Thailand National International Humanitarian Law Moot Court Competition

National IHL Selection Round for the 2020
18th Red Cross International Humanitarian Law Moot Court Competition in Hong Kong,
(An Inter-University Competition for Asia-Pacific Region)

Chulalongkorn University, Bangkok, 15 September 2019

OFFICIAL RULES

GENERAL

1. The Moot Court Competition shall be conducted under the auspices of the International Committee of the Red Cross (ICRC) and the hosting university. The ICRC shall have the power to:

   (i) Plan and organise the Competition in collaboration with the hosting university;

   (ii) Set the Rules for the Moot, which interpretation rests with the ICRC;

   (iii) appoint a SECRETARY;

   (iv) appoint judges with suggestions from the hosting university;

   (v) amend the rules as it thinks fit; and

   (vi) video record all or any of session (NB: all other video recording is allowed ONLY with the express permission by the ICRC

PARTICIPATING INSITIUTIONS AND REGISTRATION

Eligibility

2. The Moot Court shall be open to all teams from participating institutions established in THAILAND.

3. Each team shall consist of TWO students as Mooters. Each participating institution may also opt to include ONE student as a Researcher.

4. Participating students shall be registered for a first degree or undergraduate or postgraduate program with the participating institution as of academic year of 2019. A student is ineligible to participate in the Competition if he or she:
   (i) is registered for a doctoral degree at a participating institution or at any other institution;
   (ii) holds any doctoral degree, regardless of the institution that conferred such doctorate;
   (iii) holds or has held a full time or part time teaching post in law at any tertiary institution;
   (iv) has been admitted or licensed to practise law in in any jurisdiction; or

(v) has already participated twice in previous years, regardless of whether the student acted as a mooter or a researcher. Participating students must declare that they have not participated twice in previous years whether as a mooter or as a researcher. Any false declaration could lead to disqualification of the entire team.

Registration fee and registration procedure

5. Each team must email the SECRETARY at **fibarnaby@icrc.org** by **6pm on 19th August 2019,** the following details and statement:

   (i) The names of the two mooters and the researcher, if any;
   (ii) Identify the role of team members – Mooter 1, Mooter 2, and Researcher;
   (iii) The law degree or programme in which each mooter and researcher is enrolled (e.g. LLB);
   (iv) The number of times the mooters and the researcher, if any, have participated in the Competition before;
   (v) The team coach, if any; and
   (vi) The name, email address, address, and telephone number of a contact person, who should not be a student but a representative of the participating institution.
   (vii) Statement (please attach in PDF file with registration email): answer the following questions in total not more than **500 words**:

      i. What is your motivation to participate in the Competition?

      ii. How would your institution benefit from your participation in the Competition?

      iii. What benefit would you derive from participating in the Competition?

6. Registration is free of charge.

SUBSTITIUTION OF TEAM MEMBERS

7. A participating team may substitute a student previously registered as a member of a team with another student only with the express consent of the SECRETARY.

THE MOOT PROBLEM

8. The SECRETARY alone shall determine the moot problem to be used in the Moot Court Competition.

Distribution of the Moot Problem

9. The moot problem will be distributed by the ICRC Bangkok to the respective teams upon confirmation of their registration and participation in the competition. Team numbers will be assigned in a chronological manner. Teams are encouraged to register early.

Facts and Clarification of the Moot Problem

10. 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.

11. Any request(s) for clarification(s) of the moot problem must be brought to the attention of the SECRETARY by **19th August 2019**. Clarifications, if any, shall be distributed to all teams by **20th August 2019** and become part of the moot problem.

GUIDELINES FOR MEMORIALS

Form and Length of Memorials

12. Each team shall submit a memorial for both the Prosecutor and the Defendant respectively.

13. Each memorial shall be typed with 1.5 line-spacing, using TIMES NEW ROMAN, font size 12. The pleading section of each memorial submitted **shall not exceed 4,000 words** in length in total, including titles and subtitles, citations, footnotes, endnotes, sources, etc.

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 – 100 words in excess - deduction of 5 marks;
- 101 – 200 words in excess - deduction of 10 marks;
- 201 – 400 words in excess - deduction of 20 marks;
- Over 401 words in excess - deduction of 30 marks.

14. All citations must either be in the body of the text or in the footnotes and should be in an intelligible form.

15. Each memorial must have TWO cover sheets:

(i) The first cover sheet must clearly indicate the name of the participating institution, the names of the two student members of the team, and whether the memorial is for the Prosecutor or the Defendant.

(ii) The second cover sheet must clearly indicate the team's individual moot number only which will be given to the relevant contact person of the team's participating institution upon registration (see Rule 5 above).

The purpose of this requirement is to protect the anonymity of the teams and to ensure no prejudice or bias is shown in the assessment of the memorials.

Submission of Memorials

16. Each team shall submit the memorials via e-mail to the SECRETARY latest by **3rd September 2019, 6.00 p.m. (Bangkok times)**, at the following email address:

fibarnaby@icrc.org

- All participating teams are strictly reminded to submit their memorials to the SECRETARY on the specific deadline in **both word document (.docx or .doc) and PDF document (.pdf).**

- Late submission of memorials: In the event that any participating team fails to submit its memorials on time based the specific deadline in Rule 13 the SECRETARY shall deduct 5 marks for each calendar day from the team's total memorial score out of 100.

