

ALL-EUROPEAN INTERNATIONAL HUMANITARIAN AND REFUGEE LAW MOOT COURT COMPETITION



Rules of Procedure

2020 Edition

Faculty of Law, University of Ljubljana



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1. General Rules

1.1. Object

The present rules (hereinafter “the Rules”) govern the All-European International Humanitarian and Refugee Law Moot Court Competition (hereinafter “the Competition”), organised by the Faculty of Law, University of Ljubljana (“the Organiser”) (address: Poljanski nasip 2, 1000 Ljubljana).

All teams participating in the Competition are presumed to have knowledge of and shall comply with the Rules.

1.2. Interpretation and Amendments of the Rules

The Organiser has exclusive authority to interpret and amend the Rules. The Organiser reserves the right to make changes at any time before the commencement of the Preliminary, Quarter-Final, Semi-Final, or the Finals, if necessary. Any changes will be communicated with the participating teams by e-mail or in person at the Competition. Teams are expected to observe all additional rules as instructed by the Organiser during the Competition.

1.3. Language

The official language of the Competition is English.

1.4. The Aim of the Competition

The Competition addresses pertinent and topical legal questions relating to public international law, most notably to international humanitarian law, international refugee law, international human rights law and international criminal law. It is designed to encourage students to further their knowledge of these areas of international law by addressing concrete legal problems. By the same token, it gives students the opportunity to practice their legal argumentation and oral advocacy before experienced legal scholars and practitioners.

2. Case Study and Tasks (Case Materials)

The Competition is based on the Case Study which was published and distributed to all participating teams on [\[redacted\]](#). The Case Study is a fictitious case intended to enable students to familiarise themselves with relevant facts as well as relevant international legal questions prior to the commencement of the Competition.

Before each round, teams will be given Tasks, providing them with additional facts, the role they are going to represent, and any other relevant instructions in order to prepare for the round in question. Additional legal questions, different from the ones in the Case study, may be raised in these Tasks.

3. Format of the Competition

The 2020 Edition of the Competition will take place in a hybrid format. All Teams which are able and choose to travel to Ljubljana may participate in the Competition *in situ*, while Team which are either unable to travel to Ljubljana or choose not to do so may participate in the Competition online via Zoom. Teams that participate *in situ* and Teams that participate online may and are likely to compete against each other in the same round. The requisite infrastructure and equipment (i.e. a camera, microphone, internet connection, etc.) for the team participating *in situ* will be provided by the Organisers. It is the responsibility of Teams participating online to ensure that they have their own necessary infrastructure and equipment.

4. Structure of the Competition

The Competition consists of three (3) Preliminary Rounds, Quarter-Final Rounds, Semi-Final Rounds, and the Finals.

All rounds are oral, whereby teams will have to plead before a panel of experts.

Each participating team shall appear in three (3) Preliminary Rounds, conducted in two (2) consecutive days. Eight (8) best scoring teams in Preliminary Rounds will advance to Quarter-Final Rounds, four (4) of which will advance to Semi-Final Rounds, and only two (2) best scoring teams in Semi-Final Rounds will compete in the Finals.

Oral pleadings shall reflect the knowledge of Case Materials and public international law, most notably international humanitarian law, international refugee law, and international criminal law.

Provisions of Chapter 5 (“Competition Provisions”) of the Rules apply to all rounds.

Teams shall be marked by the panel of experts based on their evaluation in accordance with the criteria and score sheet set out in Chapter 6 (“Evaluation”) of the Rules.

4.1. Preliminary Rounds

Each participating team shall appear in three (3) Preliminary Rounds, conducted in two (2) consecutive days.

In Preliminary Round 1, each team will plead before the panel of judges alone.

In Preliminary Rounds 2 and 3, two (2) teams will plead before the panel of judges at the same time.

4.2. Quarter-Final Rounds

Eight (8) best scoring teams in Preliminary Rounds will advance to Quarter-Final Rounds.

In each of the two (2) Quarter-Final Rounds, four (4) teams will plead before the panel of judges at the same time.

4.3. Semi-Final Rounds

Four (4) best scoring teams in Quarter-Final Rounds will advance to Semi-Final Rounds.

In each of the two (2) consecutive Semi-Final Rounds, two (2) teams will plead before the panel of judges at the same time.

4.4. The Finals

Two (2) best scoring teams in Semi-Final Rounds will advance to the Finals.

The team winning the Finals shall be the “Winner of the Competition”, regardless of the results of the team in previous rounds.

5. Competition Provisions

5.1. General

Provisions of this Chapter apply to Preliminary Rounds, Quarter-Final Rounds, Semi-Final Rounds, and the Finals.

5.2. Applicable Law

Teams are expected to present their arguments on the basis of the rules and principles of public international law, in particular international humanitarian law, international refugee law, international human rights law and international criminal law. Teams shall focus on presenting the legal dimension of their arguments.

