Greenwich University Law Journal

Sui Generis

2024/2025 edition

THE UNIVERSITY OF GREENWICH BAR SOCIETY

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Staff Editorial

Dr Louise Hewitt
Associate Professor of Law at University of Greenwich

Welcome to this edition of the University Law Journal. This Law Journal has been around since I was a student here back in 2007 although then it was called Sui Generis. I was also student editor of the Journal in 2009. It provides a great opportunity for students to share their experiences and achievements and for staff to share their research and academic work. It feeds into the life of the school. It is great to see a group student editorial team, their hard work has clearly paid off in pulling together contributions for the Journal. Thank you to all the staff who have contributed. If you are a student or member of staff and are interested in contributing to the next edition of, then do let me know. Well done everyone. Happy reading.

A Word of introduction from Tim Barnes KC,MBE

I am delighted by the initiative to revive the University Law Journal at Greenwich. It was in the past and should be in the future, a strong indicator of the successes of the University Law and Criminology Department. It should showcase the quality of research carried out by members of the Teaching Staff and I am particularly pleased that some of the staff members have agreed to write articles. I was part of the team responsible for the last edition of Sui Generis back in 2019, (although the lion's share of the work was done by Professor Mark Pawlowski), and I think that the revived University Law Journal is a worthy successor. I would particularly commend the efforts of the Editors in putting the Journal together.

Student Editorials

Emilija Jackeviciute. 3rd Year LLB.

Welcome to the revived University of Greenwich Law Journal (*Sui Generis)*. I am a final year law student and Vice-President of the Bar Society at the University. I am delighted to be one of the student editors of the Greenwich University Law Journal.

Our aim in reviving the Journal, is to give students and staff a chance to publish their work, to inform our readership of what has been achieved in the past year within the Law and Criminology Department and what we are planning for the year ahead including the Innocence Project, the commitment to the Careers Fair, the Law Conversations with distinguished Judges, and our continued commitment to Mooting based on the 2024 success in the inter-University competition.

I hope that all readers will find something of interest in this edition of the Greenwich University Law Journal. I believe that through this reincarnation of the Journal, we will be able to draw attention to the research skills and expertise of our staff and the talent of the students.

Lastly, I would like to extend my thanks to Tim Barnes KC for his support in reviving the Journal, to the Bar Society and Law Society Teams for their help, to all who have agreed to write articles and to the Law Department at the University for supporting this initiative.

Jake Giltinane, 2nd year LLB

I am a second-year law student and ambitious to become a Barrister specialising in criminal law. In that context I have much enjoyed my involvement for the Mock Trial which was held last December. (I played the role of one of 2 Defendants charged with murder). This year I am also the Co-President of the Bar Society. I am delighted to be involved in this revival of the Greenwich University Law Journal which we hope to make an annual publication.

My vision is to include articles from a wide range of contributors; students and staff at the University as well as alumni and practitioners (past and present) in the legal profession. I am delighted with the quantity and quality of the articles which we have received and hope that these will be both insightful and enjoyable to law students as well as to a wider readership.

We are very proud of Natasha Wilmans' and Harry Pell's mooting success in the 2024 Inter-University Competition. We also take pride in the published academic

articles by many of our academic staff on important and topical legal issues, (some of which are contained in the Journal.) Advice from successful alumni who studied Law at Greenwich, notes from a bygone age at the Bar, perspectives from current law students, and a really interesting article on the International Criminal Court. (currently a very topical issue) from Judge Ben Gumpert KC all add to a varied and interesting mix. Now start reading!

Rizwan Choudhury 2nd Year LLB

I am an international student in my second-year studying law at the University of Greenwich, serving as Co-President of the Bar Society and holding additional student leadership roles at the university. Being a student editor and collaborating with a fantastic team on the revival of the University Law Journal has been an exciting and rewarding experience. I am delighted that Louise Hewitt has agreed to serve as the staff editor for this renewed publication.

We have decided to rebrand it as the University Law Journal rather than to bring it back as Sui Generis. This is in line with advice received from on high not to use Latin tags. I must express my sincere gratitude to retired KC Tim Barnes, whose extraordinary support and guidance have been instrumental in making this Journal possible.

I am keen for the Journal to contain pieces indicating the perspectives and experiences of current students, with their diverse backgrounds and experiences. But I am equally delighted that we have received endorsements from the Vice Chancellor. Looking ahead, we hope to include letters to the editors alongside articles in future editions, encouraging an interactive dialogue within our community.

The last edition of this journal was published in 2019, and we are proud to revive it, with the hope of continuing its tradition of excellence. As students at the University of Greenwich's Department of Law and Criminology, we are privileged to be part of such a distinguished institution, and we hope this journal will further enhance its standing and reputation.

We hope you enjoy this "first" edition and that it sparks both interest and inspiration. We would love to hear your thoughts—please let us know what you think.

Emaan Rizwan Gubitra 2nd Year LLB

I am pleased to be a Student Editor for the Law Journal representing the University Law Society. I enjoyed participating in the recent Mock Trial and also value my role as a student legal adviser at the University of Greenwich Legal Advice Centre. I have engaged with various facets of the law and consider myself fortunate to be part of a vibrant academic community.

This year, I have enjoyed collaborating with fellow students and staff in putting together the Greenwich University Law Journal. It is my particular hope to create something which serves as a bridge between students, alumni, and legal practitioners and which is interesting to lawyers and non-lawyers alike.

I am particularly keen that we provide some practical career advice, and, in this context, I am extremely grateful for the articles from our alumni describing their career paths since leaving University. But our mission is both to inform and to entertain; the former through the academic articles from our Teaching Staff for which we are grateful and the piece about the workings of the International Criminal Court by Judge Ben Gumpert KC, a Judge at Woolwich Crown Court and a good friend of the University Law Department. The attempt to entertain is reflected in the Notes from a Bygone Age.

I hope that our readership will go beyond the legal community within the University. As we embark on this journey together, it would be good if our efforts inspired thoughts and prompted letters and articles from those who read the Journal and wish to contribute to it in future. Thank you for reading this new Greenwich University Law Journal. Together, let's celebrate the achievements within the Law Department and explore the exciting prospects ahead.

The four Student Editors at the University of Greenwich Moot Room.

Student Contributions

Ryan Singh 3rd Year LLB

As I embark on my final year, I would like to take this moment to look back on my personal experiences studying law at the University of Greenwich and share some thoughts. I hope this will give others considering my course some insight and also give details of the numerous opportunities and support that the University provides.
At the beginning of my first year, I was incredibly nervous, given that University life marked a major transition in my environment and lifestyle. Many questions arose in my mind: What should I expect? How do I make new friends? Would I be able to cope with the work? Nevertheless, the important thing to remember is that it is common to feel nervous and overwhelmed during your first few weeks at university. It takes some time before you find your footing. But all of us are in the same boat, seeking to develop the skills and qualities required to achieve success in the real world.
University is a significant step up from sixth form or college. It is much more demanding but also much more rewarding. In your first and second years, you will cover Public Law, Tort, Criminal Law, Land Law, Contract Law, Human Rights Law, and EU law.
I particularly enjoyed the human rights module and am interested in practising in this area; campaigning for those in need both personally and societally, to promote and foster a rights-based culture.
All of these modules are content-heavy, and you must stay up to date with your reading. Never be embarrassed or afraid to ask for help. The lecturers are here to support you every step of the way. Whether it is in one-to-one meetings or during lectures, they are more than ready to give that assistance.
Each student's journey is unique, and just because others have a clear picture of what they want to do in the future, the same may well not be the case with you. That is why it is so valuable that the University invites many guest speakers and alumni to inform students regarding career paths and how to overcome hurdles that may arise.
The University organises an array of events and activities for students to participate in, such as Mooting, Mock Trials, and participation in The Innocence Project to name just a few. I would urge you take advantage of these opportunities. They bolster your confidence, public speaking skills, and ability to carry out in-depth legal research. Mentoring and opportunities to meet with or even have work experience with various law firms and Barristers Chambers are offered. Employability when you leave Greenwich is taken very seriously.
I have thoroughly enjoyed my time at Greenwich.

Kaylee Fordham 2nd Year LLB

I am currently in my second year at Greenwich studying Law and my principal interest is the Law of Torts.
When deciding on my choice of University I attended various Open Days. Obviously, the beautiful campus at Greenwich was a major factor in terms of my decision to choose Greenwich. But I was also influenced and much impressed by the extra-curricular opportunities available to students.
One of these opportunities is the Innocence Project London (IPL) run by Dr Louise Hewitt. IPL is a registered charity run out of the University where student caseworkers help to undertake in-depth analysis of the cases of convicted prisoners seeking to apply to the Criminal Cases Review Commission to have their cases sent back to the Court of Appeal (Criminal Division). I got the chance to apply at the end of my first year to take part in the Project, and although I am still currently training, I have learnt many new skills that I hope and expect will help me in my future legal career. I have enjoyed my role as Counsel at the recent Mock Trial, the preparations for which were both interesting and enjoyable.
I also hold positions in student societies such as the Bar Society and the 93% Club. The Bar Society focuses on informing students about a career at the Bar but also has a social side. For instance, we organised a movie night social for students to network at the beginning of the year, and there was a more recent event when one of our successful mooting team spoke about the skills needed for mooting. I am much looking forward to the Conversations with 4 distinguished Judges in the first 4 months of 2025.
The 93% Club Greenwich is a student-led society which is also part of a larger nation-wide charity. Our goal is to help with social mobility and career enhancement for the large proportion of University students from state schools, by offering connections and opportunities that they might not otherwise have. I myself have gained a mentor through my involvement with the 93% Club.
I would like to pursue a career in law once I graduate and am currently looking for work experience opportunities to get a better insight into which specific legal sector+ I would best be suited to. I hope to continue my progress in mooting and extra-curricular activities whilst growing my network and skills throughout the rest of my degree course at Greenwich.

Alexia Higgins 2nd Year LLB

I have never been one to talk about myself much or try to stand out from the crowd. That is something which has changed for the better since starting at Greenwich. I have now learnt to speak up, whether that is with an answer in a seminar, or just speaking up at social events to make new friends.

The demands of travelling to and from Greenwich make a good work-life balance difficult. For a time, I forgot to have a social life! My journey to and from Greenwich involves a 2-hour trip each way, and after working 25-30 hours a week alongside my studies, I was often drained. However, by planning better I learned that I could pursue my academic and work life tasks, learning key skills that can be transferred to future employment, while still finding time to make friends with all types of people, and working on personal development.

The University of Greenwich has always been somewhere I wanted to study due to the location and scenery around The Old Royal Naval College. The history and the architecture are unique, and it is not surprising that they have formed the backdrop to so many film and TV series; Pirates of the Caribbean, Napoleon, Bridgerton and Thor: The Dark World, to name but a few. The way the sun sets over the River Thames, the views towards and the walks in Greenwich Park, and the daily experience of Christopher Wren's great buildings all form indelible memories. My favourite spot is beside the Thames in the evening watching the sun setting to the west and the lights of Canary Wharf directly ahead.

I was one of the first intake on the Law and Criminology course to study not only key law topics to get my LLB, but also criminology, providing me with knowledge of those issues within the Criminal Justice system.

I first knew that I wanted to pursue a legal career whilst at Secondary School. Media coverage of trials and TV series based on the law had their influence. But my true commitment to the legal system came after the loss of a close family friend. The perpetrator was sentenced to 3 years in prison. Once released he took another life. The ability of an effective criminal Barrister to engage with members of the Jury by engaging on an individual and emotional level is a particular challenge.

There are many problems with the Criminal Justice system in England and Wales, and I would like to have the opportunity of addressing those problems as well as practising as a criminal Barrister.

Eva Pover, 1st Year LLB.

I hope to practise as a Solicitor and that has been my ambition since the age of 7. If someone asked me to pinpoint my reasons for wanting to work in the law, I would give 3 replies: firstly, the need to prove myself in a challenging career, secondly, a chance to fight for justice in a world where injustice is becoming far more common and finally a professional lifestyle with the chance of being part of a committed team.
During my initial time in sixth form I had thought to do a Degree Apprenticeship rather than attending University. However, when the UCAS application deadline was approaching, a teacher asked if I had considered the University of Greenwich as a place to study Law. I had not considered the University before and certainly had not visited it. I only added it as my last university choice to make my application complete. But having applied I thought it best to visit Greenwich and having done so my views changed dramatically. The University offered what seemed a rigorous and interesting law course but also a wide range of opportunities for a student, including sports and social facilities. The unique location of the University in the historic buildings of the Old Royal Naval College, alongside the Thames and looking up to Greenwich Park, also made me glad to take up a place at Greenwich.
My initial impression is that The University offers opportunities to shape the person you wish to be as well as preparing you for a degree. In my first few weeks of being a student I gained a position on the University netball team (whom I will be joining on tour in 2025), joined the Law Society, undertaken a Mooting session, attended events put on by the Bar Society, and formed new friendships
I never would have had these opportunities outside the University. I am excited to continue my journey at Greenwich, knowing how much I have already gained and grown in these opening few months.

