



ICRC

**The Red Cross Society of the Republic of China  
10<sup>th</sup> International Humanitarian Law Moot (2018)  
An Inter-University Competition for Taiwan**

*Co-organized by The Red Cross Society of the Republic of China  
and International Committee of the Red Cross (ICRC)*

**The Rules**

**General**

1. The 10<sup>th</sup> Red Cross International Humanitarian Law Moot (2018) (hereinafter referred to as the “Competition”) aims to raise awareness of international humanitarian issues among law school students through examination and debate of wider social issues rather than black letter law.
2. The Competition shall be run under the auspices of representatives from the International Committee of the Red Cross (ICRC) and The Red Cross Society of the Republic of China (hereinafter referred to as the “Organizers”), which shall have the power to:
  - i. Plan and organize the Competition;
  - ii. Set Rules for the Moot, of which interpretation should rest exclusively with the Organizers;
  - iii. Invite judges and other persons who can assist in the Competition and appoint Moot problem; and
  - iv. Invite and appoint collaborators for the competition.

**Date and Venue**

3. The date for the competition shall be **8 – 9 December 2018**. The venue of the competition shall be at The Red Cross Society of The Republic of China Taiwan. (No.303, Bangka Blvd., Wanhua Dist., Taipei City 108, Taiwan (R.O.C.))

**Participating Teams**

*Composition*

4. The Competition shall be open to no more than one team for each participating institution.
5. Each team shall have two students as mooters. Each participating institution may also opt to include one student as a researcher (hereinafter referred to as the “Researcher”).
6. Each team shall have the chance to play both the Prosecutor and the Defendant role at least once in the General Rounds (refer to Rules 39 – 40). Eligible teams entering the final round will play either the Prosecutor or Defendant; the roles shall be allocated by means of a random draw (refer to Rules 45 – 47).

### *Eligibility*

7. The total number and eligibility of teams to participate in the Competition shall be decided by the Organizers, subject to the following conditions:
  - i. Each collaborating institution is entitled to send one team to participate in the Competition;
  - ii. Notwithstanding Rule 7(iii), there would normally be one team from each participating institution to participate in the Competition; and
  - iii. Organizers, at their own discretion, may invite or consider additional nominations, provided that the total number of participating teams does not exceed the maximum set for that year.
8. Participating students shall be a registered student of the relevant participating institution either for a first degree in relative field of law, or for any postgraduate qualification in relative field of law below the level of a doctorate. A person is ineligible to participate in the Competition if he or she:
  - i. Is 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 or has held a full time or part time teaching post in law at any tertiary institution; or
  - iv. Has been admitted or licensed to practice law in any jurisdiction.
9. Participating students need not be nationals of, or normally reside in, the country in which their participating institution is located.
10. A person is ineligible to participate in the Competition if he or she has already participated twice in previous years, regardless of acting as mooter or researcher. Participating students must make a declaration when registering for the Competition that they have not participated twice in previous years whether as a mooter or as a researcher. This declaration must be verified by the respective team coach or by the contact persons delegated by the participating institution under

Rule 14. Any false declaration could lead to disqualification of the entire team concerned.

11. The Organizers shall have discretion to determine the eligibility of participating students in case of disputable circumstances.

#### *Registration*

12. Registrations for the 10<sup>th</sup> Red Cross International Humanitarian Law Moot (2018) shall be accepted from the date of announcement until 26 October 2016.

13. Each participating institution must notify the Organizers of the following information via e-mail (andyli@redcross.org.tw) before the aforementioned registration deadline:

- i. The names of the two mooters and, if applicable, the researcher;
- ii. The law degree or programme in which each mooter and, if applicable, the researcher, is enrolled (e.g. LL.B);
- iii. The number of times the mooters and, if applicable, the researcher, have participated in the Competition before;
- iv. The name of the team coach, if applicable; and
- v. The name, address, e-mail, fax number and telephone number of a contact person.

#### *Team Coach*

14. Each team may be accompanied by a team coach, who should be a law teacher, a legal practitioner, or a Red Cross legal officer. If applicable, the team coach for each team should be responsible for verifying the declaration made by participating students as mentioned in Rule 10.

15. In the case that a team coach is also appointed as a judge of this competition, they shall uphold the principles of fairness and confidentiality so that no participating team will be preferentially or unfairly treated.

#### *Contact Person*

16. Each contact person for a participating institution will be sent:

- i. The individual moot number assigned to their team pursuant to Rule 40;
- ii. The roles (Prosecutor or Defendant) and order assigned to their team;
- iii. Information relating to accommodation and transportation in Taipei; and
- iv. Any other relevant material.

