



# ICRC

## The 17<sup>th</sup> Red Cross International Humanitarian Law Moot Court (2023)

*An Inter-University Competition for Mainland China*

### The Rules

#### General Matters

1. The 17<sup>th</sup> Red Cross International Humanitarian Law Moot Court Competition (2023) (“the Competition”) shall be run under the auspices of the International Committee of the Red Cross (“ICRC”) and Suzhou University (hereinafter referred to as “the Organizers”).
2. The Organizers shall have the power to appoint judges and amend and apply these rules as they see fit.
3. This Competition shall be comprised of two parts: The Memorials (see Rules 19-29) and the Oral Hearings (see Rules 42-56).
4. The date for the Competition shall be **24-26 November 2023** and the venue of the competition shall be at the Tiancizhuang Campus of Suzhou University (苏州大学天赐庄校区).

#### Teams

##### *Composition*

5. The Competition shall be open to no more than one team from each participating institution, unless specifically authorized by the Organizers.
6. Each team shall consist of a maximum of five (5) members, including, at least, two (2) students as oralists (compulsory) and one (1) or two (2) students as researcher(s) (optional). Each team may also opt to include one (1) coach, who could be a law teacher, a legal practitioner or a student.

7. Each team shall represent the Prosecutor and the Defendant respectively during the General Rounds of the Oral Hearings. The teams qualified for the Oral Hearings will represent either the Prosecutor or the Defendant.
8. Each team shall nominate its contact person when it registers online. The team composition, that is, the names of oralists, researcher(s) and coach, shall be decided and submitted by the contact person in writing, with the endorsement of your coach (if any), before **1 November 2023**. Any request for changes in the team composition after this timeframe shall be rejected.

#### *Eligibility*

9. Participating students shall be registered with a higher education institution established in the People's Republic of China as of 1 November 2023 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 1 November 2023 he or she:
  - i. Is 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 licensed to practice law in any jurisdiction.
10. Participating students need NOT be nationals of, or normal residents in, the country in which their participating institution is located.

#### *Registration*

11. Each team shall complete the [online registration](#) by **7 September 2023** of:
  - i. The name and address of the institution;
  - ii. The personal information of the team members;
  - iii. The personal information of the coach, if applicable.

#### *Contact Person*

12. The coach of each team shall normally act as the contact person. However, each team may designate one of its team members as its contact person. Each contact person will be sent:
  - i. The individual moot number assigned to its team;
  - ii. Practical information relating to accommodation and transport; and
  - iii. Any other relevant organizational materials.

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

## The Moot Problem

### *Selection*

13. The Organizers shall have the sole power to determine the Moot Problem to be used in the Competition.

### *Distribution*

14. The Moot Problem will be posted on the ICRC Chinese website whenever it is available.

### *Facts*

15. The facts that constitute the subject matter of the Competition are given in the Moot Problem. No additional facts may be introduced into the Moot 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 Moot Problem. In particular, teams should bear in mind that the Moot 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 Moot Problem.
17. Before making any request for clarification, participating students must discuss the need to make such a request with the coach of their team. Any request for clarification of the Moot Problem shall be brought to the attention of the Organizers via e-mail (to **Dr. LIU Xinyan**, [xliu@icrc.org](mailto:xliu@icrc.org)) by **10 September 2023**. 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 the manner as they think fit. If the Organizers deem it necessary to respond to a request for clarification, such clarification shall be distributed to the contact persons of all teams via e-mail. Clarifications thus issued shall become part of the Moot Problem.

## The Memorials

### *Form and Length*

19. Each team shall submit memorials for the Prosecutor and the Defendant.
20. Each memorial shall be typed with 1.5 line-spacing, using “Times New Roman” font in size 12. Each memorial shall NOT exceed **4000 words** in length, including citations and the cover sheet. In the event that any team submits a memorial of a length exceeding 4000 words, the Organizers shall deduct marks from that team’s memorial score out of 100 (calculated pursuant to Rule 58) according to the following scale:
  - i. 1-50 words in excess—deduction of 2 marks;
  - ii. 51-100 words in excess—deduction of 5 marks;

- iii. 101-200 words in excess—deduction of 10 marks; and
  - iv. Over 200 words in excess—deduction of 20 marks.
21. Citations must be in footnotes (not endnotes) and should be in an intelligible form.
22. Each memorial must have one cover sheet. The cover sheet must have on it **ONLY** the following information:
- i. the team's individual moot number which was supplied to the contact person of the team's relevant delegation upon registration (see Rule 11);
  - ii. whether the memorial is for the Prosecutor or the Defendant; and
  - iii. the word count of the memorial.

