



Inter- American Court of Human Rights

Committee Bulletin

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Dear Delegates,

It is with great honor that I welcome you to the VIII Conference of DALE Nicaragua. My name is Sofia Sansón and this year I have the opportunity of being both Vice-President and Director of English Committees. This year the directors have worked like never before to give the delegates the best experience possible. From the moment the VII Conference ended, the DALE team has been working nonstop to provide an unforgettable conference. Even though we face uncertain times, these are the moments in which we grow and learn. DALE is a conference that has changed me in so many ways and has truly helped me improve as a person. DALE promotes leadership, creativity, and teamwork, skills that will prove necessary in all of our futures. Participating in this conference is both a risk and an adventure, whether you are a delegate or a director.

This year, delegates have amazing opportunities while choosing their desired committees. With new committees at DALE like Criminal Court and the Pan American Health Organization, a look towards the past to be part of Augusto Pinochet's Cabinet, and even debates on Femicides and GMO's, delegates have a wide variety of topics and committees to choose from.

I hope that all of you can come to this conference and leave with a different perspective of the world. Remember that DALE is not just a competition, but a place to grow and learn. Reading this bulletin is the first step of your DALE experience, and when the day comes, it will be an honor to see and meet you all as you finish your journey with DALE.

Sofia Sanson,

Director of English Committees

Dear *delegates*,

It is our undeniable pleasure to welcome you to DALE VIII! This year we have the utmost honor and privilege to be co-chairs of the committee Interamerican Court of Human Rights. We are both extremely excited to be part of this amazing experience. We hope to see you grow as delegates and flourish into leaders of change. Case A this year is, Dilma Rousseff vs. Brazil, which consists of the impeachment of Brazil's former president. Case B is, Honduras vs. Vazquez Rodrigues, which consists of the violation of a victim's rights due to his disappearance. We have created this bulletin with great effort and enthusiasm. This will serve as a guide that invites you to submerge into your own research about the cases, and about the Interamerican Court of Human Rights.

Maria Amanda Irias is currently a Senior at Lincoln International Academy. She has always been passionate about human rights and justice. Maria Amanda was chair at DALE last year in CIDH, she is eager to relive her past experience in the same committee but in another language. She strives to be a leader and agent of change which becomes a possibility when debating such important topics. She is very charismatic and social, she isn't scared to say what she thinks whenever she thinks it. She finds herself often, in situations that defy her abilities and intelligence. This personality trait leads her to be in a constant search for new things, people, and activities. Although she has struggled to decide between her creative and intellectual self, she has recently found a balance between the two. Maria Amanda is extremely excited to meet all of you.

On the other hand, Brandon Ha is currently a Sophomore at the American Nicaraguan School. He loves to talk and only talks non stop. Therefore, he has naturally learned to love debating and is eager to teach others. Brandon believes that the IACHR is important and believes it will help create new world leaders. Furthermore, he believes talking about controversial topics such as violations of human rights will help increase the level of awareness, which seems necessary in countries such as Nicaragua. However, he is direct/strict but nice so there is no need to worry. Any questions, he is always available to respond and to provide help (if necessary).

Sincerely,

Maria Amanda & Brandon



Case A: Dilma Rousseff vs Brazil



Case A: Dilma Rousseff vs Brazil

Introduction

Brazil's president, Dilma Rousseff in 2016 was accused of corruption, money laundering, and the seeking of impunity for her political mentor, Lula Da Silva. Luis Inacio Lula Da Silva, former president of Brazil, was also accused of corruption and bribery in Operation Car Wash. Operation Car Wash is considered the greatest political scandal in Brazil's history. Petrobras, Brazil's biggest



oil company which is mostly owned by the state, was proven to be guilty of illegal payments to politicians of amounts as high as \$5bn. Operation Car Wash began in March 2014 initially focused on *doleiros*, black market dealers who used small businesses for the money laundering of crime. As the investigation continued, police realized Operation Car Wash was more than



doleiros. *Doleiros* was working for executives at Petrobras. Petrobras had hidden funds into which money would be delivered and then drained for politicians. The main purpose of providing politicians with these funds was to finance election campaigns in order to keep the governing party in power.

Judge Moro, the judge in charge of Rousseff's case, illegally acquired a recording of one of Rousseff's phone calls with Lula. The recording could be used against Dilma and her political mentor, but its illegal collection proves

Judge Moro was acting more like a politician than part of the judicial branch of the government. Moro asked for a permit in order to wiretap Dilma's phone. Claro Brazil, the phone company that provided Moro with the evidence, sent a recording of the calls after the permit had expired thus the wiretapping was illegal and should have never been exposed to the public. The head issue in this case lies in the appointment of Lula to a magisterial position by Rouseff after he had already been accused of corruption and involvement in Operation Car Wash. In addition to this, Judge Moro's illegal acquisition of the recording that proves the corruption between Dilma and Lula supports the argument that even if Rouseff was guilty, Moro did not have the power or a reason to invade her privacy.

