

OFFICIAL RULES

FOR THE 15th NATIONAL IHL MOOT COURT COMPETITION

**17-18 November 2018, Ahmad Ibrahim Kulliyah of Laws,
International Islamic University Malaysia**

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Please note the contact details for The SECRETARY of the 15th National IHL Moot Court Competition:

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Chapter I

RULES FOR REGISTRATION

1. Eligibility for Registration

- (i) The Moot Court Competition shall be open to not more than one team (see definition of team in Rule 2 below) from a participating institution in MALAYSIA, both **public and private**. Should a participating institution submit more than one team for registration, the approved team will be decided on a first come, first served basis.
- (ii) Participating students must be registered for an undergraduate degree with the participating institution as of **30 August 2018**. Participants with a professional legal practice qualification cannot participate in the Moot Court Competition.

2. Team Format

Each team from a participating institution shall consist of only **FOUR** students, comprising of **TWO** students for the **PROSECUTOR TEAM** and **TWO** students for the **DEFENDANT TEAM**. The roles of Prosecutor and Defendant will be allocated to the teams by the participating institution.

3. Registration Fees

Each participating institution shall pay a registration fee of **RM 200**, by **2nd October 2018**, via online transfer to:

UIAM OPERATING ACCOUNT

Account no. 1407-0000004-71-6

Bank Muamalat Malaysia Berhad

The registration fee will be forfeited in the event of a withdrawal. The preferred form of payment is by online bank transfer.

Please e-mail a copy of the proof of transfer to Ms Fauzatun Aqilah, Ahmad Ibrahim Kuliyyah of Laws (AIKOL), International Islamic University Malaysia, aqilah@iium.edu.my. An official International Islamic University Malaysia receipt will then be sent to you.

In the event of any issues with transfer or acknowledgment of payment, please contact International Islamic University Malaysia: aqilah@iium.edu.my, Office: 03 61964257.

4. Necessary Details to be Submitted

Each participating institution shall also provide the **SECRETARY**, with the following information by **01 October 2018** (see Appendix 1):

- (i) The names of the **FOUR** students in the team;
- (ii) Which **TWO** of the **FOUR** students will comprise the Prosecutor team and which two will comprise the Defendant team;
- (iii) The undergraduate degree in which each of the four students is enrolled (e.g. LL.B);
- (iv) The name, address, e-mail address, telephone number and fax number (if any) of a **contact person** for the participating institution, who must be a *member of the faculty* of the participating institution.

Should a contact person from the faculty of the participating institution not be available, the participating team must produce written permission from their institution to participate in the Competition. All such requests shall be sent for express consent by **the SECRETARY** *prior to the submission of memorials*.

Each contact person representing a participating institution will be sent:

- a) The team registration number assigned to each participating team;

- b) Any other relevant materials.

The contact person of each participating institution is responsible for distributing the foregoing information and materials to their respective participating teams.

A participating institution may substitute a student previously registered as a member of its participating team with another student only with the express consent in writing of **the SECRETARY**.

5. Registration Number

Each team will be provided with the team registration number on a first come, first served basis by the SECRETARY, latest by **3rd October 2017**. The team registration number is given **to protect the anonymity of the teams** and **to ensure no prejudice or bias** is shown in the assessment of the memorials.

Chapter II

RULES FOR MEMORIALS

6. Form and Length of Memorials

- (i) Each team shall submit a memorial for both the Prosecutor and the Defendant, as designated by their participating institution.
- (ii) Each memorial shall be typed with 1½ line-spacing, using **TIMES NEW ROMAN**, font size 12. The **pleading section** of each memorial submitted **shall not exceed 4,000 words (excluding footnotes)**.
- (iii) If a team's memorial **exceeds 4,000 words**, the SECRETARY shall deduct marks from that team's total memorial score based on the following scale below:
- 1-5 words in excess - deduction of 1 mark
 - 6-20 words in excess - deduction of 3 marks
 - 21-50 words in excess - deduction of 6 marks
 - 51-100 words in excess - deduction of 10 marks
 - 101-150 words in excess - deduction of 20 marks
 - Above 150 word in excess - deduction of 30 marks
- (iv) All citations must either be in the body of the text or in the footnotes and should be in an intelligible form.
- (v) Each memorial must have **ONE** cover sheet which must clearly indicate:

- a) the **team registration number** of the participating institution,
- b) the **names of the two student members** of the team,
- c) the **word count**, and
- d) that the **memorial** is either for the **Prosecutor** or the **Defendant**.