Mooting Success
Essex Court/ English Speaking Union Competition

Natasha Wilmans and Harry Pell

Editorial note: At the time of the competition, Harry and Natasha were second year law students.

For many law students, Mooting is more than just an extra-curricular—it's the pinnacle of the Law School experience, where theory meets practice, and the courtroom becomes our proving ground. In brief, Moot Competitions simulate real court hearings and typically involve an appeal against a final decision of a lower court. The ESU-Essex Court Chambers National Mooting Competition, founded in 1972, is the oldest and most prestigious mooting competition in the United Kingdom. It is open to all universities in the UK and each team is made up of two students. In 2024, we were fortunate enough to be selected to participate in this competition representing the University.

The competition involves 64 universities competing in a series of knock-out rounds from January to June. Each round, up to the semi-finals, is hosted either at the participants' home university or their opponent's. As a result, many rounds required us to travel to another University's Moot Room where we had the opportunity to meet Mooters from across the UK, many of whom were significantly further along in their legal studies than we were. Each round began with the teams receiving a set of case facts, one or more relevant judgments, the grounds of appeal, and an indication of whether they were representing the Appellant or Respondent in the case. Over the course of the competition, we acted as Appellants in four rounds and as Respondents in two.

Each round demanded substantial preparation. With only a few weeks to prepare—(and while also balancing university deadlines and exams)—we were required to conduct in-depth legal research, prepare written submissions, draft and exchange skeleton arguments and court bundles, hold team meetings, and present oral submissions before real Judges. To conduct research, we often used legal databases such as LexisNexis and Westlaw. However, as we were often trying to persuade the court to change the current law, we looked beyond these databases to other jurisdictions and other sources such as academic publications, explanatory notes or

Hansard. A challenge that we frequently encountered during our research was that, as second-year students, the subjects of the moots often involved topics we had not yet studied at University. As a result, we were required first to teach ourselves new areas of law and gain a sufficient understanding, before standing before a Judge and arguing a case on that subject. Throughout the knockout rounds, we tackled cases involving vicarious liability, the defences of insanity and self-defence, the assessment of damages in a construction contract, and police negligence. Each round presented a unique challenge, and each contributed to our development as advocates.

In addition to our substantive preparation, we would meet with our coach, Tim Barnes, to discuss strategy and practise our submissions. We focused on identifying any weaknesses in our arguments and exploring creative ways to navigate potential challenging interventions. Tim also accompanied us to every round, consistently offering his support and encouragement.

During oral hearings, Judges frequently interject with questions designed to test the Mooters' ability to think on their feet, respond under pressure, and demonstrate composure and adaptability. A Judge will almost invariably pose a question that had not previously occurred to you, and this became evident to us from the very first round of the competition. However, our ability to respond to these interventions and think quickly and creatively on our feet was a skill that we developed and was often the key to our success in each round. Before announcing a winner, Judges would provide a judgment on the law alongside their feedback to the advocates. Judges rarely ruled in our favour on the law, as we were often on the 'weaker' side of the case. But this provided us with the opportunity to showcase our creativity and advocacy skills. As feedback often noted, a good advocate can argue a strong case, but a great advocate can argue a weak one. While each Judge's feedback during the knockout rounds varied, two common points were consistently highlighted. Firstly, we were regularly commended for our interaction with the court. Secondly, it was often noted that our advocacy styles, though very different, complemented each other very well.

After enduring intense knockout rounds, we persevered to the final day, buoyed by the support of Tim Barnes, Justin Brunskell, Beverly Witter, and our fellow student Cass Tsang. The day, began at 9am and concluded at 9:30pm and tested our endurance, focus and commitment.

In the morning semi-final round, which took place in Dartmouth House, we argued for the Appellant in a contract law case. Oxford Brookes University (a frequent winner of the competition) were our opponents. Natasha's submissions were that it was possible to get round the decision in *Foakes v Beer*, asserting that *Williams v Roffey* could be applied to the present situation. In the alternative, the Supreme Court should use its power to overrule *Foakes v Beer*. Harry argued that the respondent should be estopped from refusing to refund the overpayment, as all the essential elements for promissory estoppel were present. Furthermore, if there are occasions where the 'shield and not a sword' doctrine prevents the operation of the principle, the Supreme Court should extend and develop the doctrine of promissory estoppel to cover such a situation. After a close fight, our preparation paid off, and we won the round, progressing to the final.

The final took place in one of the Victorian Appeal Courts in the Royal Courts of Justice. Our opponents were the University of Leicester. The final involved the same case as the semi-final, and after winning the coin toss, we opted to remain the Appellants, with Leicester taking the role of Respondents. After several hours of further preparation to refine our arguments, we arrived at the Court at 5:30pm, fully prepared for the final battle. There was a distinguished panel of Judges, including Mrs Justice Sara Cockerill, Mr Justice David Foxton, and Hugh Mercer KC. As Appellants, we went first, making our prepared submissions while facing interventions and questioning from the Judges. While (hopefully) demonstrating flexibility in responding to the Judges' interventions, we sought to return to the structure of our submissions, while watching the clock tick down. The Respondents developed compelling arguments on behalf of their client. We listened closely during their submissions to find weaknesses that we could point up in our rebuttal.

We had done our best, and it was now time for the Judges to retire and make their decision. After a while, they returned and gave each of the finalists individual feedback before announcing the winner. As a team, we were complimented for the flexibility we demonstrated in dealing with the Judge's interventions while not losing sight of the structure of our submissions. Harry received individual praise for his excellent grasp of the authorities and depth of knowledge of the law to which he referred. Natasha was commended for her exceptional engagement with the Judges and clear and concise advocacy style. Mrs Justice Sara Cockerill then announced that, after a hard-fought battle, Greenwich University were the National Champions.

As competition winners, we won the Silver Mace, a prestigious award, a financial prize, and an opportunity for both of us to do a mini pupillage in Essex Court Chambers, a renowned set of Barristers' chambers.

Winning the competition was a moment of great pride and a worthwhile return on the drive, determination, hard work, and ability to remain calm under pressure which we had invested. We learned a great deal from participating in the competition, particularly developing confidence in our advocacy skills. These skills will undoubtedly stand us in good stead for our future career ambitions, underscoring the immense value of such competitions.

In conclusion, we could not have achieved this result without the consistent and continuing support of our moot coach, Tim Barnes, whose guidance and encouragement were instrumental in our success. We are deeply grateful for Tim's support.

<u>Addendum from Tim Barnes KC</u>

The Essex Court and ESU Mooting competition has a long history. It used to be sponsored by the Observer newspaper. Over 60 Universities participated in 2024 including prestigious Russell Group Universities. So, it was a great achievement for the University of Greenwich for the first time to win the Silver Mace at the Royal Courts of Justice.

And having heard them in all the rounds as well as the finals I have no doubt that Harry and Natasha were deserved and worthy winners. Their advocacy styles were different but complemented each other. Each was equally effective. Natasha came across as a confident and enthusiastic advocate. Harry was slightly more restrained in his approach, but his submissions were well thought through and commanded attention. Together they were a very strong team. I much enjoyed coaching them, and the friendship which resulted.

I cannot emphasise too strongly why mooting is such a good idea if you are a law student. Obviously if you are an aspiring Barrister, it provides valuable training in advocacy, but whatever your ultimate career, the ability to articulate clear and audible arguments and to respond to questions are very important skills.

I hope this year to have 8 students from whom the mooting team will ultimately be selected. 28 students have attended the 2 initial sessions, and I am sure that we will get a good team for the 2025 competition. Of course, there is the possibility of sending a team also to the ICC Moot in the Hague in the summer. But be warned, a lot of hard work is involved (as well as a lot of satisfaction and enjoyment.)

International Criminal Court Moot

Cass Tang second-year LLB
Editorial Note: At the time of this Moot, Cass Tang was a first-year law student.

In June 2024, four University of Greenwich teammates: Natasha Wilmans, Harry Pell, James Lucy, Ibrahim Al-Khairalla and I, participated in the International Criminal Court Moot Court Competition in The Hague. It was a first for all of us, and a first for the University of Greenwich in terms of competing. In the 2024 competition 93 teams from 47 countries were involved.

The moot case involved the fictional Republic of Sirax, and alleged war crimes and crimes against humanity committed by the Leader of Sirax. It required consideration of 3 issues: a) the jurisdiction of the ICC and whether the timing of Sirax's withdrawal from the Rome Statute excluded the Court's consideration of whether war crimes or crimes against humanity had been committed; b) whether the evidence put forward was sufficient to establish that the Defendant's actions in instigating attacks on historic monuments and ordering the shooting of a large number of protesters constituted a crime against humanity and/or a war crime; and c) whether the Defendant was unfit to stand trial due to stroke induced- amnesia about the relevant events. The competition required the drafting of a 10,000-word written submission for each of the three roles, (prosecutor, defender and representative of the victims) some months before the oral rounds in the Hague.

Our preparation commenced in December 2023 with the drafting of the Memorials. Before our first meeting with our coaches Tim Barnes KC and Judge Ben Gumpert KC, I recall being absolutely petrified, knowing that I understood little to nothing about the moot question, let alone having any knowledge about International Criminal Law or the Rome Statute. Fortunately, Tim and Ben shared their expertise

and in Ben's case his experience as the prosecutor at the ICC, which helped us immensely. The drafting duties were shared amongst the 5 members of the team, and every week we would meet to review our progress and share our ideas. I found this exercise particularly useful as, when I was researching in preparation for my Memorial, at times it was a daunting task knowing which arguments might be unlikely to succeed and which might be persuasive. Having these sessions and Tim and Ben's assistance meant we were reassured that we were on the right path, which was especially comforting when navigating in an unfamiliar area of law.

The drafting stage was stressful, and sometimes tedious, knowing that we only had four months to research and finalise our Memorials. After lots of hard work re-drafting and late nights research, we finalised our submissions and sent them off for evaluation in March. The Competition has a comprehensive list of strict rules on the formatting of Memorials, including that of margins and spacings – which, despite our best efforts, we found difficulty in applying and as a result suffered a few penalty points.
Shortly after the submission of memorials, we began shortening the submissions into clearer and more concise arguments in preparation for the oral rounds of the Competition.

In the Hague mooting competition, each of the advocates represented one of the roles (myself as Counsel for Prosecution, Harry for the Defence and Natasha for the Victims), and each of us had 2 moot exercises in which to participate. We had 20 minutes in making submissions, and 10 minutes in rebuttal. In these sessions, we were each faced with 4 evaluators, from all walks of life: some of them real judges at the ICC, some of them academics, and most of them with experience of the ICC, or other international tribunals. Their comments at the end of the sessions were interesting and helpful. Many of them had appeared as Counsel in the cited cases, which perhaps explains why they kept asking questions about those cases!

As we progressed through the moots, we realised that the "Judges" were more interventionist than expected. On a few occasions we were posed many difficult questions which had the effect of diverting us from our original argument. I vividly remember that after our respective first moots, Harry, Natasha and I were all a bit dejected, perhaps experiencing a combination of exhaustion and 'post-adrenaline' blues. I recall myself being so drained after my initial moot that the first thing I did was to go straight to sleep! Unfortunately, I had flashbacks in my sleep and woke up

an hour later forcing myself back to the desk in my hotel room to start preparing for my next moot.

In my second moot, one of the evaluators was the drafter of the moot question and after about 15 seconds he interrupted with a question challenging my stance on the first issue. The quantity and detail of his questions meant that some 15 of the 20 minutes I had were spent on dealing solely with the first ground.

Adding to our challenges, most of our competitors were Masters' students specialising in International Criminal law, resulting in a David-and-Goliath situation. However, Tim and Ben, who accompanied us during the 4 days of the competition were impressed by our efforts and I hope that our confidence and articulacy improved as time progressed.

Besides all the hard work and stress, we were fortunate that through Ben's contacts, we were able to attend a supper with Judge Joanna Korner, KC the current sitting UK Judge at the ICC, and to attend Court to see her in action the following day in the trial of Abd Al-Rahman, accused of 31 counts of war crimes and crimes against humanity arising out of events in Darfur from 2003 to 2004. It was an invaluable experience to observe ICC proceedings, and to meet with Judge Beti Hohler, the Slovenian Judge with whom we had a good discussion and who presented each of us with a copy of the Rome Statute.

