

2023 IHL MOOT COURT NATIONAL ROUND - ROK

Rules

General

1. The 15th Red Cross International Humanitarian Law Moot (2023) (the “Competition”) shall be run under the auspices of an Organizing Committee (the “Committee”), comprising representatives from the International Committee of the Red Cross (ICRC) and the Republic of Korea National Red Cross (KNRC) which shall have the power to:
 - (a) plan and organize the Competition;
 - (b) set rules for the Competition, of which interpretation should rest exclusively with the Committee;
 - (c) decide the criteria of participating teams and invite such teams to join the Competition;
 - (d) invite and appoint writer(s) of the moot problem, judges and other persons who may offer assistance during the Competition;
 - (e) invite and appoint partners and sponsors for the Competition.
2. The date for online orientation shall be September 22nd, 2023. The Committee will give due notice on the venue and time of the orientation.
3. Attendance to the orientation above is compulsory for all teams participating in the Competition, unless exempted by the Committee.

Participating Teams

Composition

4. The Competition shall be open to not more than two teams from each participating university/institution. In case there are more than two teams from the same university/institution, two teams will be selected by the Committee based on their aggregate memorials score.
5. Each team shall consist of two students as mooters. Each team may also opt to include one student as a researcher (the “Researcher”).

Eligibility

6. Participating students shall be registered with a higher education institution established in the Republic of Korea as of September 1st, 2023, for any university degree below the level of a doctorate.
7. A person is not eligible to participate in the Competition, as of September 1st, 2023, if he or she:

- (a) Has ever held or holds a full or part-time teaching position in any jurisdiction; or
 - (b) Has ever been admitted or licensed to practice law in any jurisdiction; or
 - (c) Has ever participated as a mooter in a previous Red Cross International Humanitarian Law Moot and won any award. This declaration shall be verified by the respective team coach or the contact person for the participating team. Any false declaration could lead to the disqualification of the respective team.
8. A participating student is not required to be a national of the Republic of Korea.
9. The Committee has full discretion to:
- (a) Grant exemption for specific requirement(s) relating to the eligibility pursuant to Rule 6-8, should the Committee, in its view, consider such requirement(s) being not feasible and/or practical due to special circumstances;
 - (b) Determine the eligibility of participating student(s) where it is disputable.

Registration

10. Each participating team shall submit the registration form to the ICRC Mission in Seoul (seo_seoul@icrc.org) by July 21st, 2023, with the following information included:
- (a) The names of the two student mooters; and
 - (b) The names of the team coach and/or researcher, if any; and
 - (c) The email address, telephone number and the degree(s) or program(s) in which each team member is enrolled; and
 - (d) The declaration that none of the team members have ever participated as a mooter in a previous Red Cross International Humanitarian Law Moot; and
 - (e) The name, address, email address and telephone number of the contact person.
11. The Committee reserves the full and sole discretion to accept a team into the Competition.
12. The teams for the General Rounds of the Competition shall be no more than eight. In case the Committee receives more than eight applications, the teams with the highest aggregate memorials score will be invited to participate in the General Rounds.

Team Coach

13. Only after the memorials have been submitted to the Committee, each team may receive assistance in preparation for the General Rounds by a team coach who shall be a law professor and/or legal practitioner pursuant to the restrictions outlined below:

- (a) The team coach must be registered with the Committee through the registration form;
- (b) The team coach shall uphold the principles of fairness and confidentiality in exercising their role throughout the Competition.

Contact Person

14. Each contact person for a participating team will be provided with:

- (a) The individual moot number assigned to each of its team;
- (b) Memorials of opposing teams to be met in General Rounds;
- (c) Information relating to accommodation, if needed;
- (d) Any other material the Committee deems relevant.

15. The contact person for each participating team is responsible for:

- (a) Distributing the information and material (refer to Rule 14) to each member of its team;
- (b) Conveying enquiries or other correspondence for his/her team to the Committee;
- (c) Verifying the declaration of the team members in the absence of a team coach (refer to Rule 7(c)).

