



# 11<sup>th</sup> Red Cross International Humanitarian Law (IHL) Moot (2019)

An Inter-University Competition for the Republic of Korea

**Co-organized by  
the Republic of Korea  
National Red Cross  
and the International Committee of the Red Cross  
in collaboration with  
the Center for Public Interest & Human Rights, Seoul National University**

## The Rules

General	Rules 1-3
Participating Teams	Rules 4-14
The Mooting Problem	Rules 15-20
The Memorials	Rules 21-29
Pairing of Opposing Teams	Rules 30-32
Oral Hearings	Rules 33-51
Assistance	Rules 52-53
Judging and Scoring	Rules 54-62
Awards	Rules 63-66
Interpretation of Rules	Rules 67

### General

1. The 11th Red Cross International Humanitarian Law Moot (2019) (the “Competition”) shall be run under the auspices of the International Committee of the Red Cross (ICRC) and the Republic of Korea National Red Cross (KNRC) (hereafter referred to as "the Organizers").
2. The Organizers shall have the power to appoint judges and amend and apply these rules as they think fit.
3. The date for the Competition shall be 21<sup>st</sup> September 2019 and the venue of the Competition shall be at the campus of the Seoul National University.

## **Participating Teams**

### *Composition*

4. The Competition shall be open to not more than three teams from each participating institution.
5. Each team shall comprise of two students as mooters, and may also opt to include one coach who shall be a law teacher or a legal practitioner and one student as researcher.

### *Eligibility*

6. Participating students shall be registered with a higher education institution established in the Republic of Korea as of 1<sup>st</sup> September 2019 for any university degree below the level of a doctorate.
7. A person is ineligible to participate in the Competition, as of 1<sup>st</sup> September 2019, if he or she :
  - i. Holds or has held a full time or part time teaching post in any tertiary institution;
  - ii. Has been admitted or licensed to practice law in any jurisdiction; or
  - iii. Has already participated more than once as a mooter in previous years. Participating students must make a declaration when registering for the Competition that they have not participated more than once in previous years as a mooter. This declaration must be verified by the respective team coach or by the contact person delegated by the participating team (pursuant to Rule 11). Any false declaration could lead to disqualification of the team concerned.
8. Participating students need not be nationals of, or normally resident in, the Republic of Korea.

### *Registration*

9. Each participating team must submit the registration form through the website of International Humanitarian Law Institute of the Korean Red Cross ([www.redcross.or.kr/ihl](http://www.redcross.or.kr/ihl)) by 23<sup>rd</sup> June 2019 of:
  - i. The names of the two student mooters;
  - ii. The names of the team coach and/or researcher, if any;
  - iii. The e-mail address, telephone number and the degree or program in which each student is enrolled (e.g. LL.B.);
  - iv. The number of times the mooters and the researcher, if any, have participated in the Competition before; and
  - v. The name, address, e-mail address and telephone number of a contact person for each team.
10. The teams for the General Rounds of the Competition would be no more than 10. In case that the Organizers receive more than 10 registrations, the 10 teams with the highest aggregate score of the memorials will enter the General Rounds.

### *Contact Person*

11. Each contact person for a participating team will be sent:
  - i. The individual moot number assigned to each of the team;
  - ii. Information relating to accommodation and transport in Seoul; and
  - iii. Relevant administrative materials.
12. The contact person for each participating team is responsible for:
  - i. Distributing the information and materials (refer to Rule 11) to each member of the team;
  - ii. Conveying enquiries or other correspondence for the team to the Organizers; and
  - iii. Verifying the declaration of participating students in absence of team coach (refer to Rule 7).

### *Substitute Members*

13. A team will normally not be permitted to make any substitution of its members after they have been registered under Rule 9.
14. 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 mooter with the student registered as its researcher. Any other substitution of registered members of a team shall be permitted only in exceptional circumstances and with the express prior approval of the Organizers.

