



3rd Red Cross International Humanitarian Law (IHL) Moot (2009)

An Inter-University Competition for Mainland China

***Co-organized by
International Committee of the Red Cross
Red Cross Society of China
Law School of Renmin University***

***In Collaboration with
The National Committee on IHL of the People's Republic of China***

The Rules

General

1. The 3rd Red Cross International Humanitarian Law Moot (2009) (the "Competition") shall be run under the auspices of the International Committee of the Red Cross (ICRC), the Red Cross Society of China, the Law School of Renmin University and the National Committee on IHL of the People's Republic of China (hereafter referred to as "the Organizers").
2. The Organizers shall have the power to appoint judges and amend and apply these rules as they think fit.
3. The date for the competition shall be 20-22 November 2009 and the venue of the competition shall be at the campus of the Renmin University.

Delegations and Teams

Composition

4. The Competition shall be open to not more than one delegation from each participating institution.
5. Each delegation shall send one team of two students and one coach.

6. Each delegation will represent both the Applicant and the Respondent respectively during the general rounds of the competition. The Delegations qualified for the semi-final and final will represent either the Applicant or the Respondent.

Eligibility

7. Participating students shall be registered with the relevant participating institution as of 1st September 2009 either for a first degree in law or for any postgraduate qualification in law below the level of a doctorate. A person is ineligible to participate in the Competition if, as of 1st September 2009 he or she:
 - i. Registered for a doctoral degree in law, at a participating institution or at any other institution;
 - ii. Holds any doctoral degree in law, regardless of the institution that conferred such doctorate;
 - iii. Holds a full time or part time teaching post in any tertiary institution; or
 - iv. Has been admitted or licensed to practice law in any jurisdiction.
8. Participating students need not be nationals of, or normally resident in, the country in which their participating institution is located.

Registration

9. Each participating institution must notify the Organizers via e-mail (to ihl.bej@icrc.org. or Ms. Yang Yidan, Communication Officer, ICRC Beijing, B2 Qijiyuan Diplomatic Compound 9 Jianguomenwai Dajie, Beijing. Post code: 100600, Tel• 010 85323290---381) by 12th September 2009 of:
 - i. The names of the two students of the delegation;
 - ii. The law degree or programme in which each student is enrolled (e.g. LL.B.); and
 - iii. The name, address, e-mail address, fax number and telephone number of a contact person for the participating institution, who shall be a member of the teaching staff of the participating institution.

Contact Person

10. Each contact person for a participating institution will be sent:
 - i. The individual moot number assigned to each of its teams;
 - ii. Information relating to accommodation and transport in Beijing; and
 - iii. Any other relevant organisational material.

The contact person for each participating institution is responsible for distributing the foregoing information and material to each member of its delegation. Communication between each delegation and the Organizers through any person other than the relevant contact person for that delegation is at the risk of that delegation and its team.

Substitute members

11. A delegation will normally not be permitted to make any substitution of its members after they have been registered under Rule 9.

Selection

12. The teams for the Competition would be 20. In case that the organizers receive more than 20 registrations, the 20 teams with the highest aggregate score of the memorials will enter the competition.

The Problem

Selection

13. The Organizers shall have the sole power to determine the mooted problem to be used in the Competition.

Distribution

14. The mooted problem will be distributed before 12th September 2009 by posting on the website of the ICRC Chinese website at the following URL: <http://www.icrc.org>.

Facts

15. The facts in the dispute that constitutes the subject matter of the Competition are given in the mooted problem. No additional facts may be introduced into the mooted problem unless they are a logical and necessary extension of the given facts.

Clarifications

16. Requests for clarification shall not be entertained unless the clarification would have material significance in the context of the mooted problem. In particular, teams should bear in mind that the mooted problem provides a limited set of facts. Teams should not use a request for clarification merely to obtain additional facts to those contained in the mooted problem.
17. Before making any request for clarification, a team must discuss the necessity for making such a request with the contact person for their delegation under Rule 10. Any request for clarification of the mooted problem shall be brought to the attention of the Organizers via e-mail (to ihl.bej@icrc.org) by 9th October 2009. A request for clarification must include a brief explanation of the expected material significance of the clarification.
18. The Organizers shall have absolute discretion to determine whether it is necessary to respond to any request for clarification and to resolve such request in a manner in which they think fit. If the Organizers deem it necessary to respond to a request for clarification, such clarification shall be distributed to all teams by 16th October 2009 using the same method for distribution as used for distribution of the mooted problem. Clarifications issued become part of the mooted problem.

Receipt of Problem and Clarifications

19. Any team that is unable to receive the mooted problem or any clarification in the manner distributed should notify the Organizers immediately via e-mail (to ihl.bej@icrc.org), fax (to the attention of Ms. Yang Yidan, at (010)6532-0633) or

telephone (at 010-85323290-381), to arrange an alternative method of distribution.

