



ICRC

**The Red Cross Society of the Republic of China  
The 11<sup>th</sup> International Humanitarian Law Moot (2020)  
An Inter-University Competition for Taiwan**

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

**The Rules**

**General**

1. The 11<sup>th</sup> Red Cross International Humanitarian Law Moot (2020) (hereinafter referred to as the “Competition”) aims to raise awareness of international humanitarian issues 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 21 to 22 November 2020. The venue of the Competition shall be at The Red Cross Society of The Republic of China (No. 303, Bangka Blvd., Wanhua Dist., Taipei City 10855, Taiwan).

## **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.
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 38 to 44). 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 to 46).

### *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.
8. Participating students shall be a registered student of a field related to law. 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 a mooter or a

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 Rules 14 to 15. 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 Competition shall be accepted from the date of announcement until 17:00 (Taiwan time), 12 October 2019.

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

- i. The names of the two mooters and, if applicable, the researcher;
- ii. The degree 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, e-mail, and phone number of a contact person.

### *Team Coach*

14. Each team may be accompanied by a team coach, who should be a law teacher or a legal practitioner.

15. The team coach for each team should be responsible for verifying the declaration made by participating students as mentioned in Rule 10.

### *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 39;
- ii. The roles (Prosecutor or Defendant) and order assigned to their team;
- iii. Copies of opponents' memorials of the first and the second general rounds;
- iv. Information relating to accommodation and transportation in Taipei, if applicable;

and

v. 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 Organizers through any person other than the 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 Rules 12 to 13.

19. In exceptional circumstances and with the express prior approval of the Organizers, a team may for the oral hearings substitute a participant registered as a member of its mooters with the participant 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 Rules 8 to 10.

## **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.

### *Facts*

22. 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 consider them a view that they are a logical and necessary extension of the given facts.

### *Clarifications*

23. 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.
24. 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. Any request for clarification of the mooting problem shall be brought to the attention of the Organizers via e-mail ([wsung@redcross.org.tw](mailto:wsung@redcross.org.tw)) by 12:00 (Taiwan time), 16 October 2020. A request for clarification must include a brief explanation of the expected material significance pursuant to Rule 23.
25. 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 17:00 (Taiwan time), 23 October 2020 via e-mail. Clarifications issued become part of the mooting problem.

### *Receipt of Problem and Clarifications*

26. Any team that is unable to receive the mooting problem or any clarification in the manner distributed should notify the Organizers immediately via e-mail ([wsung@redcross.org.tw](mailto:wsung@redcross.org.tw)) or telephone (02-2362-8232 ext. 207) to arrange an alternative method of distribution.

## **The Memorials**

### *Form and Length*

27. Each team shall submit a memorial for the Prosecutor and the Defendant respectively.
28. 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.
29. Citations must be in the body of the text or in footnotes (not end notes) and should be in an intelligible form.

30. 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 shall be provided to the 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.
31. 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 Rules 68 to 69) 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.
32. In the event that any team violates any of the format requirements (pursuant to Rules 28 to 30), the Organizers shall deduct altogether 5 marks from the teams' memorial score out of 100 (calculated pursuant to Rules 68 to 69).

#### *Submission of Memorials*

33. Each team shall submit both of its Prosecutor and Defendant memorials in electronic form in two formats of Microsoft Word (.doc or .docx) and pdf and should be identical via a single e-mail (wsung@redcross.org.tw) by 17:00 (Taiwan time), 2 November 2020. No other data format will be accepted without the express prior consent of the Organizers. Each team must also dispatch 15 hard copies of the same memorials 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 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】
34. The 15 hard copies of the memorials must be single-sided (i.e. reproduced on only one side of the paper).
35. 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.

36. In the event that any team fails to submit its memorials on time (pursuant to Rule 33), the Organizers shall deduct 5 marks for each calendar day from the team's memorial score out of 100 (calculated pursuant to Rules 68 to 69).

### *Revision of Memorials*

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

## **Oral Hearings**

### *General Rounds*

38. The general rounds of the Competition shall consist of three rounds.

39. The Organizers will assign a moot number to each of the participating team by means of a random draw. The moot number will be e-mailed to the contact persons of participating institutions on or before 17:00 (Taiwan time), 30 October 2020.

40. The Organizers shall decide and announce which Prosecutor and Defendant teams will meet each other in the three general rounds on or before 17:00 (Taiwan time), 10 November 2020. 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.