## **The Mooting Problem**

### *Selection*

15. The Organizers shall have the sole power to determine the mooting problem to be used in the Competition.

### *Distribution*

16. The mooting problem will be distributed tentatively on 1<sup>st</sup> July 2019 unless otherwise updated by the Organizers on the website of International Humanitarian Law Institute of the Korean Red Cross ([www.redcross.or.kr/ihl](http://www.redcross.or.kr/ihl)).

### *Clarifications*

17. 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 to obtain additional facts to those contained in the mooting problem.
18. 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 (to [krcihl@redcross.or.kr](mailto:krcihl@redcross.or.kr)) by 9<sup>th</sup> July 2019. A request for clarification must include a brief explanation of the expected material significance of the clarification.

19. 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 19<sup>th</sup> July 2019 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*

20. 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 (to [krcihl@redcross.or.kr](mailto:krcihl@redcross.or.kr)) or telephone (at 033-811-0281) to arrange an alternative method of distribution.

### **The Memorials**

#### *Form and Length*

21. Each team shall submit two memorials for the Prosecutor and the Defendant respectively.
22. Each memorial (including body of the text, citation and footnotes) shall be typed with 1 ½ line-spacing, using “Times New Roman” font in size 12. Citations must be in the body of the text or in footnotes (not end notes) and use a proper legal citation standard.
23. Each memorial shall not exceed 2,000 words in length in total, including titles and subtitles, citations, footnotes, endnotes, sources, 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 points (calculated pursuant to Rule 55) according to the following scale:
  - i. 1-50 words in excess – deduction of 3 marks;
  - ii. 51-200 words in excess – deduction of 10 marks;
  - iii. Over 200 words in excess – deduction of 20 marks.
24. Each memorial must have two cover sheets:
  - i. The first cover sheet must indicate (a) the name of the participating institution, (b) the names of the two student members of the team in the order of the oral hearings throughout the Competition, (c) whether the memorial is for the Prosecutor or the Defendant, and (d) the word count of the memorial; and
  - ii. The second cover sheet must have on it only (a) team's individual moot number which was supplied to the contact person of the team (see Rule 11) and also (b) whether the memorial is for the Prosecutor or the Defendant. (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.)

### *Submission of Memorials*

25. Each team shall submit a copy of its memorials via e-mail (to [krcihl@redcross.or.kr](mailto:krcihl@redcross.or.kr)) by 19<sup>th</sup> August 2019, and must dispatch via EMS (or a similar express mail service) by that same day 15 hard copies of the same memorial, to the Organizers at the following address:

(우) 26465 강원도 원주시 혁신로 50 대한적십자사 6층  
대한적십자사 인도법연구소

The copies of the memorial which are e-mailed must be in one of the following electronic formats: Microsoft Word for Windows(.doc, .docx). No other data format will be accepted without the express prior consent of the Organizers.

26. The 15 hard copies of the Prosecutor and Defendant memorials must be single-sided (i.e. reproduced on only one side of the paper).
27. The hard copies of the memorials must be securely stapled or bound together so that the stapling or binding will hold throughout the Competition. Memorials should not be held together by rubber bands, lightweight staples, paperclips, pins or other insecure means.
28. In the event that any team fails to submit both of its Prosecutor and Defendant memorials on time (Pursuant to Rule 25), the Organizers shall deduct 3 marks for each calendar day from each of the team's memorial score out of 100 points (calculated pursuant to Rule 55)

### *Revision of Memorials*

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

### **Pairing of Opposing Teams**

#### *Draw*

30. The Organizers will determine which Prosecutor and Defendant teams will meet each other in the General Rounds of the Competition by means of a random draw conducted on or before 4<sup>th</sup> September 2019. Unless in exceptional circumstances determined by the Organizers, no team shall compete against the same team twice in the General Rounds.
31. After the draw has been conducted, 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.

#### *Exchange of Memorials*

32. The Organizers will convene a meeting, which all teams must attend, at 4:00 p.m. on Friday, 20<sup>th</sup> September 2019 at a venue to be advised. At the meeting, the Organizers will announce the results of the draw conducted under Rule 30, and will make available a copy of each team's memorial to its opposing teams.