17. The contact person for each participating institution is responsible for:

- i. Distributing the information and material as mentioned in Rule 16 to each member of its team;
- ii. Conveying enquiries or other correspondence for that team to the Organizers;

- iii. Verifying the declaration of participating students in absence of team coach pursuant to Rule 10; and
- iv. Distributing memorials of opposing teams to be met in general rounds as mentioned in Rule 42 to each member of its team.

Communication between each team and the Organizing Committee through any person other than the relevant contact person for that team is at the risk of the team.

### *Substitute Members*

18. A team will normally not be permitted to make any substitution of its mooters and researcher after completing registration under Rule 12 – 13.

19. In exceptional circumstances and with the express prior approval of the Organizers, a team may for the oral hearings substitute a student registered as a member of its mooters with the student registered as its researcher. Any other substitution of registered members of a team shall be permitted only in extraordinary circumstances and with the express prior approval of the Organizers.

20. The eligibility of substitute members will be the same as other participating students pursuant to Rule 8.

### **The Mooting Problem**

#### *Selection*

21. The Organizers shall have the discretion to determine the mooting problem to be used in the Competition pursuant to Rule 2.

#### *Distribution*

22. The mooting problem has been distributed to colleges via email on 13<sup>st</sup> August 2018 and shall be distributed again with the Rules via official letter.

#### *Facts*

23. The facts in the dispute that constitutes the subject matter of the Competition are given in the mooting problem. No additional facts may be introduced into the mooting problem unless the Organizers has a view that they are a logical and necessary extension of the given facts.

#### *Clarifications*

24. Requests for clarification shall not be entertained unless the clarification would have material significance in the context of the mooting problem. In particular, teams should bear in mind that the mooting problem provides a limited set of facts. Teams should not use a request for clarification merely for convenience to obtain additional facts to those contained in the mooting problem.

25. Before making any request for clarification, a team must discuss the necessity for making such a request with the team coach or the contact person for their team under Rule 13. Any request for clarification of the moot problem shall be brought to the attention of the Organizers via e-mail (andyli@redcross.org.tw) by 1<sup>th</sup> November 2018. A request for clarification must include a brief explanation of the expected material significance pursuant to Rule 23.
26. The Organizers shall have absolute discretion to determine whether it is necessary to respond to any request for clarification and to resolve such request in a manner in which they think fit. If the Organizers deem it necessary to respond to a request for clarification, such clarification shall be distributed to all teams by 1<sup>th</sup> November 2018 using the same method for distribution as used for distribution of the moot problem. Clarifications issued become part of the moot problem.

#### *Receipt of Problem and Clarifications*

27. Any team that is unable to receive the moot problem or any clarification in the manner distributed should notify the Organizers immediately via e-mail (andyli@redcross.org.tw) or telephone (02-2362-8232 ext. 202) to arrange an alternative method of distribution.

#### **The Memorials**

##### *Form and Length*

28. Each team shall submit a memorial for the Prosecutor and the Defendant respectively.
29. Each memorial (including body of the text, citations and footnotes) shall be typed with 1 ½ line-spacing, using “Times New Roman” font in size 12.
30. Citations must be in the body of the text or in footnotes (not end notes) and should be in an intelligible form.
31. Each memorial must have only one cover sheet:  
The only information that may be conveyed on the cover sheet are the team’s individual moot number, which was provided to the team contact person (see Rule 16), and the word count of the memorial. (The purpose of this requirement is to protect the anonymity of the teams to ensure no prejudice or bias is shown in the assessment of the memorials.)
32. Each memorial (excluding cover sheets) shall **not exceed 2,000 words in length**, which **should include everything**, such as citations, footnotes, endnotes, etc. In the event that any team submits a memorial of a length exceeding 2,000 words, the Organizers shall deduct marks from that team’s memorial score out of 100 (calculated pursuant to Rule 70) 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.

33. In the event that any team violates any of the format requirements (pursuant to Rule 29 – 31), the Organizers shall deduct altogether 5 marks from the teams' memorial score out of 100 (calculated pursuant to Rule 69).

#### *Submission of Memorials*

34. Each team shall submit a copy of its memorial via e-mail (andyli@redcross.org.tw) by 15<sup>th</sup> November 2018 and must also dispatch **10 hard copies** of the same memorial via speed post or any express mail service on or before the same day (according to post mark) to the Organizers at the following address:

中華民國紅十字會總會 聯絡發展處  
10855 台北市萬華區艋舺大道 303 號【註明：國際人道法模擬法庭書狀】

The digital copy of the memorial must be in either of the following word processing formats: Microsoft Word (.doc), or Rich Text Format (.rtf). No other data format will be accepted without the express prior consent of the Organizers.