7. Submission of Memorials

- (i) Each team shall submit the memorials for both the Prosecutor and Defendant teams **via e-mail** to the SECRETARY latest by **5pm, 18th October 2018** to: ahamidon@icrc.org
- (ii) All participating teams are strictly reminded to submit their memorials to the SECRETARY on the specific deadline in **word document** format only.
- (iii) Each team shall submit **15 hard copies** of the memorials to the **SECRETARY** on **19th October, 2018 at 3pm** at the SECRETARY's address.
- (iv) All hard copies of the memorials must be securely stapled together. The memorials **should not** be held together by rubber bands, lightweight staples, paperclips, pins or other insecure means. **Please do not indicate the name of your participating university or institution in the memorials or this may result in a deduction of marks, and your memorial may not be accepted.**

8. Late or No Submissions, Revisions

- (i) **Late submission of memorials:** In the event that any participating team fails to submit its memorials on time based on the specific deadline in Rule 7(i) above, (**18th October 2017**), the SECRETARY shall deduct **5 marks** for each calendar day of delay from the team's total memorial score out of 100.
- (ii) **Failure to submit memorials:** Any participating team that fails to submit their memorials to the SECRETARY by the given dates will be **disqualified** from participating in the competition.
- (iii) A memorial **may not** be revised for any purpose whatsoever once it has been submitted. However, oral arguments can deviate from the memorials and teams can be asked to provide an explanation for this.

9. Pairing of teams and exchange of memorials

The SECRETARY will pair each Prosecutor team from a participating institution with a Defendant team from another participating institution.

- i) The pairing of the participating teams will be conducted by a **random drawing of lots**.
- ii) For the **exchange of memorials**, the SECRETARY shall distribute a copy of each team's memorial to its paired opposing team.

- iii) To facilitate the exchange of memorials, the **representative(s)** from each participating team are required to come to the ICRC office on **19th October 2018** at **3pm** where the drawing of lots will be held (see Rule 7(iii)).
 - iv) By 5pm on **17th October 2018**, all participating teams are to submit **via e-mail** to the SECRETARY, **the name(s) of its representative(s)** attending the drawing of lots at the ICRC office.
 - v) The representative(s) from each participating team are to bring the **15 hard copies of the memorials** to the ICRC office during the drawing of lots in order to facilitate the exchange on **19th October 2018**.
 - vi) All participating teams are strictly reminded that failure to be present for the pairing of teams and exchange of memorials on the specific date will result in a deduction of **10 marks** from the total memorial scores out of 100 **unless** the participating team concerned can provide valid reasons to the SECRETARY for its failure to be present. Whether a reason can be judged valid will be determined solely by the SECRETARY. The SECRETARY must be notified **both verbally and in writing** if any participating team is unable to be present, preferably by 5pm on 18th October 2018.
 - vii) All participating teams are reminded to be **punctual** when attending the pairing of teams and exchange of memorials to avoid any undue delay.
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Chapter III

GENERAL RULES

GENERAL

- 10. The 15th IHL Moot Court Competition shall be conducted under the auspices of the International Committee of the Red Cross (ICRC) and hosted by the Ahmad Ibrahim Kulliyah of Laws (AIKOL), International Islamic University Malaysia (IIUM), from 17-18 November 2018.

THE MOOT PROBLEM

Facts and Clarification of the Moot Problem

- 11. 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.
- 12. Any request(s) for clarification(s) of the moot problem must be brought to the attention of the SECRETARY via email by **8th October 2017**.

GUIDELINES ON ASSISTANCE AND PRACTICE SESSIONS

Memorials

13. All research, writing and editing relating to the memorial must be the work of the two students from each team submitting that memorial, provided, however, each team may receive research assistance from the other team of two students from the same participating institution.

