topics under discussion.”

44. Are the facts relating to the treatment of the protesters (described in paragraphs 38-39 of the case) and the imposition of penalties on *OroSpace* and Rosa Robles (paragraph 61) “to the detriment of Diego Martin” (paragraph 64) and, therefore, possible violations of the American Convention that should be examined by the parties?

The IACHR indicated that both events were important to the context of the case in relation to political speech in Oropel. According to the report on the merits, the penalties imposed on Rosa Robles and Diego Martin, as well as the repression of protesters, are part of a pattern of silencing and retaliation against prominent public figures who criticize the government.

45. With regard to the use of social media, how does Law 1234 apply to the private accounts of influencers hired by the Government of Oropel (para. 21)? Are there any rules that regulate or set parameters for social media guidelines on content moderation and intervention (para. 61)? Are there any community guidelines or mechanisms for moderating speech on the *OroSpace* platform? If so, were those standards and guidelines applied to measure the reach of the posts on Nicole Larin’s private account (para. 40) and the “Capitán Odeon” account (para. 42)?

There are no specific legal provisions governing the private accounts of individuals hired by the government as influencers, nor are there any defined parameters for content moderation. *OroSpace* has content moderation mechanisms based on internal policies, as mentioned in paragraph 32, and the necessary information in this regard is available in the hypothetical case.

46. Why were the proceedings conducted under administrative seal, with no public details about the hearings held or the evidence assessed included in the case file?



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The regulations of Oropel’s Digital Platforms Regulatory Authority allow for confidential proceedings in cases that involve information from platforms protected by trade secrecy. The proceedings against OroSpace were subject to these regulations.

47. Where is Nicole Larin from?

Nicole Larin was born in the city of Quincalla, in the Republic of Tinselandia, but moved with her parents to Oropel when she was very young. Upon reaching adulthood, she became a citizen of Oropel and formally renounced her Tinselandian nationality.

48. According to Nicole Larin’s contract, what are the specific terms and scope of her responsibility to publish content for communication purposes in her capacity as a public employee?

49. Under Law 1234, does Nicole Larin’s contract with the Presidency of Oropel mean that influencers become public employees, and what is the legal nature of the statements they make on their private accounts?

50. Although influencers are hired under Law 1234 without a public call for bids, based on the usefulness of the service provided (para. 21), are they considered public employees of the communications offices to which they are assigned, under a contract with working conditions and benefits comparable to those of other civil servants in the agency?

The only provisions of Law 1234 on mandatory contractual terms are those described in paragraph 21, meaning that the various government agencies have discretion when hiring influencers. Nicole Larin was also hired for the position of “special consultant to the presidency of the republic.” Her official duties include “disseminating information about the government’s public policies through official government channels or any other means suitable for the message.”

51. What is the budget for implementing the Rabat Plan of Action, and why was it used for Diego Martin and not for influencer Nicole Larin?

These discussions are part of the merits of the case.

52. Paragraph 64 states that this petition was filed by the *Aurora Movement* alleging the violation of several rights to the detriment of Diego Martin. However, the case name on page 1 of the hypothetical names “Diego Martin” as the plaintiff against the Republic of Oropel. Please clarify whether the *Aurora Movement* filed this petition as a representative on behalf of Diego Martin, or whether Diego Martin is acting as a petitioner in his individual capacity.

The petition was filed by the *Aurora Movement* on behalf of Diego Martin, and the only alleged victim in the case is Diego Martin.



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53. Considering that “the Commission concluded that the State of Oropel had violated the aforementioned rights and referred the case to the Inter-American Court of Human Rights” (para. 65), what actions and statements did the State make after the adoption of Merits Report No. 47/25?

In its submissions in the inter-American proceedings, the State argued that the case was an important opportunity to resolve disputes with regional relevance. The State therefore asked the IACHR to refer the case to the Inter-American Court, but without acknowledging—either partially or in full—any international responsibility for the alleged events.

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