During 2016, Operation Car Wash was investigated by Judge Moro, but during 2019, it was investigated by Judge Luis Antonio Bonat. Operation Car Wash settled down until last year when it found itself in the spotlight once again. *Intercept Brasil*, online news publication site, published reports based on leaked documents and text messages between Judge Moro and Operation Car Wash prosecutors. The texts show a conversation about the weaknesses of the case, ignoring the strict separation between judicial and prosecution branches. These conversations also proved biased from the prosecutors against former president Lula Da Silva due to previous corruption charges in 2017. Lula was planning to run for the presidency in 2018, being Jair Bolsonaro's biggest competition. Once Bolsonaro won elections in 2018, he appointed Moro to direct Brazil's Ministry of Justice. Judge Moro is directly responsible for the sentencing of Lula,



thus, the former president was barred one month before elections. Many suspect that Lula and Rousseff's investigation was politically motivated.

The Inter-American Court of Human Rights will have to consider Moro, Lula, and Rousseff's actions regarding this case. Operation Car wash and Rousseff's right to privacy must be taken into consideration by the Court in order to effectively choose a side. It is in the delegates' hands to rule the importance of an individual right with a collective right. The right to privacy or the right to a secure government?

Crux of Debate

Rousseff was accused of money laundering, corruption, and the seeking of impunity of her political mentor, Lula Da Silva. During the investigation of her case, Operation Car Wash was uncovered. This gave Moro enough reason to file a permit to wiretap Dilma's phone calls. The permit was given to Moro for a certain amount of time, the calls exceeded the time limit meaning they should have never been shared with the public or used against Rousseff. Operation Car Wash is one of the biggest political scandals in the world. Not only did it involve Brazil and political figures, but it also involved other countries, mostly in Latin America. Lula Da Silva was accused of money laundering and was found guilty once investigators found out he was affiliated with Operation Car Wash. He was sentenced to twelve years in prison which barred



him from running for president in 2018. Jair Bolsonaro won Brazil's 2018 elections and

appointed Moro to a job in Brazil's Ministry of Truth. This appointment has led to suspicions that Lula's punishment was politically motivated by Bolsonaro's win in the elections given that Judge Moro was directly connected to Lula's condemnation.

Petitioners

As petitioners, delegates are meant to defend Dilma Rousseff's human rights, specifically, her right to privacy. Delegates must use Judge Moro's affiliation with the prosecutors, shown in the conversations released by Intercept Brasil in 2019, to their advantage. The primary function of the petitioners is to prove that both, Brazil and Judge Moro, are guilty of the violation of Dilma's human rights as well as the politically motivated conviction of



Lula for the benefit of Moro and Jair Bolsonaro. Taking into account the political motivation of Moro is assumed to be related to the barring of Lula, it is the delegates' responsibility to prove this assumption right. Operation Car Wash plays a very important role in this case because it proves politicians' corruption thus, it must be researched.



Under Law 9,296/1996 of Brazil's Federal Constitution, "Interception of telephone communications, information technology, or telematics without a court order or with objectives not provided for in the law is a crime. Interception is not permitted if: there

are no reasonable indications of perpetration or participation in a criminal offense; proof can be obtained by other available means, or an investigation constitutes a criminal offense punishable by imprisonment.”(Brazil Law) This law was infringed by Moro when he obtained the telephone recording without a court order. In addition, other evidence could have been acquired - this was not the only choice. The Brazilian Telecommunications Law 9,472 1997, grants the rights of their privacy to the consumers (Brazil Law). Judge Moro did not only violate this clause but also overstepped Rousseff’s privacy. By article 12 of the Universal Declaration of Human Rights, which states: “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or

attacks,” Moro committed the violation of this article and any other that grants privacy rights to Rousseff. In this clause, he did not only violate the segment that states “No one shall be subjected to arbitrary interference with his privacy,” but also “nor to attacks upon his honor and



reputation.” U.N. Convention Against Corruption, particularly article 7 which refers to public sector corruption. It is important to question Moro’s morality. The court had enough evidence to sentence Rousseff, yet Moro publicly humiliated her. In addition to the tapes, the conversations released by Intercept Brasil revealed that he is guilty of disrespecting prosecutors distance from the judiciary branch. What were Judge Moro’s intentions? Was he acting like a politician or as a defender of truth? Was he affiliated with Jair Bolsonaro in order to accept the job of the head of Brazil’s Ministry of Truth?

