

# **Makerere University Team at The International Criminal Court Trial Competition**

**(14th to 19th February 2010; The Hague, Netherlands)**

# **REPORT**

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## **LIST OF ACRONYMS**

- |         |   |
|---------|---|
| 1. ICC  | International Criminal Court                          |
| 2. ICLN | International Criminal Law Network                    |
| 3. OPCW | Organisation for the Prohibition of Chemical Weapons  |
| 4. ICTY | International Criminal Tribunal for former Yugoslavia |
| 5. ICTR | International Criminal Tribunal for Rwanda            |
| 6. CWC  | Chemical Weapons Convention                           |
| 7. OTP  | Office of the Prosecutor                              |

## **ACKNOWLEDGEMENT**

We acknowledge the individuals and organisations that made it possible for us to participate in the ICC-TC.

Ms. Lina Zedriga, the National Coordinator of Advocates for Public International Law Uganda (APILU), the entire staff of APILU whose tireless efforts provided us with financial and academic facilitation. We are forever grateful for your assistance and big heart.

Mr. Mugisha Richard, the country programme office for the Open Society Initiative for Eastern Africa deserves mention for the tireless efforts to make it possible for us to attend the competition.

Mr. Lawrence Tweyanze, the registrar of the War Crimes Division of The High Court of Uganda not only gave us the necessary contacts but also went ahead to recommend us besides the parental advice he always passed on to us to enable us shape up for the competition. May God put back from where you picked.

Mr. Busingye Kabumba, the Faculty Moots coordinator and Lecturer at the Faculty of Law, Makerere University not only provided coaching to the team but also went out of his way to connect the team to all contacts he could find. We can not pay back.

Mr. Joseph Manoba Akwenyo and Mr. Chris Ongom for their expert advice on living conditions and accommodation options in The Hague deserve mention in the same measure as Mr. Kofi Boakye Charles at whose big heart enabled us get affordable and hospitable accommodation in The Hague.

Mr. Ronald Mayambala's advice and connections to a number of people, including Ms. Doreen Kiggundu that made it possible to visit the Special Court for Sierra Leone in The Hague where we also met Judge Julia Sebutinde is highly appreciated.

Mrs. Rossette Muzigo-Morrison, senior legal officer with the International Criminal Tribunal for Rwanda, Appeals Chamber, despite the accidental discovery of our participation together with H.E Ambassador Blaak Marjam, the Deputy Head of Mission at the Ugandan embassy deserve the thumbs-up for their adequate and prompt training of the team in the crucial aspects of the competition.

Ms. Liana Vieira of the International Criminal Law Network not only kept us in the know of the requirements for the competition but also treated us humanely and her efforts deserve mention in the least.

many individuals we approached for expert advice and training before we travelled who responded positively, including Ms. Salima Namusobya of the Refugee Law Project, Mr. Festus Akunobera of the East African School of Taxation, Ms. Clancy Déirdre of the International Refugee Rights Initiative, Ms. Jackie Tumusiime of the Human Rights and Peace Centre among others

all deserve mention for their overwhelming assistance.

Mr. Jimmy Otim, Ms Judi Ajalo Emorut and the entire ICC outreach office in Uganda also deserve appreciation for their assistance to the team.

Space can not allow us to mention all those that contributed in one way or another to our participation in the competition but we are aware and appreciate all help that we received before, during and after the competition.

## **INTRODUCTION**

The International Criminal Court Trial Competition is an annual moot court competition exclusively focused on the law and practice of the International Criminal Court. The ICC TC has overtime become a global competition attracting both undergraduate and postgraduate students. Started in 2005, this is its third edition with nineteen universities competing from both state parties and non-state parties to the Rome statute. Each university forms a team of more than three (3) and less than seven (7) members.

The ICC TC is organised by the International Criminal Law Network, University of Amsterdam. The ICC TC is divided into two phases; the writing and submitting of memorials and the oral rounds, which take place in The Hague. The teams from India, however, have to complete a written assignment to advance to The Hague while the teams from North America go through Pace University's North- American qualifying rounds to the finals in The Hague.

Arguments are made based on a hypothetical case in three positions; as prosecution, defence and as victim's counsel. Points are awarded for knowledge of facts and legal principles; articulate analysis of issues, use of authorities and citations, ingenuity and clarity, persuasiveness, logic and reasoning, and presentation.

