

THAILAND NATIONAL INTERNATIONAL HUMANITARIAN LAW COMPETITION: IHL Moot Court and Role Play Competition 2020

**Faculty of Law, Thammasat University, Tha Prachan Campus, Bangkok,
10 -11 October 2020**

- GENERAL PROVISIONS AND RULES
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Please take note of the contact details for The ORGANIZING COMMITTEE of Thailand National International Humanitarian Law Competition: IHL Moot Court and Role Play Competition 2020 as follows:

Mailing Address: International Committee of the Red Cross (ICRC)
Bangkok Regional Delegation
191/6-8 CTI Tower, 30th Floor, Ratchadapisek Rd.,
Klongtoey, Bangkok 10110, Thailand

Phone: +66 2262 1680

E-mailing Address: schongchuwanich@icrc.org (Mr Sippakorn Chongchuwanich) **and**
kwongkom@icrc.org (Ms Kanisa Wongkom)

GENERAL PROVISIONS AND RULES

GENERAL

1. The Thailand National International Humanitarian Law Competition (“Thailand National IHL Competition”) consists of:
 - a. A Moot Court; and
 - b. An IHL Role Play
2. The Competition is organised by the International Committee of the Red Cross (ICRC) Bangkok in cooperation with Thammasat University. The Organizing Committee consists of members of ICRC staff and representatives of Thammasat University, in its capacity as a partner organization. The Organizing Committee shall be responsible for the organization and administration of the Competition.
 - a. Complaints
 - i. Complaints can only be made based on the official rules of the Competition, as stated in this document.
 - ii. Complaints must come directly from the participating team or official coach of the team.
 - iii. All complaints shall be directed solely to the Organizing Committee. The Organizing Committee will decide on the substance of the claim and the appropriate action. The Organizing Committee’s decision is final.
 - iv. Complaints not meeting the requirements above will not be entertained.
3. In its capacity as the organizer, the Organizing Committee shall have the power to:
 - a. Plan and organise the Competition in collaboration with the hosting university;
 - b. Set and interpret the Rules for the Competition and shall have absolute discretion to resolve and decide on any question or issue regarding the interpretation and application of the official rules.
 - c. Appoint a SECRETARY, if needed;
 - d. Appoint judges with suggestions from the hosting university;
 - e. Amend the rules as it thinks fit; and
 - f. Video record all or any sessions of the Competition.
 - i. By entering the Competition, a team consents to be the subject of official videotaping and photography conducted by the ICRC or the hosting university.
 - ii. All other video recording is allowed ONLY with the express permission of the Organising Committee.
4. Competition Email Account – All inquiries and requests for competition materials must be sent to the Committee at **schongchuwanih@icrc.org** and **kwongkom@icrc.org**

5. The winner of the **moot court** segment of the **competition** will **represent THAILAND at the Regional Asia Pacific Red Cross International Humanitarian Law Moot Court Competition in 2021**. This part of the competition is geared more towards law students and those in relevant legal studies but students from other faculties have also participated in the past.
6. The winner of the role play segment of the competition will **receive financial support from the ICRC Bangkok Delegation should they succeed in their application to participate in 2021 edition of the Jean-Pictet Competition**. For more info please see <https://www.concourspictet.org/indexen.html>
7. As this is the first year of the combined competition, teams must participate in the Role Play segment of the competition but may opt out of the Moot Court segment of the competition.
8. The scoring for each segment of the competition will be separate. Each competition will have its own scoring system. (e.g. moot court scores will not be used to determine role play scores, and vice versa)
9. The team with the best scores of each competition will be selected as the winner of that segment of the competition. Should a team win both segments of the Competition, the team may claim the prizes of both competitions. However, the team must manage their schedule to ensure participation in both competitions. Alternatively, the team that wins both competitions may opt to choose either one of the prizes available, in which case, the runner-up in that competition may claim the remaining prize.
10. The language used in all matters related to the Competition is English. All the reading material, official correspondence etc. must be in English
11. The Rules for each segment of the competition are in this document. The Rules for each competition must be used in conjunction with these General Provisions.