My highlight would undoubtedly be the evenings in which we met with Tim and Ben for supper. It was the comforting and cosy environment, and the conversations involving all 7 of us, which made an otherwise hard-working and rather intimidating experience, so thoroughly enjoyable.

The ICC Moot proved to be extremely tough and a steep learning curve for all of us. We all learned a lot from the competition, and all improved significantly in our advocacy skills. Disappointingly we did not make the final rounds of the competition. However, the experience and the skills that we acquired during the competition made the trip worthwhile. I hope that others from the University of Greenwich will in future have the same opportunity as we did to participate in this prestigious international mooting competition.

<u>Addendum from Judge Ben Gumpert KC</u>

In June 2024 a team of five University of Greenwich students travelled to The Hague to take part in the International Criminal

Court Competition run the International Criminal Court (ICC). The Moot Court scenario involved the alleged commission of War Crimes and Crimes Against Humanity by a senior government figure in a fictional island nation. The team acquitted themselves with distinction, particularly in the light of the fact that all five students were either in their first or second year of an undergraduate law degree, while many of their competitors were Masters or Doctoral students, specialising in International Criminal Law.

Role of the Bar Society

Abby Nichols, 2nd Year LLB

The Bar Society at the University of Greenwich plays an important role in shaping the future of aspiring Barristers by providing opportunities, resources, and a platform for personal and professional growth. Our Society is dedicated to helping students develop the skills and knowledge necessary to pursue careers in law, particularly those aiming to become Barristers.

Who We Are

We are a student-led society that bridges the gap between academic learning and the real-world demands of legal practice. We are not only a resource for students seeking to pursue a legal career but also a community of individuals passionate about justice, advocacy, and the law. The Society's executive team ensures the smooth running of events and programmes tailored to the needs of our members.

Our Impact on the University Community

The Bar Society has a significant impact on the university's legal culture. Firstly, we aim to offer a wide range of networking opportunities with practicing barristers, solicitors, and other legal professionals through workshops, lectures and mentoring opportunities. These events give students the chance to learn directly from those in the field, broadening their perspectives and exposing them to a variety of possible legal career paths.

In addition to this, we provide valuable practical experience through Mooting competitions and advocacy workshops, which help sharpen critical skills such as public speaking, legal research, and debate. These opportunities should ensure that our members are well-equipped for their professional journey.
A major part of our Society's mission is to foster inclusivity within the legal profession. Our Diversity and Inclusion initiatives seek to break down barriers that might deter under-represented groups from pursuing legal careers. Through events focused on accessibility and mentorship, we aim to create an environment where every student, regardless of background, can consider the possibility of a legal career.

What We Hope to Achieve This Year

This year, our primary goal is to enhance the experience of our members by

expanding the Society's activities and improving accessibility for all. One of our key priorities is to make legal education more engaging through interactive workshops and advocacy training. We want our members to graduate with not just theoretical knowledge but also the practical experience to succeed.

We also plan to establish stronger ties with the legal profession by organising networking events. In doing this, we aim to open doors for students to gain mentorships, Linked-In connections and potential job opportunities.

Ultimately, the Bar Society is here to guide students through the complexities of their legal degree course, to build a supportive community, and to ensure that every member is well-prepared for a successful career. This year, we are determined to leave a lasting impact on the Law Department by fostering a culture of inclusivity, excellence, and opportunity

Role of The Law Society

Emaan Gubitra, 2nd Year Law student.

The Role of the Law Society at the University of Greenwich
At the University of Greenwich, the Law Society stands as a cornerstone of academic and professional development, offering students a journey that truly reflects its motto: "More Than Just a Degree." Far more than being simply an extra-curricular activity, the Society is a vital bridge between legal education and the demands of real-world practice. By fostering intellectual growth, promoting practical engagement, and cultivating a strong sense of community, the Society ensures its members are well-prepared for the multi-faceted challenges of the legal profession.

Our Vision: Forging Tomorrow's Legal Leaders
The Greenwich Law Society operates with a mission to enrich the academic experience by empowering its members to build competitive, well-rounded professional profiles. Through an expansive array of events, workshops, and networking opportunities, the Law Society has established itself as a valued platform for knowledge exchange and career advancement. Its approach fosters not only professional preparedness but also an enduring commitment to justice and legal scholarship.

Events: Where Academics Meet Ambition and Community
The Law Society's Winter Term events offered a blend of academic, practical, and social experiences, setting a high standard for the year ahead.

Law Social Night: The year began with a lively Law Social Night, designed to create a welcoming environment for incoming students and provide returning members with a chance to re-connect. This event was not just a social gathering but an important step in building a community that facilitates collaborative learning and peer mentorship throughout the academic year.

Workshops on Interviews, Assessments, and SQE Preparation: The Society hosted workshops addressing critical aspects of the solicitor career path. These sessions equipped students with the tools to succeed in the application process for vacation schemes and training contracts, covering areas such as competency-based interviews and psychometric assessments. Insights into the SQE—a pivotal qualification for aspiring solicitors—helped de-mystify its structure, offering members better prospects of success.

Barristers' Chambers Event: For students considering the path to the Bar, the Society organized a session with Barristers from varied practice areas. This event provided valuable insights into the realities of life as a Barrister, including advice on the Bar Professional Training Course (BPTC), strategies for securing a pupillage, and reflections on pursuing advocacy-focused careers. Students left with a better understanding of the Bar's demands and the intellectual rigour required to succeed in this field.

Panel Discussion: Legal Minds – Breaking the Silence on Mental Health: Mental Health Week saw the Society take an empathetic yet academically rigorous approach to well-being in the legal profession. The panel featured professionals from psychologically demanding areas like immigration, family, and criminal law, who discussed the impact of legal work on mental health. They provided practical advice on resilience-building for maintaining mental health, emphasizing that emotional intelligence and self-care are as crucial to a legal career as academic achievement.

Visit to Houses of Parliament with a tour from Parliamentary Commissioner Daniel Greenberg: The term concluded on a stimulating note with a visit to Parliament, hosted by Daniel Greenberg CB. Students had the opportunity to discuss the intersection of law and governance, gaining insights into the difficulties of legislative drafting and the complexities of international law. Mr Greenberg's comments highlighted how legal principles evolve in response to global challenges.

Looking Ahead: Excellence and Opportunity

As the academic year progresses, the Law Society is committed to collaborate with law societies from other universities to host joint social events, fostering inter-university connection. The Law Society at Greenwich is more than an organisation; it fosters talent, advocates inclusivity, and seeks to encourage future legal professionals

Staff Contributions

The Innocence Project London

Dr Louise Hewitt, Director of Innocence Project London

We all go on nights out, but what if one night out resulted in you being convicted of a murder that you did not commit? This happened to Conroy. He never thought that a night out at Notting Hill Carnival with two friends would end up with him being convicted of murder and sentenced to life imprisonment with a minimum term of 30 years in prison. And Leon, when he went for a night out in Bristol it must have been far from his mind that he would be convicted of murder and attempted murder. He too was sentenced to life imprisonment with a minimum term of 20 years. Both young men have consistently asserted their innocence.

I run the Innocence Project London, and I know from these cases and the others we work on how innocent people can end up in prison. The Innocence Project London (IPL) is a charity, that works on behalf of convicted individuals who have exhausted the criminal appeals process but are maintaining their innocence, and who want to make an application to the Criminal Cases Review Commission (CCRC), (with a view to making a second appeal to the Court of Appeal Criminal Division). We are based at the University of Greenwich, which enables our students to work on these cases. Only students from Greenwich University are eligible to act as caseworkers.

Scarlett recently graduated having spent two years working for the Innocence Project, London. During that time, she investigated a clients claim to innocence, coming up with a case theory which would exonerate her. She researched aspects of the case and talked to lawyers about what would be considered new evidence for a CCRC application. Scarlett needed to request some evidence held by the police for this potential appeal but continues to experience difficulty in obtaining the material. She did all this whilst studying for a law degree.

Lidia was a Criminology student; she spent four years working for the Innocence Project London during her undergraduate degree and her master's degree. The second case she worked on has been submitted to the Criminal Cases Review Commission recently. Lidia had to find a medical expert who was willing to provide a report that would be considered new evidence. This took nearly a year to complete.

The Innocence Project London supports prisoners who are maintaining their innocence, having failed in their first criminal appeal. Their only recourse to the Court of Appeal Criminal Division a second time is through the CCRC. That body will only very rarely make such a reference unless compelling new evidence has been obtained which calls into question the safety of the conviction. Students like Scarlett and Lidia work in small groups, supervised by myself, working with a lawyer to examine each case to try to find fresh evidence or a new legal argument, which should have been raised at the original trial or at the first appeal hearing. Students learn a lot about the criminal justice process and the impact that the law has on real people. The benefit to prisoners is that they get free support to help them make their best application to the CCRC.
Not every application to the Innocence Project London is eligible, but every application is screened to try to find the potential for fresh evidence and/or a new legal argument. We reply to everyone who writes to us.
The Innocence Project London is licensed as an innocence project, along with three others in England and Wales. We are licensed and meet the standards provided by the Innocence Network based in the USA.

How to apply to work for the Innocence Project London
Students at the University of Greenwich are invited to apply to become volunteers on the Innocence Project London in **March 2025**. Students should be in year 1 or 2 of their degree at the time of application. I also welcome applications from students planning to stay and study postgraduate programmes at the University. The application process is in two stages: the first stage is a report based on a short investigation that students conduct themselves. If students successfully pass through stage one, then they move on to stage two, which is a short interview. There is no cap on the number of places available, but it is a competitive process that is run professionally.
If students are successful in gaining a place on the IPL, they start work in September of the following academic year. New students undertake six weeks of training before they start their case work. They should attend all the training sessions.
For further information please look at the website www.IPLondon.org and follow us on social media (Innocence Project London) on Instagram, Facebook, X and LinkedIn.

Summer School at University of Greenwich

Dr Dragana Spencer, Senior lecturer in Law

The **2024 International Comparative Law Summer School** ran from June 24 to July 19, 2024, with nearly 100 participants exploring comparative and international Business Law, Immigration Law, and Criminal Law. The programme was conducted in collaboration with Mitchell Hamline School of Law (USA), Bennett University (India), and Bahçeşehir University (Turkey), offering comparative insights into the legal systems of the UK, the US, and other jurisdictions.

Hosted at the University of Greenwich's Old Royal Naval College in London—a UNESCO World Heritage Site—classes were delivered in a hybrid (hyflex) format. This allowed students to attend either in person or online, providing flexibility and accessibility. Led by experienced legal scholars, the courses employed lectures, discussions, and small group sessions for hands-on learning. The hyflex model ensured simultaneous participation for both in-person and online students, facilitating an inclusive educational experience.

The curriculum featured three main courses:

Company and Partnership Law
This course focused on advising global entrepreneurs, covering company and partnership law from a comparative perspective. Students engaged in simulations, addressing business strategies, transaction structuring, and contract negotiations. The course emphasized drafting cross-border agreements, resolving legal issues, and understanding cultural differences in business practices between the UK and the US.

Immigration Law
The second course examined immigration systems in the UK and US, focusing on principles related to worker movement and asylum. It covered the implications of criminal convictions, visa options for workers, paths to permanent residency, and naturalization processes. The course also explored treaty-based visa options, comparing NAFTA (US) and EU treaties (UK).

Advanced Criminal Law
This course delved into criminal law systems in the UK and US, emphasizing advanced legal research and writing skills. Participants studied criminal offences, defences, and liabilities, while also considering the social and political contexts of the laws. The course aimed to enhance students' analytical abilities in criminal law.

The International Comparative Law Summer School offered both rigorous and practical experience, equipping students with valuable skills and knowledge of international law through a comparative analysis of UK and US legal systems. Participants, including undergraduate and postgraduate students in law, international relations, and related fields, as well as legal professionals and individuals, gained practical legal knowledge applicable to future careers or studies. The programme's location offered a unique setting for learning, enhanced by networking opportunities with international peers. Students also participated in a legal walking tour of London and court visits, providing insights into the city's legal history.

The Summer School will be returning this June and July of 2025.