42. The Organizers will e-mail copies of opponents' memorials of the first and the second general rounds to the contact persons of participating institutions (pursuant to Rule 16) on or before 17:00 (Taiwan time), 10 November 2020.

43. Unless otherwise notified by the Organizers, the first and the second general rounds will be held on 21 November 2020. The third general round will be held in the morning on 22 November 2020.

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 (wsung@redcross.org.tw) or telephone (at 02-

2362-8232 ext. 207) for being unable to receive memorials in a reasonable time to arrange an alternative method of distribution.

### *Final Rounds*

45. The two teams with the highest average scores in the general rounds (calculation pursuant to Rule 72) shall enter the final round. The Organizers will determine the role to be played by the two teams (Prosecutor or Defendant) by means of a random draw.

46. 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*

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

48. 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 Rule 72.

49. In the event that only one counsel of a team is present 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 71. This score shall be assessed for the award of the mooters pursuant to Rules 78 to 79. He/she



shall speak in the order pursuant to Rule 58.

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.

50. 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 71.

51. 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.

52. 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).

53. 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.

54. 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.

55. 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 51.

56. 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.

57. Time shall be kept by a court clerk, who will warn counsels by appropriate means when they have:

- i. 5 minutes left;
- ii. 1 minute left;
- iii. To conclude their address forthwith.

58. 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).

59. 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.

60. Every courtesy shall be given to counsels 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.

61. 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.

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

63. 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.

64. Violation of Rules 60 to 63 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*

65. 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*

66. 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**

67. Each team's aggregate score for the General Rounds shall be the sum of the scores of the memorials and the scores of the oral presentations which shall be the two highest scores from 3 general rounds, as calculated in accordance with Rule 72.

68. 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, for each team's Prosecutor and Defendant memorials respectively, shall be the average of the scores out of 100 awarded by the two judges assessing their memorials. Such an average memorial score shall be part of each team's general round score, as calculated in accordance with Rule 72.

69. With two memorials submitted by each team (refer to Rule 27) and for the purpose of assessing for the award of the Best Memorial in accordance with Rule 80, the total memorial score shall be the average score out of 100 calculated from the team's Prosecutor and Defendant memorials.

70. 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.

71. In the general rounds, each judge shall award a score out of 100 to each counsel. The average oral score for each counsel means the average of the scores given by the judges to each counsel. Such an average oral score shall be part of each team's general round score, as calculated in accordance with Rule 72, and also be assessed for the individual awards in accordance with Rules 78 to 79.

72. The two (2) teams with the highest aggregate score out of 600 (Memorial score + 2 highest average oral scores from 3 general rounds for each of the two counsels; its breakdown shown in the table below) shall qualify for the final round. In the further event that such teams are also tied in their aggregate score in the general rounds, the team whose first counsel has the highest average oral score 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.

i.	100 for Prosecutor average memorial score;
ii.	100 for Defendant average memorial score;
iii.	100 for the highest average oral score of the first counsel;
iv.	100 for the highest average oral score of the second counsel;
v.	100 for the second highest average oral score of the first counsel;
vi.	100 for the second highest average oral score of the second counsel.

73. The Organizers will reveal the scores of the memorials and the three general rounds to participating teams before the final round on 22 November 2020. 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.

74. Any appeal other than arithmetic error or exceeding 15 minutes after the

announcement of the results shall not be handled.

75. In the final round, the court will decide which is the winning team based on their oral presentation without scoring.

### **Awards**

76. The winning team (that is, two students as mooters and one coach/researcher) will be sponsored to participate in the 19<sup>th</sup> Red Cross International Humanitarian Law Moot (2021) for Asia-Pacific Region.

77. The top 2 teams shall be awarded a trophy and certificate, and the others shall all be awarded a certificate.

78. The counsels with the highest average oral score in the oral hearings of the three general rounds shall be pronounced the Best Mooter and shall be awarded a trophy and a certificate.

79. The counsels with the second and third highest average oral score in the oral hearings of the three general rounds shall be pronounced the Outstanding Mooter and shall each be awarded a certificate.

80. The memorial with the highest average score shall be named Best Memorial, and the team that submitted said memorial shall be awarded a trophy and a certificate.

81. The memorial with the second highest average scores out of 100 shall be named the Outstanding Memorial and shall be awarded a certificate.

82. The Organizers may in its discretion decide to award alternative prizes in lieu of the prizes described above.

### **Interpretation of Rules**

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

84. All rules are subject to change in line with the development of COVID-19 and out of public health concerns.