

OFFICIAL RULES
17th NATIONAL IHL MOOT COURT COMPETITION 2020
Online and International Islamic University Malaysia
19 – 20 December 2020

Contents

Chapter I: Eligibility and Registration

Chapter II: Memorials

Chapter III: Oral Rounds

Chapter IV: General

In view of COVID-19 public health guidelines and laws, this Rules is significantly different from previous versions of the Rules. PLEASE READ CAREFULLY.

For correspondences and more information, please contact:

Ms. Priscilla Devi

Secretariat of the 17th National IHL Moot Court Competition

International Committee of the Red Cross (ICRC) Kuala Lumpur Regional Delegation

Unit 50-11-1, Level 11, Wisma UOA Damansara,

No .50, Jalan Dungun, Damansara Heights, 50490 Kuala Lumpur.

Email: ihlmootcourtmalaysia@gmail.com

Phone: 03-2084 1800

Chapter I

ELIGIBILITY AND REGISTRATION

1. Eligibility

- 1.1 Subject to the Rules herein, this Competition is open to all **public or private accredited academic institutions incorporated and currently operating in Malaysia** (“Institution”).
- 1.2 Each Institution is eligible to register **ONE TEAM of THREE MEMBERS** (“Team”). If an Institution submits more than one team for registration, only the first complete submission shall be deemed as registered.
- 1.3 Every Member of each Team must be enrolled as an **undergraduate student of the Institution as of 1 October 2020**. Individuals qualified with postgraduate or professional legal practice are **NOT ELIGIBLE** to apply.
- 1.4 Institutions are encouraged to register an inclusive team, i.e. comprising members of different sex, religion, race, ethnicity, age, disability, and academic disciplines.

2. Registration Fees

Each Team shall pay a registration fee of **RM 200.00** by **2 October 2020** by online transfer to:

Account Name: UIAM OPERATING ACCOUNT
Account No: 1407-0000004-71-6
Bank: Bank Muamalat Malaysia Berhad

For confirmation of registration, issuance of official receipt and any issues concerning registration payment, please email the proof of transfer and/or contact **Ms. Fauzaton Aqilah** (aqilah@iium.edu.my; 03 61964257).

3. Submissions for Registration

3.1 To register their respective teams, each Institution must **email the following documents** to the Secretariat **by Tuesday, 3 November 2020 at 10.00 a.m.:**

- (1) Completed and signed **Team Registration Form**, including names and contact details of each Team Member and Team Liaison; AND
- (2) **Proof of undergraduate student enrolment** for each registered Team Member (e.g. PDF copies of Admission Letter, official transcript etc).

3.2 With submission of these documents, the registrant Institution and Team confirm that they are equipped to participate in this Competition including its online components.

4. Team Liaison

4.1 Each Team must appoint ONE Faculty Member of the Institution as Team Liaison.

4.2 Upon registration, the Secretariat shall communicate with the Team Liaison for timely distribution of the Team Registration Number and arising competition information.

4.3 The Team Liaison must inform the Secretariat in writing of any change to any information and representation made in documents submitted under clause 4, including concerning Team Members. The change is only deemed effective upon written confirmation and, where necessary, consent of the Secretariat.

4.4 The Team Liaison is expected to be contactable by the Competition Secretariat during the Competition. If the Team Liaison becomes unavailable at any time after registration, the Team must produce to the Secretariat written permission from their Institution to continue participating in the Competition.

5. Team Registration Number

The Secretariat shall assign each Team with a registration number **to protect the anonymity of teams and to ensure fair play in the Competition.**

6. Competition Format

6.1 This Competition consists of **the Memorial Round and the Oral Rounds** (Preliminary and Advanced Rounds).

- 6.2 Amid COVID-19, the oral **Preliminary Rounds on Competition Day 1 will be conducted online via Microsoft Teams and Skype.**
- 6.2.1 Each Team is solely responsible for ensuring that their **TWO REPRESENTATIVES (i.e. Team Liaison and Lead Counsel)** attend and are fully equipped to attend the online draw.
- 6.2.2 Secretariat shall not be held liable for any Team's delay or failure to be represented at the online draw, including due to technical IT issues.
- 6.3 The **Advanced Rounds on Competition Day 2 will be conducted physically** at Ahmad Ibrahim Kulliyah of Laws, International Islamic University Malaysia (IIUM).

