

## **Final Report on the Summer School with Moot Court July 2013**

The first Summer School 2013 on „Human Rights and Fundamental Rights and their Impact on the Civil Law System“ was held from 22 July 2013 until 30 July 2013 in Hanoi and Ha Long City, Vietnam.

The Summer School was held by the German Law Centre at Hanoi Law University conducted by Prof. Dr. Thomas Schmitz and the University of Applied Sciences Berlin (HTW) under the auspices of Prof. Dr. Michael Jaensch in collaboration with the Friedrich-Ebert-Stiftung (FES). It was made possible by the financial support of the Friedrich-Ebert-Stiftung, the German Academic Exchange Service (DAAD) and HTW Berlin. Ms Tran Hong Hanh and Ms Sonja Schirmbeck accompanied the Summer School from the beginning on behalf of the Friedrich-Ebert-Stiftung in Vietnam.

Background of this Summer School was the exchange of experiences in Human Rights and their impact on several civil law systems in Germany, Europe and ASEAN. This was done by presentations of six HTW students and twelve students from the Hanoi Law University.

The Summer School started in Hanoi with an introduction given by the Friedrich-Ebert-Stiftung about the political and economic situation in Vietnam. The following sightseeing tour guided by Ms. Dr. Lan Anh gave an interesting insight into the cultural and political background of Hanoi. For all HTW students it was a breath-taking experience to discover Hanoi people, heritages and above all Hanoi traffic. In the evening it was time for the HTW students to get to know the students from Hanoi Law University as well as high class Vietnamese food - with both the German students came along pretty well. After an introduction at the Hanoi Law University including the German Law Centre the group of German and Vietnamese Students headed for Ha Long City, along the beautiful UNESCO world heritage Ha Long Bay.

The schedule of activities had a wide range from legal lectures to political discussions and joint events such as the meeting with the colleagues from the Asian Law Students Association (ALSA). They were contributing to the Summer School presentations about the situation of Human Rights in their home countries, namely Thailand, Indonesia, Malaysia, and Hong Kong.

The legal lectures were held by Prof. Schmitz and Prof. Jaensch and dealt with current issues of Human and Fundamental Rights in Asian and Western countries namely the sources of law, institutions, etc. A special guest lecture on Human Rights in Vietnam was held by Mr. Trần Ngọc Đình, Professor for Constitutional Law at Hanoi Law University. Upon conclusion of the official daily schedule every evening was an opportunity to get to know each other and further the relationship between the participants.

The Summer School concluded with an abridged Moot Court Competition. The subject of the Moot Court was the Right to Privacy and Freedom of the Press. Presiding judges were Prof. Schmitz, Prof. Jaensch, Mr Guégau, judicial representative for the Embassy of France in Vietnam, and Dr. Irene Kesper. All participants received upon onset of the Moot Court a special lecture on the Radiation of Human and Fundamental Rights into the Civil Law System, the Caroline Judgements by the European Court of Human Rights (ECHR), an introductory sheet of guidance and the case.

Then the students were split up into four individual groups namely petitioner on behalf of the plaintiff and respondent on behalf of the defendant. The groups were supervised by a mentor. Each group had to formulate a legal strategy on their own to win their case. In addition the individual assignments required each group to write a memorial to support their case. Due to the brevity of time this task turned into a difficult obstacle, which pushed almost all participants out of their comfort zone. In the end each group had to make their case in front of the panel and the audience. Petitioner and Respondent argued vividly about the specifics of the case and nuances of the law and

why their side should win. The discussions ranged from strident protest to gleeful fact-finding - an overall win-win situation for both the participants and the presiding judges.

The program gave all participants a chance not only to see their own legal system but also to personally experience its culture and to learn about its history and economics.

From the German view all participants had the chance to discover the true Vietnam by participating in various courses and activities. The schedule of the Summer School offered the chance not only to learn more about Human Rights and to discuss issues with Vietnamese students in classes, but also to visit interesting points of view in Hanoi and Ha Long Bay.

Carolin Domann

Anke Götze

Julia Wedekind

Simon Allgäuer

Philip Bahn

Andy Crackau

