

**Official Rules**

**Thailand National International Humanitarian Law Moot Court  
Competition 2023**

**Organized by**

Faculty of Law, Chulalongkorn University  
International Committee of the Red Cross (ICRC) Bangkok Regional Delegation

At Faculty of Law, Chulalongkorn University, Bangkok

4<sup>th</sup> – 5<sup>th</sup> November 2023

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## GENERAL

1. The 2023 Thailand National IHL Moot Court Competition will be held in person, co-hosted by Faculty of Law, Chulalongkorn University and the International Committee of the Red Cross (ICRC) Bangkok Regional Delegation on 4<sup>th</sup> and 5<sup>th</sup> November 2023
2. The Organizing Committee will consist of members of ICRC staffs and representatives of the Faculty of Law, Chulalongkorn University, in its capacity as a partner organization. The Organizing Committee shall be responsible for the organization and administration of the Competition.
3. In its capacity as the organizer, the Organizing Committee shall have the power to:
  - a. Plan and organize the Competition in collaboration with the hosting universities;
  - b. Set the Rules for the Competitions, which interpretation rests with the ICRC;
  - c. Resolve and decide on any questions or issues regarding the interpretation and application of the official rules;
  - d. appoint a Secretary, if needed;
  - e. appoint judges with suggestions from the hosting universities;
  - f. amend the rules as it thinks fit; and
  - g. video record all or any of session (NB: all other video recording is allowed ONLY with the express permission by the ICRC)
4. Competition Email Account – All inquiries and request for competition materials must be sent to the Competition Committee at [BAN\\_IHL\\_Unit\\_Group@icrc.org](mailto:BAN_IHL_Unit_Group@icrc.org) and [jjitwarawong@icrc.org](mailto:jjitwarawong@icrc.org).

## PURPOSE

5. The Thailand National IHL Moot Court Competition aims to disseminate international humanitarian law to academics, university students, and the general public.

## PROVISIONS FOR THE FORMAT OF THE COMPETITION

6. The Organizing Committee decided to conduct the 2023 edition of Thailand National IHL Moot Court Competition in-person through the submission of *written memorials* and *in person oral hearings*.
7. The number of teams allowed in this year's National IHL Moot Court Competition will be 10 teams. Once the registration has concluded, if more teams registered than the maximum number, IHL test will be given to select the 10 participating teams. Teams will be selected based on their scores on the IHL Test. The IHL Test will be given within **22 September 2023**. The deadline for the submission of the test will be **23:59 (GMT+7 / Bangkok time) on 24 September 2023**.

8. Once the 10 teams have been selected, they will be given individual team numbers and may start working on their written memorial submissions. The Organizing Committee highly encourages each university to undertake its internal selection process to select the teams to participate in the Competition.
9. The language used in all matters related to the Competition is English. All the reading material, official correspondence, etc. must be in English

## **PARTICIPATING INSTITUTIONS AND REGISTRATION**

### Eligibility

10. The Competition shall be open to all teams from participating institutions established in Thailand, except from Southern provinces from Phrachuap Khiri Khan Province southward.
11. Participating students shall be registered for a first degree or undergraduate or postgraduate program with the participating institution as of academic year of 2023. 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;
  - 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 practice law in in any jurisdiction; or
  - e. 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 a researcher. Any false declaration could lead to disqualification of the entire team.

### Team Composition

12. Each team must compose of at least two and maximum three members. It must compose of at least two (2) oralists and may include one (1) researcher.

### Registration procedure

13. Each team must submit the application to participate in the Competition. The application can be access via a registration form as announced by the Organizing Committee. The registration must be submitted by **23:59 (GMT+7 / Bangkok time) on 21 September 2023.**
14. Should the teams that have been selected to participate in the Oral Rounds wish to withdraw from the Competition, they must notify and submit its withdrawal request to

the Organizing Committee within 24 hours of the announcement, so that the teams that have been shortlisted may be considered for replacement.

### Judges

15. The Organizing Committee shall decide on the composition and identity of the judge. To that end, it shall 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.
16. Selection of the judges will be within the Organizing Committee's sole discretion.
17. Decisions of the judges shall be FINAL.
18. Conflict of Interest – 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 endeavor 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 with 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.
19. Confidentiality – 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 from the Organizing Committee.

### **LOGISTICAL ASPECT**

#### Cost covered

20. The Organizing Committee will provide a list of basic materials in an online-accessible format. All other reading materials and legal documents will not be provided by the Organizing Committee. Participating Teams may obtain their own additional training documents.
21. The Organizing Committee will not cover the cost of the equipment and utilities costs incurred during the Competition. The Organizing Committee will not be responsible for the provisions of computers/equipment/internet access.