Substitute members

16. A team will generally not be permitted to make any substitution of its mooters and researcher after they have been registered under Rule 10.

17. In exceptional circumstances and with the prior express approval of the Committee, a team may for the oral hearings substitute its registered mooter with its researcher. Any other substitution of its registered mooter(s) may be permitted only in extraordinary circumstances and with the prior express approval of the Committee. The Committee reserves full and sole discretion in determining the appropriateness of and approving any substitution.

18. The eligibility for the substitute member is the same as other participating students pursuant to Rules 6 and 7.

Moot problem

Selection

19. The Committee has the sole power to determine the moot problem to be used for the Competition.

Distribution

20. Unless otherwise updated by the Committee, the moot problem will be distributed tentatively on July 24th, 2023.

Clarification

21. A request for clarification will not be entertained unless the clarification would have material significance in the context of the moot problem. In particular, teams shall bear in mind that the moot problem provides a limited set of facts. Teams shall not use a request for clarification merely for convenience to obtain additional facts to those contained in the moot problem.
22. Before making any request for clarification, teams shall discuss the necessity for making such a request with their team coaches or contact persons. Any request for clarification of the moot problem shall be brought to the attention of the Committee via email (jlee@icrc.org) by July 31st, 2023.
23. The Committee reserves absolute discretion to determine whether it is necessary to respond to any request for clarification and to respond to such request in a manner it thinks fit. If the Committee deems it necessary to respond to a request for clarification, the clarification will be distributed to all teams by August 11th, 2023, using the same distribution channel used for distribution of the moot problem. Any clarification issued becomes a part of the moot problem.

Receipt of Moot Problem and Clarification

24. Any team who is unable to receive the moot problem or any clarification in the manner distributed shall notify the Committee immediately via email (jlee@icrc.org) to arrange an alternative method of distribution.

Memorials

Form and Length

25. Each team shall submit two memorials, one for the Prosecutor and the other for the Defendant.
26. Each memorial (including the body of the text, citations 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 endnotes) and using a proper legal citation standard.
27. Each memorial must have two cover sheets:
- (a) The first cover sheet must indicate:
 - 1. The name of the participating institution;
 - 2. The names of the two mooters of the team in the order of the oral hearings throughout the Competition;
 - 3. Whether the memorial is for the Prosecutor or the Defendant;
 - 4. The word count of the memorial; and
 - (b) The second cover sheet must have:
 - 1. The team’s individual moot number which was supplied to the contact person of the team (see Rule 14);
 - 2. 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.);
 - 3. The word count of the memorial.
28. Each memorial must have the page numbers (e.g. P.1/32; P.2/32) and paragraph numbers.
29. Each memorial (excluding cover sheets) 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 Committee shall deduct marks from that team’s memorial score out of 100 points (calculated pursuant to Rule xx) according to the following scale:
- (a) 1-50 words in excess – deduction of 3 marks;
 - (b) 51-200 words in excess – deduction of 10 marks;
 - (c) Over 200 words in excess – deduction of 20 marks.

Submission of Memorials

30. Each team shall submit both of its Prosecutor and Defendant memorials in electronic form in Microsoft Word for Windows (.doc or .docx) via a single email (to seo_seoul@icrc.org) by 11:59 p.m. (Seoul time), August 25th, 2023.

31. In the event that a team fails to submit both of its Prosecutor and Defendant memorials on time, the Committee shall deduct one mark from each memorial score for each day of the delay.

Pairing of Opposing Teams

General Rounds

32. The Committee will determine which Prosecutor and Defendant teams will meet each other in the General Rounds of the Competition by means of a seeding system based upon the ranking of their memorial scores. The teams will be divided into two groups according to the score of their memorials. Random draw conducted before August 30th, 2023, to pair teams for the General Rounds – each team will go through two oral rounds, one against group 1 and the other against group 2. Unless there are exceptional circumstances determined by the Committee, no team will play the same role twice nor compete against the same team twice in the General Rounds.
33. The Committee will distribute soft copies of the opposing teams' memorials to the respective contact persons on August 30th, 2023.