PARTICIPATING INSTITUTIONS AND REGISTRATION

Eligibility

12. The Competition shall be open to all teams from participating institutions established in THAILAND.
13. Participating students should be registered for a first degree or undergraduate or postgraduate program with the participating institution as of academic year 2020. A student is ineligible to participate in the Competition if he or she:
 - a. is registered for a doctoral degree at a participating institution or at any other institution and organise the Competition in collaboration with the hosting university;
 - b. holds any doctoral degree, regardless of the institution that conferred such doctorate.
 - c. holds or has held a full time or part time teaching post at any tertiary institution;
 - d. has been admitted or licensed to practise law in any jurisdiction; or

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

Team Composition

- 14. In both competitions, each team shall be composed of three students:
 - a. in the Moot Court Competition, the composition will be two (2) mooters and one (1) researcher. Students are free to adjust and/or rotate roles as they see fit between the rounds but not during pleadings;
 - b. in the Role Play Competition, there is no set requirement. Students will take on roles as the scenarios demand.
- 15. Students are encouraged to also select one more students to be a substitute candidate. Each team may elect to choose one (1) alternate to replace a member of a team who may become unavailable prior to the Competition. 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 Organizing Committee.
- 16. The number of participating teams for the Competition is limited to eight (8) teams. Each university may send up to 4 teams to participate in the Competition. Should there be more than 8 teams applying, all teams will be required to take an IHL test. Teams will be selected to ensure representation of all universities applying to participate in the Competition.

Registration procedure

- 17. Each team must email the Organizing Committee at schongchuanich@icrc.org **AND** kwongkom@icrc.org by **23.59 (GMT +7/Bangkok time) Sunday 13th September 2020**, the following details and statement:
 - a. Names of team members, academic year, university, faculty, and contact information (team email, in particular);
 - b. The type of competition participated in (either only the Role Play segment of the competition, or both Role Play and Moot Court segments of the Competition);
 - c. For the Moot Court segment of the Competition, identify the role of team members – Mooter 1, Mooter 2, and Researcher;
 - d. Name of substitute student (if any);
 - e. The number of times the students have participated in the Competition before (if any);
 - f. The contact information of the supervising professor, coach and/or instructor at the academic institution;

- g. 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; and
- a. The following 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 your Team derive from participating in the Competition?**

18. Participating teams wishing to withdraw from the Competition must notify and submit its withdrawal request to the Organizing Committee before **13th September 2020**.

Judges

19. The Organizing Committee decides on the composition and identity of judges. To that end, it will invite practicing judges, lawyers, academics, professors, alumnus of the Competition, experienced IHL experts or experts on the work of international organizations to serve as judges in the Competition.

20. Selection of the judges will be within the Organizing Committee's sole discretion.

21. Decisions of the judges shall be final.

Conflict of Interest

22. The affiliation of the Participating Institution of each participating team shall not be disclosed to the judges. To this end, no coach or participant shall disclose the affiliation of his or her team and/or any other team participating in the competition to the jury. Infringement of this regulation shall result in a penalty in accordance with the sole discretion of the Organizing Committee (such penalty may include an evaluation point deduction, or, in circumstances which the Organizing Committee deems particularly severe, disqualification). All candidates for judges must disclose all prior associations with eligible academic institutions. The Organizing Committee will endeavour to select judges from institutions other than those represented by teams at the Competition. The Organizing Committee however, reserves the right to make exceptions, provided that it is satisfied as to the judge's complete and genuine impartiality. In such case, the judge will be prohibited from evaluating the team(s) from the institution(s) the judge is affiliated with but may judge other teams.

Confidentiality

23. Judges are prohibited from sharing information about the Competition, including, but not limited to the evaluation criteria, judging guidelines, and simulations, with the participating teams, without prior authorization of the Organizing Committee.

LOGISTICAL ASPECT

Cost covered

24. All materials related to the Competition is provided by the Organizing Committee. Participating Teams may obtain their own additional training documents. However, the cost will not be covered by the Organizing Committee.

25. The Organizing Committee will cover meals (two lunches and four tea breaks) during the Competition but not accommodation and transportation to and from the Competition venue nor personal expenses of team members including, laundry, telephone, etc. It is highly recommended to organise one's own transport for the Competition to have more flexibility.

OFFICIAL RULES
FOR
MOOT COURT SEGMENT OF THE IHL COMPETITION

THE MOOT PROBLEM

1. The Organizing Committee alone shall determine the moot problem to be used in the Moot Court Competition.

Distribution of the Moot Problem

2. The moot problem will be distributed by the ICRC Bangkok Regional Delegation 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

3. 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.
4. Any request(s) for clarification(s) of the moot problem must be brought to the attention of the Organizing Committee by **18th August 2020**. Clarifications, if any, shall be distributed to all teams by **21th August 2020** and become part of the moot problem.

GUIDELINES FOR MEMORIALS

Form and Length of Memorials

5. Each team shall submit a memorial for both the Prosecutor and the Defendant respectively.
6. 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 Organizing Committee 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;
102– 400 words in excess	- deduction of 20 marks;
Over 401 words in excess	- deduction of 30 marks.