## **RECORDINGS**

22. By participating in the competition, all participants, coaches and spectators consent to be the subject of official videotaping and photography conducted by the ICRC or the hosting university. 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 sessions provided that it does not disrupt teams. All participants and spectators alike are to refrain from usage of mobile phones during the competition. Photography/Videography by third parties will only be allowed upon express permission from the ICRC (the Organizing Committee or a nominated representative).

## **COMPLAINTS**

23. Complaints can only be made upon the basis of the official rules of the Competition, as stated in this document. Complaints must come directly from the participating team or official coach of the team.

All complaints shall be directed solely to the Organizing Committee. The Organizing Committee will, as a neutral intermediary, decide on the substance of the claim and the appropriate action. The Organizing Committee's decision is final.

Any complaint not meeting the requirements above will not be entertained.

## **THE MOOT PROBLEM**

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

### **Team Registration and Distribution of the Moot Problem**

25. Upon confirmation of registration or upon passing the IHL test as per Rule 7 (whichever applicable), each team will be assigned a team number which should be referred to in any correspondence with the Organizing Committee and in their written memorials.
26. The moot problem will be made available by the ICRC upon the announcement of the Competition.

### **Facts and Clarification of the Moot Problem**

27. 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.

28. Any request(s) for clarification(s) of the moot problem must be brought to the attention of the Organizing Committee as soon as possible. Clarifications, if any, shall be distributed to all teams 1 week after the team is given team numbers and become part of the moot problem.

## GUIDELINES FOR MEMORIALS

### Form and Length of Memorials

29. Each team shall submit a memorial for both the Prosecutor and the Defendant respectively.
30. Each memorial (including body of the text, citations, and footnotes) shall be typed with 1.5 line-spacing, using TIMES NEW ROMAN, font size 12. Each memorial (excluding cover sheets) shall not exceed 4,000 words in length in total, including titles and subtitles, citations, footnotes, endnotes, sources, prayers for relief, 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;

201– 400 words in excess - deduction of 20 marks;

Over 400 words in excess - deduction of 30 marks.

31. All citations must either be in the body of the text or in the footnotes (not endnotes). Participants are strongly advised to use a proper legal citation standard, such as OSCOLA ([https://www.law.ox.ac.uk/sites/files/oxlaw/oscola\\_4th\\_edn\\_hart\\_2012.pdf](https://www.law.ox.ac.uk/sites/files/oxlaw/oscola_4th_edn_hart_2012.pdf)).

32. Each memorial must have TWO cover sheets:
- The first cover sheet must clearly indicate the name of the participating institution, the team's individual team number, the names of the two (or three) student members of the team, and whether the memorial is for the Prosecutor or the Defendant.
  - The second cover sheet must only clearly indicate the team's individual team number and whether the memorial is for the Prosecutor or the Defendant.

Please use the following format:

Prosecution/Defense + Team Number in parenthesis e.g.  
*Prosecution (2201) for Team 2201's Prosecution Memorial or  
 Defense (2212) for Team 2212'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.

33. For file naming – please use the following format when naming your .docx or .doc and .pdf files:

Prosecution (P)/Defense (D) + Team Number e.g.  
*P2201 for Team 2201's Prosecution Memorial or*  
*D2212 for Team 2212's Defense Memorial*

#### Submission of Memorials

34. Each team shall submit the memorials via e-mail to the Organizing Committee latest by **23:59 (GMT+7 / Bangkok time), 19 October 2023**, at both the following email addresses:

[BAN IHL Unit Group@icrc.org](mailto:BAN_IHL_Unit_Group@icrc.org) and [jjitwarawong@icrc.org](mailto:jjitwarawong@icrc.org)

All participating teams are strictly reminded to submit their memorials to the Organizing Committee on the specific deadline in **BOTH** identical word document (.docx or .doc) and PDF document (.pdf).

In the event that any participating team fails to submit both memorials on time, the Organizing Committee shall deduct 5 marks for each hour from the team's total memorial score out of 100.

Any participating team that fails to submit both their memorials to the Organizing Committee after 24 hours will be disqualified from participating in the competition.

#### Revision of Memorials

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

#### Pairing of teams and exchange of memorials

36. Organizing Committee will pair each Prosecutor with a Defendant team for the General Rounds. The teams competing in the General Rounds will be announced by **20 October 2023**.
37. 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 **20 October 2023**.



## GUIDELINES ON ASSISTANCE AND PRACTICE SESSIONS

### Memorials

38. 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

39. 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

40. Each participating institution is permitted to arrange their own practice sessions prior to the Moot Court Competition.