In the event that any team discloses its institution name on the cover sheet, the Organizers shall deduct **5 marks** from each of the team's memorial score out of 100.

#### *Submission of Memorials*

23. Each team shall submit an electronic copy of its memorials via e-mail (to [bej\\_ihl@icrc.org](mailto:bej_ihl@icrc.org)) by **11:59 pm, 7 October 2023**.

In the event that any team fails to submit both of its Prosecutor and Defendant memorials on time, the Organizers shall deduct **5 marks for each calendar day** from each of the team's memorial score out of 100.

24. The copies of the memorials which are e-mailed must be in the format of Microsoft Word for Windows (.doc or .docx). No other data format will be accepted without the expressed prior consent of the Organizers.
25. Each team eligible to the Oral Hearings shall dispatch **24 hard copies** (12 for Prosecutor, 12 for Defendant) of the same memorials via **EMS or SF Express** by **6 November 2023** (dispatch date) to the Organizers at the following address:

江苏省苏州市姑苏区双塔街道十梓街 1 号绿波楼 202 室

黄怡然（收）电话：15950091092

26. The hard copies of the memorials must be identical to the electronic ones. The 24 hard copies of the memorials must be printed double-sided (i.e., reproduced on both sides of the paper), except for the cover sheet prescribed in Rule 22. The hard copies 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.

#### **Pre-Selection of the Memorials**

28. Should the number of registered teams exceed **32**, Memorials submitted by the Registered teams shall be pre-selected by the Organizers. The pre-selection shall be subject to Rule 58 below. The top 32 teams shall advance to Oral Hearings. Memorial awards shall be given based on the rank of memorial scores determined in the pre-selection. Teams that did not advance to Oral Hearings shall receive a certificate confirming their participation in the Competition. The list of teams advancing to the Oral Hearings shall be announced around **27 October 2023**, and memorial scores shall be disclosed right after the General Rounds.
29. Should the number of registered teams not exceed 32, all registered teams would directly advance to the Oral Hearings. Memorial awards shall be given based on the rank of memorial scores based on Rules 58. The list of teams participating in the Oral Hearings shall be announced around **27 October 2023**, and memorial scores shall be disclosed right after the General Rounds.

### **Pairing of Opposing Teams and Pleading Option in Oral Hearings**

#### *General Rounds*

30. The General Rounds of the Oral Hearings consist of two oral rounds. Each team pleads once as Prosecutor and once as Defendant.
31. The Organizers will determine which Prosecutor and Defendant teams will meet each other in the General Rounds of the Oral Hearings by means of a random draw conducted before **17 November 2023**.
32. After the draw has been conducted, the Organizers shall forward each team's memorials to the judges who will adjudicate that team in the General Rounds of the Oral Hearings.
33. By **22 November 2023**, each team will receive through e-mail the memorials of its opponent teams in the two General Rounds. The Organizers will announce the complete fixtures as determined under Rule 31 in due course.
34. In the event that a team fails to appear for a scheduled oral hearing, the hearing will proceed *ex parte* in the following order:
  - i. A court clerk will confirm the presence of both teams.
  - ii. If one team is absent, the court clerk will inform the judges and notify the Organizers.
  - iii. Once the Organizers have been notified, the court clerk will then call the moot number of the absent team two times inside and two times outside the court room with an interval of 30 seconds each.
  - iv. If the team whose number is called fails to appear, the court clerk will announce to the court that there is no appearance by the team called.

The Oral Hearings will then proceed as an *ex parte* hearing. The team that is present in the court room will receive scores pursuant to Rules 57 through 61.

