Hypothetical Case 2020
Maricruz Hinojoza, et al. v. Republic of Fiscalandia

I. Background on the Republic of Fiscalandia

1. The Republic of Fiscalandia is in South America and covers an area of 1,885 km² consisting largely of Amazonian rainforest. Its capital is Berena. Its population, some 67 million inhabitants, is mostly mestizo (65%), 25% indigenous, and just 10% white of European descent. Fiscalandia gained its independence in 1818,0.6(1)-7.9(8)6s(d)2.2(09i)(a)]T8(a)]T8(av 0.62 i)ion

7. The Supreme Court is the highest body of the judicial system, and it performs judicial, disciplinary, and governmental functions. It has the power to render final and unappealable decisions in civil, criminal, and administrative law matters, as well as in constitutional actions for the protection of the human rights and freedoms regulated in Fiscalandia's Constitutional Protection Law (*amparo* [petition for a constitutional remedy], habeas data, and unconstitutionality actions). its disciplinary powers, the Supreme Court is responsible for applying, in a single instance, suspension and removal penalties against judges of all levels and specializations. The only exception is for penalties against the Supreme Court justices themselves, which are imposed by the Legislative Assembly.

8. Finally, in terms of its governmental powers, the Supreme Court has jurisdiction to decide on budgetary and administrative matters of the judicial branch. The Chief Justice of the Court has the power to determine the composition of all appellate chambers and trial courts in the country's 17 regional courts.

9. Organizations defending indigenous peoples' human rights in the Amazon have on multiple occasions accused the current chief justice of the court, Justice Ángel Lobo, of manipulating the composition of the regional courts of Amazonas Alto and Amazonas Bajo. They allege that this was done to benefit oil exploration and exploil8.2(d)2.3(e)-3(x)-nal a3mpo0 Tc 0(o)-6.6(i0.004 Tc11()9.5( )]TJ(i)1

13. The 2007 Constitution does not establish the duration of the Prosecutor General's term of office, but in judgment 0067-

directly to the Court of Auditors. "Instead of investigating the cases, we have to spend all our time responding to requests for information from this office," she said.

II. Facts of the case

23. After the announcement of the imminent establishment of the nominating board, on June 16, 2017, Magdalena Escobar filed a motion to vacate an administrative act with the Tenth Administrative Court of Berena, challenging the call for candidates issued by Extraordinary Presidential Decree. She maintained that the measure taken by President Obregón had the same effects as removal from office, and was null and void on the grounds of abuse of authority, since its true purpose was to undermine the investigations being carried out by the Public Prosecutor's Office against his family and close friends. Magdalena

35.

39. The *amparo* action, brought before the Second Constitutional Court of Berena, was declared inadmissible on the grounds that the appointment of the Prosecutor General is a sovereign power of the executive branch, and therefore is not subject to review via *amparo* proceedings. In any case—according to the court—they could have challenged any irregularity by means of a motion to vacate. The plaintiffs appealed the decision, which was subsequently affirmed by the Second Appellate Chamber of Berena. Finally, the extraordinary appeal filed by Hinojosa and del Mastro with the Supreme Court of Justice was also denied in a decision dated March 17, 2018.

216.c 0 T h926.8.
am.7()105763 th]5J6(4..3 S)

requirement. The IACHR declared the petition admissible on August 8, 2018, and issued its Merits Report on February 14, 2019, finding the State responsible for violating the rights to a fair trial (Article 8.1) and judicial protection (Article 25), both in relation to Articles 1.1 and 2 of the ACHR. It recommended, among other things, the reinstatement of Judge Mariano Rex to his position. Once the requisite time period had elapsed without the State complying with the IACHR's recommendations, the case was consolidated with Petitions 110-17 and 209-18 and submitted to the jurisdiction of the Inter-American Court of Human Rights.

B. Petition 110-17 filed by Magdalena Escobar v. the State of Fiscalandia

45. Americn Codgenti[illegible]

Fiscalandia further argued that the appointment of senior government officials was a discretionary power assigned under domestic law to the President of the Republic, who was