Articles and laws previously mentioned are merely examples of the infringement Moro and the state of Brazil are guilty of. Delegates must research individually Brazil's constitution, The American Convention of Human Rights, and any document that is ratified by the OAS or by the state of Brazil that is relevant to the case. In addition to documents, delegates can also research precedent cases that may help the state be proven guilty. This bulletin functions as a guide of what delegates should have knowledge of, research is needed beyond this bulletin in order to debate effectively.

State

A country's government must always care for its people, and seek the common good. Brazil's government has the duty and responsibility to defend the rights of the country's citizens thus the need for transparency. Judge Moro was protecting the country he lives in, he was prioritizing Brazil's public. The State of Brazil and Judge Moro are being accused of political corruption due to the barring of Lula before the 2018 elections, and the releasing of Rousseff's tapes.



Article 1 of the Universal Declaration of Human Rights states "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood." Rousseff is depriving Brazil's public of this human right when she acts in malice for her advantage, instead of acting in sincerity for the greater good. By article 2 of the Universal Declaration of Human Rights which states,

“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinions, national or social origin, property, birth or other status. Furthermore, no distinction shall be made



on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty,” Moro would be violating the clause if he did not release the recording that was

in his power. Not only this but Dilma contravened the article by disrespecting other rights from the declaration, such as Article 1. “(1) Everyone has duties to the community in which alone the free and full development of his personality is possible,” Moro would have overstepped this right if he had not released the tapes. His duty to fulfill is to protect his country from criminals and in this case, corruption (Article 29, Section 1 of Universal Declaration of Human Rights). As article 3 from this same declaration states, everyone has the right to life, liberty, and security of person. Rouseff infringed this clause by putting Brazil’s transparency at risk and for this, the country’s people feared their safety and security. The plaintiffs state that Dilma’s privacy was violated, but Moro would be infringing 207.7 million people of the right to security of oneself and their entitlement to the act of brotherhood towards one another if he hadn’t released the tapes.



The State must use Dilma and Lula's past illegal endeavors in order to prove that Judge Moro was only doing what was best for his country. Brazil must also defend with evidence the assumptions made by Lula Da Silva regarding the political motivation of his barring before the 2018 elections. In addition to this, Moro was accused of not respecting the separation between prosecutors and the judiciary in the conversations released by *Inspect Brasil*. The State has to either accept the guilt of Moro for disrespect of prosecutors, or argue that Moro is not guilty of disrespecting the law due to human rights, or Brazil's judiciary laws. (Delegates must research to find ways to defend Moro)

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Judges

Being a judge, delegates have the responsibility to make a decision at the end of the debate. Throughout the case, the state and the petitioners will be put into question. It is the judge's responsibility to question the information, evidence, claims, and reasoning given by both sides. There are two types of questions for



both sides. When the questions are directed to either the state or petitioners, the bench it was directed to has the opportunity to answer. After the question is answered by the party it was directed to, the opposite side has time to respond and finally, there is time for a counter-response. When the question is directed to both sides, one bench answers first and then the other, it is the judges who choose who answers first. The arguments will be based around the questions judges ask; therefore, the delegates in the position of judges have control over the case development. The questions will be formulated throughout the debate.

Examples:

State: How does the state of Brazil prove Judge Moro was unbiased towards the condemnation of Lula?

Petitioners: As former president, Dilma Rousseff should care as much for her rights, as for the people of Brazil's rights. By accusing Judge Moro of invading her privacy, and violation of her human rights she is justifying her actions. Is this the honorable conduct the public should expect from a former president?



Case B: Velázquez Rodríguez vs Honduras



Case B: Velásquez Rodríguez vs Honduras

Introduction

The republic of Honduras is known for being one of the most dangerous countries in Central America. Not only that, but disappearance cases in this country have also constantly been an issue. Sadly, most of these cases are usually concluded unresolved. As a result, these repeated issues leave a feeling of uncertainty for the family members of the disappearing subject.



Ángel Manfredo Velásquez, a student of the National Autonomous University of Honduras, was arrested violently and without mediating arrest warrant, by 7 armed men in civilian clothing. The arrest took place in Tegucigalpa, on September 12, 1981, in the afternoon. There were several eyewitnesses who stated that the cells of the II Force Station of Public Security located in the El Manchén neighborhood of Tegucigalpa was the place where Ángel Manfredo Velásquez Rodríguez experienced harsh interrogations under cruel torture. The complaint adds that on September 17, 1981, he was transferred to the Infantry Battalion where the interrogations continued. This case started to become suspicious when the Honduran courts refused to hear the family's case, as well as the Honduras government, who was a military dictatorship at the time, refused to cooperate with the commission when the family filed a petition...