## **Oral Hearings**

### *General Rounds*

33. There shall be two General Rounds of the Competition. Each team pleads once as Prosecutor and once as Defendant. Unless in exceptional circumstances determined by the Organizers, no team shall compete against the same team twice in general rounds.
34. Unless otherwise notified by the Organizers, the first and second General Round will be held in the morning of Saturday, 21<sup>st</sup> September 2019. The Organizers will give due notice to the contact persons for participating team of the venue of the General Rounds.

### *Semi-Final Round & Final Round*

35. Unless otherwise notified by the Organizers, the Semi-final and Final Rounds will be held in the afternoon of Saturday, 21<sup>st</sup> September 2019. The Organizers will give due notice to the contact persons for participating team of the venue of the Semi-final and Final Rounds.
36. The four winning teams in the General Rounds shall enter the Semi-Final Rounds. The Organizers will determine the role to be played by each of the four teams (Prosecutor and Defendant) by means of a random draw after completion of General Round.
37. The two winning teams of each pair of opposing teams of the Semi-Final Round shall enter the Final Round. The Organizers will determine the role to be played by the two teams (Prosecutor and Defendant) by means of a random draw after completion of Semi-Final Round.
38. In the Semi-final or Final Rounds, the teams may play the same or a different role as in the preceding rounds. They may also compete against teams which they have met in previous rounds.

### *Proceedings before the court*

39. Each team shall consist of a first mooter and a second mooter, designated by the team at the time of submission of the memorials (refer to Rule 24).
40. The pleading order of the two mooters for each team shall be consistent throughout the Competition, regardless of whether the team is pleading as Prosecutor or Defendant, and shall follow the same order as marked on their memorials (refer to Rule 39)
41. Each team shall speak for no more than 40 minutes. The first mooter and the second mooter for each team shall each speak individually for a minimum of 15 minutes.
42. Each team may reserve up to 10 minutes for rebuttal (in the case of an Prosecutor team) or surrebuttal (in the case of a Defendant team).
43. The scope of the Prosecutor's rebuttal is limited to responding to the Defendant's oral hearings, and the scope of the Defendant's surrebuttal is limited to responding to the Prosecutor's rebuttal.

44. Each team shall indicate at the beginning of its oral argument, how long each mooter will speak and how much time it intends to reserve for rebuttal or surrebuttal.
45. Either the first mooter or the second mooter may address the court in rebuttal or surrebuttal. For the avoidance of doubt, the time reserved for rebuttal or surrebuttal is not included in the minimum time for each mooter to speak as specified in Rule 41.
46. The court may, in its discretion, extend the time for each mooter for good cause, provided that the maximum extension of time granted to any mooter shall not exceed 5 minutes. In the Final Round, the maximum extension of time granted to any mooter is at the discretion of the Court.
47. Time shall be kept by a court clerk, who will indicate to each mooter by appropriate means when they have:
  - i. 5 minutes left;
  - ii. 1 minute left;
  - iii. to conclude their address forthwith.
48. The order of the oral hearings shall be:
  - i. Prosecutor's first mooter;
  - ii. Prosecutor's second mooter;
  - iii. Defendant's first mooter;
  - iv. Defendant's second mooter;
  - v. Rebuttal, if any (Prosecutor's first or second mooter);
  - vi. Surrebuttal, if any (Defendant's first or second mooter).
49. All oral hearings are open to the public. Subject to venue capacity, the Organizers may limit the number of spectators in a room in any rounds of the Competition. In the general rounds, the presence of team coaches or other spectators affiliated with a team is permitted in a courtroom only during an oral hearing in which that team is competing.
50. Every courtesy shall be given to mooters during oral hearings. Communication between team's members shall be in writing to prevent disruption, and teams and spectators shall avoid all unnecessary noise or inappropriate behavior which distracts from the argument in progress.
51. Team members seated at the counsel table shall not be permitted to communicate with spectators, or with any other external persons except the judges. Without limiting the foregoing, with respect to teams that have a researcher, mooters shall not be permitted to communicate with the researcher during the oral hearings and the researcher shall not be permitted to sit with the mooters at the counsel table.

