

ALL-EUROPEAN INTERNATIONAL HUMANITARIAN AND REFUGEE LAW MOOT COURT COMPETITION



Rules of Procedure

8th edition (2023)

Faculty of Law, University of Ljubljana

Univerza v Ljubljani



Pravna fakulteta
Univerza v Ljubljani



Table of Contents

1. General Rules	3
1.1. Object	3
1.2. Interpretation and Amendments of the Rules	3
1.3. Language	3
1.4. The Aim of the Competition	3
2. Case Study and Tasks (Case Materials)	4
3. Format of the Competition	4
4. Structure of the Competition	4
4.1. Preliminary Rounds	5
4.2. Quarter-Final Rounds	5
4.3. Semi-Final Rounds	5
4.4. The Finals	5
5. Competition Provisions	6
5.1. General	6
5.2. Applicable Law	6
5.3. Facts and Arguments	6
5.4. Time for Preparation	6
5.5. Speaking Time	7
5.6. Communication	8
5.7. Scouting	8
5.8. Bailiff	9
5.9. Judges	9
6. Evaluation	10
6.1. Scoring Criteria	10
6.1.1. Evaluation of Teams	10
6.1.2. Evaluation of Oralists	10
6.1.3. Publicity of the Results	11
6.2. Penalty Points	11
7. Awards	12

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 (hereinafter “the Organiser”) (address: Poljanski nasip 2, 1000 Ljubljana).

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 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 rounds, Semi-Finals, or the Finals, if necessary. Any changes will be communicated with the participating teams by e-mail or in person during 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 13 October, 2023. 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 concrete Tasks.

3. Format of the Competition

The 2023 edition of the Competition will take place at the Faculty of Law of the University of Ljubljana.

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 three (3) consecutive days. Eight (8) best scoring teams from the Preliminary Rounds will advance to the Quarter-Final Rounds, four (4) of which will advance to the Semi-Final Rounds, and only two (2) best scoring teams from the 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 three (3) 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 from the Preliminary Rounds will advance to the 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 from the Preliminary rounds will advance to the 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 from the 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 the Preliminary Rounds, the Quarter-Final Rounds, the 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 have time for preparation before each round. Preparation time for the Preliminary Round 1 will be twenty (20) minutes. Preparation time for the Preliminary Rounds 2 and 3 will be fifty-five (55) minutes. Preparation time for the Quarter-Final Rounds will be sixty (60) minutes. Preparation time for the Final round will sixty (60) minutes.

Teams advancing to the Semi-Final Rounds will be announced and given the Task on the same day after the Quarter-Final Rounds conclude. The Semi-Final Rounds will commence the next day, followed by the Finals in the afternoon.

Only Team members of a concerned Team may enter the room for preparations.

5.5. Speaking Time

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

Overall speaking time in the 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 the questions of judges. Suggested allocation of time for pleadings and rebuttal/surrebuttal is fifteen (15) minutes for pleadings and five (5) minutes for rebuttal/surrebuttal. Teams shall specify their allocation of time for pleadings and rebuttal/surrebuttal at the beginning of the round. A specially designated form will be provided.

Overall speaking time in the Quarter-Final Rounds will be sixty (60) minutes. Each team will be given fifteen (15) minutes to present their legal arguments.

Overall speaking time in the Semi-Final Rounds will be sixty (60) minutes. Each team will be given thirty (30) minutes to plead, including rebuttal/surrebuttal. No team member shall plead for more than twenty (20) minutes in a single round (rebuttal/surrebuttal included), while at least two (2) team members shall plead. Teams shall specify their allocation of time for pleadings and rebuttal/surrebuttal at the beginning of the round. A specially designated form will be provided.

Overall speaking time in the Finals will be ninety (90) minutes. Each team will be given forty-five (45) minutes to plead, including rebuttal/surrebuttal. No team member shall plead for more than thirty (30) minutes in a single round (rebuttal/surrebuttal included), while at least two (2) team members shall plead. Teams shall specify their allocation of time for pleadings and rebuttal/surrebuttal at the beginning of the round. A specially designated form will be provided.

The overall speaking time in which the teams have to present their legal arguments also encompasses the time of judges asking questions and an oralist answering 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 Team B is limited to the content of the rebuttal of Team A.

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

A violation of these provisions 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. Only team members among themselves are permitted to communicate, as long as their communication does not disturb the pleadings in progress.

The use of laptops, mobile phones, or any other electronic device is prohibited during the pleadings.

During the preparation time specified in Rule 5.4., laptops are permitted solely for accessing any saved documents and not for placing calls or written communication. Communication between the team members and the supervisor remains prohibited, except during the preparations for the Semi-Final and Final rounds. During the preparation time the use of mobile phones or other electronic devices is strictly prohibited.

A violations of these provisions 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 or disclose the content of a particular task to other team members.

Once a team is eliminated from the Competition by not advancing to the next rounds, its members may observe other teams in the advanced rounds.

A violation of this Rule will result in a disqualification of the team(s) in question. The Organiser's decision on disqualification is final and irrevocable.

5.8. Bailiff

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 a "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 the teams' performance with the judges by making recommendations for deducting points due to timing or other technical aspects of pleadings.

5.9. Judges

The Judges may pose questions during the pleadings with respect to presented arguments. Any team member may respond to the Judge's question(s). If they consider it appropriate or necessary, the 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 the Judges to pose questions during the pleadings and the time used by an oralist to answer them is included in the overall speaking time allocated for the main pleadings and the rebuttal/surrebuttal.

The 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 the Judges for an extension of time, but it is entirely up to the 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 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: 16–20; above average: 21–30; excellent: 31–40)

- 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 of that round.

6.1.2. Evaluation of Oralists

The Judges evaluate each oralist's performance on the basis of a 1-to-10-point scale (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.

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

6.1.3. Publicity of the Results

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

6.2. Penalty Points

Penalty points shall be deducted from the team’s 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 points);
- the scope of the rebuttal exceeding the scope of the main pleadings of Team 2; the scope of the surrebuttal exceeding the scope of the rebuttal of Team 1: 1–5 points;
- a team exceeding the speaking time (without permission by the Judges): 3 points per minute;
- a 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 the 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 which that team receives in the round in which it violated the provisions concerned.

7. Awards

Pursuant to Rule 4.4., and in accordance with Chapter 6 of the Rules, the following awards are awarded 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.