Limitation Act and Historical Sexual Abuse Cases

Dr Michael Ottley, Senior lecturer in Law

Students will probably be familiar with recent news stories involving victims of sexual abuse caused by someone in 'authority' or a well-known personality. One difficulty faced by victims of sexual abuse in bringing a claim for damages where the alleged abuse may have occurred many years in the past is that the claim is outside the 'normal' limitation period for filing a claim. Under the Limitation Act 1980, the limitation period for bringing a claim is six years for an action in tort (section 1) or 3 years where the claim is based on negligence, nuisance or breach of duty which causes personal injury (such as sexual abuse) (section 11). However, under section 33, a court has a discretionary power to allow a claim to be brought after the limitation period in section 11 has expired if the court considers it equitable to do so. This ensures that historic sex abuse cases are not automatically time barred. In exercising its discretion, the court considers inter alia the length of and reasons for the delay, the degree of any prejudice to the claimant and the defendant in allowing the case to proceed, and whether evidence and witness testimony is reliable so many years after the event.

The following recent cases indicates how the discretion under section 33 has been exercised. It should be emphasised that in this area of the law each case turns on its own particular facts:

In *London Borough of Haringey v FZO [2021] EWCA CIV 180* the claimant brought a claim of sexual abuse 25 to 30 years after the limitation period had expired. The abuse occurred between 1980 and 1988 by a PE teacher at a school. The court allowed the claim to proceed under s 33 of the Act in that the reason for the delay was that the victim did not realise he had been abused until 2011 when he suffered a mental breakdown because of past 'grooming and emotional manipulation'. The mental breakdown continued during and after criminal proceedings were bought against the defendant in 2014. The Court of Appeal rejected the Council's appeal holding that the claimant's evidence did contain some inconsistencies, but these were not sufficient to justify a refusal to disapply the limitation period. Further there was no missing evidence which could have affected the outcome of the case.

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In *DSN v Blackpool Football Club Ltd [2021] EWCA CIV 1352* The Trial Judge carefully reviewed all the relevant criteria. He found the reason for the delay (some 30 years)

in bringing proceedings was the psychological harm caused by shame and its effect on the victim's mental health. The Judge also held that the cogency of the evidence was not compromised by the delay. The court applied section 33 and allowed the action to proceed. "In my judgment, paying careful regard to the considerations in the authorities cited to me, and applying the criteria in section 33 of the Limitation Act 1980 which I have set out, it is equitable to allow the action to proceed."
The Court of Appeal allowed the appeal on the issue of vicarious liability. The findings on section 33 were not challenged.

In contrast, in *EXE v Governors of the Royal Naval School [2020] EWHC 595 KB* the court refused to allow a claim to proceed outside the limitation period. The court considered the claimant's evidence was contradictory and, though the victim had suffered anxiety and shame, she had not suffered psychological harm. In addition, the evidence to be relied on was affected significantly by a lack of witnesses, a loss of records and a deterioration of the claimant's recollection of events. These would substantially prejudice the Defendants position. Also unlike in many such cases the victim had informed her family members of the abuse well within the Limitation period

To conclude, the Court is engaged in a careful balancing act, weighing up the interests of the claimant and those of the defendant, in deciding whether it is equitable to allow legal proceedings to be brought in respect of events that occurred a long time ago. The application of s33 by the courts suggests that those suffering abuse, particularly children, can be reassured that their claims will not simply be rejected on the ground their claim falls outside the normal Limitation Period for bringing a claim arising out of physical or mental abuse. The courts are broadly sympathetic to allowing such claims to proceed, particularly if there are cogent reasons why the claim was not advanced within the 3-year period

It should be noted in cases of this type, that, to protect the identity of victims of sexual abuse, the claimant's name in proceedings is referred to by initials.

Multilingual and Multicultural War Crimes Courtrooms

Dr Dragana Spencer, Senior lecturer in Law

I recently contributed a chapter titled "*Sounds of Atrocity Prosecutions: Intersubjective Interpreting as a Key Ingredient for Effective and Fair Trials in Multilingual and Multicultural War Crimes Courtrooms*" for the book Sights, Sounds, and Sensibilities of Atrocity Prosecutions, edited by Mark A. Drumbl (Washington and Lee University) and Caroline Fournet (University of Exeter), published by Brill.

My chapter discusses the complexities of providing accurate, culturally sensitive interpretation in international criminal trials. The success of these trials largely depends on effective intersubjective interpretation—meaning interpretations that not only convey the literal meaning but also the cultural and emotional nuances of the testimonies. International criminal courts operate in multilingual and multicultural environments, creating barriers to understanding due to linguistic differences and cultural gradations.

Simultaneous interpreters often convey the voices of victims, witnesses, and defendants, which can inadvertently affect the perception of credibility, emotion, and intent. For instance, the tone used by an interpreter (e.g., a female voice conveying a male speaker's words) can impact how judges perceive the seriousness or authenticity of a testimony. Different languages and cultural backgrounds among judges, defendants, and interpreters lead to variations in how testimony is understood. For example, a defendant might perceive silence as a sign of respect, while a Western judge might interpret it as avoidance. Biases, including unconscious ones, can affect both interpreters and judges.

These are the inevitable outcomes of personal backgrounds, experiences, emotions, influencing and constructing the outcome of interpretations. In cases where interpreters identify more with one side of a case, they may unconsciously change the emotional tone or meaning of a statement. These prejudices risk further distorting the perceptions of the judges, who depend on interpreters to understand testimonies fully.

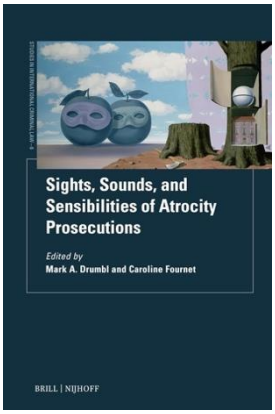
Therefore, interpreting is not only about literal translation but about achieving "fidelity" in conveying the tone, emotion, and context. Courts often rely on interpreters who may lack the adequate training or cultural background to fully capture these nuances, which risks distorting the intended message.

Potentially, misinterpretations or hesitations can change how judges perceive sincerity or emotion, especially in testimonies dealing with trauma. Here, I examine

the standards for interpreters in courts like the International Criminal Court (ICC). The ICC mandates "competent interpretation", but the interpretation quality is often limited by budgetary constraints and the lack of consistency of fully trained, culturally aware interpreters particularly in situational and/or rare languages. Since the ICC often employs local interpreters for collection of testimony and evidence, this chapter argues for better funding and training for interpreters to avoid misconstructions that could compromise the fairness of trials.

The ICC operates mainly in English and French, which excludes many languages spoken in regions where alleged crimes occur. For instance, the ICC handles many cases involving African defendants, but African languages are under-represented, adding another barrier to procedural fairness. Moreover, judges, who self-report on their language skills and competencies, might lack high levels of proficiency in the languages used in court, which exacerbates inter-subjectivity issues.

Thus, the focus of this chapter is identifying problems with linguistic and cultural inter-subjectivity and then advocating the need for greater equivalence of understanding among trial participants, which is essential for fair trials – lack of intersubjective understanding can distort the trial process and affect judgements. Translation errors and cultural misinterpretations in international criminal proceedings risk also undermining the accuracy of historical records produced. It becomes imperative therefore for the ICC and similar courts to go beyond just linguistic translation to encompass cultural competence. Failure to do so can lead to misjudgements about a defendant's intent or the emotional impact of a victim's testimony, weakening the historical validity of trial records.



To address these issues, I conclude by emphasising the need for improved, further formalised training and accreditation for interpreters, as well as cultural sensitivity instructions for judges. Courtrooms must invest more in language services and prioritize accuracy in interpretation, as these are essential to achieving fair outcomes and maintaining the credibility of international justice systems.

Saving lives and preventing harm: public health procurement and human rights

Dr Olga Martin-Ortega, Professor of International Law

In the wake of the unprecedented global demand for personal protective equipment (PPE) during the COVID-19 pandemic, governments concentrated in saving the lives of their citizens, having to purchase medical supplies at unprecedented rates. However, the world also witnessed another reality: the exploitation of vulnerable workers in the supply chains that produced the very same lifesaving equipment that every health public buyer was fighting to secure. From the abuse of migrant workers in the rubber glove industry in Malaysia to the alleged use of state-sponsored forced labour in China the pandemic laid bare the ethical dilemmas inherent in PPE procurement.

Governments needed to urgently secure essential supplies, while also ensuring ethical standards in procurement. They adopted varying approaches. In the short-term crisis period, many existing procurement systems were suspended as they scrambled and competed with one another for supplies. After a while, they returned to the systems they had used before the pandemic, but with modifications. The world had changed - more was known about where the problems lay - both in terms of supply chain insecurity, as well as modern slavery risks. In my research I have investigated the distinct strategies employed by three key Global North countries: the US, the UK, and Sweden.

This research was published by the prestigious *Journal of Industrial Relations,* in an article entitled 'Push, pull, dance: Approaches to address labour abuse in public health supply chains' and co-authored with Cindy Berman and Martin Trusgnach. What we found was blind spots in strategies to combat modern slavery, whilst also recognising the strengths of existing approaches. This brought us to propose a more integrated approach to prevent modern slavery in the long term, which I present here.

Personal Protective Equipment (PPE) and labour exploitation

The problem of labour exploitation in the supply chain of health sector goods production, had been known long before the pandemic. Millions of workers are exposed to harm as a result of governments and companies not implementing labour rights protections as well as failures in governance negligent and abusive

employment practices and poor business models, abusive working conditions, excessive working hours, and inadequate health, safety and security measures. Certain groups, such as migrant workers, women and ethnic minorities, which composed the main workforce in these supply chains suffer these failures and abuses to an increased extent.

In the supply chain of PPE human and labour rights abuses were not just a consequence of the COVID-19 pandemic and the fast-increased global demand for these medical supplies. The majority of PPE are manufactured in countries where labour rights were routinely violated even before the pandemic. However, little attention had been paid to how this equipment was produced before, in part due to their relatively low profile. But also, because public procurement, the purchase of goods and services by government, had received much less attention than the behaviour of large multinational corporations and brands with a high exposure to the public and dependency on their image. Therefore, although these violations were known before the pandemic in journalistic and research circles, the urgent need for PPE brought renewed and more widespread attention to labour rights abuses in the supply chain.

The responses to the pandemic in the countries where medical equipment was being produced also amplified and exacerbated the vulnerability of workers towards labour rights abuses. For example, during initial lockdowns, workers were quarantined in their living quarters with no ability for safe distancing. They had no wages, on occasions not even access to food and were denied health treatment. This had a domino effect as with no income for migrant workers their families back home lost out on their remittances. Once factories returned to full production, in some cases wages were cut to make up for financial losses during lockdowns; workers were made to work excessive hours, while also expected to continue working and living in unsafe and unhealthy environments. In some cases, migrant workers were re-patriated involuntarily without being paid wages they were owed, finding themselves in debt with no capacity to repay the costs they had incurred to access those jobs, including exorbitant recruitment fee costs. This means that workers who were already vulnerable to the risks of labour exploitation before COVID-19 became even more vulnerable during the pandemic.

My research focuses on two of the situations which received most public attention during and after the response to the pandemic, and to which the three states of study, the US, the UK and Sweden, reacted. These are: the abuse of migrant workers in Malaysian rubber gloves factories and the use of state-sponsored forced labour in the Chinese province of Xinjiang. However, it is important to acknowledge that there are other states where PPE has traditionally been produced, including Eastern Europe, Turkey, Bangladesh, India, Vietnam, Thailand, Mexico and Brazil, all of which are also known to have high risks of labour exploitation and are overall associated with poor working conditions.

Malaysia is one of the world largest producers of PEE, in particular surgical gloves. In 2016, a surgeon in the UK NHS and co-founder of the British Medical

Association's Medical Fair and Ethical Trade Group, Dr. Mahmood Bhutta, called attention to the conditions in which workers produced around 150 billion pairs of gloves per year, with a market value of over 5 billion USD, nearly exclusively for the medical sector. At that time, the country produced around two-thirds of all disposable gloves, with Thailand as the second largest supplier. Malaysian manufacturing industries are characterised by labour rights abuses, which were then, and remain now, endemic. This is due, among other factors to the high reliance on vulnerable migrant workers from South and East Asia. In the production of gloves, workers are also subject to hazards, including exposure to chemical products, risk of fire, noise induced hearing loss, physical injuries and lung diseases, in addition to other labour rights abuses.

In China, the lack of independent trade union representation and abusive working conditions involved in the production of a wide range of goods, including face masks, have been documented for over a decade. Since 2019, the international community has been increasingly concerned with allegations of state-imposed forced labour in the Xinjiang province, as part of a wider policy of repression of fundamental freedoms of the Muslim Uyghur community (Joint Statement to the UN Human Rights Council, 2019; UN Office of the Higher Commissioner for Human Rights, 2021 and 2022).

