



5th Red Cross International Humanitarian Law (IHL) Moot (2011)

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 5th Red Cross International Humanitarian Law Moot (2011) (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 26-27 November 2011 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 Quarterfinal, 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 2011 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 2011 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 bej_ihl@icrc.org. or Mr. Guo Yang, Legal Officer, ICRC Beijing, B2 Qijiyuan Diplomatic Compound 9 Jianguomenwai Dajie, Beijing. Post code: 100600, Tel: 010 85323290---150) by 30th September 2011 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.

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 not more than 24. In case that the organizers receive more than 24 registrations, the 24 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 moot problem to be used in the Competition.

Distribution

14. The moot problem will be distributed before 12th August 2011 by posting on the ICRC Chinese website at the following URL: <http://www.icrc.org/chi>

Facts

15. The facts in the dispute that constitutes 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, a team must discuss the necessity for making such a request with the contact person for their delegation. Any request for clarification of the moot problem shall be brought to the attention of the Organizers via e-mail (to bej_ihl@icrc.org) by 14th October 2011. 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 21st October 2011 using the same method for distribution as used for distribution of the moot problem. Clarifications issued become part of the moot problem.

Receipt of Problem and Clarifications

19. Any team that is unable to receive the moot problem or any clarification in the manner distributed should notify the Organizers immediately via e-mail (to bej_ihl@icrc.org), fax (to the attention of Mr. Guo Yang, at (010)6532-0633) or telephone (at 010-85323290-150), 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 52) 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 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 a). the team's individual moot number which was supplied to the contact person of the team's relevant delegation upon registration (see Rule 10); b). whether the memorial is for the Applicant or the Respondent

Submission of Memorials

24. Each team shall submit a copy of its memorials via e-mail (to bei_ihl@icrc.org) by 11:59 pm, 30th October 2011, and must dispatch via EMS (or a similar express mail service) by that same day 28 hard copies (14 for Applicant, 14 for Respondent) of the same memorial, to the Organizers at the following address:

Mr. Guo Yang
Legal 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 hard copies of the memorials must be identical to the electronic copies. 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.

26. Unless otherwise agreed in advance and in writing by the Organizers for special reasons, a team will be sanctioned by deduction of 30 marks from their memorial scores if it does not submit both of its Applicant and Respondent memorials on the deadline as specified in Rule 24.

Revision of Memorials

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

Pairing of Opposing Teams and Pleading Option

General Rounds

28. The General Rounds consist of two Oral Rounds. Each team pleads once as Applicant and once as Respondent.
29. 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 11th November 2011.
30. 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.
31. The Organizers will convene a meeting at Renmin University, which all teams must attend, at 8:00 p.m. on Friday, 25th November 2011, at a venue to be advised. At the meeting, the Organizers will announce the results of the draw conducted under Rule 29, and will make available a copy of each team's memorial to its opposing teams.

Quarterfinal and Semi-final Rounds

32. Subject to Rule 52 through Rule 54, the eight (8) highest-ranking teams from the General Rounds shall participate in the Quarterfinal Rounds. The Quarterfinal Rounds consist of four pairings of the eight highest-ranking teams from the General Round
33. In the Quarterfinal Rounds, 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.
34. In the Quarterfinal Rounds, the higher ranking team from the General Rounds shall have the Pleading Option. Pleading Option means the privilege to choose which side (Applicant or Respondent) a team would like to plead.