Assistance from Staff and Other Advisors

14. Staff of the participating institutions including coaches, assistants or advisors should restrict their advice to general matters, such as to a discussion of the issues in the moot problem, suggestions as to research sources, and a general commentary in relation to the organization, structure, the flow of arguments, format, presentation and style.

Practice Sessions

15. Each participating institution is permitted and encouraged to arrange its own practice sessions prior to the Moot Court Competition.

COMPOSITION OF TEAMS AND ORDER OF THE ORAL HEARING

16. Each team, *being the prosecuting and defending team respectively*, will consist of **TWO** oralists comprising of the **Leading Counsel (first oralist)** and the **Junior Counsel (second oralist)**, as designated by the team or the relevant participating institution.
17. Each team shall speak for **no more than 40 minutes**. The **Leading Counsel (first oralist)** and the **Junior Counsel (second oralist)** for each team will be permitted to speak individually for up to **20 minutes**.
18. The order of the oral hearing is as follows:
 - (a) Prosecutor's leading counsel;
 - (b) Prosecutor's junior counsel;
 - (c) Defendant's leading counsel;
 - (d) Defendant's junior counsel;
 - (e) Rebuttal (if any by the Prosecutor's leading counsel or junior counsel);
 - (f) Surrebuttal (if any by the Defendant's leading counsel or junior counsel).

19. Each team shall indicate at the beginning of the oral hearing, how long each counsel will speak and how much time it intends to reserve for rebuttal or surrebuttal.
 - However, the maximum time limit reserved for rebuttal and surrebuttal is up to **FIVE (5) minutes** only. Teams may not request extensions of time beyond the 5 minutes permitted for the rebuttal and surrebuttal.
20. Either the Leading or Junior Counsel may address the court for the rebuttal or surrebuttal. To avoid doubt, the time reserved for rebuttal or surrebuttal is **not included** in the time for each counsel to speak as specified in **Rule 17**.
21. The court may, at its discretion, extend the time for each counsel, provided that the maximum extension for any counsel **shall not exceed TWO (2) minutes**.
22. Time shall be kept by a court clerk or timekeeper who will remind each counsel by appropriate means when they have:
 - (i) 15 minutes left;
 - (ii) 10 minutes left;
 - (iii) 5 minutes left;
 - (iv) 1 minute left;
 - (v) to conclude their address forthwith.
23. Every courtesy shall be shown to the oralists during the oral hearing. Communication between team members at the counsel table shall be in writing to prevent any disruptions.
24. Participating teams and spectators shall avoid all unnecessary noise or any form of inappropriate behaviour which will distract the oral hearing in progress. Team members seated at the counsel table shall not be permitted to communicate with the spectators, or with any other external person except the judges.

BUNDLE OF AUTHORITIES

25. All participating teams are **not allowed** to submit any bundle of authorities to the judges. However, all participating teams **are allowed** to use the bundle of authorities or any other relevant documents for their own reference during the oral hearings.

FORMAT OF THE MOOT COURT COMPETITION

26. The format of the Moot Court Competition shall consist of the submission of memorials and the oral rounds. (See RULES FOR MEMORIALS above).

The Oral Rounds of the Moot Court Competition will be divided as follows:

- **PRELIMINARY ROUNDS**

There will be **TWO** preliminary oral rounds. Each team, *whether prosecuting or defending respectively*, will moot **twice** in the preliminary oral rounds against other opposing teams.

- **SEMI-FINAL ROUND**

At the end of the preliminary oral rounds, **FOUR** teams (consisting of **TWO** prosecution teams and **TWO** defendant teams with the best overall combined scores from both the memorial scores and oral raw scores from the preliminary oral rounds (200 points from the memorial and 400 points from the two preliminary round oral scores) will advance to the **Semi-Final Round**. There will be two semi-final rounds.

- **FINAL ROUND**

The Prosecution team and Defence team with the best overall **oral scores** from the Semi-Final Round will advance to the **FINAL ROUND** to decide the winning team.