The Memorials

Form and Length

20. Each team shall submit memorials for the Applicant and the Respondent.
21. Each memorial shall be typed with 1 ½ line-spacing, using 'Times New Roman' font in size 12. Each memorial shall not exceed 2000 words in length, including citations. In the event that any team submits a memorial of a length exceeding 2000 words, the Organizers shall deduct marks from that team's memorial score out of 100 (calculated pursuant to Rule 51) according to the following scale:
 - i. 1-50 words in excess – deduction of 5 marks;
 - ii. 51-100 words in excess – deduction of 10 marks;
 - iii. 101-200 words in excess – deduction of 20 marks; and
 - iv. Over 200 words in excess – deduction of 30 marks.
22. Citations must be in the body of the text or in footnotes (not end notes) and should be in an intelligible form.
23. Each memorial must have two cover sheets:
 - i. The first cover sheet must indicate the name of the participating institution, the names of the two student members of the team, whether the memorial is for the Applicant or the Respondent, and the word count of the memorial; and
 - ii. The second cover sheet must have on it only the team's individual moot number which was supplied to the contact person of the team's relevant delegation upon registration (see Rule 10). (The purpose of this requirement is to protect the anonymity of the teams to ensure no prejudice or bias is shown in the assessment of the memorials.)

Submission of Memorials

24. Each team shall submit a copy of its memorials via e-mail (to ihl.bei@icrc.org) by 24th October 2009, and must dispatch via EMS (or a similar express mail service) by that same day 16 hard copies of the same memorial, to the Organizers at the following address:

Ms. Yang Yidan
Communication Officer
Regional Delegation for East Asia
B2 Qijiayuan Diplomatic Compound
9 Jianguomenwai Dajie
Beijing 100600, China

The copies of the memorial which are e-mailed must be in one of the following word processing formats: Microsoft Word for Windows (.doc), or Rich Text Format (.rtf). No other data format will be accepted without the express prior consent of the Organizers.

25. The 16 hard copies of the memorials must be single-sided (i.e. reproduced on only one side of the paper).
26. The hard copies of the memorials must be securely stapled or bound together so that the stapling or binding will hold throughout the Competition. Memorials should not be held together by rubber bands, lightweight staples, paperclips, pins or other insecure means.

Revision of Memorials

27. A memorial may not be revised for any purpose whatsoever once it has been submitted.

Pairing of Opposing Teams

Draw

28. The Organizers will determine which Applicant and Respondent teams will meet each other in the general rounds of the Competition by means of a random draw conducted on or before 14th November 2009. No team shall compete against the same team twice in the general rounds.
29. After the draw has been conducted, the Organizers shall forward each team's memorial to the judges who will adjudicate that team's oral hearings in the general rounds of the Competition.

Exchange of Memorials

30. The Organizers will convene a meeting at the Renmin University, which all teams must attend, at 8:00 p.m. on Friday, 20th November 2009, at a venue to be advised. At the meeting, the Organizers will announce the results of the draw conducted under Rule 28, and will make available a copy of each team's memorial to its opposing teams.

Oral Hearings

General Rounds

31. There shall be two general rounds of the Competition. Each team shall argue once in each general round either as an applicant or respondent. No team will argue for the same role in both rounds.
32. Unless otherwise notified by the Organizers, the first general round will be held in the morning of Saturday, 21st November 2009 and the second general round will be held in the afternoon of the same day. The Organizers will give due notice to the contact persons for participating institutions of the venue of the general rounds.

Semi-Final Round & Final Round

33. Unless otherwise notified by the Organizers, the semi-final round will be held in the morning of Sunday, 22nd November 2009. The Organizers will give due

notice to the contact persons for participating institutions of the venue of the semi-final Round.

34. Unless otherwise notified by the Organizers, the final round will be held in the afternoon of Sunday, 22nd November 2009. The Organizers will give due notice to the contact persons for participating institutions of the venue of the final round.