Chapter II

MEMORIAL ROUND

7. Formatting of Memorials

- 7.1 Each Team shall submit ONE MEMORIAL EACH for Prosecution and Defence.
- 7.2 Each Memorial must be typed with **1.5 spacing, font type Times New Roman, font size 12 and font colour Black/Automatic** and, where required printed on **white A4 sized paper.**
- 7.3 **Every page, section and paragraph of the Memorial must be numbered** for ease of reference.
- 7.4 The **Pleading Section** of each Memorial submitted **shall not exceed 4,000 words (excluding footnotes).** Any Team exceeding this word limit will incur a penalty of points deducted from the Team's total memorial score based on the following scale:

No. of Additional Words	No. of Deductible Points
1-5	1
6-20	3
21-50	6
51-100	10
101-150	20
More than 151	30

- 7.5 Written arguments in the Memorial should be substantiated with authoritative sources. **Sources must be referenced in the footnotes.** However, footnotes shall **not contain any explanatory notes** and **in-text quotations shall no longer than two lines.**
- 7.6 Each Memorial must have a cover sheet that clearly indicate:
- (1) **Team Registration Number** at the **top-right corner** of the cover sheet;
 - (2) **Word count** at the **bottom-left corner** of the cover sheet; and
 - (3) **Prosecution or Defence** in the **top-left corner** of the cover sheet.

- 6.6 **Nothing in the Memorials shall identify nor lead to the discovery of the identity of the Team, including concerning any of its Members, Liaison and affiliated Institution.**
8. **Submission of Memorials**
- 8.1 All research, writing and editing relating to each Memorial must be the original work of the three Team Members submitting the Memorial.
- 8.2 Each Team shall **email to the Secretariat (ihlmootcourtmalaysia@gmail.com)** the final Memorials for Prosecution and Defence in separate PDF files by **Friday, 4 December 2020 at 10.00 a.m.**
- 8.3 Each Team shall additionally **submit 12 comb-bound hard copies of each Memorial** to the Secretariat's correspondence address by **Friday, 4 December 2020 at 10.00 a.m.**
- 8.4 **All Memorials received by the Secretariat shall be deemed as final.** Request to make any changes and revisions to submitted Memorials will not be entertained.
- 8.5 **All Memorials received by the Secretariat shall be acknowledged.** Any submission of Memorials received after the said deadlines will incur a penalty of 5-points deduction for each calendar day of delay to the Team's total memorial score.
- 8.6 In any event, the Secretariat reserves the right to reject or disqualify any Team for failing to comply with submission deadlines and formatting rules under this Chapter.
9. **Online Draw and Exchange of Memorials**
- 9.1 The Secretariat will pair two different teams to act for Prosecution and Defence respectively for each oral round through **official draw based on the Team Registration Numbers.**
- 9.2 The official draw for the Preliminary Rounds will be **conducted online via Microsoft Teams on Friday, 11 December 2020 at 10.00 a.m.**
- 9.2.1 The Secretariat will email each registered Team and their Team Liaison an official invitation to the online draw. Upon confirmation of attendance, the Secretariat will also email the link to the online draw session.
- 9.2.2 Each Team is solely responsible for ensuring that their **TWO REPRESENTATIVES (i.e. Team Liaison and Team Captain)** attend the online draw and are well-equipped with the necessary IT infrastructure to attend the online draw.
- 9.2.3 **Secretariat shall not be held liable for any Team's delay or failure** to be represented at the online draw, including due to technical IT issues.
- 9.2.4 Teams failing to be represented at the online draw without prior written notice to the Secretariat by Friday, 4 December 2020 at 9.00 a.m. shall incur a **penalty of 10-points deduction from the Team's total Memorial score.**