5.3. Facts and Arguments

Teams may refer only to facts contained in the Case Study and the Tasks (hereinafter “Case Materials”) given to them prior to each round. Facts shall not be contested; hence, teams are prohibited from inventing new supportive facts. However, teams may draw reasonable inferences from the facts already established in the Case Materials.

Arguments shall be limited to addressing the issues raised in the Case Materials.

5.4. Time for Preparation

Teams will be given time for preparation before each round. Preparation time for Preliminary Round 1 will be 30 minutes. Preparation time for Preliminary Rounds 2 and 3 will be 60 minutes. Preparation time for Semi-Final Rounds will be 75 minutes. Preparation time for the Finals will be 120 minutes.

Teams advancing to Quarter-Final Rounds will be announced and given the Task on the same day when Preliminary Rounds conclude. The Quarter-Final Rounds will commence the next day.

5.5. Speaking Time

Overall time in Preliminary Round 1 will be fifteen (15) minutes. In this time, each team will have to present their legal arguments and answer questions from judges.

Overall time in Preliminary Rounds 2 and 3 will be forty (40) minutes. In this time, each team will have twenty (20) minutes to present their arguments and answer questions from judges. The suggested allocation of time for pleadings and the rebuttal/surrebuttal is fifteen (15) minutes for the pleadings and five (5) minutes for the rebuttal/surrebuttal. Teams shall specify their allocation of time for the pleadings and the rebuttal/surrebuttal at the beginning of the round. A specially designated form will be provided.

Overall time in Quarter-Final Round will be eighty (80) minutes. Each team will be given fifteen (15) minutes to present their legal arguments.

Overall time in Semi-Final Round will be one (1) hour. Each team will be given thirty (30) minutes to plead, including the rebuttal/surrebuttal. No team member shall plead for more than twenty (20) minutes in a single round (rebuttal/surrebuttal included) and at least two (2) team members must plead. Teams shall specify their allocation of time for the pleadings and the rebuttal/surrebuttal at the beginning of the round. A specially designated form will be provided.

The overall time in the Finals will be one (1) hour and thirty (30) minutes. Each team will be given forty-five (45) minutes to plead, including the rebuttal/surrebuttal. No team member shall plead for more than thirty (30) minutes in a single round (rebuttal/surrebuttal included) and at least two (2) team members must plead. Teams shall specify their allocation of time for pleadings and the rebuttal/surrebuttal at the beginning of the round. A specially designated form will be provided.

The time allocated to teams to present their legal arguments encompasses the time, during which judges ask questions and an oralist answers them.

Pleading order:

1. Team A
2. Team B

3. Rebuttal of Team A
4. Surrebuttal of Team B

The content of the rebuttal of Team A is limited to the content of the main pleadings of Team B, whereas the content of the surrebuttal of the Team B is limited to the content of the rebuttal of Team A.

In the rebuttal/surrebuttal, it is not permitted to raise legal issues that were not addressed in the main pleadings.

Violations of this provision will be sanctioned with penalty points.

5.6. Communication

During the pleadings, communication between the oralists and supervisors or between the oralists and other persons from the audience is prohibited. Team members are permitted to communicate only among themselves, as long as their communication does not disturb the pleadings in progress.

Communication between team members and supervisors is allowed during the preparation time.

Violations of this provision will be sanctioned with penalty points.

5.7. Scouting

Scouting is prohibited at all times during the Competition.

Scouting is defined as:

- when a team or one or more of its members attend a pleading, in which they are not participants;
- instances where team members, supervisors, or spectators discuss with or pose substantive questions to other team members during the rounds.

Once a team does not advance to the next rounds, its members may observe other teams in advanced rounds.

Any violation of this Rule may result in disqualification of the team in question. The Organiser's decision on disqualification is final and irrevocable.

5.8. Bailiff

In addition to the tasks connected with ensuring a seamless progress of the Round (see 5.11.), the Bailiff announces the start of the round and the names of judges in the panel.

The Bailiff keeps track of the time and signals to each side the available time remaining (20, 10, 5, 2 minutes, and "STOP" sign). Once the Bailiff signals that the time is up, team members shall stop pleading, but they are allowed to finish their sentence. If a team continues to plead, the Bailiff will signal the judges to interrupt the team member and will take note of the overuse of the pleading time. Throughout the session, the Bailiff takes notes and records irregularities. Following the pleadings, the Bailiff will participate in the evaluation of teams' performance with the judges by making recommendations for deducting points due to timing or other technical aspects of pleadings.

5.9. Judges

Judges may pose questions during the pleadings. Any team member may respond to the Judge's question(s). If they consider it appropriate or necessary, Judges may request a team member to further develop an argument at the end of the pleadings. With reference to paragraph 6 of the Rule 5.5., the time used by Judges to pose questions during the pleadings and the time used by an oralist to answer them is included in the overall time given for the main pleadings and rebuttal/surrebuttal.

