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Edelnet E-Library News

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Editorial



The eleventh edition and third of the new stage of the Summer School had a new place to be developed. This year we went to Rotterdam, where we were welcomed by the local Open University Center and its staff, located in the center of the city.

I did not remember Rotterdam as cosmopolitan as now. The city has changed and now is brighter than ever since the late 90s when UNED had a collaboration with the Hogeschool voor Economische studies. Rotterdam was very punished in the Second World War but it knew how to rebuild itself and return to be an important city, now very modern and with new facilities, buildings, services. etc. Its port was 20 years ago the first in the world, second only to Singapore. Now several Asian ports also surpass him but the importance of the port in the idiosyncrasy of the city has not changed. The port is still something that is inserted in the urban heart and the tower on the Maast continues to boast one of the symbols of identity of the city

The structure this year of the Summer School meant that the last week of June was dedicated for Bachelor students while in the first week of July the Master level students were expected to be a total of 17 (6 from Holland, 6 of Germany, 5 of Spain) with a novelty

this year and is that the students were divided for the exercises of the Moot court into two groups: one for the usual practical exercise of private law and another for the practical exercise of Criminal matter Law, which was premiered in this edition for the Master Level (the Bachelor Level already had this subject in the first eight editions)

The Master Level was, as always, very well led and organized by Professors Dr Karl August Von Sachsen, Dr Eva Domínguez and Dr Donald Hellegers. Undoubtedly his central argument, apart from some theoretical lectures, was the development of the Moot Court in Private Law and Criminal Law as already said

In the following pages some of the protagonists write about the highlights of this Summer School Master level. They are the ones who can best describe it.

Prof. Dr. Pablo de Diego
Deputy to Dean - UNED Faculty of Lawy.

LL.M. PRIVATE & CRIMINAL SUMMER SCHOOL MOOT COURT 2018



At the beginning of July (2nd) Edelnet has organized the LLM Private and Criminal Law Summer Courses, which were held in the city of Rotterdam (The Netherlands).

As every year for the last times, the Teams Members of the LLM Private Law Summer Course organices it enthusiastically, and the results are well know by all: high quality academic levels by the students and teaching staff sides.

This year for the very first time, Edelnet organiced the Criminal LLM Summer Course. Teaching staff from the three Universities involved in the Edelnet Project has organiced the Criminal LLM Summer Course, which excellents academic results.

In both LLM Summer Courses, Students have been exhaustively selected from many applications and most of them have already an international approach, so it is quite easily that they come into the international atmosphere quickly; German, ducht and Spanish students get easily and deeply involved in the academic activity which concerns the LLM Private and Crimnal Law Course.

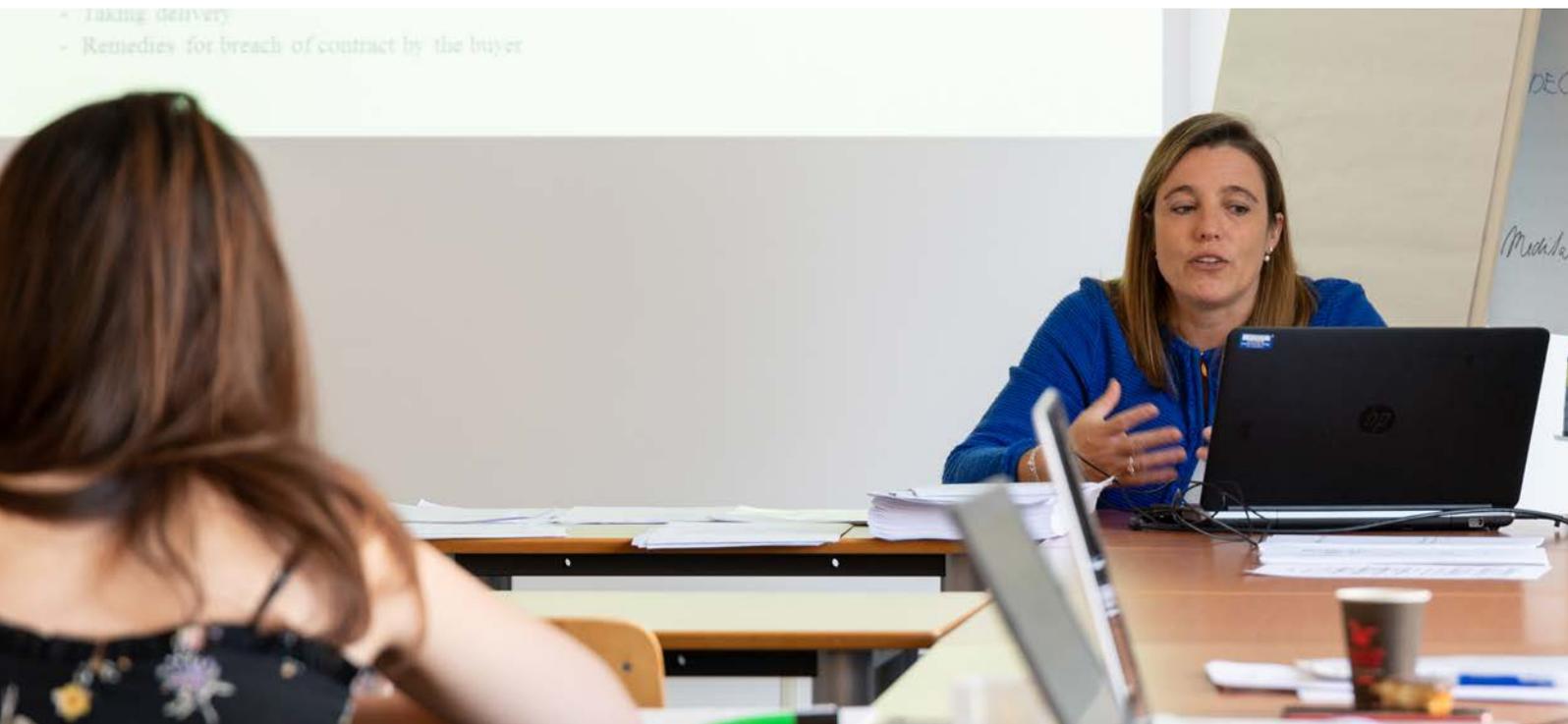
The subject of the LLM Private Summer Course has been the International Sale contract, which is dealt in