## FORMAT OF THE ORAL ROUNDS

### Oral Rounds

41. During each oral round, teams will be sorted into the court rooms, in which they will proceed with the oral hearings before a panel of judges. The oral rounds consist of 1) General Rounds; 2) Semi-finals, and 3) Final Round.
  - a. The **General Rounds** consist of two oral rounds between all teams. Each team pleads once as Prosecutor and once as Defendant. The Organizing Committee will randomly determine which Prosecutor and Defendant teams will meet each other in each General Round, bearing in mind not to repeat the role, the opponent and the panel. The 4 teams with the highest average oral scores of the General Rounds and highest average written memorial scores combined shall advance to the Semi-finals.
  - b. The **Semi-finals** consist of one oral round, with 2 pairs (4 teams) going up against each other. The teams and their roles shall be matched by the Organizing Committee after the completion of the General Rounds. The 2 teams with the highest oral scores of the Semi-finals shall advance to the Final Round. Should the scores prove inconclusive, the average written memorial scores will be factored in to determine the winner.
  - c. The **Final Round** consists of one oral round between 2 teams advancing from the Semi-finals. The team with the highest average score of the Semi-finals will have the right to choose the role they prefer.

## **DATE AND VENUE OF THE MOOT COURT COMPETITION**

42. The Moot Court Competition will be conducted in person at Faculty of Law, Chulalongkorn University, on 4<sup>th</sup> – 5<sup>th</sup> November 2023.

## **COMPOSITION OF TEAMS AND ORDER OF THE ORAL HEARING**

43. Each team will consist of TWO oralists comprising of the first oralist and the second oralist, as designated by the team or by its relevant participating institution. Each team may include ONE additional member as the Researcher. The Researcher may be allowed to replace the one of the Oralists, should one of them become unavailable to participate in the Oral Hearings.
44. Each team shall speak for no more than *30 minutes*, including rebuttal/surrebuttal. first oralist and the second oralist for each team will be permitted to speak individually for up to *15 minutes* in their main pleading, (including time spent for rebuttal/surrebuttal);
45. The order of the oral hearing are as follows:
- a. Prosecutor's first oralist;
  - b. Prosecutor's second oralist;
  - c. Defendant's first oralist;
  - d. Defendant's second oralist;
  - e. Rebuttal (if any by the Prosecutor's first oralist or second oralist);
  - f. Surrebuttal (if any by the Defendant's first oralist or second oralist).
46. Each team shall indicate at the beginning of the oral hearing, how long each oralist 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.
47. The court may, at its discretion extend the time for each oralist for good cause, provided that the maximum extension for any oralist shall not exceed *5 minutes*.
48. Time shall be kept by a court clerk or timekeeper who will remind each counsel by appropriate means when they have:
- a. 5 minutes left;
  - b. 1 minute left;
  - c. to conclude their address forthwith.
49. 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.
50. Participating teams and spectators shall avoid all unnecessary noise or any form of inappropriate behavior 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. The pleading oralist is not permitted to communicate with the counsel table during the pleading.

51. Scouting is prohibited. Persons directly associated with any team shall not attend or record an oral hearing involving one or more teams against which their team may compete in the subsequent rounds.

## **BUNDLE OF AUTHORITIES**

52. 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.

## **SCORING**

53. Scoring shall consist of TWO parts:
- a. the scoring of the memorials; and
  - b. the scoring of the oral rounds.
54. The scoring of the memorials shall be assessed by a panel of TWO (or more) memorial judges.
55. 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.

56. The scoring of the oral rounds shall be assessed based on the following:
- a. **General Oral Rounds**  
For the General Oral Rounds, 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.

The 4 teams with the highest average oral scores of the General Rounds and highest average written memorial scores combined shall advance to the Semi-finals

**b. Semi-finals**

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.

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 combined oral scores of the Semi-finals round advance to the Final Round. Should the scores prove inconclusive, the average written memorial scores will be factored in to determine the winner.

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**

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. The team with higher combined oral scores will be the winner of the Final Round. Should the oral scores prove inconclusive, the average written memorial scores will be factored in to determine the winner.

57. The decision of the judges shall be FINAL.

## **AWARDS, PRIZES AND CERTIFICATES**

### **Winning Team**

58. The team (either the Prosecutor Team or the Defendant Team from a participating institution) that wins in the FINAL ROUND will be declared as the winning team of the competition.

The winning team shall be awarded with a certificate. The team will be eligible to represent Thailand in the 2024 Red Cross International Humanitarian Law Moot.

The winning team and the university are primarily responsible for financial aspects of participating in the 2024 Red Cross International Humanitarian Law Moot. The ICRC may provide financial assistance as agreeable.

The ICRC shall maintain record of the winner and award recipients and publish the results on the ICRC's platform in recognition of the students' achievements.

#### Best Mooter

59. The counsel with the highest individual average total oral scores in the General rounds shall be adjudged the Best Mooter and shall be awarded with a certificate

#### Best Memorial

60. 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.
61. 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.
62. All participants will receive certificates of participation.

#### **ELECTRONIC DEVICES**

63. 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 Oral Pleading sessions. Access to the internet for the research and coaching purposes are strictly prohibited during Oral Pleading sessions. The Organizing Committee strongly cautions against over-reliance on electronic devices. Students therefore should consider the utility of using electronic devices during the Oral Pleading 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 they represent during Oral Pleading.