

# **2024 IHL MOOT COURT COMPETITION**

NATIONAL ROUND – REPUBLIC OF KOREA

## **Rules**

International Committee of the Red Cross  
Mission in Seoul

## **General**

1. The Red Cross International Humanitarian Law Moot Court Competition (the “Competition”) shall be run under the auspices of the Organizing Committee (the “Committee”), consisting of representatives from the International Committee of the Red Cross (“ICRC”) and the Korean Red Cross (“KNRC”).
2. The Committee shall have the power to appoint judges, invite additional organizers and sponsors, and amend and apply these rules as they see fit, with the interpretation of rules resting exclusively with the Committee.
3. This Competition shall be comprised of two parts: the Memorials (see Rules X-X) and the Oral Hearings (see Rules X-X).
4. An online orientation for participants shall precede the Oral Hearings. Attendance to the orientation shall be compulsory for all participating teams, unless exempted by the Committee.
5. The Oral Hearings will be held on 2 November 2024 in Seoul, at a venue to be confirmed mid-October.
6. The online orientation will take place on October 31, 2024. The Committee will give due notice regarding the time and method of the orientation.

## **Participating Teams**

### *Composition*

7. The Competition shall be open to not more than two teams from each participating institution. In case there are more than two teams from the same institution, two teams will be selected by the Committee based on their aggregate Memorials scores.
8. Each team shall consist of two to three members, including two students as mooters (compulsory) and one additional student as a researcher (optional). Each team may also choose to have one coach in preparation for the Oral Hearings, as explained in Rules 17-18.
9. Each team shall nominate a contact person upon registration.

### *Eligibility*

10. Participating students shall be registered with a higher education institution established in the Republic of Korea as of September 1, 2024 for any university degree below the level of a doctorate.
11. A person is not eligible to participate in the Competition if, as of September 1, 2024, they:

- (a) Hold or are registered for a doctoral degree in law at any institution;
- (b) Held or currently hold a full or part-time teaching position in any tertiary institution;
- (c) Have been admitted or licensed to practice law in any jurisdiction; or

12. Participating students do not have to be nationals of the Republic of Korea.

13. The Committee has full discretion to:

- (a) Grant exemptions to the eligibility requirement in Rules 10-11 should the Committee consider such requirement(s) not feasible or practical given special circumstances; and
- (b) Determine the eligibility of participating students when disputed.

### *Registration*

14. Each team shall complete the online registration by 13 September 2024, providing the following information:

- (a) The name of the institution;
- (b) The names, contact details, and degree or program of the participants;
- (c) The name and contact details of the team's contact person;
- (d) The name and contact details of the coach, if any.

15. The Committee has the full and sole discretion to accept a team into the Competition.

16. A maximum of 12 teams shall proceed to the Oral Hearings. If more than twelve teams register, teams with the highest aggregate memorial scores will be invited to participate in the Oral Hearings.

### *Team Coach*

17. Each team may only receive assistance from a coach in preparation for the Oral Hearings after Memorials have been submitted to the Committee. Teams choosing to do so must include the coach's details in the registration form.

18. The coach shall be a law professor and/or legal practitioner and shall uphold the principles of fairness and confidentiality in exercising their role throughout the competition.

### *Contact Person*

19. The team member designated as the contact person will be provided with:

- (a) The individual moot number assigned to the team;

- (b) Memorials of opposing teams during the Oral Hearings;
- (c) Practical information relating to accommodation, if needed;
- (d) Any other material the Committee deems relevant.

20. The contact person for each participating team is responsible for distributing the above information and materials to each team member, communicating with the Committee on behalf of the team, and verifying the declaration of team members along with the team coach.

#### *Substitute Members*

21. Teams shall not be permitted to substitute members after registration.
22. In exceptional circumstances and with prior express approval of the Committee, a team may substitute a mooter with the researcher for the Oral Hearings.
23. Any other substitution may be permitted only in extraordinary circumstances and with prior express approval of the Committee. The eligibility requirement for the substitute member shall be the same as that of other participating students. The Committee reserves full and sole discretion in determining the appropriateness of any proposed substitution.

#### **Moot Problem**

##### *Selection*

24. The Committee shall have the sole power to determine the problem to be used for the Competition (“Moot Problem”).

##### *Distribution*

25. The Moot Problem was posted on ICRC website and social media in May 2024.

##### *Facts*

26. The facts that constitute the subject matter of the Competition are given in the Moot Problem. No additional facts may be introduced into the Moot Problem unless they are a logical and necessary extension of the given facts.

##### *Clarifications*

27. Requests for clarification shall not be entertained unless the clarification would have material significance in the context of the Moot Problem. In particular, teams should bear in mind that the Moot Problem provides a limited set of facts. Teams should not use a request for clarification merely to obtain facts additional to those contained in the Moot Problem.
28. Before making any request for clarification, participating students must discuss the necessity of the request with their contact person and/or team coach. Any request for clarification shall be brought to the attention of the Committee via email ([mshabbar@icrc.org](mailto:mshabbar@icrc.org)) by 17 September 2024. Emails must be in English.