SCORING

27. Scoring shall consist of **TWO** parts:

- (a) the scoring of the **memorials**, and
- (b) the scoring of the **oral rounds**

28. The **scoring of the memorials** shall be assessed by a panel of **TWO** memorial judges.

The maximum score for each memorial shall be 100. The memorial judges will be given copies of the memorials with the cover sheet indicating only the **participating team's individual moot number**.

The memorial score for each team is the **average score** of the **TWO** memorial judges' scores.

29. The **scoring of the oral rounds** shall be assessed based on the following:

- **PRELIMINARY ROUNDS**

For the **Preliminary Rounds**, the oral hearing scores shall be assessed by a panel of **TWO** judges. The maximum score for each oralist shall be **100 points** and the maximum score for each team in the oral rounds shall be **200 points**.

In the preliminary rounds, the oral hearing scores for each team will be determined by adding together the **TWO** judges' raw scores.

- **SEMI-FINAL ROUND**

For the **Semi-Final Round**, the oral hearing scores shall be assessed by a panel of **THREE** judges. The maximum score for each oralist shall be **100 points** and the maximum score for each team in the oral rounds shall be **200 points**.

The oral hearing score for each team is the **average score** of the **THREE** judges' oral scores. The prosecution team and the defendant team with the best overall **oral scores** from the Semi-Final Round will advance to the **FINAL ROUND**.

In the event that **THREE** judges **cannot be present**, the oral hearing for the Semi-Final Round will be assessed by a panel of **TWO** judges only.

- **FINAL ROUND**

For the **Final Round**, the oral hearing scores shall be assessed by a panel of **FIVE** judges. The maximum score for each oralist shall be **100 points** and the maximum score for each team shall be **200 points**.

In the event that **FIVE** judges **cannot be present**, the oral hearing for the Final Round will be assessed by a panel of **THREE** judges only.

The oral hearing score for each team is the **average score** of all the judges' oral scores.

30. The decision of the judges shall be **FINAL**.

AWARDS

Winning Team

31. The team (either the Prosecutor Team or the Defendant Team from a participating institution) with the best oral hearing scores in the **FINAL ROUND** will be declared as the winning team.

The winning team shall be awarded with the ICRC challenge trophy and will represent Malaysia in the **2019 Regional International Humanitarian Law Moot Court Competition to be held in Hong Kong, March 2019**.

Best Mooter

32. The counsel with the highest individual total oral scores in the preliminary oral hearings of the Moot Court Competition shall be adjudged the **Best Mooter** and shall be awarded a certificate and a book voucher.

Best Memorial

33. The memorial with the highest score out of 100 shall be adjudged the **Best Memorial** and the team that submitted the memorial shall be awarded a certificate and a book voucher.

INTERPRETATION OF THE OFFICIAL RULES

34. **The SECRETARY** shall have absolute discretion to resolve and decide on any questions or issues regarding the interpretation and application of the official rules.

VIDEO RECORDING

35. By entering the Competition a team consents to being the subject of official videotaping and photography conducted by the ICRC or the International Islamic University Malaysia.

SPECTATORS

36. All participants and spectators alike are to refrain from the usage of mobile phones during the Mooting rounds. Photography/Videography by third parties will only be allowed upon express permission from the ICRC (the SECRETARY or a nominated representative).

JUDGES

37. The Secretary reserves the right to select and appoint judges for the memorial marking and oral rounds. Judges are carefully selected on professional basis, taking into consideration his/her experience as well as good knowledge and understanding of international humanitarian law.
38. No complain or objection can be raised on the selection of judges. However in any case, see Rules 38 and 39.

COMPLAINTS

37. Complaints can only be made upon the basis of the official rules of the Competition, as stated in this document as well as the Registration and Memorial Rules.
38. Complaints must come directly from the participating team or official coach of the team.
39. All complaints shall be directed solely to the SECRETARY. The SECRETARY will, as a neutral intermediary, decide on the substance of the claim and the appropriate action. The SECRETARY's decision is final.

40. Any complaint not meeting the requirements in Rules 37 and 38 above will not be entertained.
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