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## COMENIUS UNIVERSITY BRATISLAVA REPRESENTED AT THE HELGA PEDERSEN MOOT COURT COMPETITION 2021-2022 (STRASBOURG, FRANCE) / Sandra Sakolciová, Igor Hron, Adam Máčaj

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The 2021-2022 year of international moot court competition before the European Court of Human Rights had brought several milestones to the history of first moot court dedicated to educating law students about issues surrounding human rights in Europe and implementation of the European Convention on Human Rights. To conclude its first decade, the former European Human Rights Moot Court Competition has been rebranded as the Helga Pedersen Moot Court Competition (HPMCC), named after first female judge of the European Court of Human Rights. It has also been the first year of the competition to organize in-person oral finals since the outbreak of COVID-19 in 2020. Finally, this year

of the HPMCC allowed students representing Comenius University in Bratislava, Faculty of Law, to set new records for upcoming teams to beat.

The first stage of the competition this year consisted of written rounds, where teams of two to four law students from member states of the Council of Europe drafted memorials on behalf of the family of applicants, as well as the respondent state. The fictional case dealt with the responsibility of states for omissions in fighting climate change and preventing harm resulting from environmental hazards exacerbated by deteriorating climate. In the case, flash floods destroyed home of the applicants, and several of them were wounded, as well as suffered from mental health problems in the aftermath. The applicant's memorial argued that due to state's lackluster approach to climate change and obsolete environmental law that failed to address it and mitigate impact of emissions, human rights of the applicants were violated by the natural disaster the state failed to address. As a result, students had to argue that the harm the applicants suffered violated their right to life and prohibition of ill-treatment, as well as right to private life, protection of home and right to property under European Convention on Human Rights. On the other hand, students also had to prepare a memorial responding to the allegations from the point of view of the government, addressing the issues while arguing that state policies to protect environment and fight climate change have adequately safeguarded rights of the applicants against interference caused by natural forces, thereby fulfilling positive obligations of the state.

After submitting the written memorials, the competition is followed by a regional oral round, which has been a mandatory part of the moot court for each team for the last three years. The regional oral rounds took place remotely, due to the ongoing COVID-19 pandemic, and were organized by universities and European Law Students Associations in Ukraine, Greece and Poland. Between 10 and 12 March, a team from Comenius University in Bratislava, Faculty of Law participated in the virtual regional rounds, representing both applicants and the respondent state in two oral pleadings before judges with expertise in international human rights.

Upon receiving the results from both the written memorials and pleadings in the regional rounds, top eighteen teams qualified for the final oral round, which took place between 9 and 13 May in Strasbourg, France, accompanied by nineteenth team invited by the ELSA International from Ukraine. The team from Comenius University qualified for the finals this year for the second time in the history of the competition, as the only team from Slovakia, and from seventh place, the highest placement of any Slovak team in the history of the moot court. During both rounds, the teams were judged vastly by the professionals practicing at the European Court of Human Rights.

Written and oral parts of the competition require students to present different kinds of skills and are designed to prepare them for their future careers as human rights lawyers. Whereas the quality of the written memorials is reflected by the time and energy students put into researching and formulating arguments on paper, the oral part of the competition tests especially the ability to address any immediate issues and questions that arise in the courtroom. Throughout the whole competition, the participating students learn not only how to approach a complex case study involving difficult legal problems, but also how to undertake responsibility as they work in teams and often under time pressure.

The oral pleadings are usually the "fun" part, because they are more interactive. The simulated proceeding in both regional and final round is traditionally opened by the presiding judge who asks both teams to introduce their members and to present arguments. The thirty-five minutes of pleading by the Applicant is followed by the Respondent who has the same amount of time to address the counter-party's claims.

Afterwards, five minutes are granted to each party for a rebuttal. During the presentations, members of the bench can ask any additional questions they might have. Answering questions posed by judges is considered one of the most difficult tasks of the speakers. Once the time allocated for the rebuttals is up, the bench usually gives both teams short feedback on their performance for further improvement.