Semi-Final Rounds

34. The four teams with the highest scores in the General Rounds will enter the Semi-Final Rounds. The Committee will determine the pairing of opposing teams in accordance with the following principles:
- (a) the teams from the same university/institution will be matched against each other;
 - (b) otherwise, random draw on the pairing will take place;
 - (c) for the roles, random draw will take place.
35. The Committee will distribute hard copies of the opposing teams' memorials to the respective contact persons after announcing the teams advancing to the Semi-Final Rounds on September 23rd, 2023.

Final Round

36. The two winning teams of the Semi-Final Rounds will enter the Final Round. The Committee will determine the roles of the teams in accordance with the following principles:
- (a) if applicable, the teams will play different roles from the Semi-Final Rounds;
 - (b) otherwise, random draw on the roles will take place.
37. The Committee will distribute hard copies of the opposing teams' memorials to the respective contact persons after announcing the teams advancing to the Final Round on September 23rd, 2023.

Proceedings before the Court

38. Each team shall consist of a first mooter and a second mooter, as designated by the team.
39. The pleading order of the two mooters for each team shall be consistent throughout the Competition, regardless of whether the team pleads as the Prosecutor or the Defendant, and shall follow the same order as marked on their memorials.
40. 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:
- (a) A court clerk will confirm the presence of both teams;
 - (b) If one team is absent, the court clerk will inform the judges and notify the Committee;
 - (c) Once the Committee 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 courtroom with an interval of 30 seconds each;
 - (d) 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;
 - (e) In the Semi-Final Rounds, the oral hearing will then proceed as an ex parte hearing and the appearing team will move automatically to the Final Round.
41. In the event that only one mooter appears for a scheduled oral hearing, or one mooter withdraws in the midst of the oral hearing, the court clerk will notify the Committee. Once the Committee has been notified, the court clerk will announce the start or continuation of the oral hearing. The oral hearing will proceed as follows:
- (a) The single mooter shall speak in the oral hearing and receive an individual score from the judges. The mooter's score will be computed for the purpose of determining the Best Mooter;
 - (b) There shall be no rebuttal or surrebuttal;
 - (c) In the General Rounds, the team with only one mooter will forfeit all scores as a team for that round of the Competition. The opposing team with both mooters present will be heard and scored as provided in the rules;
 - (d) In the Semi-Final Rounds, the team with both mooters will advance automatically to the next round.
42. Each team member shall refrain from disclosing the name of his/her institution at all times until the announcement of the final results of the Competition. Team members or any person associated with a team shall also refrain from disclosing the name of his/her institution to any person acting as a judge until the announcement of the final results of the Competition. Disclosure may subject the mooters concerned to a deduction of 5 marks from the mooter's individual score which will also affect the team's overall score.
43. Each team speaks 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.

44. Each team may reserve up to 10 minutes for rebuttal (for the Prosecutor) or surrebuttal (for the Defendant).
45. 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.
46. 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.
47. Each team shall indicate at the beginning of its oral argument, how long each mooter will speak for and how much time it intends to reserve for rebuttal or surrebuttal.
48. 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 is required to speak as specified in Rule 43.
49. The court may, in its discretion, extend the time for each mooter for a good cause, provided that the maximum extension of time granted to any mooter shall not exceed five minutes. In the Final Round, the maximum extension of time granted to any mooter is at the discretion of the court.
50. Time shall be kept by a court clerk, who will indicate to each mooter by appropriate means when they have:
 - (a) Five minutes left;
 - (b) One minute left;
 - (c) To conclude their address forthwith.
51. The order of the oral hearings shall be:
 - (a) Prosecutor's first mooter;
 - (b) Prosecutor's second mooter;
 - (c) Defendant's first mooter;
 - (d) Defendant's second mooter;
 - (e) Rebuttal, if any (Prosecutor's first or second mooter);
 - (f) Surrebuttal, if any (Defendant's first or second mooter).
52. All oral hearings are open to the public other than the team coaches. Subject to venue capacity, the Committee may limit the number of spectators in a room in any rounds of the Competition.
53. Every courtesy shall be given to mooters during oral hearings. Communication between the team members shall be in writing to prevent any disturbance, and the teams and spectators

shall avoid all unnecessary noise or other inappropriate behavior which distracts from the hearing in progress.