29. The Committee shall have 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, such clarification shall be collectively distributed to the contact persons of all teams via email on 23 September 2024. Clarifications thus issued shall become a part of the Moot Problem.

## Memorials

### *Form and Length*

30. Each team shall submit two Memorials, one for the Prosecutor and one for the Defendant.
31. Each Memorial (including the body of the text, citations, and footnotes) shall be typed with 1.5 line-spacing, using “Times New Roman” font in size 12.
32. Citations must be in the body of the text or in footnotes (not endnotes), using a proper legal citation standard.
33. Each Memorial must include one cover sheet. The cover sheet must have the following information only:
- (a) The team’s individual moot number, shared with the contact person upon registration;
  - (b) Whether the memorial is for the Prosecutor or the Defendant; and
  - (c) The word count of the memorial.
34. Each Memorial must have page numbers and paragraph numbers.
35. Each Memorial (excluding cover sheets) shall NOT exceed **2,000 words** in length, with the word count including all text such as titles, subtitles, citations, and footnotes. For Memorials exceeding the limit, the Committee shall deduct marks from the team’s Memorial score (total 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*

36. Each team shall submit both Memorials in a single email to **BEJ\_IHL\_Event\_mailbox@icrc.org** by 11:59 p.m. (Seoul time), 18 October 2024. The files must be in the format of Microsoft Word for Windows (.doc or .docx). No other data format will be accepted without the prior express consent of the Committee.
37. In the event that a team fails to submit both of its memorials on time, the Committee shall deduct one (1) mark from each memorial score for each day of the delay.

### *Revision of Memorials*

38. Memorials may not be revised for any purpose once they have been submitted.

### **Oral Hearings**

#### *Pairing of Opposing Teams and Role Assignment*

39. The General Rounds of the Oral Hearings shall consist of two rounds. Each team will plead once as Prosecutor and once as Defendant.
40. The Committee 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 before 29 October 2024. Teams will be divided into two groups according to the score of their memorials, and each team will compete once against a team in group 1 and once against a team in group 2. Unless there are exceptional circumstances determined by the Committee, no team will play the same role or compete against the same team in the General Rounds.
41. The Committee will distribute soft copies of the opposing teams' memorials to the respective contact persons on 29 October 2024.
42. Subject to other rules, the four highest-ranking teams from the General Rounds shall proceed to the Semi-Final Rounds. The Committee will determine the pairing of opposing teams and assigned roles by a random draw unless two teams from a single institution qualified for the Semi-Finals. If so, the two teams shall be matched against each other.
43. 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.
44. The two winning teams of the Semi-Final Rounds shall proceed to the Final Round. The Committee will determine the roles of the teams in accordance with the following principles:
  - (a) If feasible, the teams will play different roles from the Semi-Final Rounds;
  - (b) Otherwise, a random draw on the roles will take place.
45. 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.

#### *Rules Applicable to Court Proceedings*

46. Each team shall have a first mooter and a second mooter, as designated by the team. The pleading order of the two mooters must remain consistent throughout the Competition, regardless of whether the team pleads as the Prosecutor or the Defendant.

47. Teams shall not disclose the name of their institution throughout the Competition, including to judges. Any disclosure may subject the mooters concerned to a deduction of 5 marks from the mooter's individual score and thus affect the team's overall score.
48. In the event that a team fails to appear for a scheduled hearing during the General Rounds, the hearing will proceed *ex parte*, pursuant to the following procedure:
- (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 of the absent team two times inside and two times outside the courtroom with an interval of 30 seconds each.
  - (d) If the relevant team fails to appear, the court clerk will announce to the court that there is no appearance by the team called.;

The hearing will then proceed as an *ex parte* hearing. The team present in the courtroom will receive scores pursuant to the Rules on scoring.

49. In the event that a team fails to appear for a scheduled hearing during the Semi-Final Rounds, the appearing team will automatically proceed to the Final Round.
50. In the event that only one mooter appears for a scheduled oral hearing, or one mooter withdraws during a 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 hearing. The hearing will then proceed as follows:
- (a) In the General Rounds, the single mooter and the opposing team will proceed with the hearing but without any rebuttal or surrebuttal. Scoring will take place pursuant to Rules 68 to 73. The single mooter will receive an individual score, which will be computed for determining the Best Mooter, but forfeit the team score.
  - (b) In the Semi-Final Rounds, the team with both mooters will automatically advance to the next round.
51. Each team shall speak for no more than 40 minutes total. Each mooter shall speak for a minimum of 15 minutes.
52. Each team may reserve up to 10 minutes for rebuttal (in the case of a Prosecutor team) or surrebuttal (in the case of a Defendant team).
53. The scope of the Prosecutor's rebuttal is limited to responding to the Defendant's oral pleadings, and the scope of the Defendant's surrebuttal is limited to responding to the Prosecutor's rebuttal.
54. At the beginning of their pleading, each team shall indicate how long each mooter will speak for and how much time they intend to reserve for rebuttal or surrebuttal.

