

## Moot Court Law of Armed Conflicts (B001680)

**Course size** *(nominal values; actual values may depend on programme)*

**Credits 6.0**

**Study time 180 h**

### Course offerings and teaching methods in academic year 2023-2024

A (Year)

English

Gent

group work

independent work

seminar

peer teaching

### Lecturers in academic year 2023-2024

De Cock, Christian

RE22

lecturer-in-charge

### Offered in the following programmes in 2023-2024

Master of Laws in Laws

6

A

Master of Laws in International and European Law(main subject International and Human Rights Law)

6

A

Master of Laws in International and European Law(main subject International and National Legal Orders)

6

A

Exchange Programme in Law

6

A

### Teaching languages

English

### Keywords

Simulation of a legal procedure pertaining to the application of the law of armed conflict (international humanitarian law); solving complex legal questions by identifying and applying relevant primary and secondary sources of international (humanitarian) law; developing oral (pleading) skills

### Position of the course

This course is aimed at students who wish to obtain in-depth expertise in the field of international humanitarian law and, at the same time, develop their legal-analytical and oral skills.

Given the required background knowledge, the course is only open to students who also follow the 'Law of Armed Conflicts' course or who have successfully completed this course (or equivalent) in the past.

The course prepares a team of three students for participation in the Frits Kalshoven Competition (FKC), that takes place each year in February or March and that features around ten Belgian and Dutch universities, each fielding a team of three students.

More generally, the course aims to contribute to:

- a better understanding of the law of armed conflicts and its relationship with international human rights law, international criminal law and general public international law
- recognizing and analyzing current debates in the law of armed conflicts
- the art of (international) legal argumentation
- defending legal positions in a formal legal procedure

### Contents

During the Moot Court competition, the students will:

- distill, analyze and study multiple problems pertaining to the application of the law of armed conflicts against the background of its relevant primary sources, case law and doctrine;

- write out the arguments in support of the position of one of the (fictitious) conflict parties in a pleading memorial;
- orally defend the written argumentation during a pleading session, accounting for possible counter-arguments by the opposing party and persistent questioning by the jury/judges
- participate in multiple trial sessions and their preparations, incl. possible role-playing sessions

The majority of the work for this class will take place just before and after the study and examination period of the first semester.

The trial sessions prepare for the actual Frits Kalshoven Competition, taking place in mid-February or March - which will conclude this course.

#### **Initial competences**

- a basic understanding of public international law
- a basic understanding of international humanitarian law (students must take the 'Law of Armed Conflicts' class or must have successfully completed that class in the past)
- good English language skills
- a willingness to cooperate and collaborate with fellow students; team spirit

#### **Final competences**

- 1 Knowledge of and insight in the importance and functioning of the law of armed conflicts.
- 2 Insight in the relationship between the law of armed conflicts and international human rights law, international criminal law and general public international law.
- 3 Ability to apply the rules of the law of armed conflicts to a complex case study/conflict situation.
- 4 Carrying out research independently and in team.
- 5 Find, evaluate and analyze legal and other relevant sources, and distinguish between essential and incidental information.
- 6 Ability to apply knowledge and insights in a critical and innovative fashion.
- 7 Cooperate with other team members to develop a common legal position.
- 8 Master oral language skills and pleading techniques.
- 9 Adopt and defend a legal position in an international context.

#### **Conditions for credit contract**

Access to this course unit via a credit contract is unrestricted: the student takes into consideration the conditions mentioned in 'Starting Competences'

#### **Conditions for exam contract**

This course unit cannot be taken via an exam contract

#### **Teaching methods**

Group work, Seminar, Independent work, Peer teaching

#### **Extra information on the teaching methods**

Project: Participation in the Moot Court requires students to delve into a fictitious armed conflict (through study and analysis), juxtaposing two parties. They must develop, substantiate and defend the position of one of the parties. More specifically, students are expected to work together as a team and conduct the necessary legal research to thoroughly analyze the case study. Each participant has the individual responsibility for solving one or more legal questions, in addition to a collective responsibility for the ultimate coherence of the developed argumentation. Students are prepared for the FKC on the basis of practice case studies that have to be studied in a short time-frame with a view to developing a fully-fledged pleading note. To adequately oversee the different teaching methods, the students will be provided with intensive guidance. This will consist of several coaching and pleading sessions (during the second half of the first semester and the start of the second semester) that guide the gradual learning process through a logical series of preparatory assignments. This guidance consistently takes place in small groups and is accompanied by an individualized approach where necessary. Besides the responsible members of the academic staff, other staff members or external experts may be involved in the educational process.

#### **Learning materials and price**

Learning materials include:

1. All documents distributed by the FKC organizers.
2. Relevant sources that can be consulted (physically or virtually) through the faculty library.
3. Additional educational material (e.g., practice case studies) that will be electronically shared with students. Additional costs: the admission fee for the FKC is € 110 and covers, among other aspects, the accommodation costs during the competition. Students are supposed to cover this cost themselves.

## **References**

1. ICRC-publications (available online): ICRC Customary Study (2005); IHL - A Comprehensive Introduction (Melzer); How Does Law Protect in War? (Sassòli and Bouvier); DPH Guidance; Commentaries to the Geneva Conventions and Additional Protocols.
2. Doctrine: See, in particular, the work of Yoram Dinstein, Dieter Fleck, Emily Crawford; Marco Sassòli, Andrew Clapham, Sandesh Sivakumaran, Lawrence Hill-Cawthorne, etc.

## **Course content-related study coaching**

Within this form of problem-based learning, the professional student guidance in essence consists of an amalgam of supervisory sessions and independent learning situations, whereby the supervisors intermittently intervene for the purpose of guiding and adjusting the end product (pleading memorial and note) and process (approach, group processes, etc.). This guidance consists of several coaching and pleading sessions that guide the gradual learning process through a logical series of preparatory assignments. These exercises are accompanied by personal guidance of the students, varying from electronic question-and-answer sessions and personalized coaching sessions if considered necessary by the supervisors. Besides the responsible members of the academic staff, other staff members or external experts may be involved in the educational process.

## **Assessment moments**

continuous assessment

## **Examination methods in case of periodic assessment during the first examination period**

## **Examination methods in case of periodic assessment during the second examination period**

## **Examination methods in case of permanent assessment**

Skills test, Participation, Assignment

## **Possibilities of retake in case of permanent assessment**

examination during the second examination period is possible

## **Extra information on the examination methods**

100% non-periodic evaluation on the basis of internal and preparatory assignments and participation in coaching and pleading sessions. Evaluation both on the basis of substantive knowledge of the law of armed conflict, as well as oral and pleading skills, having regard to commitment and progress made throughout the course.  
exam resit: individual pleading exercise before an internal jury

## **Calculation of the examination mark**

see above