The three models analysed

The research my co-authors and I undertook focused on the ways in which states reacted to the realities exposed above. In our article we analyse the practices used by the USA, UK and Swedish governments to address the risks of PPE produced in conditions of labour rights abuses reaching the public sector, by entering the public supply chain. We identified the strategies as a 'zero-tolerance', 'light-touch' and 'direct engagement'. The 'zero-tolerance' trade restrictions and import bans is used by the USA. Whilst this approach signals consequences for non-compliance, it also lacks the nuance needed to tackle systemic issues. 'Light touch' transparency regulations have been prevalent in the UK. They have been instrumental in fostering awareness, but have not been particularly effective, as they are not accompanied by enforcement mechanisms. Finally, Sweden, through the County Council health procurement, has been prioritising a 'direct engagement' approach. Through this engagement public buyers have a direct relationship with suppliers and are able to better monitor the supply chains which produce the medical goods they procure. This approach has provided some important positive results for workers in certain cases, and whilst it may help foster sustainable improvements, it is hindered by limited capacity and leverage of public buyers.

The critical examination of the three models and how they worked before and during the pandemic led us to conclude that no single approach was a panacea. Even if they were applied together, we still concluded that they would be insufficient to tackle modern slavery. The critical missing element is a mature industrial relations system in which workers can exercise their right to collective action and engage in

social dialogue. Without this, efforts to address the current risks of forced labour and modern slavery efforts have little chance of success.

Conclusions and the way forward

The willingness of states and businesses to abuse their power and exploit the most vulnerable is among the root causes of modern slavery. In places where modern slavery is prevalent, states neglect their responsibilities to enforce internationally agreed labour standards. Businesses, in competitive markets and in search of profits, take advantage of workers' vulnerability. In global supply chains the most vulnerable are mostly migrants, women, and ethnic or other minority workers desperate for jobs. They are on the most precarious contracts, threatened, coerced, abused and paid very little or not at all.

Research and practice have demonstrated that where workers are represented by independent democratic trade unions, modern slavery has less chances to persist. Mature industrial relations systems require structured social dialogue between workers and businesses and effective grievance systems. Public bodies can be instrumental to promote these more balanced relationships if they are willing to use the leverage they have over their suppliers, and demand of them that they do far more to prevent harm. Public buyers then have a significant role in driving improvements in the rights and working conditions of the workers that produce the goods they purchase to exercise their public functions and provide public services. A combination of the three models our research has identified, articulated through regulatory measures, transparency requirements, and direct engagement, offers a pathway to ethical procurement practices. By leveraging the lessons learned from the COVID-19 crisis, governments and other stakeholders have a unique opportunity to rethink their strategies in healthcare procurement.

In a future potentially fuelled by deep seabed mining human rights considerations must be at the forefront.

Fatimazahra Dehbi, PhD Researcher

To mine or not to mine? For decades, the commercial exploitation of seabed mineral deposits had been a matter of when, rather than if. Supporters of deep seabed mining assert that the carving up and drilling of the seabed for mineral deposits is a necessity if humankind is to transition away from the current fossil fuel-reliant economy to one of near zero emissions in line with the Paris agreement. Those that oppose it are concerned about its potential impacts on both the environment and human life, going as far to call for a precautionary pause on such activities beyond national jurisdiction. This article provides a brief overview of the link between deep seabed mining and human rights in terms of impacts and legal regulation. Section 2 focuses on defining deep seabed mining and its impacts. Section 3 engages in a brief examination of the legal framework. This is followed by the conclusion.

Section 2 Deep Seabed Mining: The Potential Process and Impacts of Exploitation

Deep seabed mining can be defined as the commercial exploitation of deep-sea mineral deposits found at depths of and beyond 200 metres (m)below the ocean surface, namely polymetallic nodules (PMN), polymetallic sulphides (PMS), and cobalt-rich ferromanganese crusts (CFC). Each of these mineral deposits vary in terms of their physical characteristics and exhibit slow growth rates (millions of years). PMN are potato-sized ores typically rich in cobalt, copper, nickel, manganese and titanium, found in the abyssal plains of the deep-sea at depths of 400-6000m. PMS are mineral accumulations typically rich in cobalt, copper, gold, lead and zinc, which form around hydrothermal habitats along mid-ocean ridges, back-arc ridges, and active volcanic arcs at depths of 400-4960m. CFC are solid accumulations, typically rich in cobalt, nickel and platinum, which form on the flanks of seamounts, knolls (small sea volcanoes), and plateaus (underwater mountains) at depths of 400-7000m.

The exploitation of deep-sea mineral deposits requires the application of a variety of methods, ranging from the vacuuming of mineral deposits sitting on the seabed to surface level (via a riser pipe), the dislodging of mineral deposits from the seabed

with a jet of water, to the cleaving and carving of minerals formations directly from geological foundations and the ocean floor, and the discharging of wastewater back into the water column at either surface-level or at depth. It is important to note that such mining will take place in an environment of which we possess a limited understanding. What is known is that the biodiversity of the deep sea is incredibly diverse and rich, with many of the marine organisms living at such depths exhibiting unique traits such as bioluminescence (biochemically produced light which is essential for communication, reproduction and defence) and highly sensitive vision. As such, light and noise pollution arising from mining activities are likely to disrupt ecosystem and species function and routines. Sediment plumes, arising at various stages of the mining process, could contain toxic compounds in addition to seabed sediment and be dispersed hundreds of kilometres (up to 1000km) from the site, as well as take a long time to settle back on the ocean floor owing to the low sediment deposition rates in deep-sea environments. Many deep-sea organisms are poorly adapted to cope with the sudden redeposition of sediment, such as sponges and other suspension feeders, which will suffocate as suspended sediment particles clog their feeding and respiratory apparatus. Furthermore, toxic heavy metals and other substances contained in these sediment plumes can cause severe damage to marine fauna such as corals, which can die from copper intoxication 13-14 days following exposure via sediment plumes, and marine organisms. Pollution from these sediment plumes will not only have an impact on biodiversity, but also fisheries, especially in areas where fisheries and prospective mining areas overlap such as pacific tuna fisheries.

Moreover, the mineral deposits that are sought by humankind play a significant role in ecosystem function. Many organisms live on PMNs themselves, whilst other organisms, such as foraminiferans (single-celled organisms), octocorals, sea stars, and crustaceans, dwell in the surrounding sediment. In terms of CFC, suspension feeders such as corals and sponges, some of which are known to grow very large and live for more than 4000 years, rely on the crusts for substrate. In turn, their dense forests provide additional three-dimensional structure to these habitats which support a range of life including crustaceans, echinoderms and molluscs, which utilise habitats such as seamounts as areas for breeding, foraging and resting.

This non-exhaustive list of environmental impacts will also have knock on effects on human life, and consequently human rights. For example, light and noise pollution could potentially disrupt fish migratory patterns, whilst sedimentary plumes are likely to contaminate fish stocks. This would significantly impact fisheries, both commercial and artisanal, upon which many depend for revenue, nutrition, and employment. Furthermore, deep-sea ecosystems are recognised as one of the most fragile in that it often takes decades for them to recover, if at all. Marine genetic resources, particularly those of the deep seam which remain undiscovered may contain critical components for the future development of medicine. Consider also

the intrinsic value of deep-sea ecosystems to which no monetary value can be assigned, particularly to those who are connected spiritually and culturally to marine spaces. These impacts would therefore engage human rights to life, health, food, work, a healthy environment, culture and the rights of indigenous peoples.

Section 3 The Deep Seabed Mining Regulatory Framework: Key Provisions and a Preliminary Assessment

Under international law, deep-sea mining is regulated by Part XI of the United Nations Convention on the Law of the Sea (UNCLOS)[1] and the 1994 Agreement Relating to the Implementation of Part XI of UNCLOS which govern the deep seabed, and ocean floor, and its subsoil beyond the limits of national jurisdiction (known in the Convention as "the Area") and all activities of exploration and exploitation of its resources. These provisions will be further supplemented by the Mining Code, once finalised and adopted. Regulation of mining within national jurisdiction lies with coastal states, although this must be no less effective than international standards. The Area and its resources are designated as the common heritage of mankind, meaning that no state can claim or exercise sovereignty or sovereign rights over, or appropriate any part of the Area or its resources; and that the rights in the resources are "vested in mankind as a whole", on whose behalf the International Seabed Authority (ISA) acts. Furthermore, the ISA, as well as other actors involved in seabed mining in the Area—sponsoring states and contractors—are bound by UNCLOS to protect and preserve marine environment, including from pollution or other hazards arising from activities in the Area. Beyond UNCLOS, these actors also have direct obligations and responsibilities under international law which require them to, for example, apply the precautionary approach, employ best environmental practice, and conduct environmental impact assessments prior to undertaking any mining activities. It is worth noting here, that ISA is also obligated to ensure the effective protection of human life.

However, are these provisions sufficient to address the potential human rights and environmental concerns of deep seabed mining? Further research into this area is required before a well-informed conclusion can be drawn. However, as human rights themselves are not referred to in UNCLOS, the approach at the ISA, so far, has been to neglect human rights considerations. This is evident from criticisms of the ISA in terms of a lack of transparency in decision making; the absence of public participation and engagement with relevant stakeholders such as indigenous peoples and coastal communities in negotiations and discussions; and the little attention afforded to the social impacts of deep-sea mining. Nevertheless, there is a growing consensus that international human rights law is applicable to the deep-sea mining context, through an interpretation of UNCLOS provisions which suggest that other regimes of international law have a direct bearing on deep-sea mining

[1] United Nations Convention on the Law of the Sea (Montego Bay) 10 December 1982, in force 16 November 1994, 21 ILM 1261 (1982)

activities, or through states obligations under international human rights law which are engaged in their decision making at the ISA.

Conclusion

This article has briefly highlighted some of the key concerns of seabed mining from a human rights and environmental perspective. Whilst deep sea mining could potentially stave off the adverse impacts of climate change, as supporters suggest, it could catastrophically destroy one of the world's largest ecosystems, on which we depend for survival, and which we still do not fully understand. Thus, before seabed mining is to commence, and if it ever does commence, human rights and environmental considerations must be at the forefront of any decisions.

Law Employment Mentor Programme - addressing diversity in the legal sector and developing work-based skills.

Carol Withey, Programme Co-ordinator, Head of Student success

Between 2021- 2024 I represented the University of Greenwich on the 'Purpose Coalition: Fit for Purpose; Levelling Up Law' campaign. This series of sessions explored diversity in the legal sector, including in terms of recruitment and progression. The sessions were attended by 15 City Law Firms and 13 universities.

After the 2021 campaign, I sought out law firms and legal organisations passionate about equality, diversity and inclusion and created the 'Law and Criminology Employability Mentor Programme'. The programme consists of collaborations between the University of Greenwich, law firms and other organisations like the Crown Prosecution Service. The partnerships deliver short, structured mentor schemes which are designed to:

Enable Greenwich law students to develop their knowledge, skills and abilities within a particular legal area (criminal law, commercial law etc).
Develop career plans and target these to specific sectors and organisations.
Increase graduate employment prospects.
Build self-confidence and increase motivation to achieve goals.
Encourage diversity within legal employment and the criminal justice system.

The schemes in the programme are open to final year undergraduate law students. However, second year students and post-graduate students can participate if there are available spaces, although this is not usually the case. A scheme is delivered predominantly online in Microsoft Teams meetings. All mentors and students join the same mentoring meeting. Break-out rooms are used for work with individual mentors. Some of the schemes include an in-person session, e.g. a court visit to shadow a mentor and usually include a CV or mock interview session. In most cases, two or more sessions will be task-based- where students work on real life work-based scenarios and tasks.

In 2023-24 over 100 students participated in a scheme. In 2024-25 there are 4 law schemes: Competition Law and Practice, Criminal Law and Practice with the CPS, Commercial Law and Practice with WBD law firm, and Intellectual Property Law and Practice.

Students have found the schemes very useful saying:
"The task-based exercises were helpful in consolidating my learning and developing my work-place skills.

"The online format allowed me to participate in the scheme remotely and at a time that was convenient for me. The online meetings and training sessions were well-organised and interactive, and I felt that I was able to engage fully with the content".