35. The 10 hard copies of the memorials must be single-sided (i.e. reproduced on only one side of the paper).
36. The individual hard copies of the memorials must be securely stapled so that the stapling will hold throughout the Competition. Memorials should not be held together by rubber bands, lightweight staples, paperclips, pins or other insecure means, while binding on the edge is not necessary.
37. In the event that any team fails to submit its memorial on time (pursuant to Rule 34), the Organizers shall deduct 5 marks for each calendar day from the team's memorial score out of 100 (calculated pursuant to Rule 70).

#### *Revision of Memorials*

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

### **Oral Hearings**

#### *General Rounds*

39. The general rounds of the Competition shall consist of three rounds.
40. The Organizers will assign a moot number to each of the participating team by

means of a random draw and shall decide which Prosecutor and Defendant teams will meet each other in the three general rounds on or before 8<sup>th</sup> November 2018. The roles (Prosecutor or Defendant) for all teams in the general rounds shall also be determined by the Organizers.

41. 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 on or before 15<sup>th</sup> November 2018.
42. The Organizers will e-mail copies of opponents' memorials to the contact person of each team (pursuant to Rule 16) on or before 29<sup>st</sup> November 2018.
43. Unless otherwise notified by the Organizers, the first and the second general rounds will be held on 8<sup>th</sup> December 2018. The third general round will be held in the morning of 9<sup>th</sup> December 2018. The Organizers will give due notice to the contact persons of participating institutions concerning the venues for the general rounds.
44. Any team that is unable to receive the memorials of its opposing teams should check with their respective contact person first, while the contact person should notify the Organizers via e-mail ([andyli@redcross.org.tw](mailto:andyli@redcross.org.tw)) or telephone (at 02-2362-8232 ext. 202) for being unable to receive memorials in a reasonable time to arrange an alternative method of distribution.

#### *Final Rounds*

45. The two (2) teams with the highest average scores in the general rounds (calculation pursuant to Rule 73) shall enter the final round. The Organizers will determine the role to be played by the two (2) teams (Prosecutor or Defendant) by means of a random draw.
46. In the final round, the teams may play the same or different role as in the proceeding rounds. They may also compete against teams which they have met in previous rounds.
47. The roles of the competing teams in the final round shall be exchanged if the qualifying teams have already assumed the same roles against the same team during the general rounds.

#### *Proceeding before the Court*

48. Each team shall consist of a first counsel and a second counsel, as designated by the team or by its relevant participating institution.
49. In the event that a team fails to appear for a scheduled oral hearing, the round of

the Competition in concern 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 has 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.
- v. In the general round, the oral hearing will then proceed as an ex parte hearing. The appearing teams will receive the score pursuant to the Rule 73.

50. In the event that only one counsel of a team presents for a scheduled oral hearing, the court clerk will notify the Organizers. Once the Organizers has been notified, the court clerk will announce the start of the oral hearing. The oral hearing will proceed on the following basis:

- i. The counsel of the team appearing alone shall speak in the oral hearing and receive an individual score from the judges pursuant to Rule 72. This score shall be assessed for the award of the mooters pursuant to Rule 79 – 80. He shall speak in the order pursuant to Rule 59.
- ii. There will be no rebuttal or sur-rebuttal.
- iii. In the general rounds, the team with only one counsel will forfeit all scores as a team for that round of the Competition. The opposing team with both counsels present will be heard and scored as provided in the rules.

51. Each team member shall refrain from disclosing the name of his or her institution at all times until the announcement of the final result of the competition. Team members or any person associated with a team shall also refrain from disclosing the name of his or her institution to any person acting as a judge whether during or outside the hearings until the announcement of the final result of the competition. Disclosure may subject the team members concerned to a deduction of a fixed mark of 5 from the total score out of 100 from each of the team member's overall score, and in turn affect the team's score out of the total of 200 in each of the oral hearing, pursuant to Rule 72.

52. 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.

53. Each team may reserve up to 10 minutes for rebuttal (in the case of a Prosecutor team) or sur-rebuttal (in the case of a Defendant team).



