

«Международный конкурс учебных судов как средство формирования межкультурной компетенции учащихся»

ГБОУ СОШ № 1 с углубленным изучением
английского языка Московского района
Санкт-Петербурга

Рагузина Лариса Анатольевна
Жуковень Елизавета Евгеньевна



Международный конкурс учебных судов **International moot court**

*Негосударственное учреждение высшего
профессионального образования
«Санкт-Петербургский институт права имени
Принца П.Г.Ольденбургского»*

*Центр правового и гражданского образования
«Живое право»*

в сотрудничестве с
Justice Resource Center (New York)
при содействии
**International Debate Education Association (IDEA),
International Bar Association (IBA),
City Hall of the Hague, Peace Palace at the Hague**

INTERNATIONAL MOOT COURT COMPETITION

The Hague

12-19 February 2012

Международный конкурс
учебных судов

в Гааге

(Нидерланды)

12-19 февраля 2012 г.

Конкурс проходит на английском языке по упрощенной процедуре Международного уголовного суда.

В конкурсе принимают участие команды старшеклассников из Аргентины, Великобритании, Венесуэлы, Нидерландов, Польши, России, США.

Россию представляли 2 сборные команды из школьников Санкт-Петербурга и Ленинградской области. В каждой команде 4 основных и 4 запасных игрока.

Таким образом, для участия в конкурсе было отобрано 16 школьников 9-11 классов с хорошим знанием английского языка и интересом к праву, защите прав человека, международным отношениям.

Учебное дело для конкурса
разработано Международной ассоциацией
юристов. Оно затрагивает проблему
участия детей в вооруженных конфликтах.

Краткое описание дела

*“In the case of **Felipe Torres** v. The Prosecutor, Mr. Torres was brought before the International Criminal Court, accused of **war crimes of torture and willful killing** based on eyewitness testimony. After his conviction, his counsel appealed the decision based on two legal theories for relief, each representing the one of two “issues” in the case. First, the applicants seek to argue that the eyewitness testimony was insufficient to convict Mr. Torres. Second, the applicants seek to argue that the court failed to do the proper balancing test in determining a proper sentence. These two distinct legal arguments represent the two “issues” before the court in Felipe Torres v. The Prosecutor.”*

Требования к участникам конкурса

- Участники должны продемонстрировать хорошее знание английского языка и интерес к праву.
- Участники должны быть готовы к работе в команде с распределением ответственности и взаимной поддержкой.
- Участники должны быть готовы к самостоятельной работе по поиску и анализу источников (международных договоров, судебных решений) на английском языке, к составлению текстов, к публичному выступлению и ответам на вопросы.

Ответственные за подготовку учащихся к конкурсу:

- Учитель истории и обществознания, координатор проекта «Живое право» – **Рагузина Лариса Анатольевна**
- Учитель английского языка, методист – **Жуковень Елизавета Евгеньевна**



Подготовка к конкурсу. Пробное заседание суда с голландским судьей Рутом Ван Дер Поллом. Санкт-Петербург





Disproportion between the crimes and the sentence

Your Honour, my name is Mikhail Umansky.

I would like to present you the disproportion between the crimes and the sentence which was given to Felipe Torres.

Speaking about the disproportion between the crime and the sentence I want to remind you that there have been a lot of cases in history in which people were sentenced to lighter penalties than Felipe Torres for really horrible crimes such as murders and tortures of people.

Mr. Tadic's case **Mr. Tadic who was a President of the Local Board of SDS in Kozarac**, was sentenced to 20 years of imprisonment for mass tortures and premeditated murders. He, himself, tortured and killed several people.

Mr. Furunzic who was the Commander in chief of the Croatian Defense Council was sentenced to 10 years for tortures and outrages upon personal dignity.

Mr. Miroslav Krnojelac was the Commander of the Serb who ran "Kazneno and Popravni Dom"(KPDom) detention camp located in the south-east of Sarajevo, Bosnia and Herzegovina. This person was sentenced to 15 years of imprisonment for tortures and premeditated murders.

These people, notorious for their cruelty, were sentenced to much lighter penalties than Felipe Torres. Here we have a boy who grew up in an impoverished family, a boy who became a soldier at the age of twelve, and a boy who was sentenced to 25 years of imprisonment. He did not torture anybody, he did not kill anybody, however, he was given such a severe sentence.

The Trial Chamber should balance all the relevant factors, including the mitigating and aggravating factors.

According to Article 78 of the Rome Statute "Determination of the sentence" the Court should take into account such factors as the gravity of the crime and the individual circumstances of the convicted person. Under Section 145 Part 1 of the Rules of Procedure and Evidence "the circumstances of manner, time and location; the age, education, social and economic condition of the convicted person" should be considered.

Let me overview the mitigating factors:

Social and economic condition of the convicted person: His father died when he was small. He had a younger brother & sister. Having become the eldest man in the family, this young boy had to help his mother escape dreadful poverty and he started to work in the field and later he joined the army to find out the way out of poverty.

Felipe Torres' lack of education: Felipe Torres and his brother had to work in the fields and had no time and little money to study. Moreover the Civil war started when he was 9 years old so he got practically no education.

His background circumstances: Firstly we should take into consideration the fact that he joined the army at the age of twelve, because of the situation in his family. Secondly, I can say that we can consider him as a victim of this war and it could be proved by Article 8 "War crimes" where it is written that "Conscripting or enlisting children under the age of fifteen into armed forces or groups" means a war crime.

Felipe Torres' regrets for the actions which he had executed. It is said in Paragraph 49 of The Judgment of the Trial Chamber.

We must understand that his destiny was inexorable and cruel!

In conclusion I would like to say that The Appeals Chamber must impose the correct sentence and give much lighter penalty than 25 years of imprisonment!

Thank you for your attention! Now I give a word to my colleague.

Дворец Правосудия. Гаага



Предварительные слушания дела. Гаага





Заключительное
заседание суда.

Финал конкурса.





Команда Санкт-Петербурга. Дворец Правосудия. Гаага



Встреча с мэром Гааги в мэрии.



Команда учащихся Санкт-Петербурга и Ленинградской области была награждена:

- грамотой за отличное знание дела;
- грамотой за правильное использование юридической терминологии;
- грамотой за отличные успехи в ораторском искусстве.



Все учащиеся получили сертификаты

Certificate of Achievement

International Moot Court at The Hague

Presented to

Mikhail Umansky

For your outstanding achievement presenting an oral argument at the high school
International Moot Court at The Hague, The Netherlands

February 12 - 19, 2012



Ingrid van Engelshoven
Deputy Mayor
for Education
Municipality of The Hague



Debra Lesser
Executive Director
Justice Resource Center
New York



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