- 9.3 Based on the online draw, the Secretariat will immediately email the relevant opposing Memorials for the Preliminary Rounds to each Team.
- 9.3.1 **Teams shall acknowledge receipt** of their opposing Memorials in writing within 24 hours of the Secretariat's email.
- 9.3.2 Failure of any Team to cooperate with the Secretariat in this regard may result in a **penalty of 10-points deduction from the Team's total memorial score.**
- 9.4 Except changes to time and as the Secretariat will inform qualifying teams in due course, the same procedure concerning the online draw and exchange of Memorials will apply for the Advanced Rounds.
10. **Scoring and Award for Memorials**
- 10.1 Memorials for each Team will be **anonymously judged and scored by two judges.**
- 10.2 The Total Memorial Score for each Team is the **cumulative average score** by both judges for both Prosecution and Defence Memorials minus any penalty points. The maximum number of points that a judge may award for a Memorial is **100 points.**
- 10.3 The Team with the highest Total Memorial Score wins Best Memorial Award.

Chapter III

ORAL ROUNDS

11. **Oralists**
- 11.1 Each Team will be represented by **two oralists (Lead Counsel/First Oralist and Co-Counsel/Second Oralist) selected among its three registered Members** to submit in each Oral Round.
- 11.2 Teams have full discretion to select which of its two Members will act as counsels and become oralists for each oral round. Each Oralist will be scored individually based on his/her performance in the round(s) he/she is selected to participate in.
- 11.3 The Oralist with the highest individual score wins the Best Oralist Award.
12. **References**
- 12.1 Teams may depart from their Memorials in their submissions during the Oral Rounds.
- 12.2 Teams may prepare and refer to their own Bundle of Authorities but shall not submit the same to the Secretariat nor any of the Judges.

- 12.3 Teams may refer to staff of their affiliate Institution for advice and assistance, but the assisting staff should restrict their advice to general matters e.g. structure and flow of arguments, and presentation style.

13. Conduct of Oral Rounds

- 13.1 In each oral round, each Team is allocated **maximum 40 minutes** to make their respective submissions for the Prosecution or Defence. Each Oralist may submit for **up to 20 minutes**.
- 13.2 After the main submissions, each Team is allocated additional **maximum FIVE minutes** to make their **rebuttals (Prosecution)** and **sur-rebuttals (Defence)**.
- 13.3 The order of submission for an oral round therefore is as follows:
- (1) Prosecution's Lead Counsel;
 - (2) Prosecution's Co-Counsel;
 - (3) Defence's Lead Counsel;
 - (4) Defence's Co-Counsel;
 - (5) Prosecution's Rebuttal (by either Prosecution Counsels); and
 - (6) Defence's Sur-Rebuttal (by either Defence Counsels).
- 13.4 At the start of their submissions, each Lead Counsel should inform the Court their respective time allocation plans for each counsel on their Team and (sur)rebuttals.
- 13.5 Counsels' requests for extension of time for submissions is at the Court's discretion. However, any request should be allowed for **up to TWO minutes only**.
- 13.6 In any event, the Court Bailiff will serve as timekeeper and inform counsels and the Court at the **remaining 10-minute, 5-minute and 2-minute mark, and the end of the 20-minute allocation**.

14. Preliminary Rounds

Each Team will participate in two oral Preliminary Rounds; one as the Prosecution and one as the Defence.

15. Special Guidelines for Preliminary Rounds

- 15.1 To facilitate the conduct of online hearings, all three members of each Team are urged to **appear together on the proceedings interface as one user account**.
- 15.2 To protect their anonymity, **Teams must always identify themselves online by their Team Registration Number, Prosecution/Defence and, if necessary, First/Second Oralist ONLY**. For example, Team 123's Prosecution Lead Counsel must be known as "Team123(P)1".
- 15.3 To prevent **behind-the-scenes coaching and communication, which are strictly prohibited and may warrant disqualification**, team managers, coaches, consultants and supporters may attend the online proceedings through user account(s) other than the Team's account by invitation from the Secretariat.