the CISG, known as the Viena Convention. The subject which has been selected by the teaching staff seems to fit into the knowledge of the international students, as they have to deal with international legal Convention and not with national law. Moreover, International sale contract is a very usual international contract, which allows the students to deal with some other issues directly linked to it.

The subject of the LLM Criminal Law Course has been the life imprisonment, a deeply debated subject within not only criminal oriented academic experts, but also in the society as a whole. For these reasons, the chosen topic was considered to be very interesting by students and the teaching staff have the feeling that the topic was the best to deal with!. It was probably on these grounds that students have deeply participated within the lectures and discussions dealing with the topic.

Special consideration need the teaching methodology which is applied in the LLM Summer Courses, and which has been improved in the recents years.

As the recent methodology innovation improvements shows within the teaching methodology, a dynamic approach is very convenient for students. Its means



that, even providing the students with some theoretical information, the dynamic approach involves a more interactive students participation: Once some necessary theoretical information has been given to students, a dynamic Lecture is needed, just for the students to be able to give the lecture and the whole students group some feedback about how the information already provide by the lecture is understood.

On these grounds, Lectures hold within the 2018 LLM Private and Criminal Law School has been dynamic and interactive. In some lectures, lecturers have used for these purposes some case law, which were drafted by Prof. Karl August (Fern UNI), or some lecturers have drafted several question to be answered by students.

As hopefully evaluations of the students will show us, it seems that these aims were managed during the LLM Private and Criminal Law Summer Courses, as the high participation of students seems to shows us.

Something relevant to highlight is the efficient help of Fern Uni Technical staff which always are ready to help, and which definitely contributes for the sake of LLM Summer Courses. Special thanks to them and also to the Open Universiteit (The Netherlands) for their warm welcome into the Student Center located at Rotterdam,

where the LLM Summer Courses were held.

At last, but no least, its also important to highlight that friendship was also something which it seemed to be easily aimed, as the students got on very well eachother. Lunchs and dinners altogether really helps to achieve the intercultural and international atmosphere which the LLM Private and Criminal Summer Law Course also aims to achieve.

Prof. Eva M. Domínguez Pérez
UNED Faculty of Law

L.L.M. SUMMER SCHOOL MOOT COURT IN PRIVATE LAW 2018



The Summer School L.L.M. Moot Court in Private Law took place in the city of Rotterdam and started on Monday, July the 2nd 2018.

Day one:

The group of participants was composed of 7 students. Three of them were German, two were Dutch and the other two came from Spain. During the first day of the course, together with the group of students enrolled in the L.L.M. Moot Court in Criminal Law, they all attended to an Opening address and Introduction session which was followed by a lesson on Legal English given by Ms. Costa Macedo Meulenberg.

