

In the year 2020, a new disease emerged, causing symptoms similar to common flu as fever and headaches. In certain cases, the disease unfolded more serious consequences as severe difficulties to breathe and pneumonia, eventually leading to death.

Being a new disease, its origin and the treatments available were not clear. Health professionals and researchers from several different countries worked 24/7 to discover the cure for it. Meanwhile, countries struggled to guarantee that their health system would not collapse due to the exponential increase in the number of patients.

One thing was certain, the disease spread more quickly than most of the ones known at that time. Countries identified, in the practice, that the most effective ways to slow down the contamination were social isolation and basic hygiene habits (e.g. washing hands frequently, avoiding sneezing or coughing without covering the mouth and others).

Country X was one of the most affected by the new disease. The country was very much known for the social and economic disparity among its citizens, as well as for its political instability. The President at that time, Mr. Blue, was in the center of attention with a speech and posture that differed from the recommendations of the international health authorities..

According to Mr. Blue, there was no need for social isolation, as the symptoms were not that serious. Because of that, several States of country X did not implement social isolation measures and the cases of the new disease grew exponentially in a few months.

. As a result, the health system in country X collapsed and there were several fatal victims which passed away for not having access to ventilators, an equipment that is essential for the treatment of the disease in the most serious cases.

In January 2021, families of several fatal victims from the pandemic in Country X seek for reparation due to the lack adequate action from the Federal Government, which allegedly increased the inefficiency of the system, incentivized people to be careless and contributed to the spread the disease in a larger scope and the consequent collapse of the health system.

Families requested urgency in the appreciation of the pleadings, since most of the victims were the main source of revenue to them, working informally and therefore, not having social security rights.

As by December 2021, the proceedings were still not judged even in the first instance of Country X's judiciary. When questioned, judges did not provide a reason for the delay, simply ignoring the several petitions filed – the last one presented on November 2021. In view of the situation, a Non-Governmental Organization (NGO) offered to assist the families in seeking for remedies in International Organizations. After studying the international organizations in which Country X participated and their legal proceedings, the NGO decided that it would be best to file the claim on the Organization of American States (OAS).

In February 2022, the NGO presented the initial petition. After making an *in loco* verification in Country X, interviewing several politicians, professionals in the health sector, cured victims of the disease and other agents involved, the OAS Commission drafted its report, recommending, among other measures, that (i) Mr. Blue apologized in national TV for the deaths caused by lack of uniformity in his speech, which lead citizens to believe that the situation was not as serious as it was, (ii) a memorial of the pandemic was built to honor those who died from the disease

and those who worked to allow the societies to overcome it; (iii) an obligatory free course in every public school, opened to non-students, on the importance of hygiene habits; (iv) reparation to the families of victims, who were left unassisted.

As Country X did not accept to follow the recommendations, the Commission referred the case to the Court in September 2022.

Instructions:

Students must divide themselves in two different groups and each group must prepare the first written submission on behalf of either Country X or the NGO/families affected by the pandemic.

In preparing the submissions, students must consider at least the following legal instruments and issues:

- OAS Charter
- Protocol of San Salvador
- American Convention of Human Rights (Pact of San Jose) – to which Country X is a signatory
- CIDH Resolution 01/2020
- Jurisdiction / competence of the Court

Memoranda must be sent by e-mail to the teaching assistants by June 04th and oral hearings will be conducted online on June 05th.