#### *Advanced Rounds (Quarter-final, Semi-final, Third Place Playoff and Final Rounds)*

35. The Advanced Rounds shall be consisted of the Quarter-final rounds, the Semi-final Rounds, the Third Playoff Round and the Final Round.
36. Subject to Rule 57 through Rule 62, the eight highest-ranking teams from the General Rounds shall participate in the Quarter-final Round. The Quarter-final Round consists of four pairings of the eight highest-ranking teams from the General Rounds.
37. In the Quarter-final Round, the 1st ranking team from the General Rounds shall plead against the 8th ranking team. The 2nd ranking team shall plead against the 7th ranking team; the 3rd shall plead against the 6th, and the 4th shall plead against the 5th.
38. In the Quarter-final Round, the higher-ranking team from the General Rounds shall have the Pleading Option. Pleading Option means the privilege to choose which side (Prosecutor or Defendant) a team would like to plead.
39. The four winning teams from the Quarter-final Round shall enter the Semi-final Round. The Semi-final Round consists of two pairings of the four winning teams from the Quarter-final Round.
40. In the Semi-final Round, the winning team from the Quarter-final pairing of the 1st ranking team v. 8th ranking team shall plead against the winning team from the Quarter-final pairing of the 4th ranking team v. 5th ranking team, as specified in Rule 37. The winning team from the Quarter-final pairing of the 2nd ranking team v. 7th ranking team shall plead against the winning team from the Quarter-final pairing of the 3rd ranking team v. 6th ranking team.
41. Pleading option for the Semi-final Round, the Third Place Playoff and the Final shall be decided by tossing a coin. A designated team member of the higher-ranking team from the General Rounds will call the toss, and a person designated by the Organizers will toss the coin. If the team member correctly calls the toss, then his or her team will have the pleading option. If that team member does not correctly call the toss, then the opposing team will have the pleading option.

## **Oral Hearings**

### *Dates of oral hearings*

42. Unless otherwise notified by the Organizers, the first General Round will be held in the **morning of Saturday, 25 November 2023** 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 of the venue of the General Rounds.
43. Unless otherwise notified by the Organizers, the Quarter-final and Semi-final Rounds will be held in the **morning of Sunday, 26 November 2023**. The Organizers will give due notice to the contact persons of the venue of the Quarter-final and Semi-final rounds.
44. Unless otherwise notified by the Organizers, the Third Place Playoff and the Final will be held in the **afternoon of Sunday, 26 November 2023**. The Organizers will give due notice to the contact persons of the venue of the Third Place Playoff and the Final.

*Rules Applicable to the General Rounds and the Advanced Rounds*

45. Each team shall consist of a first oralist and a second oralist, as designated by the team or the relevant participating institution in the registration form.
46. Each team shall, in any circumstance, keep confidential the name of the participating institution. Any disclosure may subject the oralist concerned to the deduction of **5 marks** from the total individual score out of 100, and in turn affect the team's total score out of 200 in each of the oral hearings, pursuant to Rule 60.
47. Each team shall speak for no more than 40 minutes in an oral hearing. The first oralist and the second oralist of each team shall each speak individually for a minimum of 15 minutes.
48. Each team may reserve up to 10 minutes for rebuttal (in the case of a Prosecutor team) or surrebuttal (in the case of a Defendant team).
49. The scope of the Prosecutor's rebuttal is limited to responding to the Defendant's oral pleadings, and the scope of the Defendant's surrebuttal is limited to responding to the Prosecutor's rebuttal.
50. Each team shall indicate at the beginning of its oral argument, for how long each oralist will speak and how much time it intends to reserve for rebuttal or surrebuttal.
51. Either the first oralist or the second oralist 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 oralist to speak specified in Rule 47.
52. The court may, in its discretion, extend the time for each oralist for good cause, provided that the maximum extension of time granted to any oralist shall not exceed 5 minutes.
53. Time shall be kept by a court clerk, who will warn the oralists by appropriate means when they have:
  - i. 5 minutes left;
  - ii. 1 minute left;
  - iii. to conclude their pleading forthwith.
54. The order of the oral pleadings shall be:
  - i. Prosecutor's first oralist;
  - ii. Prosecutor's second oralist;
  - iii. Defendant's first oralist;
  - iv. Defendant's second oralist;
  - v. Rebuttal, if any (Prosecutor's first or second oralist);
  - vi. Surrebuttal, if any (Defendant's first or second oralist).
55. Every courtesy shall be given to oralists during oral hearings. Communication at the oralist table shall be in writing to prevent disruption; teams and spectators shall avoid all unnecessary noise or other inappropriate behavior which may disrupt the ongoing hearing.

56. Team members seated at the oralist table shall not be permitted to communicate with spectators, or with any other external person except the judges. Without limiting the foregoing, with respect to teams that have a researcher, oralists shall not be permitted to communicate with the researcher during the oral hearings. The researcher shall not be permitted to sit with oralists at the oralist table.

