

ICC Moot Court Competition 2021 – Experience Report

Tuesday, 15 September 2020 – Sunday, 27 June 2021

The ICC Moot Court Competition experience started with a big change compared to previous years: a new team coach, Isabel Wolf, joined the Chair in Public International Law, European Law and Public Law, thereby replacing Isabelle Kessler. Additionally, and unfortunately, as opposed to previous years, the competition was conducted completely online due to the Corona pandemic.



Our team from left to right: Professor Bardo Fassbender, Isabel Wolf (Coach), Chiara Iten (MIL, Defense Counsel), Martin Bader (MIL, Researcher), Basil Schaller (MIL, Prosecution Counsel), Kevin Caratsch (MLE, Government Counsel) and Jael Steiger (MLaw, Researcher)

First semester (September 2020 – February 2021)

At first, we received an introduction to international criminal law and were familiarized with the proceedings at the International Criminal Court (ICC). Shortly afterwards, we had to decide on a role in the competition and find arguments for our side in relation to the case which had already been published in August 2020. Before the semester break, we handed in our draft arguments and presented them in front of our coach and Prof. Fassbender. In the remainder of the semester, we developed the strongest possible legal arguments and wrote three memorials, one for every role: Defense, Prosecution, and

Government. Since we were five people, two of us dealt with the arguments supporting the Prosecution, while the other three worked on the roles of Defense and Government Counsel.

Developing arguments could be very frustrating sometimes. As soon as you thought you had the perfect argument, you found case law or scholars which did not agree. Additionally, some topics were difficult to understand, and it could take us several attempts to grasp them. To our satisfaction, we later found out that the other teams made similar arguments to ours in their memorials, which were made available to all participants in a OneDrive folder. This finding confirmed that we were not wrong with our arguments and gave us confidence in preparing the pleadings.

Second semester (February 2021 – June 2021)

Finalizing the memorials and submitting them to the organizers of the competition in The Hague was the first task in the second semester. We subsequently divided the roles: two of us were researchers (= co-counselors) and three were speakers – one for each role. Afterwards, we started practicing our pleadings. When the break was over, the course was intensified, as we had two practice sessions per week and guest judges joined the meetings. It was interesting to see how we got better every week: By the end of the semester, we could only talk about the Moot Court with friends and family in “legalese”. Another important part of the preparation was summarizing relevant cases and preparing answers to possible questions.

In total, the course accounted for 15 ECTS: 9 in the first, and 6 in the second semester. The memorials in the first semester were decisive for the grade, whereas oral participation was mostly relevant for the second grade.

The Moot Court Competition (Sunday, 6 June 2021 – Sunday, 27 June 2021)

Because the competition took place entirely on Zoom, and the 95 participating teams from all over the world were in different time zones, the pleadings in the preliminary rounds were spread over several days. Every speaker had two pleadings and was supported by a researcher sitting next to him or her and making notes. We booked a lecture room for the pleading at the university and installed extra lighting as well as a green screen behind the speaker. The rest of the team was following the pleadings at home.

Although we had practiced together all semester, we were not in all pleadings able to present our arguments to the degree we wanted to, as the success of a pleading largely depended on the judges. Some judges asked a lot of questions and almost made conversation during the pleading. Others formulated their questions so complicatedly that one did not understand what they were getting at. Then, there were luckily also nice judges, which posed exactly the questions we had prepared for ...

We reached the 28th place in the competition and therefore unfortunately missed the quarter-finals by only one position. We did, however, receive the second runner-up award for our government memorial.

The researcher's perspective (Martin Bader)

As a researcher, the main role during the second semester is to find applicable case law and create summaries accordingly. The researchers further help the speakers to develop their arguments by pointing out weaknesses and open issues.

During the pleadings, I was the co-counsel for the Government as well as the Prosecution. That was an interesting challenge because I had to switch between the different sides. In the end, this was also helpful, as I knew the strongest arguments from both sides. In the pleadings, the role of the researcher is to look up answers to questions of the judges and support the speaker in preparing the rebuttal by doing additional research or highlighting the strongest possible counter-arguments. It is crucial to have a good overview over the arguments and the case law. There is not a lot of time during the pleadings to study a case anew.

The first pleading was quite nerve-wracking despite our prior practice sessions. Nevertheless, it was fascinating to see how quickly everyone in the team found their role and how well we were prepared for the opposing arguments.

The speaker's perspective (Basil Schaller)

The speaker's job during the second semester is mainly to write his or her pleading and then continuously to train the oratory skills with the help of the researchers and the coach. The guest judges also supported improving our pleadings, since they challenged our arguments, gave us useful feedback and provided a new perspective to the case.

The oral rounds were a very rewarding, but also surprising experience. Having practiced the pleading many times before, I went into the competition with confidence. However, judges asked new questions compared to those of our guest judges, new arguments from the opposing teams came up, and even cases were mentioned that we had never heard of – all that kept the pleadings challenging, interesting and varied. During the oral rounds the main job of the speaker is to present the strongest arguments in 20 minutes and to answer the questions of the judges, but at the same time to pay attention to the opponents' arguments in order to be able to prepare the rebuttal. The latter was extremely challenging because I had only a limited amount of time to develop it. This task would have certainly not been possible without the great help of the researcher. Fortunately, none of us ran out of time, neither during the pleadings nor the rebuttals.

In summary, it was an unforgettable experience that we would recommend to everyone interested in international criminal law. Participating in such a big competition is definitely a unique and exciting test

of one's skills. It gave us a much better understanding of the proceedings of an international court. Furthermore, we could improve our teamwork and find new friendships.