54. The scope of the Prosecutor's rebuttal is limited to responding to the Defendant's oral hearings, and the scope of the Defendant's sur-rebuttal is limited to responding to the Prosecutor's rebuttal.
55. 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 sur-rebuttal.
56. Either the first counsel or the second counsel may address the court in rebuttal or sur-rebuttal. For the avoidance of doubt, the time reserved for rebuttal or sur-rebuttal is not included in the minimum time for each counsel to speak as specified in Rule 52.
57. 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. In the final round, the maximum extension of time granted to any counsel is at the discretion of the Court.
58. Time shall be kept by a court clerk, who will warn counsel by appropriate means when they have:
- i. 5 minutes left;
  - ii. 1 minute left;
  - iii. To conclude their address forthwith.
59. The order of the oral hearings 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); and
  - vi. Sur-rebuttal, if any (Defendant's first or second counsel).
60. All oral hearings are open to the public. Subject to venue capacity, the Organizers may limit the number of spectators in a room in all rounds of the Competition. The presence of team coaches or other spectators affiliated with a team is permitted in a courtroom during an oral hearing in which that team is competing.
61. 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.
62. 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.

63. Team members or persons directly associated with any team may only attend the general rounds in which their team is competing.

64. 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.

65. Violation of Rule 61 – 64 should be brought to the attention of the Organizers immediately, without disturbing the oral hearing, or immediately after the oral hearing is finished. The team concerned may be subject to a mark deduction at the discretion of the Organizers.

## **Assistance**

### *Memorials*

66. All research, writing and editing relating to the memorial must be the work of the team members registered pursuant to Rule 13.

### *Assistance from Staff and Other Advisors*

67. Staff of the participating institutions and 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.

## **Judging and Scoring**

68. In the general rounds, scoring shall consist of two parts: the scoring of memorials and the scoring of the oral hearings.

69. Each memorial shall be assessed by no less than two judges, at least one of whom is a current or former judge, lawyer, or law teacher, or otherwise experienced in the field of international law. The judges will be supplied with copies of the memorials with cover sheets showing only the teams' individual moot number. 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 memorials. Such average score shall be assessed for the award of the Best Memorial (refer to Rule 81).

70. With two memorials submitted by each team (refer to Rule 28), the total memorial score shall be the average score out of 100 calculated from the team's Prosecutor

and Defendant memorials.

71. The oral hearings shall be assessed by at least two judges in each oral hearing of the general rounds and by at least three judges in the oral hearings of final round. At least one judge in each oral hearing of the general rounds and at least two judges in the oral hearing of the final round shall be a current or former judge, lawyer, or law school teacher, or otherwise experienced in the field of international law.
72. In the general rounds, the maximum score for each counsel shall be 100 and the maximum score for each team's oral presentation shall be 200. The decision of the judges or the court shall be final.
73. After the competition of the general rounds, each team will earn an average score which is calculated using the two highest scores from three general rounds. The two (2) teams with the highest average scores in the general rounds shall enter the final round. In the further event that such teams are also tied in their average score out of 200 for oral hearings in the general rounds, the team whose first counsel has the highest average score out of 100 for his or her oral hearings shall enter the final round. If a tie persists, the representative of the Organizers shall discuss with the respective judges and the decision after discussion shall be final.
74. The Organizers will reveal the score of the first two general rounds to each team in the afternoon of 9<sup>th</sup> December 2018. Participating teams may appeal to the Organizers through their team coach or first counsel (if the team coach is absent) within 15 minutes after the announcement of the score if any arithmetic error is identified. The Organizers shall check and rectify any errors. If such rectification affects the teams entering the final round, the rectified results will be announced within 15 minutes after verification of the rectification.
75. Any appeal other than arithmetic error or exceeding 15 minutes after the announcement of the results shall not be handled.
76. In the final round, the court will decide which is the winning team based on their oral presentation without scoring.

### **Awards**

77. The winning team (that is, two students as mooters and one coach/researcher) will be sponsored to travel to Hong Kong to take part in the 17<sup>th</sup> Red Cross International Humanitarian Law Moot (2019) for Asia-Pacific Region.
78. The top 2 teams shall be awarded a trophy and certificate, and the others shall all be awarded a certificate.

79. The counsels with the highest average score out of 100 in the oral hearings of the three general rounds shall be pronounced the Best Mooter and shall be awarded a trophy and certificate.
80. The counsels with the second and third highest average score out of 100 in the oral hearings of the three general rounds shall receive the first and second honorable mention respectively and shall each be awarded a certificate.
81. The memorial with the highest average score out of 100 shall be named Best Memorial pursuant to Rule 69 – 70 and the team that submitted said memorial shall be awarded a trophy and a certificate.
82. The memorials with the second and third highest average scores out of 100 shall be named the first and second honorable submissions respectively and shall each be awarded a certificate.
83. The Organizers may in its discretion decide to award alternative prizes in lieu of the prizes described above.

#### **Interpretation of Rules**

84. The Organizers shall have absolute discretion to resolve any issue concerning the interpretation and application of these rules.