7. All citations must either be in the body of the text or in the footnotes and should be in an intelligible form.
8. Each memorial must have TWO cover sheets:
 - a. 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.
 - b. 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 2 of General Provisions above).
 - c. Please use the following format:

Prosecution/Defense + Team Number in parenthesis

Examples:

Prosecution (2001) for Team 2001's Prosecution Memorial

Defense (2012) for Team 2012's Defense Memorial

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.

9. For file naming, please use the following format:

Prosecution (P) /Defense (D) + Team Number

Examples:

P2001 for Team 2001's Prosecution Memorial

D2012 for Team 2012's Defense Memorial

Submission of Memorials

10. Each team shall submit the memorials
 - a. via e-mail to the Organizing Committee latest **by 13th September 2020, 23:59 (Bangkok times)**, at the following email address: schongchuwanih@icrc.org **AND** kwongkom@icrc.org. All participating teams are strictly reminded to submit their memorials to the Organizing Committee on the specific deadline in both word document (.docx or .doc) and PDF document (.pdf).
 - b. **6 printed copies via post by 1st October 2020** to:

IHL Department, International Committee of the Red Cross (ICRC) Bangkok Regional Delegation, 191/6-8 CTI Tower, 30th Floor, Ratchadapisek Rd., Klongtoey, Bangkok 10110, Thailand

Late submission of memorials: In the event that any participating team fails to submit its memorials on time based on the specific deadline in Rule 17 of General Provisions above, the Organizing Committee 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 Organizing Committee will be disqualified from participating in the competition.

Revision of Memorials

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

Pairing of teams and exchange of memorials

12. The Organizing Committee will pair each Prosecutor with a Defendant team for the Preliminary rounds. The pairing of teams competing in the preliminary round, will be announced by 21st September 2020.
13. For the exchange of memorials, the Organizing Committee shall distribute, via email, a copy of each team's memorial to its paired opposing team on the 21st September 2020

GUIDELINES ON ASSISTANCE AND PRACTICE SESSIONS

Memorials

14. 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

15. 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

16. 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

17. The Moot Court Competition 2020 will be held at the Faculty of Law, Thammasat University, Tha Prachan Campus on the 10th - 11th October 2020.

COMPOSITION OF TEAMS AND ORDER OF THE ORAL HEARING

18. 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.
19. 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 each in their main pleading, (not including time spent for rebuttal/surrebuttal);
20. The order of the oral hearing is 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).
21. 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.

The maximum time limit reserved for rebuttal and surrebuttal is 5 minutes. No extension beyond the 5 minutes shall be permitted for rebuttal and surrebuttal.
22. Either the Leading or Junior Counsel may address the court for the rebuttal or surrebuttal. To avoid doubts, the time reserved for rebuttal or surrebuttal is not included in the time for each counsel to speak as specified in Rule 19.
23. The court may, at its discretion extend the time for each counsel, provided that the maximum extension for any counsel shall not exceed 5 minutes.
24. Time shall be kept by a court clerk or timekeeper who will remind each counsel by appropriate means when they have:
 - a. 15 minutes left;
 - b. 10 minutes left;
 - c. 5 minutes left;
 - d. 1 minute left;
 - e. to conclude their address forthwith.
25. 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.
26. 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 are not permitted to communicate with spectators, or with any other external person except the judges. All participants and spectators alike are to refrain from the use of mobile phones and electronic devices during the Moot rounds.

BUNDLE OF AUTHORITIES

27. 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

28. The format of the Moot Court Competition shall consist of the submission of memorials and the oral rounds. (See RULES 5 - 9 above on Guidelines for memorials)

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

a. PRELIMINARY ROUNDS 1 & 2

ALL teams will participate in both preliminary rounds. Each team will represent both the Prosecutor and the Defendant, alternating the role in each round.

b. SEMI-FINAL ROUND

FOUR teams with best scores, in each match, in the preliminary rounds 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).

c. 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

29. Scoring shall consist of TWO parts:

- a. the scoring of the memorials; and
- b. the scoring of the oral rounds.

30. The scoring of the memorials shall be assessed by a panel of TWO 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.

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

a. PRELIMINARY ROUNDS

- i. For the preliminary rounds, the oral hearing scores shall be assessed by a panel of TWO 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.
- ii. 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. The FOUR teams with the highest overall score (combination of memorial score and two preliminary rounds score) will advance to the semi-final round.

b. SEMI-FINAL ROUND

- i. For the semi-final round, the oral hearing scores shall be assessed by a panel of THREE (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.
- ii. 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. The TWO teams with the highest score, in each match, in the semi-final round will advance to compete in the final round.
- iii. 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.

c. FINAL ROUND

- i. For the final round, the oral hearing scores shall be assessed by a panel of THREE (or more) judges. The maximum score for each oralist shall be 100 points and the maximum score for each team shall be 200 points.
- ii. 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 all the judges' oral scores to decide the winning team.