Later in the afternoon, Prof. Juan García Blesa trained the students in an interesting Lecture on Intercultural competence. The working day ended with an optional preparation time.

Some relevant materials needed for the preparation of Moot Court (Legislation, Viena Convention) and also some videos recorded by the Teaching staff within Private Moot Court Team, had already been handed to the students with some time in advance, as they were located at the Edelnets Platform.

At the beginning of the Private Moot Court LLM, students were provided with the Moot Court case and the Proceedings Rules also. Students were also divided in two groups, one of them being the claimant, and the other being the respondent.

The Private Law case consisted of an International Sales Agreement related to frozen beef, which was delivered by the seller (Austrian seller) at the buyer's place, and then was resold to a dealer in UK. The main issue related to the case was the potential applicability of the Viena Agreement to the mentioned facts, and the non conformity of the buyer with the goods. Linked to those issues some more issues arose into the case, as



the formation of the contract, remedies of the parties to claim for their rights within the Viena Convention.

Claimant and respondent were asked to submit their considerations to the Arbitration International Board, which, according to the Arbitration Rules and the Viena Convention, gave them their judgement.

Day two:

On July the 3rd, the second day of the course started with a lecture on advocacy skills given by Mr. Salim and Dr. Nierhauve. After that, and once the general part of the Program had been covered, and some general considerations dealing with Moot Court case were introduced to the students, the Members of the Teaching staff responsible of the Private Law Moot Court introduced themselves to the students.

First, Prof. Dr. Karl August Prinz von Sachsen Gessaphe from the Fern Uni (Germany) gave an interesting Lecture on Introduction to the CISG, and also about the Applicability of the CISG.

After these two relevant Sessions, students had lunch, and afterwards students had Team Work Session and also optional preparation time.

Day three:

In the morning of Wednesday, July the 4th, Prof. Vanessa Jiménez Serranía (Salamanca University) lectured on the Formation of the International Sales Contract according to the Viena Convention. She dealt with all the relevant issues which are within the Viena Convention.

The session was conducted by Mrs Jiménez in an interactive and highly dynamic manner, which raised very interesting interventions on the part of the students. She delivered the students around 30 questions which were directly aimed for the students to participate and give the rest of the group interesting feed back.

After the formation of the contract lecture, Prof. Eva M. Domínguez Pérez lectured on the Rights and Obligations of the parties within an international Sales Agreement. The lecture, which covered all the rights and obligations of the parties, went through Chapter II (Obligations of the seller, art. 30-52), and Chapter III (Obligations of the buyer, art. 53-65). In this sense, the main issues which were dealt with were Delivery of goods and handling over of documents, Conformity of the goods and third party claim, Payment of Price, and Taking delivery of goods.

The lecture was handled in a very dynamic way, due to the facts that a Power presentation was offered to the students, and two short Cases were provided to them, and also discussion within the issues dealt within the two cases were held. Students did participated very intensively and provided the rest of the students with important feedback dealing with the issues previously dealt with.

After lunch, and later in the afternoon, there was time for a Team work session followed by some optional preparation time of the Moot Court Case.



Day four:

During the first half of the morning of Thursday July the 5th, Professor Donald Hellegers lectured on International Commercial Arbitration, and the Lecture had also a very dynamic methodology which allowed students to intensively participate within the Lecture.

After lunch there was time for consultation and team work. The students had the chance to share with the professors all their doubts and strategies regarding the case.

Prof. Frank Sponheimer gave a Lecture on Remedies for breach of contract, which was a very dynamic and interactive Lecture with the students. The Lecture dealt also with the main issues regarding Chapter IV of the Convention.

At the end of the working Day, students had Consultation hours and Team work optional preparation time for the Moot Court.

Day five:

Finally, on Friday, July the 5th, the actual Private Law Moot Court took place. The professors took the role of arbitrators of the International Tribunal and the students had to represent, as advocates, the interests of the claimant and the respondent. The first intervention was of the advocates of the claimant, being the second one that of the respondent. Then there was also some time for redebate of both parties with the Arbitros. The interventions of the adversaries were followed by a redebate, and a final recess.

Finally, the Arbitrators issued a verdict in which they declare, on grounds of legal provisions of the Convention, that the respondent was the one which presented the law case and gave most consistent arguments to defend his legal position. However, all the Arbitrators unanimously concluded that both parties made an excellent preparation of the case.

After the course was over, students and professors of the different Programs of the course (Private and Criminal Law) enjoyed a farewell lunch in a local restaurant in Rotterdam.

