

ICC Moot Court Competition 2015-16 – The Hague, Netherlands, May 2016

A Report of the Team Members

The 2015-16 ICC Moot Court team of the University of St. Gallen consisted of five people from the MIL and MIA programs with different backgrounds and experiences: Nicolas Braun, Irina Ibrahim, Georg Koeppinghoff, Milena Holzgang, Evgeniya Latysheva (see photo on the right side). Our team was coached by Isabelle Maurer and Professor Bardo Fassbender of the Chair in International Law, European Law and Public Law. This is how we experienced the 2016 ICC Moot Court Competition.



After getting to know each other and the structure of the moot court, the “real” work started when the case came out. The topics were the recruitment and use of child pirates, the contamination of a huge drinking water source with salmonella and, as a procedural problem, the possible disqualification of a judge. It took us some time to become acquainted with the issues but in the end, the memorials turned out to be pretty solid, and they were a good and valuable basis from which we could start preparing our oral pleadings.

Once the pleadings were written, the fun began: The arguments had to be memorized and enriched with case law. Also, we soon started to practice answering questions to be expected from the judges, which was painful at first, as it was difficult to know “everything”. However, after some weeks, our knowledge increased. Further, we benefitted from a training with different academics and lawyers acting as judges who gave us valuable feedback regarding our pleadings and our presentation skills.

And then, it was Sunday, May 22nd: The first day of the ICC Moot Court Competition had arrived. Curious and excited but also nervous, we had travelled to The Hague. Some team members were in the Netherlands for the first time. After checking in at our accommodation, we headed to the competition site where the welcome reception took place. There, we met the other teams from all over the world: 59 teams from 44 countries were participating in this year’s competition. After the reception, the evening was filled with our last preparations.

The next morning, it got serious: Our Prosecution had to compete against the Government Counsel of the team of Lebanon and the Victims’ Counsel of the team of Serbia. The nervousness was very high. Would our team be able to answer all the questions asked by the judges and to counter the arguments of our opponents? How well prepared would the other teams be and which arguments would they present? Gladly, it turned out that our team was able to plead well. In the following sessions, our team pleaded in the role of the Government Counsel against teams from Indonesia, Luxembourg, Poland and Singapore, in the role of the Prosecution against teams from Kenya and Wales, and in the role of the Victims’ Counsel against teams from Slovakia, Brazil, Georgia and Ireland. Some of the judges asked many questions, others less, some were tough, others more benevolent. Some opponents had very strong arguments or pleading skills, others less. We experienced a wide scope of different sessions, but all of them were a great experience.



The three days of the Preliminary Rounds passed very quickly. The days were filled with the pleadings and the evenings with preparations for the following day. Even though only one speaker per country could make a presentation in each of the sessions, the speakers were strongly supported by the rest of the team. On Wednesday evening, the 27 teams that could proceed to the Quarter-Finals were announced: The St. Gallen team was one of them! We received the memorials of our opponents (the teams from Belgium and England) and started preparing the

pleadings of the Victims' Counsel who had to represent our team in the Quarter-Finals. On Thursday morning, the Quarter Finals took place. It was a close call, but our speaker outperformed our opponents and the team made it as one of nine teams to the Semi-Finals. After a short break, our Prosecution had to compete against the team of Wales in the role of the Government Counsel and against the team of Singapore in the role of the Victims' Counsel.

The three Finalists were announced at a Barbecue on the beach. From our session, the Singapore Management University proceeded to the Finals. The other two Finalists were the University of Cologne and the National Law School of India University in Bangalore. While those teams had to prepare for the Finals, the others could enjoy the evening. The food was awesome and it was the first real opportunity to talk to the other teams and some of the judges in an informal atmosphere, and to relax after a demanding week. After the barbecue we also had the chance to get a glimpse of The Hague's nightlife.



On Friday morning, we could sleep in before we went to the ICC to watch the Finals which took place in one of the courtrooms of the ICC. The curiosity was high: Who would be the winner of the 2016 ICC Moot Court Competition? All of the three teams demonstrated an outstanding performance but in the end the Singapore Management University won, followed by the University of Cologne. After a final reception, the ICC Moot Court was over and we left The Hague richer with many experiences and new acquaintances. Taking part in the ICC Moot Court is really a once-in-a-lifetime experience.

A Speaker's Perspective: Milena Holzgang: "At first, I felt uncomfortable at the thought of being a speaker. The thought of speaking and arguing a case before professionals judging me was a bit intimidating. And I didn't think that I would ever manage to memorize all the different cases and their content in detail to answer random questions. However, the more we practiced, the more secure I felt.

When we finally went to The Hague, I felt well prepared, and even though I was nervous, I was looking forward to the challenge. The first time I was standing in front of the judges, I was so nervous that I was afraid I would fall over my own feet on my way forward. However, this nervousness was unfounded, and before I knew it, the pleading was over. I was able to answer all the judges' questions and didn't have any problems with the rebuttal. The second time I pleaded, my anxiety was fortunately gone.

Even though I was proud of the performance of all of us, I didn't think that we would qualify for the quarterfinals. When we did, I was surprised. We started to prepare for my third pleading and I worked on my pleading and the rebuttal until 2.00 am. Of course, the other speakers and researchers did their best to support me and outdid themselves researching. The next day, the pleading was great and for the first time, I really enjoyed myself standing in front of the judges and the other teams.

In the end, it was an invaluable experience and we all learned more than we ever had thought. Even though it was hard work and we didn't sleep very much during the competition, we met many new people from all over the world, enjoyed each other's company and had a lot of fun as well."

A Researcher's Perspective: Evgeniya Latysheva: "I found out in November that I got an internship position far away from St. Gallen. At this moment, I knew that I could not be a speaker but a researcher. First, it was a little bit disappointing for me to realize in the middle of the semester that I would not be able to plead in the competition. But to my surprise, in the end, I was very happy to have had this opportunity to work with the team. I could continue working on the arguments and saw them developing. I learnt a lot while I was researching. Although it was a challenge to keep up with the other members of the group who had the possibility to meet in person regularly, I did my best to help my team with the preparation of answers to the possible questions of the judges.

Furthermore, the week in The Hague was intense and full of new experiences even for a researcher like me. I was a full part of the team and I tried to help the speakers as much as I could. In a nutshell, it was definitively an enriching and unforgettable experience from all the perspectives."