- 15.4 To minimise the risk of delay and disruption due to technical issues, all Team Members, Judges and Bailiffs are strongly recommended to test their equipment in advance and to be **available on Microsoft Teams at least 15 minutes before the scheduled commencement of proceedings.**
- 15.5 To ensure respect for conduct of the online proceedings, **all microphones other than the submitting Counsel, Judges and Bailiffs must be muted.**
- 15.6 In any event, Secretariat reserves the right to mute or disconnect any person it deems unreasonably disruptive during any online proceeding.
16. **Advanced Rounds**
The Advanced Rounds consist of the Semi-finals and the Final.
17. **Special Guidelines for Advanced Rounds**
- 17.1 To manage compliance with COVID-19 and RMCO guidelines, **no person shall be allowed to physically attend proceedings of the Advanced Rounds at the Moot Court** except registered members and Team Liaison(s) of the qualified teams, presiding Judges, and all other persons duly authorised by the Secretariat.
- 17.2 While the Court is in session, Counsels sitting at the Bar **shall only communicate with each other discreetly and shall NOT communicate with no other person in Court except the presiding Judges.**
- 17.3 Authorised members of the audience **must wear a face mask and comply with physical distancing rules and other COVID-19 public health safeguards** in force at the Court premises. If required, due cooperation should be given to the IIUM authorised academic staff and personnel in charge of the Moot Court premises.
- 17.4 Authorised members of the audience shall refrain from making any noise and any behaviour that may distract the submitting Counsels or disrupt the proceedings.
- 17.5 In any event, the Secretariat reserves the right to request any authorised member of the audience to leave the Moot Court premises for causing disruption or failing to co
18. **Scoring of the Oral Rounds**
- 18.1 Each Oral Round (Preliminary and Advanced) is **judged by a panel of three judges.** The decision of all judges is **final.**
- 18.2 In an Oral Round, scoring for each Team is calculated based on the **cumulative average score by all three judges for both Oralists in the Team.** The Team with the higher average score is deemed the winner of the Oral Round.
- 18.3 The maximum points a Judge may award an Oralist in an Oral Round is **100 points.** The maximum points a Judge may award a Team therefore is **200 points.**
- 18.4 In the event of a tie between Teams' scores in an Oral Round or in qualifying for the next Advanced Round, the tied Teams' **Total Memorial Score and/or the number of Preliminary Round wins** will be used to break the tie.

19. **National Champion**

19.1 The Team with the best overall score in the Final will be declared the National Champion and receive the ICRC Challenge trophy.

19.2 The National Champion will represent Malaysia in the **2021 Asia-Pacific Regional Rounds of the International Humanitarian Law Moot Court Competition.**

Chapter IV

GENERAL

20. **Competition Organiser and Host**

The 17th National IHL Moot Court Competition to be held on 19-20 December 2020 will be organised by the International Committee of the Red Cross (ICRC) and hosted by the Ahmad Ibrahim Kulliyah of Laws, International Islamic University Malaysia (IIUM).

21. **Moot Problem**

The facts that constitute the subject matter of the moot are provided in the Moot Problem. No additional facts may be introduced unless they are a logical and necessary extension of the given facts in the Moot Problem.

22. **Clarifications of the Moot Problem**

Any request(s) for clarification(s) of the moot problem must be **emailed to the Secretariat by Friday, 13 November 2020.**

23. **Official Recording**

By participating in the Competition, every Team, its members and affiliates consent to be the subject of official videography, photography and audio recording of the Competition by the ICRC and IIUM.

24. **Unofficial Recording**

No recording (video, photo and audio) of any part of the Competition by any party other than ICRC and IIUM is allowed except with prior express authorisation by the ICRC.

25. **Electronic Devices**

Every Team Member is prohibited from using electronic multifunctional devices such as mobile phones, laptop, tablet and smart watches during any Oral Round proceedings except for online conferencing and disability assistance purposes. Failure to comply with this rule may result in maximum deduction of 10 points from the Team's scores.

26. **Selection of Judges**

The ICRC's selection and appointment of judges for the Memorial and Oral Rounds, based on their professional merits and experience, are final. No complaint nor objection raised against the selection of any judge for this Competition will be entertained.

27. **Interpretation of the Official Rules**

31.1 The Secretariat has sole discretion in deciding any questions, issues or complaint regarding the interpretation and application of these Rules. The Secretary's decision in this regard is final.

31.2 Any complaint by a registered Team Member or Team Liaison must be made in writing to the Secretary and grounded on any Rule stated herein. Complaints made beyond these criteria shall not be entertained.

28. **Acknowledgement of the Official Rules**

Every Team and Institution shall be deemed to accept and agree to fully comply with these Rules upon registration to participate in this Competition.