- Failure to submit memorials: Any participating team that fails to submit their memorials to the SECRETARY will be disqualified from participating in the competition.

Revision of Memorials

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

Pairing of teams and exchange of memorials

18. Secretariat will pair each Prosecutor with a Defendant team for the quarter-final round. The teams competing in the quarter-final round, will be announced by **6th September 2019**.

19. For the exchange of memorials, the SECRETARY shall distribute, via email, a copy of each team's memorial to its paired opposing team on the **6th September 2019**.

GUIDELINES ON ASSISTANCE AND PRACTICE SESSIONS

Memorials

20. All research, writing and editing relating to the memorial must be the original work of the two/three students from each team submitting that memorial.

Assistance from Staff and Other Advisors

21. Staff of the participating institutions including coaches, assistants or advisers 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

22. Each participating institution shall be permitted to arrange their own practice sessions prior to the Moot Court Competition.

DATE AND VENUE OF THE MOOT COURT COMPETITION

23. The Moot Court Competition 2019 will be held at Faculty of Law, Chulalongkorn University on the **15th September 2019**.

COMPOSITION OF TEAMS AND ORDER OF THE ORAL HEARING

24. Each team will consist of TWO oralists comprising of the Leading Counsel (first oralist) and the Junior Counsel (second oralist), as designated by the team or by its relevant participating institution.

25. Each team shall speak for no more than 40 minutes, including rebuttal/surrebuttal. 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 in their main pleading, (not including time spent for rebuttal/surrebuttal).

26. The order of the oral hearing are 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).

27. 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 5 minutes only. No extension of time beyond the 5 minutes shall be permitted for the rebuttal and surrebuttal.

28. Either the Leading or Junior Counsel may address the court for the rebuttal or surrebuttal. To avoid any doubts, the time reserved for rebuttal or surrebuttal is not included in the time for each counsel to speak as specified in Rule 25.

29. The court may, at its discretion extend the time for each counsel, provided that the maximum extension for any counsel shall not exceed 2 minutes.

30. 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.

31. 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.

32. 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

33. 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 only during the oral hearings.

FORMAT OF THE MOOT COURT COMPETITION

34. The format of the Moot Court Competition shall consist of the submission of memorials and the oral rounds. (See RULES 12-17 above on guidelines for memorials)

The Oral Rounds of the Moot Court Competition will be divided into the following:

- QUARTERFINAL ROUND

  EIGHT team with the best combined score (Prosecution and Defendant) from the memorial will advance to the quarterfinal round. Secretariat will determine the role to be played by each team (the Prosecutor or the Defendant).

- SEMI-FINAL ROUND

  FOUR teams with better score, in each match, in quarterfinal round will continue to the semi-final round. The Organizing Committee will determine the role to be played by each of the four teams (the Prosecutor or the Defendant).

- FINAL ROUND

  The teams with better score, in each match, in semi-final round will compete in the FINAL ROUND to decide the winning team.

SCORING

35. Scoring shall consist of TWO parts:

a. the scoring of the memorials and

b. the scoring of the oral rounds

36. The scoring of the memorials shall be assessed by a panel of TWO (or more) 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 teams individual moot number.

The memorial score for each team is determined by first adding together the TWO Memorial judges' scores and the final score for each memorial will then be decided based on the average score of the TWO memorial judges' scores.

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

- QUARTERFINAL ROUND

For the quarterfinal round, the oral hearing scores shall be assessed by a panel of TWO (or more) 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 scores for each team are determined first by adding together the TWO judges' raw scores. The final oral hearing scores for each team will then be decided based on the average score of the TWO judges' oral scores. FOUR teams with better score of final oral hearing score combine with memorial score in quarterfinal round will advance to the semi-final round.

- 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 scores for each team are determined first by adding together the THREE judges' raw scores. The final oral hearing scores for each team will then be decided based on the average score of the THREE judges' oral scores. TWO teams with better score, in each match, in semi-final round will compete in the final round.

In the event, 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 THREE 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, THREE judges cannot be present, the oral hearing for the final round will be assessed by a panel of TWO judges only.

The oral hearing scores for each team are determined first by adding together all the judges' raw scores. The final oral hearing scores for each team will then be decided based on the average score of the all the judges oral scores to decide the winning team.

38. The decision of the judges shall be FINAL.

AWARDS

Winning Team

39. 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 Thailand in the 2020 Regional International Humanitarian Law Moot Court Competition to be held in Hong Kong. (Supported by ICRC)

Best Mooter

40. The counsel with the highest individual average total oral scores in the oral hearings of the Moot Court Competition shall be adjudged the Best Mooter and shall be awarded with a certificate and a medal.

Best Memorial

41. The memorial of Prosecutor with the highest score out of 100 shall be adjudged the Best Memorial for Prosecutor and the team that submitted the memorial shall be awarded with a certificate and a medal.
42. The memorial of Defendant with the highest score out of 100 shall be adjudged the Best Memorial for Defendant and the team that submitted the memorial shall be awarded with a certificate and a medal.

INTERPRETATION OF THE OFFICIAL RULES

43. 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

44. By entering the Competition a team consents to being the subject of official videotaping and photography conducted by the ICRC or the hosting university.

SPECTATORS

45. All participants and spectators alike are to refrain from 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).

COMPLAINTS

46. 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.

47. Complaints must come directly from the participating team or official coach of the team.

48. 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.

49. Any complaint not meeting the requirements in Rules 46 and 47 above will not be entertained.