Rules Applicable to the General Rounds and the Final Rounds

35. Each team shall consist of a first counsel and a second counsel, as designated by the team or by its relevant participating institution.
36. Each team shall speak for no more than 40 minutes. The first counsel and the second counsel for each team shall each speak individually for a minimum of 15 minutes.
37. Each team may reserve up to 10 minutes for rebuttal (in the case of an Applicant team) or surrebuttal (in the case of a Respondent team).
38. Each team shall indicate at the beginning of its oral argument, how long each counsel will speak and how much time it intends to reserve for rebuttal or surrebuttal.
39. Either the first counsel or the second counsel may address the court in rebuttal or surrebuttal. For the avoidance of doubt, the time reserved for rebuttal or surrebuttal is not included in the minimum time for each counsel to speak specified in Rule 36.
40. The court may, in its discretion, extend the time for each counsel for good cause, provided that the maximum extension of time granted to any counsel shall not exceed 5 minutes.
41. Time shall be kept by a court clerk, who will warn counsel by appropriate means when they have:
 - i. 5 minutes left;
 - ii. 1 minute left;
 - iii. to conclude their address forthwith.
42. The order of the oral presentations shall be:
 - i. Applicant's first counsel;
 - ii. Applicant's second counsel;
 - iii. Respondent's first counsel;
 - iv. Respondent's second counsel;
 - v. Rebuttal, if any (Applicant's first or second counsel);
 - vi. Surrebuttal, if any (Respondent's first or second counsel).
43. Every courtesy shall be given to oralists during oral hearings. Communication at the counsel table shall be in writing to prevent disruption, and teams and spectators shall avoid all unnecessary noise or other inappropriate behavior which distracts from the argument in progress.

44. Team members seated at the counsel table shall not be permitted to communicate with spectators, or with any other external person except the judges.

Finalist Teams

45. The 6 teams with the highest aggregate score out of 600 after the completion of the general rounds will meet in the semi-final round and the top 2 of the 6 teams with the highest aggregate score out of 300 after the completion of the semi-final round will meet in the final round. For the general rounds, each team's aggregate score out of 600 shall be determined by combining its memorials score out of 200 with the average of its two oral presentation scores out of 400 awarded in the general rounds, pursuant to Rules 50 through 52 below. For the semi-final round, each team's aggregate score out of 300 shall be determined by combining its memorial (for applicant or respondent) score out of 100 with the average of its two oral presentation scores out of 200 awarded in the semi-final round, pursuant to Rules 50 through 52 below.
46. In the event that, after the completion of the general rounds, any two teams tie for the highest score out of 600, the team which will proceed to the semi-final round shall be the team which has the highest average score out of 400 for its oral presentations in the general rounds. In the further event that both such teams are also tied in their average score out of 400 for oral presentations in the general rounds, the team which will proceed to the semi-final round shall be the team whose first counsel has the highest average score out of 200 for his or her oral presentations in the general rounds.

Assistance

Memorials

47. All research, writing and editing relating to the memorial must be work of the team of two students submitting that memorial.

Oral Hearings

48. Each participating institution shall be permitted to arrange practice moots.

Assistance from Staff and Other Advisors

49. Staff of the participating institutions and other coaches, assistants or advisors should restrict their advice to general matters, such as to a discussion of the issues, suggestions as to research sources, and a general commentary on structure, organisation and flow of arguments, format, presentation and style.

Scoring

50. Scoring shall consist of two parts: the scoring of memorials and the scoring of the oral presentations.

51. Each memorial shall be assessed by the 2 IHL experts designated by the ICRC. The experts will be supplied with copies of the memorials with cover sheets showing only the teams' individual moot numbers. The maximum score for each memorial shall be 100. The score for each memorial shall be the average of the scores out of 100 awarded by the two judges assessing their memorial.
52. The oral presentations shall be assessed by two judges in each oral hearing of the general rounds and by at least three judges in the oral hearing of the semi-final and final rounds. The judges in each oral hearing shall be a current or former judge, lawyer, or law teacher, or otherwise experienced in the practice of IHL. In each general round and in the semi-final and final round, the maximum score for each counsel shall be 100 and the maximum score for each team's oral presentation shall be 200.
53. The decision of the judges shall be final.

Awards

54. The top 3 teams with highest average score out of 300 in the semi-final round will be sponsored to Hong Kong for the 8th Red Cross IHL Moot (2010) for Asia – Pacific Region.
55. The winning team shall be the team participating in the final round with the highest aggregate score out of 300, after combining its memorial score out of 100 and its oral presentation score in the final round out of 200. The other team participating in the final round shall be the Runner-up team.
56. The top three teams shall be awarded a trophy and a certificate.
57. The counsel with the highest score out of 300 in the oral hearings of the final round shall be adjudged the Best Mooter and shall be awarded a certificate.
58. The counsel with the second highest score out of 300 in the oral hearings of the final round shall be adjudged the Runner-up to Best Mooter and shall be awarded a certificate.
59. The memorial with the highest score out of 100 shall be adjudged the Best Memorial and the team that submitted such memorial shall be awarded a certificate.
60. The Organizers may in its discretion decide to award alternative prizes in lieu of the prizes described above.

Interpretation of Rules

61. The Organizers shall have absolute discretion to resolve any question concerning the interpretation of these rules.