### **Scoring for General Rounds**

57. Each team's score for the General Rounds shall consist of two parts: the score of the memorials and the score of the oral presentations.
58. Each memorial shall be assessed by two IHL experts designated by the ICRC. The experts will be supplied with copies of the memorials with the cover sheet as specified in Rule 22. The maximum score for each memorial shall be 100. The score of each memorial shall be the average of the scores out of 100 awarded by the two designated memorial judges. When the scores given by two judges on one memorial have a disparity of 15 points or more, the memorial will be sent to the third judge designated by the ICRC for scoring. The final score of this memorial shall be the average of two closer scores.
59. The Oral Hearings, except for the Final Round, shall be assessed by two or three judges on the panel, whereas the Final Round shall be assessed by five judges on the panel. The judges in each oral hearing shall be a current or former judge, lawyer, or law professor, or otherwise experienced in the practice of IHL. In each General Round, the maximum score for each oralist shall be 100 and the maximum score for each team's oral presentation shall be 200. The score of each oralist shall be the average of the scores awarded by the judges assessing their oral presentations.
60. The total score for each team in the general rounds shall be 600, consisting of the following parts:
- i. 100 for Prosecutor memorial;
  - ii. 100 for Defendant memorial;
  - iii. 100 for first oralist when pleading as Prosecutor;
  - iv. 100 for second oralist when pleading as Prosecutor;
  - v. 100 for first oralist when pleading as Defendant;
  - vi. 100 for second oralist when pleading as Defendant.
61. The decision of the judges shall be final.
62. The Organizers shall announce the scores of each team and each oralist after the completion of the General Rounds, by indicating only the team number and without revealing the identity of any team. Copies of individual judges' scoresheets for oral hearings will be available to the respective teams immediately after the announcement of the results of the General Rounds. Teams may raise questions with the Organizers within 15 minutes after the announcement of the scores if any arithmetic error is identified. The Organizers shall check and rectify any errors. If such rectification affects the teams entering the Quarter-final Round, the rectified results will be announced within 15 minutes after verification of the rectification.



### **Finalist Teams**

63. The eight teams with the highest aggregate score out of 600 from the General Rounds shall qualify for the Quarter-final Round.
64. In the event that, after the completion of the General Rounds, any two teams tie in their scores out of 600, the team which will proceed to the Quarter-final Round shall be the team which has the higher 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 Quarter-final Round shall be the team whose first oralist receives the higher average score out of 200 for his or her oral presentations in the General Rounds.
65. In the Advanced Rounds, the judges will decide which is the winning team based on their oral presentations without scoring.

### **Third Place Playoff**

66. There shall be a Third Place Playoff. The two teams in the Semi-final Round that do not advance to the Final shall compete against each other for the Third Place Award.
67. The judges will decide which is the winning team in the Third Place Playoff without scoring.

### **Assistance**

#### *Memorials*

68. All research, writing and editing relating to the memorials must be the work of the oralists and researcher(s) submitting the memorials.

#### *Assistance from Staff and Other Advisors*

69. 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, organization and flow of arguments, format, presentation and style.

### **Awards**

70. The winning team of the Final shall be the Winning Team of the Competition. The other team participating in the Final shall be the Runner-up Team.
71. Three teams shall be eligible to the 22<sup>nd</sup> Red Cross IHL Moot Asia-Pacific Round which will be held in Hong Kong in March 2024. These three teams shall be the two teams in the Final and the winning team in the Third Place Playoff.

72. Each oralist and researcher shall be awarded a certificate for attendance.
73. The Best Oralist in the Final shall be decided by judges of the Final and awarded a certificate.
74. The oralist with the highest score out of 200 in the General Rounds shall be adjudged the Best Oralist in General Rounds and awarded a certificate.
75. The oralist with the second highest score out of 200 in the General Rounds shall be adjudged the Runner-up to Best Oralist in General Rounds and awarded a certificate.
76. The Prosecutor's memorial with the highest score out of 100 shall be adjudged the Best Memorial for Prosecution; the Defendant's memorial with the highest score out of 100 shall be adjudged the Best Memorial for Defence. The teams that submitted such memorials shall be respectively awarded a certificate.
77. The Prosecutor's memorial with the second highest score out of 100 shall be adjudged the First Honourable Submission for Prosecution; the Defendant's memorial with the second highest score out of 100 shall be adjudged the First Honourable Submission for Defence. The teams that submitted such memorials shall be respectively awarded a certificate.
78. The Organizers may in their discretion decide to award alternative prizes in lieu of the prizes described above.

#### **Interpretation of Rules**

79. The Organizers shall have absolute discretion to resolve any question concerning the interpretation of these rules.
80. All rules are subject to change in line with the development of COVID-19 and out of public health concerns.