Judges may, at their discretion, extend the total speaking time of a team, but only up to five (5) minutes per team and must do so on the basis of equal treatment of teams.

An oralist may exceptionally request Judges for extension of time, but it is entirely up to the Judges to grant an extension.

5.10. Platform for online Participants

When there is at least one team or judge in a Round that participates online, the Round will at least in part take place on the Zoom.us (hereinafter: Zoom) platform. If the judges and

one team are present *in situ* and the other team is participating online, the judges and the team participating *in situ* will be in the same room in Ljubljana, taking into account all health and safety recommendations, while the team participating online will be connected via Zoom.

The Organisers will provide the Zoom link, meeting ID and meeting passcode for a specific Round along with the Task for that same Round.

5.11. Connection test before the start of the Round and the Administrator

The Bailiff must ensure that team members and judges are virtually present in the Zoom session at least 15 minutes prior to the start of the Round. The Bailiff will test and confirm that there are no issues with their visual, audio and internet connection. After a successful connection test, team members and judges will be muted until the start of the Round.

An Administrator will be present in the Zoom session in order to provide any necessary assistance to the team members or judges.

5.12. Protocol in case of Technical Difficulties

Teams participating in the Competition online are responsible for ensuring that they have a viable internet connection. It is recommended that teams have cellular internet connection at hand in case of any connection difficulties with their primary internet source.

If an oralist experiences technical difficulties before or during the Round, other members of the team must take that oralists place in the pleadings and the rebuttal/surrebuttal.

If all team members experience technical difficulties that cannot be resolved in a reasonable time given the schedule of the Competition, the team experiencing technical difficulties preventing the Round from taking place will be awarded zero (0) points for that Round. In such cases, the team without technical difficulties will nevertheless plead before the judges, however, there will be no rebuttal/surrebuttal.

In case of any technical difficulties, team members must contact the Administrator of the Round. Teams will receive the contacts of the Administrator along with the specific Task for the Round.

Teams must assign a contact person prior to the start of the Competition, who must be available prior to, and during, the start of the preparation time and during the Round in case any technical difficulties occur.

6. Evaluation

6.1. Scoring Criteria

6.1.1. Evaluation of Teams

Teams are evaluated individually by each Judge on the overall quality of their performance. In each round, teams are awarded points on a scale from 0 to 100, based on their presentation in accordance with the following criteria:

- a) Organization, structure and analysis of the issues involved, clarity, and reasoning (0 to 20 points)

(poor: 1–3; below average: 4–7; average: 8–13; above average: 14–17; excellent: 18–20)

- b) Use of relevant facts (0 to 20 points)

(poor: 1–3; below average: 4–7; average: 8–13; above average: 14–17; excellent: 18–20)

- c) Knowledge of the law and correct application of the law to the facts (0 to 40 points)

(poor: 1–6; below average: 7–15; average: 15–20; above average: 20–30; excellent: 30–40)

- d) Presentation, rhetorical skills, and role-play (0 to 10 points)

(poor: 1–2; below average: 3–5; average: 6–8; above average: 9; excellent: 10)

- e) Time management and team work (0 to 10 points)

(poor: 1–2; below average: 3–5; average: 6–8; above average: 9; excellent: 10)

The score each team is awarded for each round represents the sum of points awarded by all Judges in the panel in that round.

6.1.2. Evaluation of Oralists

Judges evaluate each oralist on the basis of a 1-to-10-point scale for their performance (this is a single mark given collectively by the panel of Judges). The individual gaining the sum of the highest scores in all Preliminary Rounds receives the “Best Oralist of the Competition” award.

Judges evaluate oralists in the Finals of the Competition on the basis of a 1-to-10-point scale. The individual with the highest score shall receive the “Best Oralist of the Finals” award.

6.1.3. Publicity of the Results

In order to provide for transparency of the Judges’ decisions, final results will be made public at the end of the Competition.

6.2. Penalty Points

Penalty points shall be deducted from the score according to this table:

- addressing the legal issue in rebuttal/surrebuttal, which was not addressed in the main pleadings: 2 points per occurrence (maximum 6 points);
- content of the rebuttal exceeding the content of the main pleadings of Team B; content of the surrebuttal exceeding the content of rebuttal of Team A: 1–5 points;
- team exceeding the speaking time (without permission of Judges): 3 points per minute;
- team not appearing on time (without a reasonable explanation): 3 points per minute (maximum 60 points).

Penalties will be imposed on teams violating these Rules at the discretion of Judges in proportion to the severity of the violation. Penalties for violating provisions in relation to the pleadings will be imposed by the panel of Judges of the round in question, and they will be deducted from the score that team receives in the round, in which it violated the provisions.

7. Awards

Pursuant to the Rule 4.4., and in accordance with Chapter 6 of the Rules, the following awards are presented at the Closing Ceremony, taking place immediately after the Finals of the Competition:

1. Winner of the Competition;
2. Best Oralist of the Finals;
3. Best Oralist of the Competition.