EUROPEAN HUMAN RIGHTS MOOT COURT COMPETITION

Final report

2nd European Human Rights Moot Court Competition

2013/2014

Organised by:
The European Law Students' Association
in cooperation with the Council of Europe

elsa
The European Law Students' Association

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With the support of:

European Human Rights Association

An Roinn Gnóthaí Eachtracha agus Trádála
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EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

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Foreword

Dear Reader,

After a very successful first edition of the European Human Rights Moot Court Competition, it was time for the International ELSA Board of the term 2013/2014 to continue the project started in 2011 by organizing the second edition. Thanks to the effort of previous ELSA officers and the cooperation with the Council of Europe the structure of the competition was already in place. Thanks to case authors from the European Human Rights Association, a very interesting case, tailored for this sort of competition, was also created. As the launch of the second edition took place at the same day as the first day of our term, we focused on promoting the second edition towards students all over Europe, as well as recruiting judges both for scoring written submissions and for sitting in the jury during the Final Round in Strasbourg in February 2014. After the registration deadline in October 2013 we were happy to conclude that the success of the first edition has continued with the second edition, as we had more than 100 teams signed up, from 33 different countries in Europe. We would like to extend a large thanks to all the jury members who contributed to scoring the enormous amount of written submissions we received. Many of the jury members were also recruited by the European Human Rights Association.

From the written submissions, the 16 best contributions were chosen, and we could announce the finalists of the Competition, and invite them to the Final Round at the European Court of Human Rights in Strasbourg. The Competition took place from the 23rd until the 26th of February 2014, with more than 60 participants in total from 10 different countries. The Final Round commenced with a nice Opening Ceremony at the residence of the Irish Ambassador of the Permanent Representation of Ireland in Strasbourg. All pleadings took place at the European Court of Human Rights, and the Grand Final took place in the Salle d'Audience, the biggest court room in the building. We are very humble and grateful for having members of the Jury at the European Human Rights Court itself in the Jury of the Grand Final, alongside members of EHRA, lawyers at the court and other distinguished people such as representatives from the permanent representations of Poland and Norway and from the Council of Europe. The winners were announced by Judge Johannes Silvis from the ECHR, and awarded with the prizes by the Deputy Secretary General of the Council of Europe, Gabriella Battaini-Dragoni. An Award Ceremony was hosted by the Austrian Permanent Representation to conclude the Final Round.

The Council of Europe has been an enormous support from the very start of the discussion of establishing such a competition. We would like to especially thank Ms Edith Lejard, Ms Sophie Lobey and Ms Barbara Orkwiszewska for an incredible amount of help, assistance and guideance throughout our term, and for their enthusiastic support and participation during the Final

Round. We are looking forward to continue the cooperation, and we are incredibly grateful to have such strong supporters of the competition.

The European Human Rights Moot Court Competition cannot take place without generous sponsors, and we would therefore like to express our gratitude towards the Irish and the Aurstian Permanent Representations of the Council of Europe.

We are also very thankful for our cooperation with the European Human Rights Association, who not only provided us with this editions' case and the major part of the Jury, but also with help and guidance throughout the preparation process.

Lastly, I would like to thank my wonderful Organising Committee, my very own hard working board and representatives of ELSA Strasbourg. Without their support throughout the year, as well as an immense effort during the Final Round in Strasbourg, this competition would not have been such a success. I am forever grateful for your help.

After receiving a large amount of positive feedback from jury members, participants and other stakeholders, we are now fully motivated to continue our work by preparing for the third edition of the competition together with the Council of Europe. I would like to thank once again everyone involved in the competition, as it has been a pleasure to work on this project for one year. Thanks to all those who participated, we were able to fulfil one of our main goals as an association, which is to increase the knowledge and awareness about human rights. With the experience from this edition and good input from our supporters and participants, we are now eager to implement small improvements in order to improve the competition further and hopefully contribute to a long lasting success.

Best wishes,

Oda Linneberg Uggen
Vice President for Moot Court Competitions
ELSA International 2013/2014

1. Overview of the competition

The second edition of the European Human Rights Moot Court was launched on the 1st of August 2013. The clarification questions from the teams regarding the case were sent in and published during September and October, and the team registration was open until the 31st of October 2013. The competition is twofold – firstly, there is a Europe-wide written phase in which the teams have to send in written submissions for the applicant and the respondent. The best 16 teams are chosen by Human Rights experts assessing the written submissions. From the 23rd to the 26th of February 2014 those 16 teams were invited to participate in the Final Round taking place at the European Court of Human Rights in Strasbourg, France. The teams had to plead on both sides of the case and the best 4 teams advanced to the Semi-Finals.