Prof. Eva M. Domínguez Pérez
UNED Faculty of Law

L.L.M. SUMMER SCHOOL MOOT COURT IN CRIMINAL LAW 2018



The Summer School L.L.M. Moot Court in Criminal Law took place in the city of Rotterdam and started on Monday, July the 2nd.

Day one:

The group of participants was composed of six students. Two of them were German, two were Dutch and the other two came from Spain. During the first day of the course, together with the group of students enrolled in the L.L.M. Moot Court in Private Law, they all attended to an opening address and introduction session which was followed by a lesson on Legal English given by Ms. Costa Macedo Meulenberg. Later in the afternoon, Professor Juan García Blesa trained the students in Intercultural competence. The working day ended with an optional preparation time.

The Criminal Law case and materials for the Moot Court had already been handed to the students whom also had already been assigned with a role in

the proceedings. The Criminal Law case consisted of a complaint submitted before the ECtHR against the “EU State of Highland” (a notional State conceived for the purpose of the course) by a citizen, named Mike Skomorovski, who had been convicted to life imprisonment for the rape and murder of his wife, Anna Persilova. Mike argued that Highland had violated his right to a fair trial as protected in Article 6 of the ECHR. Moreover, he argued that the regime of life imprisonment imposed on him violated the prohibition of inhuman and degrading punishment and therefore breached Article 3 of the ECHR. The State of Highland rejected those claims. Three of the students had to represent Mike Skomorovski and the other three the State of Highland.

Day two:

On July the 3rd, the second day of the course started with a lecture on advocacy skills given by Mr. Salim and



Dr. Nierhauve. After that, and once the general part of the program had been covered, the three professors responsible of the Criminal Law Moot Court introduced themselves to the students: Professor Goran Sluiter from the Open Universiteit (Netherlands), Professor Bastian Wetzel from FernUniversität in Hagen (Germany) and Professor José Núñez Fernández, from the Universidad Nacional de Educación a Distancia (Spain).

Later on, professor Goran Sluiter made an introduction to Moot Court and to the ECHR.

The working day ended with a team work session followed by an optional preparation time.

Day three:

In the morning of Wednesday, July the 4th, Professor Wetzel lectured on witnesses and testimony in criminal proceedings and the interrogation of witnesses in relation to article 6 of the ECHR. However, the sessions were conducted in an interactive manner with very interesting interventions on the part of the students.

Later in the afternoon, there was time for a team work session followed by some optional preparation time.

Day four:

During the first half of the morning of Thursday July the 5th, Professor Goran Sluiter lectured on the privileged against self-incrimination and article 6 of the ECHR. The dynamic of the class was also interactive so that the students were able to intervene with interesting

comments and questions. During the second half of the morning, Professor José Núñez explained the most important features of the ECtHR case law regarding article 3 of the ECHR and life sentences. Both the professor and the students engaged in a very enriching discussion regarding the recent shift in the execution of imprisonment policy within the EU.

After lunch there was time for consultation and team work. The students had the chance to share with the professors all their doubts and strategies regarding the case.

Day five:

Finally, on Friday, July the 5th, the actual Moot Court took place. The professors took the role of judges of the ECtHR and the students had to represent, as advocates, the interests of the complainant and of the State. The first intervention was of the advocates of the complainant who argued that there had been a violation of articles 6 and 3 of the ECHR.

The advocates of the State acted in second place refuting the arguments of the complainant and asserting that no violation of articles 3 and 6 of the ECHR had occurred.

The interventions of the adversaries were followed by a recess after which both parties presented their rebutting arguments. Finally, the judges issued a verdict in which they declare that there had been no violation of article 3 and 6 of the ECHR. However, they made some recommendations to the State of Highland regarding the regime of life imprisonment.



Once the trial ended, the professors evaluated the performance of the students on both the Moot Court and the previous sessions of the Course. The results were very satisfactory as the students not only had shown great commitment to the different tasks but also had fulfilled them brilliantly.

After the course was over, all students and professors of the different programs of the course (Private and Criminal Law) enjoyed a farewell lunch in a local restaurant in Rotterdam.

Prof. José Núñez Fernández
UNED Faculty of Law

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EDELNet eLibrary

Prof. Dr. Pablo de Diego Ángeles (Editor-in-chief)

Associate Professor UNED Faculty of Law

Vicedean of the Faculty

pdiego@der.uned.es

Obispo Trejo s/n 28040.Madrid. (Spain)

Credits

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Members of E-Library Edelnet Newsletter team

Prof. Dr. Pedro A. Tamayo Lorenzo

Mr. Martin Von Hadel

Prof. Michiel Van Oesterzee