## TABLE OF PARTICIPATING TEAMS

TEAM	NUMBER OF STUDENT MEMBERS	COACHING
1. National Law University Jodhpur. India	5	
2. National Law school of India University	4	
3. Utrecht University. Netherlands	6	Coach present
4. Leiden University. Netherlands	4	Coach present
5. Queen's University Belfast. United Kingdom	5	Coach present
6. Bond University. Australia	5	Coach present
7. University of Amsterdam	4	Coach present
8.The University of Hong Kong	5	Coach present
9. University of Cologne, Germany	3	
10. Mari State University Russia	5	Coach present
11. Ambrose Alli University, Ekpoma, Nigeria	7	Coaches present
12. Makerere University Kampala Uganda.	3 (Brian Bwesigye, Olivia Koranje, Loyola Karobwa.)	
13.Moscow State University, Russia	3	Coaches present
14. Tsinghua University China	4	
Teams 15-18 were substitute teams		
19. University of Nairobi, Kenya	4	Coach

		present
20. University of Miami	3	
21. Osgoode Hall Law School, Canada	4	Coach present
22. Yale University	4	

## **SUMMARY OF ACTIVITIES AS PER DAY**

<b>Sunday February 14<sup>th</sup> -</b>	Welcome reception at Park Hotel
<b>Monday February 15<sup>th</sup> -</b>	Session I. Makerere University as Defence counsel.  Visit to the Peace Palace
<b>Tuesday February 16<sup>th</sup> -</b>	Session I. Makerere University as Prosecutor  Visit to the Organisation for the Prohibition of Chemical Weapons
<b>Wednesday February 17<sup>th</sup> -</b>	Attendance of the Special Court for Sierra Leone session in the Charles Taylor case; Meeting with Ms. Doreen Kiggundu and Judge Julia Sebutinde  Visit to the International Criminal Tribunal for former Yugoslavia
<b>Thursday February 18<sup>th</sup> -</b>	Session I. Makerere University as Victim's counsel  Reception at law firm Buren van Velzen Guelen
<b>Friday February 19<sup>th</sup> -</b>	Visit to the International Criminal Court  Finals  Farewell Reception at the World Forum Convention Centre



## WELCOME RECEPTION

We were treated to a meet and greet at the exquisite Park Hotel where we were introduced to the ICLN team and got a chance to meet the other teams before the oral rounds kicked off.

The highlight of the evening was an inspirational welcome speech from Judge Aluoch of the Trial chamber of the ICC. Judge Aluoch, a Kenyan by nationality expressed pride at the presence of Kenyans and East Africans take part in such an international event. She encouraged all students to continue participating actively in International criminal law related events because the students are the future professionals as regards the ICC.



Left to right: *Olivia Koranje, Brian Bwesigye, Judge Alouch and Loyola Karobwa*

## ORAL ROUNDS

### DAY ONE

There were two sessions each day of the orals rounds. The first session on the morning of Monday 14<sup>th</sup> saw the team of Makerere University as defence counsel. The prosecutor was University of Nairobi Kenya and Queen's University Belfast United Kingdom as Victim's counsel.

**Panel of judges:** Judge A Orie, Judge of the ICTY; Dr. Raimondo, Assistant professor of Public International Law, Maastricht University; Mr. R. Haider,

Associate Legal Officer/Court Officer, ICC.

We were honoured to meet Mirjam Blaak Uganda's Ambassador and Deputy Head of Mission and Rosette Muzigo-Morrison Legal officer ICTR to whom we are immensely grateful for their guidance, advice and abrupt coaching.

### **VISIT TO THE PEACE PALACE**

After lunch, alongside other teams, we went on a visit to The Peace Palace. The Peace Palace is a gift from Andrew Carnegie (USA) and the Carnegie Foundation is still the owner of the palace. All states have contributed to the construction by donating art, crafts, or materials. For example the clock in the tower was given by Switzerland, the very unique ceiling in one of the courtrooms given by the USA, the 'Japanese room' with paintings from Japan, a special kind of blue marble that is indigenous to Holland, wall to wall rugs from Turkey, amongst many more. The entire palace is donned with gifts from all states in both the public rooms and the non-public rooms.

All the hallways are lined with statutes of various historical figures, from Czar Nicholas II who chaired the very first Peace conference, to Mahatma Gandhi and Nelson Mandela.

The Peace Palace houses the Permanent Court of Arbitration, The International Court of Justice, The Hague Academy of International Law and an exquisite library.

### **DAY TWO**

In the morning of Tuesday 16<sup>th</sup> we were the prosecutor and were against University of Miami USA as defence counsel and University of Hong Kong as victim's counsel.

Panel of judges: Ms Zipperer, Lawyer, International criminal law ICC counsel; Mr. Pestman, Lawyer, International criminal law; Judge Prandler, Judge of the ICTY.



*The Team after oral rounds as Prosecutor*

## **VISIT TO THE OPCW**

The Organisation for the Prohibition of Chemical Weapons was established in 1997 pursuant to the Chemical Weapons Convention. OPCW has 188 member states including Uganda. Its aim is to contribute to international security and stability, disarmament and global economic development.

The CWC is the first multi-lateral disarmament agreement that requires the total elimination of chemical weapons within a fixed time frame. The OPCW exercises its mandate to oversee the total destruction of all declared chemical weapons, and the inactivation or conversion of all chemical weapons production facilities.

It does so by inspections in member states and having field staff on the ground and laboratories all over the world. As a result over 71,000 metric tonnes of chemical agent (ready to be used as a lethal weapon) have been secured and one half has been destroyed. 62 of 70 former chemical weapons production facilities have been destroyed or converted to peaceful purposes, and the organisation has undertaken over 3,600 inspections in over 80 countries.

