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Bond Law Triumphs!

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In February this year, a team of Bond University law students participated in the International Criminal Court Trial Competition in The Hague, the legal capital of the world. On 20 February 2009, the Bond team defeated American Ivy League university Yale and Utrecht University from the Netherlands in the grand final of this prestigious competition.

The International Criminal Court (ICC) was established by the Rome Statute to try persons alleged to have committed war crimes and crimes against humanity. The ICC Trial Competition allows top law students from around the world to improve their knowledge of the ICC and its proceedings, and become familiar with other world-famous institutions in The Hague.

Twenty universities from 14 countries competed in The Hague this year, including the London School of Economics and Political Science (LSE) from England, Yale and Santa Clara University from the United States, Osgoode Hall from Canada, Tsinghua University from China, Pretoria University from South Africa, as well as universities from Russia, India, Hong Kong, Mexico and Brazil.

Most teams consisted of five members – three advocates and two researchers. The Bond University team comprised Julien du Vergier as defence counsel, Kate Mitchell for the prosecution, and Kristen Zornada as victims' counsel. The three advocates were ably supported by the team's researchers, Heidi Rulfs and Lauren Ferguson.

After 40 hours in transit, the Bond team arrived in The Hague with their coach (and author of this article), Senior Teaching Fellow Joseph Crowley, three days before the competition began. The team had to acclimatise to a new time zone and temperatures of two to three degrees Celsius during the day. After some sightseeing, including a trip to Amsterdam, the team finalised their preparations which had begun in October 2008 upon release of the competition problem.

The competition began with an official welcome ceremony at the beautiful Park Hotel in The Hague. The Bond students mingled with their competitors from other countries. Though all the students mixed well, it was clear that the competition would be fierce. The teams from the USA were fresh from winning the American preliminary rounds and were determined to be victorious in the international round in The Hague. The South African team were defending champions and were determined to retain their title.

The following day, Judge Meron, of the International Criminal Tribunal for the former Yugoslavia (ICTY), and Professor Goran Sluiter, of Amsterdam University, opened the competition.

At each moot, students from different universities had to

represent the prosecution, defence or victims. The competition consisted of three preliminary rounds where advocates presented for 30 minutes followed by rebuttal of 15 minutes. During both parts of their presentation, the speakers were subjected to intensive questioning by a panel of experts acting as the moot judges. The universities were then awarded points based on their oral performance. Each team also received points for their written arguments, called 'memorials', which were submitted to the competition organisers a month before the moot began. The three teams with the most points would proceed to the final.

Julien du Vergier represented Bond in the first round as defence counsel. Osgoode Hall appeared for the prosecution and the University of Hong Kong represented the victims. There were two judges – a professor of international criminal law from Glasgow University, and a practitioner who had appeared as defence counsel in the ICTY. They asked some very probing questions. The prosecutor performed well, but the judges did not respond positively to her addressing only three of the five agenda items. The victims' counsel was also good, but was caught by traps the judges set concerning statutory provisions and overturned ICC cases.

Julien, who had competed in another international competition, the Jessup International Law Moot (Jessup), was outstanding. He held the judges' attention during his entire 30 minute presentation. At the end of the moot, they commented that he was incredibly engaging and had an excellent understanding of the law and facts. Julien was so persuasive one judge remarked that if he had not been aware of the legal issues surrounding the problem, he would not have known that there was any weak points in the defence argument.

Every night, between each moot, the team prepared thoroughly. The researchers, Heidi and Lauren, read cases and searched the internet, finding answers to questions the judges might ask. They also assisted the advocates by helping them practice their oral arguments.

In the second moot, Kate Mitchell represented Bond, appearing for the prosecution. She competed against Utrecht University from the Netherlands, appearing for the defence, and the LSE, appearing for the victims. Kate, who had also previously competed in Jessup, absolutely dominated. The professor from Glasgow University was again judging. The second judge was an intern from the ICTY. This judge was very aggressive in his questioning of all the speakers. His questions went well beyond the Rome Statute and international criminal law, requiring Kate to deal with international conventions and areas of international law generally. However, Kate's Jessup experience meant she could answer all his questions with aplomb. Afterwards, the judges described her as 'unflappable'. It was this performance that earned Kate the highest marks given to any speaker in the competition and the prize for Best Oralist.

For the third moot, Bond's Kristen Zornada appeared as victims' counsel. She was up against Yale University for the prosecution and Santa Clara University for the defence. These two American teams had faced-off in the American preliminary rounds and they certainly began the moot as if there was not a third team represented. They rehashed arguments that they had obviously run against each other in the US.

