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Clarification Questions and Answers
Twenty-Ninth Inter-American Human Rights Moot Court Competition -2024

Luciano Benítez v. Republic of Varaná

1. Were the environmental impacts of varanatic exploration and exploitation known when researchers discovered varanatic in 2002?

No, the specific environmental impacts of varanatic exploration and exploitation were not known at the time these activities began in Varaná, especially since this was the first documented case of commercially viable exploration and exploitation of polymetallic nodules in abyssal plains. However, some impacts associated with this activity became apparent as the years went by and the extractive activity increased.

Of particular note, a 2010 accident there released heavy metals into the ocean and research by scientists pointing to the risks of disturbing the seabed. However, to this day, the extent and types of environmental impacts that may be generated by varanatic exploration and exploitation continue to be a matter of scientific dispute.

2. Is the online newspaper Varaná state-owned?

Yes, according to paragraph 44 of the hypothetical, Varaná is an official media outlet. However, the blog "Inconsistencias Reveladas" is Federica Palacios' personal blog, so it is not owned by Varaná. The articles published (paras. 46, 52, 55) by Federica Palacios in Varaná and "Inconsistencias Reveladas" were independent of each other, but their texts were identical.

3. What do Varaná's laws and legal system look like in relation to environmental matters?

Environmental protection has constitutional status in Varaná and the domestic legal system has several laws related to the subject. These include Law 123 of 1999, which guarantees the



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“Anyone who intentionally causes harm to another must provide compensation to that person”.

5. Did Varan become aware of Luciano’s psychological issues either through the tort claim against journalist Federica Palacios, Holding Eyes & Its subsidiary Lulo, or through the psychological treatment undertaken by the victim (paras. 60 and 67)

Luciano included facts related to his psychological condition in the tort action he filed against journalist Federica Palacios and in the public action of unconstitutionality (para. 70). The IACHR also considered these facts

6. What were the impacts on Luciano when his cell phone was unlawfully accessed to collect personal data, including the places he had visited and other private information available on his cell phone, such as his membership in environmental groups on instant messaging apps (para. 63)

As described in the hypothetical case, the fact that Luciano’s cell phone data was accessed resulted in his removal from all the groups to which he belonged on instant messaging apps, his diminished importance among environmental defenders and the Payas, harassment on social media, and ultimately his decision to burn his cell phone and disconnect from the digital



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Holding Eye is a limited liability company headquartered in Cupertino, the capital of the country of Cupertino, in North America



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exploitation in particular companies that mine varanatic/araná are required to pay the government a tax equivalent to 3% of the gross income resulting from that

According to the latest figures, Varanatic GDP for 2023 was US\$70 billion. Holding Eye's operating activities in the country, especially varanatic mining, account for about that figure. Varanatic exploration and exploitation is not exclusive to Holding Eye. Exploitation accounts for 23% of the GDP of Varaná.

9. Is the information provided in the registration and creation of social media accounts (profiles) accessible only to the company controlling the platform, or is information and personal data shared (free of charge or commercially) with other state and private actors? The State of Varaná regulate this information sharing in terms of transparency, use, processing and



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0.5%. The remainder was distributed among other operators. These figures have generally remained constant throughout the years

17. Are there any regulations and/or laws applicable to internet intermediaries and other telecommunication services in Varaná?

There is no specific law applicable to internet intermediaries in Varaná. The legislation referenced in the hypothetical case has been used by judges in Varaná to decide cases involving internet intermediaries

18. Does Law 22 or Law 900 contain provisions on the responsibility of operators regarding privacy, reputation, and honor, and for the protection of the honor and dignity of their users?

No. Neither Law 22 of 2009 nor Law 900 of 2000 contain provisions on the responsibility of operators regarding privacy, reputation, and honor, and for the protection of the honor and dignity of their users.



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curiae and to allow further argument between the parties public actions of unconstitutionality referred to in the case included this stage

There is no remedy called popular action of unconstitutionality in Varanás.

- 27. Paragraph 59 mentions that on February 10, 2016, the appeal against the ruling of August 23, 2015 (which dismissed the petition for the protection of constitutional rights filed by the NGO Blue Defense) was dismissed. What was the basis for the February 10, 2016 decision?

The appellate court found that the lower court's decision was well-founded and that there was no procedural defect. It therefore affirmed that the precedent was binding, upholding the trial court's decision of August 23, 2015.

- 28. How is res interpretation regulated under Varanás law?

Please refer to the answer to question 1. No.

- 29. What was the basis for the Supreme Court's denial of the extraordinary appeal referred to in paragraph 69?

The Supreme Court did not find sufficient grounds to amend the lower court's decisions and their conclusions regarding the liability of intermediaries in Varanás.

- 30. Paragraph 41 of the hypothetical case mentions that on November 4, 2014, the judge ordered Luciano to appear at an initial hearing on November 5, 2014. Also on November 4, 2014, the NGO Blue Defense filed an appeal challenging the interlocutory. Luciano appeared at the hearing on the following day. Are there any legal justifications under the domestic law of Varanás that would have prevented the judge from suspending the hearing?

In the Republic of Varanás, an appeal does not stay the lower court's decision, so the trial court judge must proceed to take the appropriate legal steps upon rendering a decision.



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freedom of expression and the rules contained in ratified treaties, as well as the ordinary laws of Varaná that they consider applicable such as the Civil or Criminal Code.

32. In the civil proceedings for correction, what were the judge's criteria for determining that journalist Federica Palacios's second publication was sufficient to protect Berioz and good name?

The trial court judge found that the August 28, 2015, publication by journalist Federica Palacios satisfied the requirements to be considered a proper correction, since in that second installment Palacios included all the evidence that Luciano had provided to her and a statement explaining the facts she published. The judge also considered the fact that this second