

Memos, Migration and Moot Court Training

Experiencing the 2018 Summer Law School of the Lucerne Academy
for Human Rights Implementation at the University of Lucerne

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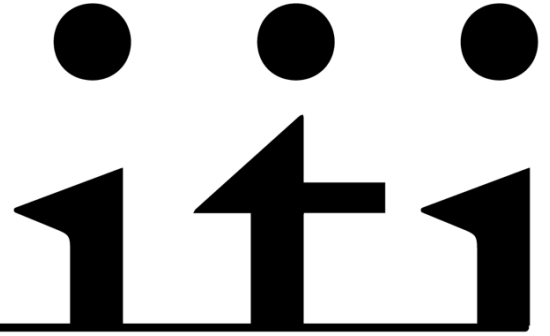
Zitiervorschlag

MONTERO, Memos, Migration and Moot Court Training, in: cognitio 2019/1.

URL: cognitio-zeitschrift.ch/2019-1/Montero

DOI: <https://doi.org/10.5281/zenodo.2836619>

ISSN: 2624-8417



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While other students were on holiday, we were learning about human rights, writing our memos and practicing our pleadings. A report about three exhausting weeks – and why it was nevertheless totally worth it.



The Program

In 2018, the summer law school was all about Migration Law. There is no doubt that migration has developed into one of the most pressing and most politically controversial issues of our time. As global changes and technological advancement pose new challenges, the law seems to struggle to keep

pace with the rapidly changing realities of modern-day migration. Therefore, I was really passionate about learning more about this branch of the law and about the opportunity to analyze and to discuss possible resolutions in an international setting. If you associate Migration Law only with residence permits and administrative procedures, you might be surprised about the diverse courses, we were able to select from, such as:

- Out of Sight, out of Mind? Externalization of Migration Controls, Human Rights and State Responsibility;
- Indigenous People's Rights;
- Human Rights, Incarceration, and Migration;
- The Avoidance Regime: New Developments in State Non-entrée and Resettlement Practices.

By choosing our own schedules, we were able to plan the summer law school to best fit our personal interests. Additionally, it also allowed for some free time in-between classes. In addition to the lectures, we also enjoyed daily lunch seminars. Every day, another guest speaker joined us for lunch to share their personal work experiences or teach us something about their field of expertise.

¹ I would like to cordially thank Dr. Steven Howe for his critical remarks.

During the first two weeks, we were busy with classes, while the last one was reserved for two excursions, as well as the moot court preparation: But first things first.

The Journey Begins

On the very first day we were greeted by the organizing team. Besides Professors Martina Caroni and Sebastian Heselhaus and Associate Director Sarah Kehl, we were also assisted by three previous participants, who had experienced the Summer Law School first hand before and from whose advice we could all immensely benefit.

The participants were from all over the world including Nigeria, Kenya, Nepal, Canada and Brazil. As most of the students came without previously knowing any of the other participants, the organizing team really made sure that we had the chance to all get acquainted by setting up a little «speed dating» exercise.



After some interesting conversations and a cup of good coffee, we attended the first classes. As we gathered in small groups of students, we felt free to ask any questions and were able to influence the topics we wanted to cover or focus on. Additionally, the international team of lecturers was also open to personal questions concerning career planning.

We did not merely benefit from their vast knowledge, but also from their impressive practical experiences. Among them, there was, for example, a former ECtHR judge, who was kind enough to give us some behind-the-scenes information about the

daily work routine of the ECtHR, and about the election procedure that had led to his appointment.

Even though we did not all attend the same classes, we met up for the lunch seminars daily. The topics differed, but were all very well chosen. One speaker, who left a lasting impression, had worked as a special rapporteur for the UN for many years. It was his job to talk to the local people about the ongoing human rights issues. He really stressed the importance of gaining the people's trust. On the other hand, his team also had to be very careful to avoid any appearance of bias and to uphold strict neutrality. He told us that while they would carry water with them when interviewing the locals, they would never bring food in order to avoid giving any wrong incentives to talk to the UN staff. However, he also admitted that it was often challenging on a personal level, knowing that people lacked the proper nutrition.

While we were working on the tough questions surrounding migration, we certainly also spent some very uplifting hours together. We enjoyed a guided tour through Lucerne and organized a fondue evening over the weekend in order to let the foreign participants experience a bit of Swiss culture and some even ended up dancing the night away.

Introduction to the Case

During the second week, we received our case. It was about a rapper from the fictional state «Olany», who had written critical rap songs about his state's regime. After an unpleasant stay in police custody, he had fled with his family to the neighboring and more liberal, but equally fictional, country «Monavia». In pairs, we would draft our written statements, some writing for the claimant, others for the state. Both sides of the case had some strong as well as some weak points. As the state of Monavia, we found it hard, for example, to argue why an extradition to Olany would not interfere with Art. 3 of the ECHR, even though the

Olanian police threatened the claimant with, as the facts stated, unimaginable pain. The trick was to still find good legal arguments without attempting to twist any of the facts.

The last week was reserved for two trips as well as the preparation for the oral rounds and, of course, the big days: the pleadings and the grand moot court finale.

Our first trip led us to Geneva where we visited the Palais des Nations at the UN Headquarters. There, we were invited to hear a presentation at the Office of the High Commissioner for Human Rights.



The next days were again dedicated to the preparation of the oral rounds. The former participants gave us very clear instructions about what the process of the oral rounds would look like. Besides formal help like proper language «may it please the court» we also learned about rebottles (time in order to respond to the oppositions pleadings) and the right way to conduct ourselves in the (fictional) courtroom.

Coaching Sessions

Each of the participants was granted two one-on-one sessions with coach and experienced pleader Ralph Hemsley. He told me, that he was astonished how quickly people with very different levels started progressing to an almost equal one by practicing daily and with the help of a few tips.

The most important things are taking away the participants' apprehensions and to address any errors of logic within their presentations. Even though many students were afraid of questions, he maintains that they are crucial – during the preparation phase as well as during the pleading. During preparation, it helps the students to recognize any flaws in their arguments. During pleadings, students tend to prefer to read a pre-learned text. However, judges tend to be a lot more interested in and engaged with the answers they get in response to their own questions. Secondly, Ralph says, it is a chance to show your familiarity with the facts and the relevant case law.

He also taught us that it is not only what comes out of your mouth that leaves a lasting impression on the judges, but your whole demeanor. Therefore: Take your time, keep your body straight and take a deep breath.

The Grand Finale

After long days of preparation, there was a last day of distraction when everyone drove to Strasbourg, France. The participants explored the ECtHR, our forum of choice in the moot court scenario, and there was even some time left to visit the Council of Europe.

On the day of the oral rounds, every team had the chance to plead twice in front of the honorable judges. The best teams representing the state and the claimant had the unique opportunity to plead against each

other in the rooms of the cantonal courts on the big day of the moot court finale.



I have spoken to different students that participated in different years and all came to a similar conclusion: Even though the whole process can feel overwhelming at times, it is absolutely worth it in the end. You will learn a lot more in those three weeks than you would in any ordinary lecture. It is a unique opportunity to improve your argumentative skills, meet professionals and to go home with a wide range of enriching new memories.

This year's summer law school will take place from the July, 3–21, 2019 and the topic will be «Human Rights and Business». Applications will be open until the end of May!

For more information please visit www.lucerne-academy.ch.