55. Either mooter may address the court in rebuttal or surrebuttal. The time reserved for rebuttal or surrebuttal is not included in the minimum speaking time required for each mooter.
56. 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 granted is at the court's discretion.
57. Time shall be kept by a court clerk, who will indicate to the mooters by appropriate means when they have:
- (a) 5 minutes left
  - (b) 1 minute left
  - (c) to conclude their address forthwith
58. 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).
59. All oral hearings are open to the public, except for team coaches who may only attend the rounds of their respective teams. Subject to venue capacity, the Committee may limit the number of spectators in a room in any round of the Competition.
60. Every courtesy shall be given to mooters during oral hearings. Communication between team members shall be in writing to prevent disruption, and teams and spectators shall avoid unnecessary noise or other inappropriate behavior which may disrupt the hearing.
61. Mooters seated at the counsel table shall not be permitted to communicate with spectators, or with any other external person except the judges. With respect to teams that have a researcher, mooters shall not be permitted to communicate with the researcher when the hearings are ongoing. The researcher may not sit with the mooters at the counsel table.
62. Scouting is prohibited. Team members may only attend the oral hearings in which their team is competing. Once teams are eliminated, they may freely attend hearings without restriction.
63. 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 of their score at the discretion of the Committee.

## **Assistance**

### *Memorials*

64. All research, writing and editing relating to the Memorials must be the work of the team members registered. Assistance from the team coach may only be sought after the Memorials have been submitted.

### *Assistance from Staff and Other Advisors*

65. Staff of participating institutions and other 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.

## **Scoring**

### *Memorials*

66. Each memorial shall be assessed by no less than two IHL experts designated by the ICRC, at least one of whom is a current or former judge, lawyer, law professor or otherwise experienced in the field of international law. The maximum score for each memorial shall be 100 points, and the score of each memorial shall be the average of the scores awarded by the two designated experts. When the scores given by the two experts for the same memorial differ by 15 points or more, the memorial will be sent to a third expert designated by the ICRC. The final score of this memorial shall be the average of two closer scores.

### *Judges*

67. 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 international humanitarian law ("IHL").

### *General Rounds*

68. Each team's score for the General Rounds shall consist of two parts: the score of the memorials and the score of the oral presentations.
69. In each General Round, the maximum score for each mooter shall be 100 and the maximum score for each team's oral presentation shall be 200. The score of each mooter shall be the average of the scores awarded by the judges assessing their oral presentations.
70. The total score for each team in the General Rounds shall be 600, consisting of the following parts:
- (a) 100 for the Prosecutor memorial;
  - (b) 100 for the Defendant memorial;
  - (c) 100 for first mooter when pleading as Prosecutor;
  - (d) 100 for first mooter when pleading as Defendant;
  - (e) 100 for second mooter when pleading as Prosecutor; and

(f) 100 for second mooter when pleading as Defendant.

71. The decision of the judges shall be final.
72. The four teams with the highest total score shall advance to the Semi-Final Rounds. Copies of individual judges' scoresheets will be available to the respective teams immediately after the announcement of the results of the General Rounds. Teams may raise questions with the Committee within 15 minutes after the the announcement if any arithmetic error is identified. The Committee shall check and rectify any errors reported.
73. In the event that two or more teams have the same total score, the team(s) with the higher score 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*

74. In the Semi-Final Rounds, judges will determine the winning team based on their oral presentation and fill out scoresheets as during the General Rounds. The maximum score for each mooter shall be 100 and the maximum score for each team's oral presentation shall be 200. The score of each mooter shall be the average of the scores awarded by the judges assessing their oral presentations. The team with the higher score shall proceed to the Final Round.
75. In the Final Round, the judges will determine the winning team based on their oral presentation only without scoring.

#### **Awards**

76. The winning team of the Final Round will be awarded with certificates and a scholarship of 1,000,000 Korean Won, together with sponsorship to compete in Hong Kong at the 22nd Red Cross International Humanitarian Law Moot Court Competition (2025) for the Asia-Pacific Region.
77. The runner-up team will be awarded with certificates and a scholarship of 500,000 Korean Won.
78. The third place team will be determined based on the Semi-Final Rounds scores and be awarded with certificates and a scholarship of 300,000 Korean Won.
79. The other teams that have competed in the General Rounds will be awarded with certificates for attendance.
80. The mooter with the highest average score during the General Rounds will be adjudged the Best Mooter and awarded with a certificate.

81. The Committee may in its discretion decide to award alternative prizes in lieu of the awards described above.

**Interpretation of Rules**

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