

ALL-EUROPEAN INTERNATIONAL HUMANITARIAN AND REFUGEE LAW MOOT COURT COMPETITION



Rules of procedure

Faculty of Law, University of Ljubljana, 2017



Pravna fakulteta
Univerza v Ljubljani

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”), organized by the Faculty of Law, University of Ljubljana (“the Organiser”).

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

1.2. Interpretation and amendments of the Rules

The Organiser has the sole authority to interpret and amend the Rules. The Organiser reserves the right to make changes at any time before the commencement of the Preliminary, Semi-final or Final round if necessary. Any changes made will be communicated with the participating teams by e-mail or in person at the Competition. Teams are expected to observe all additional rules and regulations 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 questions relating to public international law, most notably to international humanitarian law, international refugee 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.

2. Timetable

Event	Date
Call for applications	15 May 2017
Deadline for application	15 September 2017
Publication of the Case Study	15 September 2017
Moot Court Competition (University of Ljubljana, Slovenia)	21 - 25 November 2017
Official welcome of the participating teams	21 November 2017
Preliminary rounds	22 – 23 November 2017
Semi-final rounds	24 November 2017
Final round (held at the Constitutional Court of the Republic of Slovenia)	25 November 2017

3. Case Study and Tasks (case materials)

The Competition is based on a Case Study which was published and distributed to all participating teams on 15 September 2017. The Case Study is a fictitious case intended to enable students to familiarize themselves with relevant facts as well as relevant international legal questions before the commencement of the Competition.

Before preliminary and semi-final rounds, 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.

4. Structure of the Competition

The Competition consists of four (4) Preliminary rounds, Semi-final rounds, and Final round.

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

Each participating team shall appear in four (4) Preliminary rounds (two per day). Four (4) best scoring teams will advance to Semi-final rounds, and only two (2) best scoring teams from Semi-final rounds will compete in the Final round.

The oral pleadings shall reflect good knowledge of case materials, as well as public international law, most notably international humanitarian law, international refugee law, and international criminal law.

All competition provisions in Chapter 4 are applicable to the Preliminary rounds, Semi-final rounds, and Final round.

4.1. Preliminary rounds

Each participating team shall appear in four (4) Preliminary rounds (two per day).

In Preliminary rounds 1, 2, and 3, two (2) teams will plead before the panel of judges at the same time.

In Preliminary round 4, each team will plead before the panel of judges alone.

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

4.2. Semi-final rounds

Four (4) best scoring teams in Preliminary rounds will advance to the Semi-final rounds.

In Semi-final round two (2) teams will plead before the panel of judges at the same time.

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

4.3. Final round

Two (2) teams with the highest score in Semi-final rounds shall advance to the Final round. The Final round of the Competition will be held at the Constitutional Court of the Republic of Slovenia.

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

The team winning the Final round shall be the “Winning team of the Competition”, regardless of the results of the team in the Preliminary rounds.

5. Competition provisions

5.1. General

These provisions apply to Preliminary rounds, Semi-final rounds, and Final round.

5.2. Applicable law

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

5.3. Facts and arguments

Teams may refer only to facts contained in the Case Study and the Tasks given to them at the beginning of each round. Facts should not be contested. Teams are prohibited from inventing new supportive facts. Teams may, however, draw reasonable inferences from 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. Time allocated will be communicated to the teams before each round.

5.5. Speaking time

Overall time for Preliminary rounds 1, 2, and 3 will be thirty (30) minutes. In this time, each team will have ten (10) minutes to present their arguments and five (5) minutes for rebuttal or surrebuttal.

Overall time for Preliminary round 4 will be fifteen (15) minutes. In this time, each team will have to present their legal arguments and answer to the questions of judges.

Overall time for Semi-final and Final rounds will be one (1) hour and twenty (20) minutes. Each team will be given forty (40) minutes to plead. This time-frame shall include the pleadings of all members of each team and their rebuttal or surrebuttal. No team member shall plead for more than twenty minutes in a single round (rebuttal or surrebuttal included). At least two members of the team shall plead in a round. At the beginning of its pleading, each team shall indicate how much time they wish to allocate for their main pleading and how much time they wish to reserve for rebuttal or surrebuttal.