## **Assistance**

### *Memorials*

52. All research, writing and editing relating to the memorial must be work of the team members registered pursuant to Rule 9.

### *Assistance from Staff and Other Advisors*

53. 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**

54. In the General Rounds, scoring shall consist of two parts: the scoring of memorials and the scoring of the oral hearings.
55. Each memorial shall be assessed by two IHL experts designated by the Organizers. The experts will be supplied with copies of the memorials with cover sheets showing only the teams' individual moot numbers. The maximum score for each memorial shall be 100 points, which shall be the average of the scores awarded by at least two judges assessing their memorials. Such average score shall be assessed for the award of the Best Memorial to Prosecutor and Defendant individually.
56. The oral hearings shall be assessed by at least two judges in each oral hearing of the General Rounds and at least three judges in the Semi-final and the Final Round. The judges in each oral hearing shall be a current or former judge, lawyer, or law teacher, or a professional experienced in the field of IHL.
57. In each General Round, the maximum score for each mooter shall be 100 points and the maximum score for each team's oral hearing shall be 200 points. The maximum score for each team shall be 300 points in each General Round, consisting of following parts:
  - i. 100 for Prosecutor/ Defendant memorial;
  - ii. 100 for first mooter when pleading as Prosecutor/ Defendant
  - iii. 100 for second mooter when pleading as Prosecutor/ Defendant
58. In each General Round, the team having higher score (calculating pursuant to Rule 57) against its opposing team in that General Round shall be considered as the winning team in the round. In the event that, teams have tied on the score of a General Round, the team with the higher score out of 200 points for their oral hearings shall be considered as the winning team of that round. In the further event that such teams are also tied in their score out of 200 points for his or her oral hearings, the team whose first mooter has the higher score out of 100 points for his or her oral hearings shall be considered as the winning team of the round. If a tie persists, the Organizers' representative shall discuss with the respective judges and the decision after discussion shall be final.
59. The total score for each team in General Rounds shall be 600 points, consisting of the following parts:
  - i. 100 for Prosecutor memorial;
  - ii. 100 for Defendant memorial;
  - iii. 100 for first mooter when pleading as Prosecutor;



- iv. 100 for second mooter when pleading as Prosecutor;
- v. 100 for first mooter when pleading as Defendant;
- vi. 100 for second mooter when pleading as Defendant.

60. The four teams eligible to enter Semi-final Round will be determined the following way:

- i. Teams winning in two General Rounds shall have the priority to enter the Semi-final Round;
- ii. In the event that more than four teams win in two General Rounds, the four teams with highest total scores (calculation pursuant to Rule 59) among other teams shall have the priority to enter Semi-final Round.
- iii. In the event that less than four teams win in two General Rounds, the teams that win in either one of the General Rounds with the highest total scores (calculation pursuant to Rule 59) shall have the priority to enter Semi-final Round, in the order of their total score.
- iv. In the event that there are tied scores to determine the teams entering into the Semi-final rounds under (ii) or (iii) above, the teams entering the Semi-final shall be determined by a random draw.

61. In Semi-final and Final Rounds, the court will decide which is the winning team based on their oral presentation without scoring.

62. In the event that there are two registered teams, the winning team shall be decided solely based on the scoring of the General Rounds.

### **Awards**

63. The winning team of the Final Round shall be awarded a certificate and a scholarship. The team shall also be sponsored to Hong Kong for the 17<sup>th</sup> Red Cross International Humanitarian Law Moot (2020) for Asia-Pacific Region. The runner-up team shall be awarded a certificate and a scholarship.

64. The mooter with the highest average score out of 200 points in the oral hearings of the two General Rounds shall be adjudged the Best Mooter and shall be awarded a certificate.

65. The Prosecutor memorial with the highest average score out of 100 points shall be adjudged the Best Memorial for Prosecutor; the Defendant memorial with the highest average score out of 100 points shall be adjudged the Best Memorial for Defendant (pursuant to Rule 55). The teams submitted such memorials shall be respectively awarded a certificate.

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

### **Interpretation of Rules**

67. The Organizers shall have absolute discretion to resolve any questions concerning the interpretation of these rules.