While at the OPCW, we learned that out of 188 member states, 153 have enacted national legislation- Uganda is one of the 35 states that have not complied with this requirement.

## **DAY THREE**

On the invitation of Ms. Doreen Kiggundu, an officer at the ICC, we visited the ICC and attended proceedings of the Special Court of Sierra Leone in the case of former Liberian president Charles Taylor. Mr. Taylor, was being re-examined by his counsel on documentary evidence submitted by both the prosecution and the defence. We witnessed how practitioners appear before a court of such high repute.

During the break in the session, we met our host at the court Ms. Doreen Kiggundu who came along with Judge Julia Sebutinde. The two commended us on taking part in the competition.

## **VISIT TO THE ICTY**

In the afternoon, we went on a group visit to the International Criminal Tribunal for Yugoslavia. Established in 1993, the ICTY is a body of the United Nations established to prosecute serious crimes committed during the wars in the former Yugoslavia in the 1990's.

Since its inception the tribunal has indicted 161 persons, 36 persons are in detention at the UN ICTY Detention Unit, there are 17 ongoing cases with 40 accused persons. Additionally 86 cases have been concluded where 121 persons were accused.

## **DAY FOUR**

On Thursday 18<sup>th</sup> we made submissions as victim's counsel against Leiden University in the position of the prosecutor and Ambrose Alli University Nigeria as defence counsel. The panel of judges comprised of Judge Morrison of the ICTY, Ms Vervuurt, a lawyer with Buren van Velzen Guelen law firm and Ms Zipperer, a lawyer and ICC counsel.

In the evening of Thursday, there was a reception at the law firm Buren van Velzen Guelen, a multidisciplinary firm with a staff of more than 100 comprising 60 lawyers, civil-law notaries, tax advisers and paralegals. At the reception, the finalist teams were announced to be; Yale Law school, University of Miami USA and Osgoode Hall Law School Canada.



*Fun at the Reception at the law firm Buren van Velzen Guelen*

## **DAY FIVE**

### **VISIT TO THE ICC**

We went on a group visit to the ICC and listened to presentations from various officers of the court. Mr. Xavier-Jean Keita the principle counsel from the office of the public counsel for the defence and Ms. Caroline Maurel from the outreach programme of the ICC.

We learned that the outreach programme of the ICC aims at raising awareness in states about the court. For example in Uganda it has done so through radio programmes in Northern Uganda where locals ask questions and get responses from ICC representatives.

We visited a courtroom and were given a guided tour thereof. The language of the court is English and French. Other languages that may be used are the language of the accused and/or the language of the witness. It is an e-court, which means everything is done by computer, for example, every document that is submitted and everything said, is displayed on a computer screen.

### **FINALS**

The final oral rounds were between Osgoode Hall Law School Canada as the prosecutor and University of Miami as defence counsel and Yale Law School as victim's counsel. The panel of judges was composed of Judges S Monageng, J Alouch and D.N. Nsereko of the Pre Trial, Trial and Appeals chambers of the ICC.

### **AWARDS AND FAREWELL RECEPTION**

The winner was then announced to be Osgoode Hall Law School Canada; in second place was Yale Law School and University of Miami USA in third place.

The following awards were also announced:

Best Prosecutor oralist	Leiden University the Netherlands
Best Defence oralist	Bond University Australia
Best Victim's oralist	National Law School of India University
Best Overall oralist	Bond University Australia
Best Native speaking team	University of Amsterdam the Netherlands
Best Memorial	Osgoode Hall Law School Canada



Left to right: *Olivia, Brian, Judge Nsereko of the ICC, Rosette Muzigo-Morrison of the ICTR, Loyola. At the finals and awards reception*

<b>RANKING</b>	<b>POINTS</b>
1. Osgoode Hall Law School Canada	90
2. Yale Law School	87
3. University of Miami USA	83
4. Leiden University	82
5. Bond University Australia	81
6. National Law University Jodhpur	78
7. Mari State University	77
8. National Law School of India University	76
9. University of Nairobi	75.5
10. Moscow State University	75
11. The University of Hong Kong	74.5
12. Utrecht University	74
13. Makerere University	71.5
14. Amsterdam University	71
15. Tsinghua University	65
16. Queen's University Belfast UK	60.8
17. University of Cologne	60.2
18. Ambrose Alli University	49



## **RECOMMENDATIONS**

1. The involvement of a coach cannot be undermined. We witnessed that all the top teams had the constant guidance of professors of law or lecturers in international criminal law. The coach's involvement was from as far back as the initial stages of researching and writing memorials to the oral rounds at The Hague.
2. Practice definitely makes perfect. From interaction with other teams, we learnt that they had practised a lot more than we had. Oral trials should be for the longest time possible with as many judges as available. The benefit of having had more practice is evident from the fact that the finalist teams had undergone Pace qualification rounds in North America.
3. Our general recommendation is that mooting should be given a lot more attention in universities. In the USA, the UK and the Netherlands it is taught as a course module. Ugandan universities ought to pick a leaf from this system so that mooting is not just a co-curricular activity in which only a handful of interested students participate.