The competition was strongly supported by the Council of Europe, namely Ms Barbara Orkwiszewska, Ms Sophie Lobey and Ms Edith Lejard.

The Case, written by representatives of the European Human Rights Association, was dealing with hate speech and defamation vs. freedom of speech. Though being a fictitious case, the core of the case was based on real cases happening all over the world.

The case and all other important documents of the second edition can be found and downloaded on our website www.humanrightsmootcourt.org.

2. The Written Rounds

In order to qualify for the Final Round in Strasbourg at the European Court of Human Rights, the teams had to send in Written Submissions for both sides of the case: the applicant and the respondent. The Jury, consisting of Human Rights experts from all over Europe, was assessing those Written Submissions from December to January in order to find the best teams out of the 105 registrations. Finally, in January the Jury had made their decision and the best 16 teams were chosen.

The following tabula indicates the scores for each team and thus, the ranking. The Overall Score is calculated as follows: scores applicant + scores respondent – penalty points. The highest possible score to reach was 40 points, the lowest 0.

Team Number	Scores Applicant	Scores Respondent	Overall Score
021	37.5	35.5	36.5
034	35.75	35.25	34
016	32.5	33	32.75
023	35	31.25	32.625
092	32	34.75	32.375
028	34.7	30	32.35
072	27.25	36.75	32
085	34	30.94	31.97
054	32.5	30	31.25
044	31.75	31.5	31.125
003	25	37.25	31.125
040	35	28.5	30.75
061	38.75	25.31	30.53

052	27.75	31.5	29.625
067	30.75	29.5	29.125
074	32.25	28.5	28.875
063	32.25	25	28.625
004	24	33	28.5
009	36.25	20.75	28.5
033	21	35.5	28.25
081	30.75	26.5	28.125
088	23.5	32.5	27
039	21.25	32.5	26.875
014	33	22.55	26.775
030	21.5	31.25	26.375
095	25.25	28.5	26.375
049	24.9	29.5	26.2

087	26	26.75	25.875
082	26.56	26	25.78
096	32.5	23	25.75
068	27.75	23.25	25.5
057	23.75	25	24.375
035	27	21.75	23.875
020	31.5	15	23.25
051	23.5	28	23.25
012	25	21.25	23
042	28.5	17.5	23
029	21.25	25.5	22.375
046	12.25	34.5	22.375
103	30.25	19	21.625
094	16	28.5	21.25

008	30.5	12	21
010	13	28	21
090	25.25	20.75	21
076	21.5	21	20.75
062	17.75	22.75	20.25
032	15	28	19.5
056	21.75	20	18.375
058	24	11.5	17.75
045	23	14.25	17.625
018	30.25	13.75	17.5
047	13	21.75	17.375
060	10.75	26.5	17.125
089	21.12	14	17.06
002	12.5	22.25	17

055	21.5	17	16.75
037	20.5	13.25	16.375
083	14	19.25	15.625
059	19	11.75	15.375
064	14.5	16.25	15.375
048	13.25	26.25	15.25
026	17.5	12.5	14
075	13.01	22.5	13.755
036	20.5	8.25	12.875
071	10.5	19.5	12.5
007	14	10.25	12
025	12.5	10	11.25
024	11.75	14	9.875
015	12.75	11.75	8.25

043	12.5	7.25	7.875
041	10	5	5

- **Best Written Submissions** - University of Helsinki, Finland

3. The Final Round

The best 16 teams chosen out of 105 registered teams had the unique opportunity to come to Strasbourg, France and plead at the European Court of Human Rights from the 23rd to the 26th of February 2013.

On the 24th and 25th the teams had to plead on both sides in the preliminary rounds. In each pleading 3 Jury Members were present. Out of all the given scores, the best 4 teams were announced and invited to participate in the Semi-Finals on the 26th. After long deliberations of the Jury, the Finalists, National and Kapodistrian University, Athens, Greece and City University, UK, have been chosen. In front of a Jury consisting of 9 Judges, the teams were pleading in the Salle d'Audiences, the biggest hearing room in the Court. During the Award Ceremony on the 26th, the winners, runner-up, best orator and best written submission were awarded by the Deputy Secretary General of the Council of Europe, Gabriella Battaini-Dragoni.