54. The 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, mooters shall not be permitted to communicate with the researcher during the oral hearings and the researcher may not sit with the mooters at the counsel table.

55. Scouting is prohibited. The team members may only attend the oral hearings in which their team is competing. Once the team is eliminated, the team members may freely attend other teams' oral hearings without any restriction.

56. Violation of any of the Rules herein shall be brought to the attention of the Committee immediately, without disturbing the oral hearing, or immediately after the oral hearing is finished. The team concerned may be subject to a reduction in their score at the discretion of the Committee.

Assistance

Memorials

57. All research, writing and editing related to the memorials must be the work of the team members registered.

Assistance from Staff and Other Advisors

58. The 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 general commentary on structure, organization and flow of arguments, format, presentation and style.

Judging and Scoring

Judges

59. The oral hearings shall be assessed by at least three judges. The judges in each oral hearing shall be a current or former judge, lawyer, or law professor, or a professional experienced in the field of IHL.

Scoring of Memorials

60. No memorial may be revised for whatsoever purpose once it has been submitted to the Committee.
61. Each memorial shall be assessed by no less than two IHL experts, at least one of whom is a current or former judge, lawyer, law professor or otherwise experienced in the field of international law. The judges will be provided with copies of the memorials with cover sheets showing only the teams' individual moot numbers and word counts.
62. The maximum score for each memorial shall be 100 points. When the scores given by the two judges on the same memorial differ by 15 points or more, the memorial will be sent to a third judge for scoring. Among the two initial scores, only the one closer to the third judge's score will be valid.

General Rounds

63. In the General Rounds, scoring consists of two parts: the scoring of memorials and the scoring of the oral hearings.
64. In the General Rounds, the four teams with the highest total score advances to the Semi-Final Rounds, consisting of the following parts:
 - (a) 100 points for the Prosecutor memorial;
 - (b) 100 points for the Defendant memorial;
 - (c) 100 points for first mooter when pleading as the Prosecutor;
 - (d) 100 points for first mooter when pleading as the Defendant;
 - (e) 100 points for second mooter when pleading as the Prosecutor;
 - (f) 100 points for second mooter when pleading as the Defendant.
65. In the event that the score is tied at the end of the General Rounds, the team(s) with the higher score out of 400 points for their oral pleadings will advance to the Semi-Final Rounds. If a tie persists, the Committee, in consultation with the respective judges, may decide the team(s) advancing to the Semi-Final Rounds.

Semi-Final and Final Rounds

66. In the Semi-Final Rounds, there will be one oral hearing for each team and the winning teams of the oral hearing will advance to the Final Round. Likewise, in the Final Round, there will be only one hearing.
67. In the Semi-Final and Final rounds, the court will determine the winning team based on their oral presentation only without scoring.

Awards

68. The winning team of the Final Round will be awarded with certificates and scholarship of 1,000,000 Korean Won, together with sponsorship to Hong Kong for the 22nd Red Cross International Humanitarian Law Moot (2024) for Asia-Pacific Region.
69. The runner-up team will be awarded with certificates and scholarship of 500,000 Korean Won.
70. The third place team will be determined based on the scores in the Semi-Final Rounds and be awarded with certificates and scholarship of 300,000 Korean Won.
71. The other teams who successfully competed in the General Rounds will be awarded with certificates.
72. The mooter with the highest average score out of 200 points in the oral hearings of the General Rounds will be adjudged the Best Mooter and will be awarded with a certificate.
73. The Committee may in its discretion decide to award alternative prizes in lieu of the prizes described above.

Interpretation of Rules

74. The Committee has absolute discretion to resolve any question(s) concerning interpretation of the rules herein.