



**ICRC**



**Red Cross Society  
of China**



**Law School  
Wuhan University**

**The 6<sup>th</sup> Red Cross  
International Humanitarian Law (IHL) Moot (2012)**

***An Inter-University Competition for Mainland China***

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

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

**The Rules**

**General**

1. The 6<sup>th</sup> Red Cross International Humanitarian Law Moot (2012) (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 Wuhan 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 7-9 December 2012 and the venue of the competition shall be at the campus of the Wuhan 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 Prosecutor and the Defendant respectively during the General Rounds of the competition. The Delegations qualified for the Quarterfinal, Semifinal, Third Place Award and Final Rounds will represent either the Prosecutor or the Defendant.

#### *Eligibility*

7. Participating students shall be registered with the relevant participating institution as of 1<sup>st</sup> September 2012 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<sup>st</sup> September 2012 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 resident in, the People's Republic of China.

#### *Registration*

9. Each participating institution must notify the Organizers via e-mail (to [tsong@icrc.org](mailto:tsong@icrc.org). Ms. Song Tianying) by 10<sup>th</sup> October 2012 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 and position of the team coach;
  - iv. 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 organizational 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 will not more than 28. In case that the Organizers receive more than 28 registrations, the 28 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 is posted 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 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. Any request for clarification of the mooted problem shall be brought to the attention of the Organizers via e-mail ([tsong@icrc.org](mailto:tsong@icrc.org)) by **14<sup>th</sup> October 2012**. A request for clarification must include a brief explanation of the 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 the contact persons of all teams by **19<sup>th</sup> October 2012** via e-mail. Clarifications issued become part of the mooted 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 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 55) 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.
21. Citations must be in footnotes (not endnotes) and should be in an intelligible form.
22. 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 Prosecutor or the Defendant, and the word count of the memorial;
  - ii. The second cover sheet must have on it only a) the team's individual moot number provided to the contact person of the team's relevant delegation upon registration (see Rule 10); b) whether the memorial is for the Prosecutor or the Defendant

### *Submission of Memorials*

23. Each team shall submit a copy of its memorials via e-mail (tsong@icrc.org) by **11<sup>th</sup> November 2012** (midnight), **and** dispatch 22 hard copies (11 for Prosecutor, 11 for Defendant) of the same memorial by mail service to be received at the latest by **14<sup>th</sup> November 2012**, to the following address:

Ms. Song Tianying  
Legal Officer  
Regional Delegation for East Asia  
B2 Qijiayuan Diplomatic Compound  
9 Jianguomenwai Dajie  
Beijing 100600, China  
Tel• 010 8532 3290-151
24. The electronic copies of the memorial 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 22 hard copies of the memorials must be single-sided (i.e. reproduced on only one side of the paper).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 Prosecutor and Defendant memorials on the deadline as specified in Rule 23.

#### *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 Prosecutor and once as Defendant.
29. The Organizers will determine which Prosecutor and Defendant teams will meet each other in the General Rounds by means of a random draw conducted on or before 11<sup>th</sup> November 2012.
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 Wuhan University, which all teams must attend, at 8:00 p.m. on Friday, **7<sup>th</sup> December 2012**, at a venue to be determined. 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 memorials to its opposing teams.
32. In the event that a team fails to appear for a scheduled oral hearing, the round of the Competition concerned will proceed as an *ex parte* hearing 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 pertaining to 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 hearing will then proceed as an *ex parte* hearing.

#### *Quarterfinal and Semifinal Rounds*

33. Subject to Rule 54 through Rule 59, 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 Rounds.

34. In the Quarterfinal Rounds, the 1<sup>st</sup> ranking team from the General Rounds shall plead against the 8<sup>th</sup> ranking team. The 2<sup>nd</sup> ranking team shall plead against the 7<sup>th</sup> ranking team; the 3<sup>rd</sup> shall plead against the 6<sup>th</sup>, and the 4<sup>th</sup> shall plead against the 5<sup>th</sup>.
35. 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 (Prosecutor or Defendant) a team would like to plead.
36. The four winning teams from the Quarterfinal Rounds shall participate in the Semifinal Rounds. The Semifinal Rounds consist of two pairings of the four winning teams from the Quarterfinal Rounds.
37. In the Semifinal Rounds, the winning team from the Quarterfinal Paring of the 1<sup>st</sup> ranking team v. 8<sup>th</sup> ranking team shall plead against the winning team from the Quarterfinal Paring of the 4<sup>th</sup> ranking team v. 5<sup>th</sup> ranking team, as specified in Rule 34. The winning team from the Quarterfinal Paring of the 2<sup>nd</sup> ranking team v. 7<sup>th</sup> ranking team shall plead against the winning team from the Quarterfinal Paring of the 3<sup>rd</sup> ranking team v. 6<sup>th</sup> ranking team.
38. Pleading option for the Semifinal 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*

39. Unless otherwise notified by the Organizers, the first General Round will be held in the morning of Saturday, **8<sup>th</sup> December 2012** 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.
40. Unless otherwise notified by the Organizers, the Quarterfinal and Semifinal Rounds will be held in the morning of Sunday, **9<sup>th</sup> December 2012**. The Organizers will give due notice to the contact persons for participating institutions of the venue of the Quarterfinal and Semifinal rounds.
41. Unless otherwise notified by the Organizers, the Third Place Award and Final Rounds will be held in the afternoon of Sunday, **9<sup>th</sup> December 2012**. The Organizers will give due notice to the contact persons for participating institutions of the venue of Round for the Third Place Award and Final round.