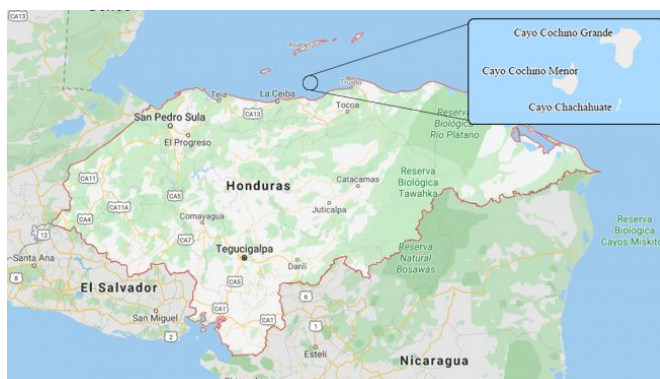


Police and security forces denied any involvement with the disappearance, which, they believed, left them with no obligation or tie to the case. However, can the disappearance be the responsibility of the state even if committed by private persons, or could the state be more involved than what they

claim to be in this case? It is up to the court to decide whether the State of Honduras has violated the rights of the Velazquez Rodriguez family or to say whether the state has succeeded in complying with their state obligations.

Crux of Debate

On September 12, 1981, Ángel Manfredo Velásquez was arrested in a suspicious manner. He was abducted by 7 men who are suspected to be from the government.



The Honduran court, even the government itself, has refused to hear this family's case.



Furthermore, this incident happened and was refused when there was a military dictatorship in the country. The police and security forces also denied any involvement with the disappearance and like others, refused to hear this case. If this case is to be

judged as guilty for the state, it would mean the violation of countless articles by the government, police department, and national court itself. However, if it is judged as not guilty, this would be another case that has been falsely accused by the petitioners and another victory for the state.

Petitioners

As petitioners, delegates must argue for the human rights of Ángel Manfredo Velásquez. Countless articles from the Convention of Human Rights have been violated and delegates must for sure utilize these articles to defend their arguments. The ultimate goal for the petitioners is to persuade the judges that the state is responsible for this kidnapping. The following are a few of the articles that could be used for the petitioner's arguments.

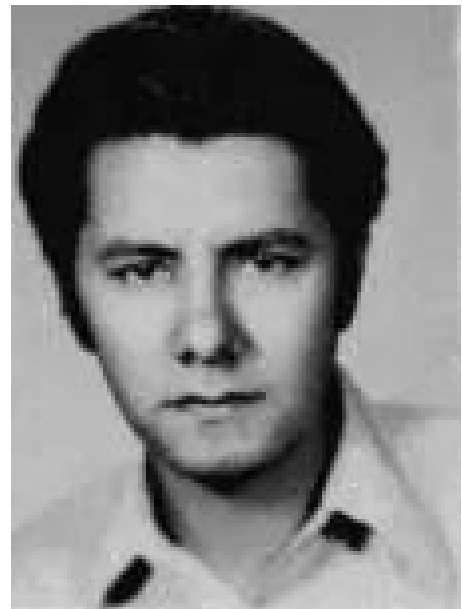
Article 7 of the Convention of Human rights states the right to Personal Freedom. However, having demonstrated the existence of a practice of enforced disappearances complied with or tolerated by the Honduran authorities between 1981 and 1984, it can be concluded that there has been a multiple and continued violation of numerous rights recognized in the Convention and that the States Parties are forced to respect and guarantee. The arrest of Manfredo Velásquez deprived him of his physical freedom without grounds in legal cases and



without being brought before a competent judge or court that knew of his detention. For petitioners, all this directly infringes the right to personal liberty recognized in article 7 of the Convention.

Article 5 of the Convention of Human rights states the Right to Personal Integrity. Likewise, in the context of forced disappearance, prolonged isolation, and coercive miscommunication to which the victim is subjected represent, by themselves, forms of cruel and inhuman treatment, harmful to the person's psychological and moral freedom and the right of everyone detained to respect, due to the inherent dignity of the human being. In this case, the disappearance of Manfredo Velásquez constituted a violation of the right to personal integrity recognized in article 5 of the Convention.

Article 4 of the Convention of Human rights states the Right to Life. The practice of disappearances has often involved the execution of detainees, in secret and without a trial, followed by concealment of the body in order to erase any material trace of the crime and to seek impunity for those who committed it. In the case of Manfredo Velásquez despite the years that have passed, his whereabouts are still unknown...