The following tabula shows the ranking of the teams after the first two preliminary rounds. The scores of the Written Submissions did not count, only the ones obtained during the oral pleadings.

a) The Preliminary Rounds

In each preliminary pleading 3 Judges assessed the teams and thus, the scores are calculated as follows: scores applicant / 3 + scores respondent / 3 / 2 for the overall scores.

Team	University	Scores Applicant	Scores Respondent	Overall Scores
067	Trinity College Dublin, Ireland	39	35.91666667	37.45833333
074	City University, UK	36.25	34.91666667	35.58333333
072	National and Kapodistrian University of Athens, Greece	34.25	34.08333333	34.16666667
034	Kaplan Law School, UK	29.41666667	37.41666667	33.41666667
061	BPP Law School, UK	33.25	33.41666667	33.33333333

016	Martin-Luther University, Halle Wittenberg, Germany	30.58333333	34.5	32.54166667
028	University of Salzburg, Austria	32.66666667	30.75	31.70833333
003	Lund University, Sweden	29.5	33.25	31.375
054	University of Essex	31.5	27.25	28.375
023	University of Latvia	33.16666667	22.16666667	27.66666667
044	University of Graz	30.33333333	23.66666667	27
085	University College London, UK	26.5833333	26	26.29166667
092	Alexandru Ioan Cuza, Iasi, Romania	28.58333333	22.5625	25.57291667
052	NIS, Serbia	28.5	22.16666667	25.33333333
040	Vienna University of Business and Economics, Austria	23.33333333	26	24.66666667
021	University of Helsinki, Finland	21.16666667	23.08333333	22.125

b) Semi-Final 1

Team	**University**	**Role**	**Scores**
072	National and Kapodistrian University Athens, Greece	Applicant	35.75
067	Trinity College Dublin, Ireland	Respondent	28.9

c) Semi-Final 2

Team	University	Role	Scores
074	City University, UK	Applicant	34.825
034	Kaplan Law School, UK	Respondent	31.3

d) Grand Final

Team	University	Role	Scores
072	National and Kapodistrian University of Athens, Greece	Applicant	34.139
074	City University, UK	Respondent	34.778

- **Winner** - Team 074, City University, UK
- **Runner-up** - Team 072, National and Kapodistrian University of Athens, Greece

e) Individual orator scores overall

This is a calculation average based on the scores from all pleadings – prelim. scores appl. and resp. + semi final + grand final/4.

Team	Name	Scores
072	Emmanouil Giakoumakis	34.862
074	Niall Coghlan	34.447
072	Alezini-Eirini Loxa	33.731

034	Ayesha Christie	21.564
074	Howard Leithead	18.058
074	Ali Nihat	17.241
034	James Lloyd	16.911
067	Emma Fitzsimonis	15.808
061	Julia Elizabeth Queen	11.153
061	Emily Baxter	10.708
085	William Richardson	8.333
021	Sini Majlander	8
092	Luca Ciubotaru	7.972
092	Teodora Drajneanu	7.597
067	Ruth Hughes	6.528
028	Christian Ennsgraber	5.736
067	Redmond Arigho	5.722
003	Josje de Brujin	5.680
023	Kristine Gailite	5.5
016	Anna Sophie Brokuf	5.444
016	Sophie Köppen	5.430
044	Katharina Strassmair	5.417
023	Agneta Rumpa	5.375
054	Sabrina Boudra	5.361
003	Angela Barisic	5.347
028	Andreas-Christian Lackner	5.167
040	Laura Ioana	5.056
016	Steven Hammer	4.931

085	Jing Yan Lee	4.833
003	Sebnem Erener	4.861
016	Silke Weller	4.806
003	Ketevan Akhobadze	4.792
028	Victoria Winkler	4.792
092	Corina Ciornii	4.764
052	Jelena Veselinovic	4.75
034	Tara O'Halloran	4.736
044	Lisa Lederer	4.736
052	Jelena Mihajlovic	4.708
028	Kristina Dortschy	4.667
085	Yong Chong	4.347
054	Nata Kobakhidze	4.292
040	Alexandra Gratt	3.958
054	Nahir De La Silva Genes	3.958
023	Ludmila Juskevica	3.944
039	Luka Bosnjak	3.861
044	Gabriele Wadlig	3.778
021	Annukka Kasanen	3.764
040	Sebastian Haensse	3.75
054	Ekaterine Meshveliani	3.639
052	Ana Prokic	3.625
044	Bastian Carl-Othmar Prugger	3.583
023	Eva Viksna	3.542
052	Milica Stanojevic	3.542