Details of schemes are circulated by the staff managing the schemes to third years students, with first option going to students on relevant modules

Third-Party Contributions

Mock Trial at the University

Tim Barnes KC

The trial for murder of Mike Smith and Lucy Hollings took place on the afternoons of December 11th and 12th; 2024, the first day being held at Woolwich Crown Court and the second in the Moot Room in the University. The students involved had been involved in weekly preparatory sessions since the start of Term with an extra session on December 9th. In all 24 students participated in the Mock Trial, 2 barristers for each Defendant and the Crown, 2 Defendants, 12 witnesses, a Clerk of the Court, and various jurors. In addition, Rizwan, one of our Student editors put in a sterling performance as a member of the public who got up in the course of the evidence of a police officer, accused by the defence of planting evidence incriminating the female defendant and shouted out that he knew that the policeman was as bent as a corkscrew, having himself been the victim of his dishonest testimony in a previous trial.

This was one of the legal issues which the Barristers had to argue; should the Jury be discharged or was it sufficient for the Judge to give the Jury a clear warning to ignore the outburst. Other issues which were incorporated in the Trial were the admissibility of previous convictions which the Crown sought to introduce under the propensity provisions of the Criminal Justice Act, and what to do about 2 jurors, one of whom said that she had no confidence in the criminal justice system as a result of personal experience, and would acquit the Defendants irrespective of the evidence, and the other whose mother lived in the same street as the female defendant.

The submissions on these issues were not scripted, nor were the opening and closing speeches for Leading Counsel for the Crown or the closing speeches by 2 Leading Counsel for the Defendants. Preparation sessions and training gave students the confidence to make good submissions and speeches, although like many practising Barristers the burden and standard of proof were repeated so often (also in my

Summing Up) that the Jury must have got a bit fed up with being told the same thing in virtually identical language over and over again.

Witness statements had been provided for all the witnesses, but eliciting their evidence by the party calling them, without leading the witness was difficult, as it proves in real life. Cores-examination, not inhibited by the embargo on leading questions was surprisingly vigorous and effective. The experience of the mock trial was a valuable one for all that took part, particularly for those considering a career at the Bar.

Student View of the Mock Trial

Dylan Rolland, First-year LLB Law Student

As the Lead Prosecutor in the Mock Trial, I had to prepare opening and closing statements to the Jury, as well as prepare Examination in Chief and Cross Examination of various witnesses. With guidance from Tim Barnes KC and Judge Gumpert and working alongside my fellow prosecutor, I slowly built the Crown's case and practiced weekly in rehearsals. The process not only helped my understanding of legal proceedings, but also greatly improved my advocacy skills. I learned how to extract information from difficult or hostile witnesses. This was not only fun, but also educational and helpful, as I hope to go into the legal profession. Most importantly it gave insight into what a real trial looks like. While rehearsals maintained a serious atmosphere, they were enjoyable. And we were all encouraged to do our best the mock trial itself took place over two days. The first day was held at Woolwich Crown Court and we were fortunate to have Judge Gumpert KC presiding, which added to the authenticity of the trial. The second day was in the University Moot Room, set up to replicate a court room, presided over by Tim Barnes KC and with a camera crew filming it. This saw the end of the case, (a conviction of both Defendants!) and it was great to see how far everyone had improved since the first rehearsal. All in all, the mock trial was a great experience; I made friends, learned very much, and greatly improved my own skills.

Millie Korakianitis, First-year LLB Law Student

Reflecting on my role as the defendant in the mock trial, I can honestly say it was both fun and valuable learning experience. Stepping into the shoes of the defendant allowed me to gain a deeper understanding of courtroom dynamics, legal strategies, and the importance of effective communication. It was challenging to think on my feet and stay composed under pressure of cross-examination, but every rehearsal session was always full of a great balance of laughs and professionalism from

everyone concerned. It was always good to see how much everyone got into it. Overall, it was a rewarding experience that sharpened my critical thinking and public speaking skills, and I would definitely recommend it.

Recollections of A Bygone Age

Tim Barnes KC

These days Judges at every level are rigorously trained by the Judicial Studies Board and usually have many years' experiences as a Recorder before becoming a full-time member of the Judiciary. These changes have undoubtedly resulted in a more professional Judiciary but have eliminated some of the characters who made practice so memorable and enjoyable in the old days. This article is my opportunity to recall some who would never make the grade in to-day's Judicial world.

First up is the Judge who used to sit in Huntingdon before the new Peterborough Crown Court was opened. The Court sat in an old building in the Town Centre and above it was a large Hall in which twice a week dancing classes for young children took place in the afternoon. In the middle of some harrowing piece of evidence the piano upstairs would strike up The Sugar Plum Fairy or some such piece. and the noise of 20 or so children galumphing around directly above us was clearly audible. The Judge would smile benignly and say to the Jury how pleasant it was to hear children enjoying themselves and simply ignore the noise from upstairs (some hope!). All the Bar who appeared at Huntingdon knew that this Judge was a passionate enthusiast for horse racing and had a TV in his room next to the Court on which he could watch the racing. Every 30 minutes in the afternoons some convenient pretext would be raised by the Judge; the shorthand writer needed a break, the Jury might like to stretch their legs, there was a logical break before we came to the next significant piece of evidence etc. The Judge would disappear from the Bench like a rabbit down a hole, and within minutes you could hear in Court the commentary from whichever racetrack was featuring racing on TV that afternoon. This Judge also tended to come into the Robing Room after summing the case up to the Jury and ask the Bar for their opinions about it. I think he kept on with this practice because we made it a kind of competition to fabricate the most outlandish (and wholly unjustified) comments, "a beacon of clarity and lucidity Judge" "a masterly exposition of the law and a brilliant synthesis of the evidence.", "one could see how that the jury was rapt "etc.

Another very popular Judge used to sit in Lincoln (the reader may by now have deduced that as a Junior I practised on the Midland Circuit). The Judge was a strong

Catholic and was temperamentally averse to divorce. It was unfortunate therefore that he was assigned to try undefended divorce cases. Usually, it would take 10/15 minutes to gallop through these. They were a nice little earner for a young Barrister by reason of the fact that they were undefended. All you had to do was to elicit from the Petitioner that the marriage had broken down irretrievably and that one of the grounds for divorce had been made out. But with this Judge only 4 or 5 undefended cases would be listed for the whole day. He would elicit from the Petitioner that initially theirs had been a happy marriage, particularly if there had been children. He or she would then be asked whether all that happiness should be sacrificed by a divorce, and whether or not it might be possible to revive the marriage. Perhaps it was premature at this stage, suggested the Judge, to say that the marriage had irretrievably broken down. His obvious kindness and well-meaning led many of the Petitioners to agree to give their marriage a second chance, which led the Judge either to dismiss the Petition or adjourn it for 6 months while the couple tried to make a go of things.

Of course, now a divorce requires no Court hearing and there is no opportunity for judicial intervention of this kind. But I remember Petitioners who had intended to leave court with a decree nisi, leaving court with nothing other than the best wishes from the Judge who hoped that he/she could re-build their marriage. I rather expect that the divorce rate in Lincolnshire in the 1970s must have been considerably below the national average!

Another Midland Circuit Judge gave the best example I have heard in explaining what a reasonable doubt might mean in the context of directing the Jury in a criminal trial. He would say "Members of the jury take the example of a man who goes to sleep at night. Will he be awake next morning? Of course, he might die in his sleep. A fire might break out and burn him to death. A wandering psychopath might break in and murder him. All those might be doubts that he would awake next morning. But they would not be reasonable doubts, would they? They are fanciful doubts. And it is that approach you should adopt in deciding whether in this case the Prosecution has made you sure of this Defendant's guilt."

There is nothing more dangerous than to ask an elderly barrister to reminisce about the old days! I could go on and on and on! But enough for this edition of the University of Greenwich Law Journal. I will be back for next year's Law Journal!

Conversations with Distinguished Judges

Tim Barnes KC

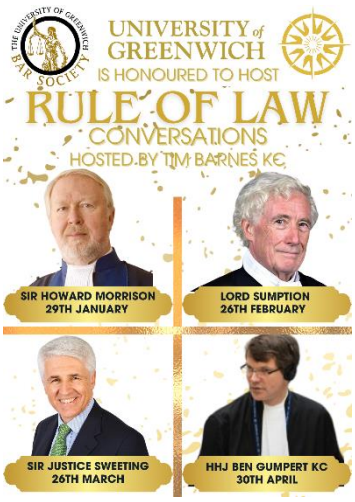
A few years back the Greenwich Society and the University of Greenwich jointly organised some popular lectures on the Rule of Law given by some distinguished speakers. We have decided to re-instate this type of event in the New Year, but the format will be different. Instead of a lecture there will be a conversation with a quartet of Distinguished Judges. As I know all those who have agreed to participate on a personal basis, I have decided that I will be the interlocutor. But there will be an opportunity for all those in the audience to ask questions at the end of the conversation and a chance to talk informally with the Judge at the end of the event.

The Conversations will take place in the Stockwell Street Lecture Theatre on the last Wednesdays of January, February, March and April at 7pm. Tickets will be available but free via Eventbrite from January 1st onwards. It is hoped that there will be a good turnout from both students and staff at the Department of Law and Criminology. Not many Universities would be able to attract such distinguished Judges.

The Judges will be as follows
January 29th Sir Howard Morrison. KC Elected as the UK Judge at the International Criminal Court at the Hague in 2011 and held the position for 10 years. Previously Chief Magistrate in Fiji, appointed QC, and Attorney-General in Anguilla with specific responsibility for enacting speedy anti-drugs legislation Acted for the Defence in the International Criminal Tribunal for Rwanda. Tried Radovan Karadzic. Currently acting as mentor to Ukrainian Judges and investigators about War Crime

February 26th Lord Sumption. Former Justice of the Supreme Court, and Reith Lecturer in 2019 on Law and the Decline of Politics. He has expressed strong views about the legality and political propriety of aspects of the Covid lockdown as well as giving informed opinions on contemporary moral and political issues. Involved at the Bar and in the Supreme Court (to which he was appointed without siting in the High Court or Court of Appeal, an honour only once repeated in the last 100 years) in some of the most important cases. At the same time, he has earned universal respect as an historian writing a 5-volume history of the Hundred Years War.

March 26th Mr Justice Sweeting. Derek as a Silk focused on contentious civil litigation and advisory work in all the Senior Courts. He was regularly instructed by the Attorney-General in particular in relation to claims arising out of the Iraq War He



is a Bencher of the Middle Temple and Chaired the Legal Service Committee of the Bar Council before becoming Chairman of the Bar Council in 2021. When appointed to the High Court Bench in 2022 the Lord Chief Justice welcomed him as the first High Court Judge to have completed the Marathon des Sables!

April 30th HHJ Ben Gumpert KC is a Judge at Woolwich Crown Court but previously acted both as a lead Prosecutor and a Defender at the International Criminal Court at The Hague. His conversation will cover the challenges and successes of the ICC, the difficulties in the English Criminal Justice System from the perspective of a Crown Court Judge and his twin loves of Cricket and Music.

Bar Society Committee members pictured with Tim Barnes KC, MBE and Sir Howard Morrison. KC

The International Criminal Court – Challenges and Opportunities.

HHJ Benjamin Gumpert KC

Editorial Note: HHJ Benjamin Gumpert KC is a former prosecutor of the International Criminal Court.
The writers opinions are his own.

This article aims to serve as a brief introduction to the ICC for those unfamiliar with it, and to highlight some of the challenges and opportunities facing the ICC at present.

The Rome Statute

On 1 July 2002 the Rome Statue, which is the foundation of the International Criminal Court (ICC), came into force. The Rome Statute is a treaty that articulates the international criminal law under which the Court operates. The ICC currently has 124 members states known as 'States Parties'. The UK, all EU member states, Japan, Canada, South Korea, Australia, New Zealand and the large majority of states in Latin America and Sub-Saharan Africa are States Parties. The United States, China, India, Russia, and the large majority of states in the Middle East are not. Ukraine has recently decided to ratify the Rome Statute and is now a member.

The Judges of the ICC are elected by the Assembly of States Parties (ASP), which meets once a year. There are 18 Judges who, following their election, serve nine-year terms. The Prosecutor, likewise, elected by the ASP, also serves for nine years. The 'Office of the Prosecutor'(OTP) comprises about 100 lawyers who advise on ongoing investigations and conduct the legal proceedings on behalf of the Prosecutor. Advocates for accused persons, and for the victims of the crimes prosecuted before the court, are appointed on a case-by-case basis by the Registrar, whose Registry is responsible for the administration of the ICC.

The Rome Statute defines four core crimes which are within its jurisdiction: Genocide, Crimes Against Humanity, War Crimes, and the Crime of Aggression.

Genocide is the commission of a range of acts, typically killing, with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such.

Crimes against humanity include a wider range of acts, including murder, enslavement, torture and rape, committed as part of a widespread or systematic attack (but not necessarily an armed conflict) directed against a civilian population.

