

ICC Moot Court Competition 2018-19 – The Hague, Netherlands, June 2019

A Report from the Team Members

The 2018-19 ICC Moot Court team of the University of St. Gallen consisted of five powerful women from the MIL and MIA programs at HSG and one law student from the University of Fribourg, with different backgrounds and experiences: Elizabeth Frommelt, Katja Broecker, Nina Dettwiler, Leonie Stalder and Alexandra Legostaeva. 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 2019 ICC Moot Court Competition.



Our Team at the Finals in The Hague: Elizabeth Frommelt, Katja Broecker, Nina Dettwiler, Leonie Stalder and Alexandra Legostaeva

In September 2018 we began acquainting ourselves with the International Criminal Court (ICC), its structure and purpose before the new case was published. Once the case was released, the real work started and our team dove headfirst into the international crime of aggression. It took us many attempts and a lot of patience on the part of our coach, but our team produced three solid memorials for the positions of the prosecution, defense, and government. Our memorials were a strong foundation for our presentation in the oral proceedings of the competition.

During the spring semester, the focus was on producing strong oral pleadings backed by case law and delivering them with conviction. We participated in a friendly round with the Hebrew University in Jerusalem over video call. It was valuable to see how other teams approach their arguments and how they plead, but also to receive their memorials in advance.

It was fascinating to see the progress made by the prosecution, defense and government speakers. Each week the speakers would improve their speaking skills, and they were increasingly able to take challenging questions from the acting judges. The team was given ample support and feedback which helped fine tuning the oral pleadings.

On the first day of the ICC Moot Court Competition in The Hague, the team attended the welcome reception together with 70 teams from 55 countries around the world. After the reception, the evening was filled with last minute preparations.

During the team's first round, the Government speaker faced off with team Kenya and team Finland to a panel of harsh judges. The Judges bombarded all the teams with difficult questions poking holes in each argument. Our team was thrown into the deep end and quickly learned how to react to questions designed to challenge the weak arguments. Our team also quickly understood how relevant the *Bemba et al.* case was to our competition and that we had to know its details in and out.



After the Pleading with the teams from New Zealand and Romania and the three judges

The second day was also tough, and in the morning the Prosecution speaker also experienced a panel of harsh probing judges but maintained her composure and responded accordingly. In the afternoon, despite sickness, our Defense counsel was able to give a strong pleading to a panel of judges as well.

Our third day was very long as every member of the team – Prosecution, Defense and Government – was scheduled to plead. Next thing we knew, three days of the Preliminary Rounds were over! The days passed quickly as they were busy, packed with the pleadings in the day and the evenings filled with preparations for the following day.

On Wednesday evening, the 27 teams that could proceed to the Quarterfinals were announced, and unfortunately our team Switzerland was not one of them. Our team took the opportunity the following day to decompress and explore The Hague before the Thursday announcement ceremony. It was exciting for us to follow and see in anticipation which of the other teams would proceed to the Finals!

The Finals were held in one of the courtrooms of the ICC. In the final round the competition was tense, and the pleadings were on an exceptionally high level. The whole team was engaged in evaluating the finalists. After having invested so much time into the arguments, we all knew the Prosecution, Defense and Government arguments in and out and were impressed by each of the finalists but in the end, the Government speaker took everyone by shock and won!

After a final reception in the ICC building and later a beach party, the ICC Moot Court was over, and we left The Hague having gained many valuable experiences and new connections. We were all grateful for the opportunity to have taken part in the ICC Moot Court because it was a practical once-in-a-lifetime experience.

Speaker Perspective (by Nina): I decided to challenge myself by being one of the speakers of the team. Challenge, because I am always quite nervous and a bit insecure when I have to speak in front of a public – probably sharing this feeling with many others. But during the spring semester, when we trained the oral pleadings, I became much more self-confident with every session. The better you prepare, the less nervous you are, and the more you are ready to answer the judges' questions.

Obviously, still nervous, I did my first pleading in The Hague, which was challenging but I realized that I was well prepared and that all the other speakers are in the same situation. I was able to answer the questions, I could quickly skip, adapt or change the order of my arguments and was therefore quite confident after the first few minutes of my pleading.

It was the perfect experience for me, it's a great feeling to look back and being proud of having participated in the Moot Court Competition as a speaker. I learned a lot as it is in step with actual practice.



After one of the Teams' pleadings - with our coach Isabelle Maurer

Researcher Perspective (by Katja): Since I was simultaneously writing my thesis, finishing the last semester of my double degree, and participating in the ICC Moot Court Completion, I knew that I could not devote the time needed to give an outstanding oral pleading. Despite this, I was still actively engaged in the case and knew the Crime of Aggression inside and out and I was honored to be part of the competition because I learned a lot.

During the memorial phase I was part of the Prosecution team, and during the oral pleadings I was part of the Defense and Government teams. I found this to be a great opportunity because it challenged me to see the arguments from both sides.

During the competition in The Hague I was blown away by our speakers' performance and I was happy to do my part in helping them to answer the judges' hard questions. It was a treat for me to be a researcher on Switzerland's 2019 team and I am proud of our performance.