32. The decision of the judges shall be FINAL.

AWARDS, PRIZES AND CERTIFICATES

Winning Team

33. 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 of the moot court segment of the competition shall be awarded with the ICRC IHL challenge trophy and will represent Thailand in the 2021 Regional International Humanitarian Law Moot Court Competition to be held in 2021. (Supported by ICRC)

Best Mooter

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

Best Memorial

35. The Prosecutor memorial 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.
36. The Defendant memorial 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.

OFFICIAL RULES
FOR
THE ROLE PLAY SEGMENT OF THE COMPETITION

STRUCTURE

General Structure

1. The Role Play segment of the Competition will be composed of three rounds. Each round will present a new simulation building upon a larger hypothetical armed conflict. Teams will receive the simulations at the start of each round and will be allotted a specific amount of time to research and prepare the team's position prior to each simulation session.

Structure of Rounds

2. Each round will present teams with a different simulation requiring them to assume different roles and accomplish different objectives. Teams will be expected to adjust their positions according to the organisation or groups that they represent. The structure, length, number of teams and the role of judges during each simulation session may change from round to round.

CONDUCT OF THE COMPETITION

Criteria for Evaluating Teams

3. The Competition focuses on knowledge of IHL and the ability to use it practically manner. Teams will be judged on their knowledge of IHL and capacity to use it (evaluating available information to determine critical elements that directly relate to the implementation of IHL) and on their ability to understand the role they are assuming.

Scoring

4. Each round will evaluate the overall performance of each team. The team with the highest points will be declared the winning team.

Punctuality

5. As time is of the essence for the Competition, any participating students found to be unduly delaying the progress of the Competition without a valid, good faith reason may incur deductions of marks for their team at the discretion of the Organizing Committee.

PRELIMINARY TRAINING AND COACHING

Training Prior to the Competition

6. Participating teams are expected to undertake independent study of IHL and may attend supplementary training at their respective institutions.
7. During the weeks prior to the Competition, teams may receive IHL training materials and pedagogical materials on IHL from the Organizing Committee to help them prepare for the Competition.

Coaching

8. Before and during the Competition, teams might benefit from training and coaching by coaches designated by their institution. However, a team may participate in the competition even if a coach was not appointed by the institution. Contact details of a representative of the institution must however be shared with the Organising Committee's reference.
9. Coaches are allowed to meet their teams prior to the simulation rounds but not during the simulation.

Publicity

10. The Organizing Committee may publicise the Competition and related events and may open the Competition or parts thereof to the public, including the media, academic staff and so forth.
11. The Organizing Committee shall have in accordance with the provisions of these Rules, exclusive discretion in the development, timing, format, content and implementation of the Competition.
12. Each team will be responsible for bringing to the Competition all materials, including research materials and props, which they intend to use during the Competition.

ELECTRONIC DEVICES & VIDEO RECORDING

Use of Electronic Devices

13. The use of laptops, tablets or other devices for the purposes of conducting research is allowed. Electronic devices cannot be used to seek consultation from the coach or other persons during simulations. However, The Organizing Committee strongly cautions against over-reliance on electronic devices. Simulations are designed to create a realistic environment for the consideration of legal issues. Students therefore should consider

the utility of using electronic devices during the simulation sessions for research, or even for their notes, keeping in mind that participants are evaluated, in part, on their ability to assume the role of the actors they represent during simulations.

14. Video recording of the Competition is prohibited except for the official videographer of the Organizing Committee and those receiving prior approval of the Organizing Committee. Photography is only permissible prior to the simulation sessions provided that it does not disrupt teams preparing for the role-play. All participants, coaches and spectators, by attending and participating in the Competition, agree that they will be filmed or photographed as part of the collection of promotional material for the Organizing Committee.

AWARDS, PRIZES AND CERTIFICATES

15. The winning team for Thai National Round will receive the IHL Role Play Competition Award and financial support from the ICRC Bangkok Delegation should they be successful in their application to participate in 2021 editions Jean-Pictet Competition, provided the team is accepted as a participant of the Pictet Competition. If the team duly applies and is not admitted, the Organizing Committee may, at its discretion, decide to offer team members an alternative award.
16. The Organizing Committee shall award, at its sole discretion, an award to the best individual role player. The Organizing Committee may offer additional awards and prizes, at its exclusive discretion.
17. The Organizing Committee will issue certificates of participation to all participating students and medals to the Winning Team.