War Crimes are 'grave beaches' of the Geneva Conventions or other serious violations of the laws and customs of war committed in the context of an armed conflict. Different rules apply according to whether the conflict is of an international or non-international nature.

The Crime of Aggression is the preparation or execution, by a person who controls or directs the actions of a state, of the use of armed force by that state against another state.

The ICC can only investigate and prosecute crimes if they are committed on the territory of States Parties, or by nationals of States Parties, or (wherever and by whomever they may have been committed) they are referred to the Court by the UN Security Council.

The court can only prosecute 'natural persons' aged 18 years or more. It has no jurisdiction over states or organisations, although it does have the power (not always easy to exercise) to require co-operation by States Parties.

The ICC is intended to serve as the "court of last resort". It may only exercise its jurisdiction if it is satisfied that national courts are unwilling or unable to prosecute individuals suspects of crimes. This is the principle of 'complementarity'.
In order to avoid their domestic legal systems being found by the ICC to be unable to prosecute the crimes under its jurisdiction many States Parties have incorporated the Rome Statute in their domestic legislation.
This has had a significant beneficial effect in the field of War Crimes. Signatories to the Geneva Conventions (i.e. the vast majority of States across the world) have always had an obligation to bring persons who are alleged to have committed grave breaches of those conventions before their own courts for prosecution. However very few states have incorporated the Geneva Conventions directly into their own domestic criminal justice systems and there have been practical difficulties in complying with the obligation. There was until the advent of the Rome Statue no authoritative definition of the elements of many grave breaches (for example: torture in the context of an armed conflict) which the prosecution must prove to achieve a conviction. The Rome Statute provides for an 'Elements of Crimes' document which specifies these elements with precision. Even states which have not ratified the Rome Statute have used the principles which it expresses as guidance for domestic prosecutions of War Crimes.

Proceedings at the ICC

Proceedings at the ICC take a course which is unfamiliar to many people from countries where the criminal justice system follows the 'common law' tradition, such as the UK and the USA.

Unlike the police or other investigatory authorities in those countries, before the Prosecutor of the ICC is permitted to open an investigation into the possible commission of crimes, and the identity of the perpetrators, the authorisation of a 'Pre-Trial Chamber' (PTC) of three ICC Judges must be sought. Such authorisation will only be granted where the Judges are satisfied that there is a 'reasonable Basis' to investigate, and the case falls within the jurisdiction of the court.

It is only when a 'situation' (i.e. the events in a particular part of the world) is referred to the Office of the Prosecutor by a State Party or by the UN Security Council for investigation that the Prosecutor can begin investigations without the authorisation of the PTC.

Once those investigations have identified a suspect against whom there appears to be a strong case, the Prosecutor must, once again, seek the authorisation of the PTC either for a 'summons to appear' or, more usually, where there are concerns about the willingness of a suspect to comply with such a summons, a warrant of arrest. The PTC must be satisfied that there are 'reasonable grounds' to believe that the suspect has committed a crime within the jurisdiction of the Court.

While the PTC has the power to order the arrest of suspects, The ICC is entirely reliant upon national authorities to carry out such orders. Even States Parties have not always done so.

The OTP will next prepare a document containing the charges. Normally this will await the time when the suspect has been brought to the seat of the court in The Hague but as will be seen below, it can be done before that occurs. Defence counsel will be appointed and, on the basis of the document containing the charges, the PTC must decide whether there are 'substantial grounds to believe' that the suspect has committed the crimes charged. If, following a hearing at which both prosecution and defence may present written evidence, and call witnesses, it is so satisfied, the PTC 'confirms' those charges for trial before a different bench of judges.

In the 22 years since the ICC was set up there have been 12 contested trials at the ICC. (Lubanga; Katanga; Bemba; Bemba et al; Ruto and Sang; Ntaganda; Gbagbo and Ble Goude; Ongwen; Al Hassan; Abd Al Rahman; and Yekatom and Ngaissona). Bemba et al was a case concerned with offences against the administration of justice (witness tampering) rather than the core crimes listed above. On average about 8

years elapses from the time of a defendant's first appearance at the court to the conclusion of the proceedings.

Criticism of the ICC

The ICC is slow moving.

Perhaps the hardest hitting criticism of the ICC arises from the facts set out in the preceding paragraph. The court has managed just over one trial every two years since it was set up, despite having 18 judges and three courtrooms. And those trials proceed extraordinarily slowly.

The case of Jean-Pierre Bemba illustrates the point. Just over a year elapsed between his first appearance in July 2008 and the confirmation of the charges against him. Another 17 months passed before his trial began. The trial lasted four years, but the court only sat on 330 days during that time. He was convicted in March 2016. He appealed. It took 22 months for his appeal to be heard and another five months for the appeal to be determined in June 2018. He was acquitted on appeal, having spent a decade in detention.

Bemba made an application for compensation, which was refused. But in the decision giving the reasons for refusal the Judges added the following remarks: "…it seems unquestionable that the Bemba case provides a case in point as to the seriousness of the consequences entailed by the absence of statutory limits as to the duration either of the proceedings or, even more critically, of custodial detention. The Chamber finds it urgent for the States Parties to embark on a review of the Statute so as to consider addressing those limitations; until then, it will be the Court's own responsibility to be mindful of the expeditiousness of the proceedings as a fundamental tenet of the right to a fair trial and to streamline its own proceedings accordingly."

There has been no such urgent review, and no indication of whether (and if so how) the Court intends to 'streamline' its proceedings. But it is interesting to note that the ICC itself, or at least some of its judges, seems to accept the criticism that it operates too slowly. This acceptance is undercut by the fact that it took the judges who made this finding fully 14 months to respond to and rule on Bemba's application!

Failure to convict the 'big fish'

None of the five men convicted of core crimes by the ICC (Lubanga, Katanga, Ntaganda, Ongwen and Al Hassan) have been much more than 'middle-ranking' within the organisations of which they were members when they committed those crimes. Proceedings against Uhuru Kenyatta and William Ruto (President and Vice President of Kenya by the time they were to be tried), Laurent Gbagbo (former President of Ivory Coast at the time of his trial) and Jean-Pierre Bemba (former Vice-President of the Democratic Republic of the Congo, and Minister of Defence at the time of writing) were all either discontinued for lack of sufficient evidence or resulted in acquittal.

It is important to consider the issue of resources. Investigating and prosecuting world leaders requires deep pockets. The total budget for the ICC's Office of the Prosecutor in 2018 was 47 million Euros. In that same year (the last year I could get comparable figures) the budget for the Berlin Fire Brigade was about five times larger, at 250 million Euros, and the budget for the Devon and Cornwall police about seven times larger at 350 million Euros.

Of course, it would be wrong to assume that the cases against the individuals named above failed because of a lack of resources, rather than because they were innocent, but this apparent imbalance between the magnitude of the task and the resources available to achieve it has led to suggestions that the ICC is not equipped or sufficiently supported by the States Parties to take on powerful individuals who may have state backing. The failure to date of, by some counts, nine States Parties to comply with their obligations to co-operate with the Court and to execute the arrest warrant against Sudan's President Omar Al-Bashir, first issued in 2009, tends to support this suggestion.

Ultimately, however, this is not a criticism of the ICC, but rather of the states and international bodies that ensured that the Court's own powers concerning investigation and arrest of suspects were so limited and which have been slow to lend their own powers in this respect to the Court.

Judge Antonio Cassese memorably described the International Criminal Tribunal for the former Yugoslavia (ICTY) as "a giant without arms and legs [which] needs artificial limbs to walk and work. And these artificial limbs are state authorities". The analogy is equally applicable to the ICC.

International crimes almost always result from the operation of governments or organised criminal groups. Investigating and prosecuting such groups successfully is likely to require the same investigative tools that domestic law enforcement bodies use in their own jurisdictions when confronted with organised crime. Typically, these will include electronic and physical surveillance, undercover investigators and participating informants. ICC investigators have none of these tools available to them, and while intelligence capable of being transformed into evidence is occasionally shared with the ICC by States Parties, very often there are political and diplomatic constraints which prevent this from happening. Furthermore, the Court's procedures described above are so time consuming that crimes are almost never being investigated in 'real time', but typically long after the crimes have occurred, so that the perpetrators have had years to cover their traces.

Victims' concerns

Victims have formal status in proceedings at the ICC, in the way they do not in common law criminal justice systems (and did not at the ICC's predecessor Tribunals for crimes committed in Yugoslavia and Rwanda). Victims are represented at trial, and permitted to question prosecution and defence witnesses, to call their own witnesses and to make legal submissions. Another criticism made with some regularity is that the court's procedures regarding the representation of victims and

addressing their concerns at various stages of the proceedings are bureaucratic and ineffective. The court is empowered to make reparation payments to victims of the crimes of which defendants have been convicted, but there is little it can do for the victims of the many other crimes where the evidence has proved insufficient to bring the case to trial or achieve convictions.

Bias against Africa

The suggestion that the ICC had a bias against Africa, made very loudly (not least by the defendants themselves) at the time when Uhuru Kenyatta and William Ruto were facing trial at the ICC, has receded somewhat in recent years. It remains true that all five of the men who have been convicted of crimes at the ICC are Africans (Lubanga, Katanga, Ntaganda, Ongwen and Al-Hassan), but so are all six of the men who have been acquitted, or against whom proceedings have been discontinued (Kenyatta, Ruto, Sang, Gbagbo, Ble Goude and Bemba). And allegations such as those made by the African Union in 2013 (at a meeting at which Omar Al-Bashir was present despite being wanted on an ICC arrest warrant!) that the proceedings of the ICC had degenerated into "some kind of race hunting" seems scarcely credible, given the issuance of warrants for the arrest of four Russians (including Vladimir Putin) in connection with crimes in Ukraine, and the request for warrants against Israeli Prime Minister, Binyamin Netanyahu and Defence Minister, Yoav Gallant.

Opportunities for the Court

The Rome Statute is clear that an accused person cannot be tried in their absence. Joseph Kony is the leader of the Lord's Resistance Army (LRA), a rebel military group of Ugandan origin. His activities and the operations of the LRA were the subject of a considerable amount of evidence in the trial at the ICC of Dominic Ongwen, who was one of Kony's senior subordinates. The charges in that case included murder of civilians in displaced persons camps, rape, persecution and the enlistment of child soldiers as War Crimes and Crimes Against Humanity. The ICC issued an arrest warrant for Kony in July 2005, charging him with the commission of crimes against humanity and war crimes in Uganda since 2002. He has eluded capture for nearly 20 years.

But, although Kony cannot be tried for those crimes in his absence the Office of the Prosecutor (OTP) now proposes to proceed to the confirmation of the charges against Joseph Kony under Article 61(2) of the Rome Statute, despite the fact that he has not been brought to the Court. This would be the first occasion on which a confirmation hearing has been held in the suspect's absence.

The Prosecutor suggests there are three "good causes" for the in-absentia confirmation proceedings. First, it would demonstrate that the ICC "will not be thwarted by attempts to evade justice." Second, the hearing would publicly air evidence and thereby galvanize the international community's efforts to apprehend Kony. Third, it would enable the victims to voice their views and thereby constitute a meaningful milestone for victims of Kony's alleged crimes.

In appropriate cases, I would suggest, there might be a fourth reason for holding in absentia confirmation proceedings. This reason probably does not apply in Kony's case, which, like most of the ICC's work is likely to revolve around not what the law is, but about what happened.

But arguably the most important work a court does is to clarify the law itself. Under UK law it was not possible for a man to rape his wife until 1991. The change did not come about as a result of an Act of Parliament. In the House of Lords case of R v R in 1991 the judges found, effectively, that the law no longer represented the way any reasonable person in our society thought about this issue. They ruled that, even within a marriage, any non-consensual penetrative sexual activity is rape.

There are many crimes in the Rome Statute which have never been put before a court of any kind. The legal contours of 'excessive attacks' where the target is a legitimate military one, but civilian casualties are disproportionate, 'forcible transfer' of a population, and 'starvation as a method of warfare' are largely unknown, as is the extent of the doctrine of self-defence as a ground for excluding criminal responsibility.

The ICC is currently exploring the extent to which crimes such as these may have been committed during the conflicts in Ukraine and Gaza. The results will be watched with anxious consideration by all developed states who have a concern for the legality of their forces' actions on the battlefield. It is worth noting, for example, that when the Additional Protocol to the Geneva Conventions was being debated in 1977, France voted against the criminalisation of 'excessive attacks' because the "very complexity [of the law] would seriously hamper the conduct of defensive military operations against an invader and prejudice the inherent right of legitimate defence". Those same concerns arguably remain valid today.