### *Rules Applicable to the General Rounds and the Final Rounds*

42. Each team shall consist of a first counsel and a second counsel, as designated by the team or by the participating institution.

43. Each team shall keep the name of its institution confidential at least until the results of the General Rounds are published. Disclosure may subject the counsel concerned to a deduction of a fixed mark of 10 from the total score out of 100 from the individual's overall score, and in turn affect the team's score out of the total of 200 in each of the oral hearings, pursuant to Rule 56.
- 43A. The name of each team's institution shall not be disclosed to the judges in any of the Oral Rounds.
44. 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.
45. 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).
46. The scope of the Prosecutor's rebuttal is limited to responding to the Defendant's oral hearings, and the scope of the Defendant's surrebuttal is limited to responding to the Prosecutor's rebuttal.
47. 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.
48. 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 44.
49. 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.
50. Time shall be kept by a court clerk, who will warn counsels by appropriate means when they have:
  - i. 10 minutes left;
  - ii. 5 minutes left;
  - iii. 1 minute left;
  - iv. to conclude their address forthwith.
51. The order of the oral presentations shall be:
  - i. Prosecutor's first counsel;
  - ii. Prosecutor's second counsel;
  - iii. Defendant's first counsel;
  - iv. Defendant's second counsel;
  - v. Rebuttal, if any (Prosecutor's first or second counsel);
  - vi. Surrebuttal, if any (Defendant's first or second counsel).
- 51A. All Oral Rounds are open to the public. The Organizers may limit the number of spectators in a room during the General Rounds. The presence of team coaches or other spectators affiliated with a team is permitted in the courtroom during an Oral Round in which that team is competing.

52. 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.
53. Team members seated at the counsel 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, counsel shall not be permitted to communicate with the researcher during the oral hearings and the researcher shall not be permitted to sit with counsel at the counsel table.
- 53A. Team members or persons directly associated with any team may only attend the General Rounds in which their team is competing. Violation of this Rule should be brought to the attention of the Organizers immediately, without disturbing the Oral Round, or immediately after the Oral Round has finished.
- 53B. Scouting is prohibited. Persons directly associated with any team shall not attend nor record an oral round involving one or more teams against which their team is likely to compete in a future oral round. Violation of this Rule should be brought to the attention of the Organizers immediately, without disturbing the Oral Round, or immediately after the Oral Round has finished.
- 53C. Violation of Rules 53A or 53B may lead to up to 30 points deduction mark at the discretion of the Organizers, for each counsel of the team concerned..

### **Scoring for General Rounds**

54. Scoring shall consist of two parts: the scoring of memorials and the scoring of the oral presentations.
55. 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 22. 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.
56. 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 international law. 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.
57. The total score for each team in the general rounds shall be 600, consisting of the following parts:
  - i. 100 for Prosecutor's memorial;
  - ii. 100 for Defendant's memorial;
  - iii. 100 for first counsel when pleading as Prosecutor;
  - iv. 100 for second counsel when pleading as Prosecutor;
  - v. 100 for first counsel when pleading as Defendant;
  - vi. 100 for second counsel when pleading as Defendant.

58. The decision of the judges shall be final.
59. 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**

60. The 8 teams with the highest aggregate score out of 600 after the completion of the general rounds will participate in the Quarterfinal Rounds.
61. 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.
62. In the Quarterfinal, Semifinal, and Final Rounds, the Panel will decide which is the winning team based on their oral presentations without scoring.

### **Round for the Third Place Award**

63. There shall be an Additional Round for the Third Place Award. The two teams in the Semifinal Rounds that do not advance to the Final Round shall compete against each other for the Third Place Award.
64. Unless otherwise notified by the Organizers, the Additional Round for the Third Place Award shall take place in the afternoon of **9<sup>th</sup> December 2012**, before the Final Round.
65. The Panel will decide which is the winning team in Round for the Third Place Award without scoring.

### **Assistance**

#### *Memorials*

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

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

67. 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**

68. Three teams will be sponsored to Hong Kong for the 11<sup>th</sup> 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 Round for the Third Place Award.
69. 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.
70. The Winning Team of the Moot will be awarded the International Humanitarian Law Cup to hold in trust for one year at its school. Such Team shall take full responsibility for the safety and condition of the International Humanitarian Law Cup while it is in the Team's custody and is responsible for returning the International Humanitarian Law Cup in good condition to the Organizers prior to the next year's National Round.
71. All top four teams shall be awarded a certificate.
72. The Best Mooter in the Final Round shall be decided by judges of the Final Round and awarded a certificate.
73. The counsel with the highest score out of 200 in the General Rounds shall be adjudged the Best Mooter in General Rounds and awarded a certificate.
74. The counsel with the second highest score out of 200 in the General Rounds shall be adjudged the Runner-up to Best Mooter in General Rounds and awarded a certificate.
75. The Prosecutor's memorial with the highest score out of 100 shall be adjudged the Best Memorial for Prosecutor; the Defendant's memorial with the highest score out of 100 shall be adjudged the Best Memorial for Defendant. The teams that submitted such memorials shall be respectively awarded a certificate.
76. The Prosecutor's memorial with the second highest score out of 100 shall be adjudged the First Honorable Submission for Prosecutor; the Defendant's memorial with the second highest score out of 100 shall be adjudged the First Honorable Submission for Defendant. The teams that submitted such memorials shall be respectively awarded a certificate.
77. The Organizers may in its discretion decide to award alternative prizes in lieu of the prizes described above.

## **Interpretation of Rules**

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