Though Kristen had practiced mooting this role many times, she had never appeared in a competition moot before, let alone an international competition. Despite this, she was



Clockwise from top left: Lauren Ferguson, Julien du Vergier, Heidi Rulfs, Kristen Zornada, Kate Mitchell.

not disconcerted. She presented her arguments confidently. The two judges – a judge from the ICTY, and a representative of the Dutch Foreign Ministry – were very quiet. Unlike the earlier moots, they asked few questions of the speakers.

However, the judges responded well to Kristen who handled the more emotive role of the victims excellently. Her rebuttal in particular stung Yale and Santa Clara. Both these teams had confident, well-prepared and polished speakers. However, the judges were obviously impressed with how Kristen dealt with the victims' arguments. From this performance, she won the highest marks given to any advocate for the victims and the award for Best Victims' Counsel.

The competition was designed to give students a better understanding of the ICC and international criminal law. Therefore during the course of the competition, participants were provided with guided tours of various international legal institutions. At the ICTY, the students saw a military leader from the former Yugoslavia on trial for the murder of civilians. They also caught up with a Bond Law graduate, Leah Campbell, who now works for one of the judges in the ICTY. During the ICC tour, the students saw the trial of Thomas Lubanga Dyilo in progress. He is charged with con-

scripting child soldiers during the conflict in the Democratic Republic of the Congo in Africa and is the first person to stand trial in the ICC. This was a fascinating experience for the students who had spent several months familiarising themselves with the pre-trial rulings of this case which set several precedents in international criminal law. There was a tour of the Peace Palace as well, where the International Court of Justice and the Permanent International Court of Arbitration are housed. It is an incredible building with marble floors, wood panelled walls and beautiful ornaments which have been donated by various countries to demonstrate their dedication to peace.

After the preliminary rounds and before the finalists were announced, a Dutch law firm hosted dinner and drinks for the participants. It was another great opportunity for the students to interact with their competitors. Most students were friendly, but the competitiveness of some of the teams was still evident.

On 19 February, all the teams gathered at the competition headquarters for the announcement of the finalists. Three teams were announced: Yale, Utrecht and Bond University. Each team drew lots to determine which role they would

present in the final. Bond drew the role of victims' counsel, Yale drew prosecutor, and Utrecht drew defence counsel. Coincidentally Bond had already mooted against both Yale and Utrecht in those same roles in the preliminary rounds. The Bond team decided to split the speaking role for the final. Kristen would address the main submissions and Kate would handle rebuttal. That night and the following morning the entire team, including Heidi and Lauren, worked hard putting the final touches on Kristen's and Kate's submissions.

The final was a grand affair, held in a large room to accommodate over 100 people. There were three judges – Judge Orié from the ICTY, Professor Elies van Sleidregt (an expert on individual criminal responsibility in international law), and Professor Otto Triffterer (widely acknowledged as the world's leading authority on the Rome Statute). Also present at the final were the Mayor of The Hague, the President of the International Criminal Bar Association, and various judges of the ICC and ICTY. When the students arrived, they were presented with attorneys' robes. These were black with a white cravat at the front, as is the custom for barristers in the Netherlands.

Yale presented first and put forward largely the same arguments as in the preliminary rounds. However, they had tightened up some of their weaker points which kept the Bond team on their toes. Utrecht presented second and also rose to the challenge of competing in the grand final, leaving the Bond students in the position where they needed a near perfect performance to succeed.

The judges peppered all the speakers with questions and did not accept vague or inconclusive answers, following up with more questions. When Kristen rose to speak, she barely began her submissions before the Presiding Judge questioned her about the practice of domestic law jurisdictions regarding victim participation. The team's thorough preparation paid off, as Kristen was able to discuss and analyse

victims' participation in Argentina, France, Belgium, Germany, Spain, Italy and Brazil.

After the moot, the judges conferred for 40 minutes before reaching a decision. It was an anxious wait, but many audience members confessed that they believed Bond had won. The team realised how close it was when the audience was called back into the room for the final awards. Yale won the prizes for Best Memorial, Best Defence Counsel and Best Prosecutor. Utrecht University won the Best Non-Native English Speaking Team prize. As mentioned above, Bond received the Best Oralist and Best Victims' Counsel prizes. Then, the overall winner was announced. It was Bond University!

The Bond students' good natures earned them many friends among the other students, who showed them great support. The organisers thanked Bond for bringing tremendous spirit and enthusiasm to the competition, as well as impressive legal expertise. In addition to trophies, the team received a book prize, kindly donated by Oxford University.

The ICC Trial Competition is the third mooted competition that students from Bond University's Faculty of Law have won within the past twelve months. Bond teams also claimed first place in the International Intellectual Property Law Mooting Competition in China in August 2008 and the National Family Law Mooting Competition in Australia in March 2008.

Explore:

Find out more about the ICC Trial Competition, and see photos from this year's finals, by visiting <http://www.icc-trialcompetition.org/>.