Consideration of a case which is founded on these issues is urgently needed. It could take place at a confirmation hearing, even if the persons suspected of these crimes did not appear before the court. The finding would be to a high standard of proof, namely whether there were 'substantial grounds to believe' that the crimes had been committed. The best international criminal defence lawyers could be appointed to argue the case for the defence. The court's finding might force governments, and voters, to confront the possibility that ruthless adversaries using 'human shields' (itself a war crime) cannot be the subject of lawful attack, however carefully planned and executed, if the cost in civilian lives is too high.

A Career in Asset Management

Solomon Wifa, Partner, Wilkie Farr & Gallagher
My journey: From University of Greenwich to the Pinnacle of Legal Leadership

Reflecting on my career journey since graduating from the University of Greenwich in 1994, I am struck by the transformative power of perseverance, adaptability, and staying true to one's values. Like many graduates, I was full of ambition, hope, and a touch of uncertainty about what the future held. But looking back now, I can confidently say that my career journey has been nothing short of transformative. From the early days of stepping into the corporate world to eventually carving out my own niche, each step has taught me valuable lessons that have shaped both my professional and personal growth. Today, as a partner at Willkie Farr & Gallagher LLP and a senior figure in the investment funds legal sector, the path here has been as challenging as it has been rewarding.

Early Ambitions and Foundations

When I completed my law degree, in 1994, my dreams were ambitious but not yet fully formed. The University provided me with a sturdy foundation. It was a place where I was able to cultivate critical thinking, problem-solving, and communication skills—skills that would become invaluable as I moved through various stages of my career. The rigour of my studies also taught me discipline, while the diverse community of the university instilled a deep appreciation for different perspectives—something that has served me well throughout my career.

I qualified as a solicitor in 1999, marking the beginning of my professional life in the competitive world of corporate law. I quickly realized that technical proficiency, while critical, was only part of the equation. Equally important were emotional intelligence, networking, and an ability to navigate complex environments.

Climbing the Ladder

My first legal role in a law firm was working as a paralegal in the commercial litigation department of what was then a "silver-circle" firm. This was a defining moment for me as I was thrust into a world, I knew very little about. It quickly became clear that the business world was far more complex than the theoretical legal principles we had studied in university. However, I embraced the challenges and focused on understanding how businesses operate on a day-to-day basis. It was

during this time that I learned one of the most critical lessons of my career: "*never stop learning"*. Every project, every task, and every interaction with my colleagues was an opportunity to learn something new. I was fortunate to be surrounded by mentors who guided me along the way, giving me advice on how to navigate the often-complicated workplace dynamics and how to handle pressure. They taught me that success doesn't always come from being the smartest in the room, but rather from being the most diligent and thoughtful in your approach.

My enthusiasm for my work caught the eyes of some of the firm's senior partners and, after barely a year as a paralegal, they had invited me to apply for a training contract. After two years of training, I qualified as a solicitor in the corporate group and focused on private equity transactions. It was an exciting time as private equity, as an asset class, was just beginning to grow in Europe and I was at the cutting edge of that growth.
After 7 years of private equity transactions and deal making, I was invited by a few colleagues to join them in a new exciting project! Re-building the corporate practice of, O'Melveny & Myers, an amazing US law firm in London. For me, I saw this as an opportunity to take a front row seat and observe first-hand how law practices are built. I grabbed the opportunity with both hands not thinking much of the huge risks that could come with failure. Now in my new firm, I specialized in private equity and investment funds. This was another defining period for me. I worked with clients from across the globe, structuring innovative funds and navigating regulatory landscapes. My focus on emerging markets—particularly Africa, China, and India—was not just strategic but also deeply personal. Coming from Nigeria, I saw the untapped potential in these regions and wanted to contribute to their economic development through my work.

In 2011, I was appointed the head of O'Melveny & Myers' London office, becoming one of the few Black lawyers to lead an international law firm's office. This role underscored a lesson I had come to cherish leadership is about service. As I guided my team, I prioritised mentorship, inclusion, and fostering an environment where everyone could excel. I left O'Melveny & Myers in 2015 to join another US law firm to help build their Asset Management practice in Europe. Today, at Willkie Farr & Gallagher LLP, I continue to focus on investment funds, representing sponsors and institutional investors across a variety of asset classes, including private equity, real estate, and renewable energy. I have also worked on ground-breaking projects in secondary transactions, co-investments, and joint ventures. The variety of my work has kept me engaged and driven, but what truly motivates me is the opportunity to use my expertise to create value and drive positive change.

Lessons Learned

Reflecting on this journey, a few key lessons stand out:

The Power of Resilience: The road to success is rarely linear. Early in my career, I encountered barriers that might have deterred others. Instead, I embraced them as opportunities to refine my skills and expand my horizons. The ability to remain focused on long-term goals, even in the face of short-term challenges, has been invaluable.

The Importance of Adaptability: The legal landscape is constantly evolving, and staying ahead requires continuous learning. By embracing change and seeking new challenges, I've been able to grow professionally while delivering value to clients in a dynamic world.

The Role of Community and Mentorship: None of us achieve success in isolation. I have benefited immensely from mentors and peers who believed in me and offered guidance. In turn, I have made it a priority to mentor others, especially young lawyers from under-represented backgrounds.

Staying Grounded in Purpose: At the core of my career has been a desire to make a difference. Whether through structuring funds that drive innovation or mentoring future leaders, aligning my work with my values has been a source of fulfilment.

To those just starting their careers, I would say: success is not about where you start but how you navigate the journey. Equip yourself with knowledge, stay curious, and remain open to opportunities. Most importantly, believe in your ability to create the future you envision. As you look to the future remember - anything is possible.

For more insights about my professional work and experiences, you can explore my profile on legal platforms such as Chambers and The Legal 500 and on LinkedIn and Willkie Farr & Gallagher LLP websites.

The Top Mooters of 2018 look back on their time at Greenwich University

Introduction from Tim Barnes KC

Joe and Lee were two very accomplished mooters who reached the semi-finals of the Inter-University Mooting Competition in 2018. At that time, I shared the coaching load with Professor Mark Pawlowski who took enormous trouble with the mooting team. They should have reached the finals and reminded me recently that when the Judge announced that the other semi-finalist had got through to the finals I said in a not too inaudible aside "what a travesty". We held a Moot in the Supreme Court in front of Lord Sumption with me and a member of my old Chambers at 7 Bedford Row on one side and Lee and Joe on the other. They gave us a run for our money, but our argument prevailed!
I thought that it would be interesting to hear from them what they remember about their time in Greenwich and for them to tell you a little about what they have been doing since.

The Role of an Internal Auditor - Joe Lyons

Internal auditors evaluate an organisation's processes, risks, and compliance with laws. Unlike external auditors, who assess financial statements for stakeholders (and are essentially a type of accountant) we work within the organisation to improve systems, prevent compliance issues arising, and protect reputations. An internal audit function is only as good as the range of people it has. My colleagues include professional psychologists (who audit organisational culture); statisticians, attorneys, traders, regulators from the Federal Reserve in the US, and similarly from the FCA in the U.K. Internal Audit serves as a critical eye for the Board of Directors, providing them with an insight as to how well the organisation is being managed and whether the measures in place to manage risk (financial risk, compliance risk, behavioural risk, reputational risk, fiduciary risk etc) are adequately designed and operating effectively.

My law degree is crucial in understanding, for example, various FCA rules, MiFID, and anti-money laundering laws. As I work for a US bank which operates around the globe, I am often involved in audits which develop an understanding of requirements in those jurisdictions e.g., the OFAC sanctions regime in the US, or corporate governance requirements in Luxembourg. These frameworks, regimes,

laws etc guide much of my work, helping me evaluate how regulations apply to specific business processes and whether we are meeting the requirements and standards of regulators around the world. The range of insights which an audit function offer is second to none.
For example, while a solicitor may provide legal advice, internal auditors assess how these legal principles are implemented within the business day-to-day. My ability to bridge this gap adds value to the company and is a necessary component for companies to achieve compliance and effectively manage risks. The importance of an effective audit function is demonstrated by notable scandals and downfalls in years gone by - the Post Office, Enron, BP Deepwater, and the Lehman Brothers being just some examples.
Internal audit offers a broad yet deep commercial perspective which I would not have got from a traditional legal career. I interact with teams across departments, in-house legal counsel, and executive management, gaining insights into strategy, operations, and risk management at the highest levels. This gives me a holistic view of the organisation and its business environment. The field constantly evolves, with emerging risks like cyber-crime, the growth of blockchain and digital currencies, and ESG compliance, ensuring there's always something new to learn.

Final Thoughts
For law graduates seeking alternatives to the traditional legal careers available, internal audit is a fulfilling and immensely rewarding career that combines legal knowledge with business insight. It's a chance to make a tangible impact which, in the case of banking, means navigating the complexities of modern finance such as private equity, mergers and acquisitions, and how derivatives are traded. My journey so far proves that a law degree can lead to exciting opportunities in unexpected places and is a reminder that your law degree can offer rewarding and fulfilling careers outside of traditional legal practice.

Lee Matthews

My career trajectory since graduating from Greenwich has been far from linear, something I could not have anticipated when I began my degree in 2015. After completing my studies, I initially worked as an administrative assistant at Freeths, a well-regarded national firm of solicitors specialising in Private Client and Family law. However, this role was not aligned with my aspirations, and I remained determined to pursue a position within the Intellectual Property field.
Fortuitously, I was headhunted for a Contract Administrator role at IFS, a global leader in CRM/ERP software. This experience provided me with significant exposure to the IT and software industries, which sparked a deep interest in these areas.

Eventually, I transitioned into an Account Management role within the IT sector, a move that has significantly distanced me from the traditional legal practice I anticipated finding employment in.

Despite the shift, this role has facilitated both personal and professional growth. In many ways, I would argue it has provided the clearest application of the skills developed during my legal studies. Skills such as critical thinking, problem-solving, and, most importantly, effective communication have been essential to my success. I must also highlight the influence of mooting, which has proved directly transferable to the corporate world, particularly in stakeholder management. The experience of persuading a moot Judge to adopt one's viewpoint mirrors the skill of engaging stakeholders, while the ability to distil complex concepts into accessible language has been crucial. Perhaps most importantly, mooting taught me the value of self-confidence—an essential trait in any professional setting.

While my current career has taken me far from the legal sphere, I have not ruled out returning to law. However, I am aware that there is no immediate urgency to do so. My advice to current law students is this: a law degree does not merely open doors; it equips you with the skills to navigate the challenges of any professional environment, and that, in itself, is invaluable.

Message From the Vice Chancellor of the University

Jane Harrington Vice-Chancellor of University of Greenwich

I am delighted to welcome the return of Sui Generis, the University of Greenwich law journal. At the university we pride ourselves on making an impact and working in collaboration with partners. This is exactly what this journal represents and the fact that it is a joint collaboration between students, staff and external partners really does demonstrate what we as a university strive to achieve.

It is impressive to see the combination of serious and thought-provoking articles, alongside historical ones and indeed some anecdotal commentary. They represent the diversity of our community of student lawyers who alongside their studies play active roles in mooting, debates, external events such as regular employability fairs and a vibrant law society. I thank many of you reading this who mentor our students as this makes such a positive impact on their futures. Recently I had the pleasure to attend the Magna Carter Moot at Inner Temple. Two of our students, Natasha Wilmans and Harry Pell were in the finals having already won 7 rounds of the nation-wide Inter-University Mooting Competition. They were up against a team that had many years more experience and already had pupillages at Inner temple. I am so proud that they had got to this stage and were so impressive on the night. It is activities like this which really do make such a difference for our students, and I thank in particular Tim Barnes KC who has supported their work throughout.

This journal is designed to showcase the successes and future ideas of the school of law and Criminology. As a university we are ambitious and have many plans to develop over the next few years so I do hope that you will enjoy reading Sui Generis whether you are a lawyer or not and join us in our celebration of what is a vibrant, diverse and large law and criminology school. We are proud of the fact that many of our students are first in family into higher education and come from very diverse backgrounds. Their achievements really are something to celebrate, and I look forward to the journal showcasing this for us all.

Final word from the editors

Any views and opinions expressed in any of our articles are the views of the author themselves and do not reflect the views of any organisations those individuals work for or the University of Greenwich.

We would like to give an extended thanks to all the contributors to this years edition and a special thank you to Daria Ilyushenkova for providing the photograph used on the front cover of this issue.

Finally, should any readers want to reach out and contribute to next years edition please email at barsocgre@outlook.com