35. The four winning teams from the Quarterfinal Rounds shall participate in the Semi-final Rounds. The Semi-final Rounds consist of two pairings of the four winning teams from the Quarterfinal Rounds.
36. In the Semi-final Rounds, the winning team from the Quarterfinal Paring of the 1st ranking team v. 8th ranking team shall plead against the winning team from the Quarterfinal Paring of the 4th ranking team v. 5th ranking team, as specified in Rule 33. The winning team from the Quarterfinal Paring of the 2nd ranking team v. 7th ranking team shall plead against the winning team from the Quarterfinal Paring of the 3rd ranking team v. 6th ranking team.
37. Pleading option for the Semi-final Rounds 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

Time for oral hearings

38. Unless otherwise notified by the Organizers, the first General Round will be held in the morning of Saturday, 26th November 2011 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.
39. Unless otherwise notified by the Organizers, the Quarterfinal and Semi-final Rounds will be held in the morning of Sunday, 27th November 2011. The Organizers will give due notice to the contact persons for participating institutions of the venue of the general rounds.
40. Unless otherwise notified by the Organizers, the Final Round will be held in the afternoon of Sunday, 27th November 2011. 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

41. Each team shall consist of a first counsel and a second counsel, as designated by the team or by its relevant participating institution.
42. 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.
43. 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).
44. 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.

45. 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 42.
46. 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.
47. 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.
48. 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).
49. 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.
50. Team members seated at the counsel table shall not be permitted to communicate with spectators, or with any other external person except the judges.

Scoring for General Rounds

51. Scoring shall consist of two parts: the scoring of memorials and the scoring of the oral presentations.
52. Each memorial shall be assessed by two IHL experts designated by the ICRC. The experts will be supplied with copies of the memorials with only the second cover sheets as specified in Rule 23. 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.
53. The oral presentations shall be assessed by two or three judges on the panel. 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, the maximum score for each counsel shall be 100 and the maximum score for each team's oral presentation shall be 200. The score for each counsel shall be the average of the scores out of 100 awarded by the judges assessing their oral presentations.

54. The total score for each team in the general rounds shall be 600, consisting of the following parts:
 - i. 100 for Applicant memorial;
 - ii. 100 for Respondent memorial;
 - iii. 100 for first counsel when pleading as Applicant;
 - iv. 100 for second counsel when pleading as Applicant;
 - v. 100 for first counsel when pleading as Respondent;
 - vi. 100 for first counsel when pleading as Respondent.
55. The decision of the judges shall be final.
56. The Organizers shall announce the scores of each team and each counsel after the completion of the General Rounds, by indicating only the team number and without revealing the identity of any team. The teams shall be given a certain time to raise questions concerning the calculation of the scores.

Finalist Teams

57. The 8 teams with the highest aggregate score out of 600 after the completion of the general rounds will participate in the Quarterfinal Rounds.
58. 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 Quarterfinal Rounds 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 Quarterfinal Rounds 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.
59. In the Quarterfinal, Semi-final, and Final Rounds, the Panel will decide which is the winning team based on their oral presentations without scoring.

Additional Round for the Third Place Award

60. There shall be an Additional Round for the Third Place Award. The two teams in the Semi-final Rounds that do not advance to the Final Round shall compete against each other for the Third Place Award.
61. Unless otherwise notified by the Organizers, the Additional Round for the Third Place Award shall take place in the afternoon of 27th November 2011, before the Final Round.
62. The Panel will decide which is the winning team in the Additional Round for the Third Place Award without scoring.

Assistance

Memorials

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

Assistance from Staff and Other Advisors

64. 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.

Awards

65. Three teams will be sponsored to Hong Kong for the 10th Red Cross IHL Moot (2012) for Asia – Pacific Region. These three teams will be the two teams in the Final Round, and the winning team from the Additional Round for Third Place Award.
66. The winning team of the Final Round shall be the Winning Team of the Moot. The other team participating in the Final Round shall be the Runner-up team.
67. The top three teams shall be awarded a trophy and a certificate.
68. The counsel with the highest score out of 400 in the General Rounds shall be adjudged the Best Mooter and shall be awarded a certificate.
69. The counsel with the second highest score out of 400 in the General Rounds shall be adjudged the Runner-up to Best Mooter and shall be awarded a certificate.
70. 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.
71. The Organizers may in its discretion decide to award alternative prizes in lieu of the prizes described above.

Interpretation of Rules

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