The final oral round taking place in Strasbourg was composed of preliminary rounds, where every team pleaded in a similar way to the regional rounds twice, representing both parties to the dispute. On the first pleading day, 10 May, the team from Comenius University in Bratislava, Faculty of Law represented the respondent state against the team from the University of Antwerp. During the next pleading day, the team argued on behalf of the applicants, while the respondent state was represented by the students of Durham University.

Compared to the regional rounds, the stakes in the preliminary rounds, as well as the follow-up quarter-finals, semi-finals and the final round, were raised, as the students were judged also by the professionals practicing at the European Court of Human Rights, among others by the Slovak case processing lawyer, Ms. Zuzana Kovalova, who also co-authored the case.

University of Oxford and University of Passau, having advanced through the preliminary rounds, quarter- and semi-finals, competed against each other in the grand final, on 13 May, which took place in the hearing room of the Grand Chamber of the European Court of Human Rights, with all remaining teams watching the face-off from the gallery.

The prize for the overall best team was well-deserved by the team from the University of Oxford, while several Best Orator prizes, as well as the Best Respondent Written Submission was given to the team of the University of Passau. The overall Best Applicant Written Submission was awarded to the Saint-Louis University, Brussels.

Apart from the exhausting competition schedule, the organisers prepared also a valuable academic programme for the participating teams. Worth mentioning are the opening keynote speeches of active judges of the European Court of Human Rights. The first, presented by Mr. Latif Huseynov, an Azerbaijan judge, devoted to the issues of global challenges the Court is currently facing. Among others, he underscored the controversial issues connected with the question of the Court's jurisdiction. Following his remarks, Ms. Anja Seibert-Fohr, a German judge, addressed the question of upholding the rule of law through interregional human rights dialogue, focusing principally on the issue of cross-referencing among international human rights bodies, contributing to universal human rights protection from a comparative perspective.

The participating teams were also provided with a social programme, commencing with the opening ceremony hosted by Mr. Manuel Montobbio, Permanent Representative of Spain to the Council of Europe, upholding the tradition that the opening ceremony is hosted by the state of the previous edition's winners.

The Comenius University in Bratislava, Faculty of Law team also had the honour to meet with the Slovak judge at the European Court of Human Rights, Ms. Alena Polackova. Madam judge showed the team one of the Strasbourg sightseeing gems, Parc de l'Orangerie, and provided them with an interesting insight into the work of judges and decision-making process at the Court. Moreover, an informal meeting with Registry lawyers from Slovakia took place at the premises of the Court. During this pleasant meeting, Ms. Trnkova and Ms. Bosanska discussed their role at the Court and motivated the aspiring lawyers to follow their career dreams. The first-hand experience with professionals from the Court was concluded by a dinner with colleagues from the Czech Republic.

The extraordinary opportunity to meet inspirational professionals went beyond the Court itself. The students and coaches were very pleased when they were contacted by the Permanent Representation of the Slovak Republic to the Council of Europe during their stay in Strasbourg. At the competition's closing ceremony, Ms. Oksana Tomova, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of the Slovak Republic to the Council of Europe and Mr. Radoslav Kusenda, Deputy Permanent Representative of the Slovak Republic to the Council of Europe, acknowledged the team's efforts and success and discussed many interesting topics. The students gained a precious insight into the role of state representatives in an international organisation, including the challenges that they face. The coaches from the Comenius University in Bratislava, Faculty of Law thanked the Permanent Representation for their invitation to meet and support the participants of the upcoming moot court editions.

The overall experience shows that competitions such as this one enables young people to develop not only their career paths, but also their personalities. Meeting peers and professionals from around the world and watching them all work towards strengthening human rights, democracy and rule of law is simply invaluable. Hard work is certain, but the benefits even more so! The Comenius University in Bratislava therefore encourages students to take part, discover their potential and help building a just world.