Pleading order:

1. Team 1
2. Team 2
3. Rebuttal of the Team 1
4. Surrebuttal of the Team 2

The scope of the rebuttal of Team 1 is limited to the scope of the main pleading of Team 2, whereas the scope of the surrebuttal of the Team 2 is limited to the scope of the rebuttal of Team 1.

It is not permitted to raise legal issues which were not addressed in the main pleadings.

Violations of this provision are sanctioned with penalty points.

5.6. Communication

Communication between the speakers and the coaches, or with the persons from the audience of the Competition is strictly prohibited during the pleadings. Only team members among themselves are permitted to communicate, as long as this does not disturb the current oralist.

The use of laptops, mobile phones, or any other electric device is strictly prohibited after a team is informed about the role it is going to represent in a certain round. This equally applies when a team has received additional case materials, as well as during the pleadings.

Violations of this provision are sanctioned with penalty points.

5.7. Scouting

Scouting is forbidden 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 students, coaches, or spectators discuss with or pose questions on substantive legal issues to the team members during the rounds.

Violations of this provision will result in disqualification. A team's disqualification is final and irrevocable.

5.8. The bailiff

The bailiff shall announce the start of the round and the names of judges in the panel. She/he will give the floor to Team 1 and then to Team 2. The bailiff will keep track of the time and signal to each side the available time remaining (20, 10, 5, 2 minutes, and the STOP sign). Once the bailiff signals that time is up, team members 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 will take notes and record technical irregularities. Following the pleadings, the bailiff will participate in the evaluation of the teams' performance with the judges, making recommendations for deducting points due to timing or other technical aspects of the pleading.

5.9. Judges

The panel of judges shall be composed of the two (2) Members and one (1) Presiding Member.

Judges may raise questions during the oral rounds regarding the team's arguments. These questions shall be posed during the pleadings. Any team member can respond to the judge's questions. Judges may request a team member to further develop an argument at the end of an oral presentation. The time used by the judges to raise questions during the pleadings and the time used to answer questions raised by judges is included in the time given for main pleadings/rebuttal/surrebuttal.

Judges may, at their discretion, extend the total speaking time of a team, but only up to five (5) minutes per team.

An oralist may request judges for time extension, but it is entirely up to judges to grant an extension.

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 performances. In each round, teams are awarded from 0 to 100 points based on their presentations in accordance with the following 5 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 average of the scores awarded by the three judges in the panel for that round.

6.1.2. Evaluation of oralists

Judges evaluate each oralist on the basis of a 1-to-10 point scale for their performances (this is a single mark given collectively by the panel of judges). The individual gaining the sum of the highest score of points in all preliminary rounds is awarded with the “Best Oralist of the Competition” title.

Judges evaluate oralists of the Final round of the competition on the basis of a 1-to-10 point scale. The individual gaining the highest score is awarded with the “Best Oralist of the Final Round” title.

6.1.3. Publicity of the results

In order to provide for transparency of the decisions of judges, final results will be made public at the end of the 4th day of the Competition.

6.2. Penalty points

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

- Addressing a legal issue in the rebuttal/surrebuttal, which was not addressed in the main pleadings: 2 points per occurrence (maximum 6);
- Scope of rebuttal exceeding the scope of main pleading of Team 2; scope of surrebuttal exceeding the scope of rebuttal of Team 1: 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 the Rules at the discretion of judges in proportion to the severity of the infringement. Penalties for violating provisions regarding the oral pleading procedures will be imposed by the panel of judges of the oral rounds. Penalties for violating provisions regarding the oral pleading procedures will be deducted from the score the team receives for the round, in which it violated the provisions.

7. Awards

The following awards shall be presented after the Final round of the Competition:

1. Winning team of the Competition;
2. Best Oralist of the Final Round of the Competition;
3. Best Oralist of the Competition (selected exclusively on the basis of Preliminary rounds).