It is important that petitioners question the government's innocence from this case. According to all constitutions, the Honduran Court and government must hear the family's case. However, these organizations refused to listen to the case. If the government and police forces are innocent, why refuse to hear the case? Why run away from it? Why not hear the case and

prove that they are innocent?

Articles and laws previously mentioned are merely examples of the violations that Manfredo Velazquez went through. Delegates must research individually Honduras' constitution, The American Convention of Human Rights, and any document that is ratified by the OAS or by the state of Honduras that is relevant to the case. In addition to documents, delegates can also research precedent cases that may help the state be proven guilty. This bulletin functions as a guide of what delegates should have knowledge of, research is needed beyond this bulletin in order to debate effectively.

State

As the state, delegates must prove the state's innocence in this kidnapping event. There are more than several factors that could possibly lead to persuading the judges on the fact that the government had nothing to do with this incident.

To begin with, the National Government of Investigations has no knowledge of the whereabouts of Mr. Velásquez Rodríguez. Delegates defending the state must remind judges and others that the State is making every effort to locate Mr. Velásquez Rodríguez. After all, if shown that the government is trying its best to find Mr. Velásquez Rodríguez, there would be no reason to be suspicious of the fact that the state kidnapped this individual.



It should also be strongly remembered that the State further contends that Mr. Velásquez Rodríguez is rumored to be with Salvadoran guerilla groups. If this man were to be involved with such groups, the case of a kidnapping or a disappearance would be no surprise.

Following are some articles from the Convention of Human Rights that can be used to protect the government's innocence from this case and fight back against the petitioners.

Article 24 of the American Convention of Human Rights argues for the right to equal protection. It claims the following, "Everyone has the right to simple and prompt recourse, or



any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention, even though such violation may have been committed by persons acting in the course of their official duties." As it states, the state/government must provide equal protection and equality amongst its people. At this similar time of the kidnapping

incident, about 150 others disappeared as well. It would not be fair/equal, for the government to only consider Mr. Velasquez Rodriguez and not the others.

Articles and laws previously mentioned are merely examples of articles that prove the state's innocence in this kidnapping incident. Delegates must research individually Honduras' constitution, The American Convention of Human Rights, and any document that is ratified by the OAS or by the state of Honduras that is relevant to the case. In addition to documents, delegates

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Examples:

For the State: If the government is innocent of this kidnapping, why refuse to hear this case?

For the Petitioners: If the man might have been involved with guerrillas, why suspect the government? Isn't it possible to be 7 random people? Why/how can you make sure that those people were sent by the government?

Bibliography

“Brazil Corruption Scandals: All You Need to Know.” *BBC News*, BBC, 8 Apr. 2018

www.bbc.com/news/world-latin-america-35810578.

Watts, Jonathan. “Operation Car Wash: The Biggest Corruption Scandal Ever?” *The*

Guardian, Guardian News and Media, 1 June 2017,

www.theguardian.com/world/2017/jun/01/brazil-operation-car-wash-is-this-the-biggest-corruption-scandal-in-history.

Long, Ciara. “Brazil's Car Wash Investigation Faces New Pressures.” *Foreign Policy*, 17 June

2019, foreignpolicy.com/2019/06/17/brazils-car-wash-investigation-faces-new-pressures/.

Cuadros, Alex. “The Most Important Criminal Conviction in Brazil's History.” *The New Yorker*,

The New Yorker, 14 July 2017, www.newyorker.com/news/news-desk/the-most-important-criminal-conviction-in-brazils-history.

“Universal Declaration of Human Rights” United Nations, [http://www.un.org/en/universal-](http://www.un.org/en/universal-declaration-human-rights/)

[declaration-human-rights/](http://www.un.org/en/universal-declaration-human-rights/)

Watts, Jonathan. “Dilma Rousseff Impeachment: What You Need to Know – the Guardian

Briefing.” *The Guardian*, Guardian News and Media, 31 Aug. 2016, [www.theguardian.](http://www.theguardian.com/news/2016/aug/31/dilma-rousseff-impeachment-brazil-what-you-need-to-know)

[com/news/2016/aug/31/dilma-rousseff-impeachment-brazil-what-you-need-to-know](http://www.theguardian.com/news/2016/aug/31/dilma-rousseff-impeachment-brazil-what-you-need-to-know).

Authors Fabio Ferreira Kujawski, et al. “Brazil Data Protection & Privacy – Getting The Deal

Through – GTDT.” *Getting The Deal Through*, gettingthedealthrough.com/area/52/jurisdiction/6/data-protection-privacy-brazil/.