021	Pauliina Heine	3.5
040	Michael Kuzmich	3.153

- **Best Orator** - Emmanouil Giakouomakis,
  National and Kapodistrian University of Athens, Greece

4. The Jury

The Jury of the Final Round consisted of experts in the field of Human Rights from various areas. I would like to thank the Jury for their passion, enthusiasm, time and mostly for sharing their experience and knowledge!

- Johannes Silvis — Judge at the European Court of Human Rights
- Boštjan Zupančič — Judge at the European Court of Human Rights
- Ganna Yudkivska — Judge at the European Court of Human Rights
- Ana-Maria Telbis — European Human Rights Association
- Simon Palmer — European Human Rights Association
- Lucja Miara — European Human Rights Association
- Andrew Drzemczewski — Head of the Legal Affairs and Human Rights Department of the Council of Europe
- Nicol Hlavacikova — Lawyer, European Court of Human Rights
- Urszula Gacek — Ambassador of the Polish Representation to the Council of Europe
- Yngve Hvoslef Olsen — Permanent Representation of Norway
- Michelle Lafferty — Lawyer, European Court of Human Rights
- Tatyana Sveshnikova — Lawyer, European Court of Human Rights
- Kristaps Tamuzs — Lawyer, European Court of Human Rights
- Pamela McCormick — Lawyer, European Court of Human Rights
- Maria Dimitrova-Turner — Lawyer, European Court of Human Rights
- Diana Lupu — Lawyer, European Court of Human Rights
- Kirill Belogubets — Lawyer, European Court of Human Rights
- Andrey Esin — Lawyer, European Court of Human Rights
- Vugar Fataliyev — Lawyer, European Court of Human Rights
- Vasily Lukashevich — Lawyer, European Court of Human Rights
- Agata Bzdyn — Lawyer, European Court of Human Rights
- Marcin Mrowicki — Lawyer, European Court of Human Rights

- Helga Popescu — European Human Rights Association
- Victoria Prais — European Human Rights Association
- Rimante Tamulyte — European Human Rights Association

We also would like to thank the individuals who kindly agreed to take part of the Written Submission Jury, who were scoring the enormous amount of written submissions:

- Ana-Maria Telbis — European Human Rights Association
- Lucja Miara — European Human Rights Association
- Simon Palmer — European Human Rights Association
- Slavica Chubric — European Human Rights Association
- Irina Chepaykina — European Human Rights Association
- Dominika Bychawska — European Human Rights Association
- Zuzana Kovalova — European Human Rights Association
- Aleksandra Ivankovic Tamamovic — European Human Rights Association
- Rimante Tamulyte — European Human Rights Association
- Matthias Hahnel — European Human Rights Association
- Kristaps Tamusz — European Human Rights Association
- Paul Harvey — European Human Rights Association
- Stefan Sirbu — European Human Rights Association
- Simona Florescu — European Human Rights Association
- Geanina Munteanu — European Human Rights Association
- Christina Gonta — European Human Rights Association
- Helga Popescu — European Human Rights Association
- Stefan Luca — European Human Rights Association
- Aysegul Alkis — European Human Rights Association
- Aleksandra Mezykowska — European Human Rights Association
- Victoria Prais — European Human Rights Association
- Sonia Moura — Judge, High Council for Judiciary of Portugal
- Yngve Hvoslef Olsen — Permanent Representation of Norway

5. The Organising Committee

Without the hard work of the Organising Committee before and at the competition itself, the Moot Court would not have taken place. I would like say a big thank you to the following Members of ELSA and the International Board:

- Ana Roce
- Anneloes Dijkstra
- Jannika Törnqvist
- Rebecca Yourstone
- Emil Nyquist
- Petra Podgoršek
- Tino Boche
- Clemens Hartig
- Aurélie Duchesne
- Alice Ratier
- Pauline Chotard
- Céline Duchateau