

## General

1. The 13<sup>th</sup> Red Cross International Humanitarian Law Moot (2021) (the “Competition”) shall be run under the auspices of an Organizing Committee (the “Committee”), comprising representatives from the International Committee of the International Committee of the Red Cross (ICRC) and the Korean Bar Association, 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 25<sup>th</sup>, 2021. The Committee will give due notice on the venue and time of the orientation.
3. Attendance to the team briefing is compulsory for all teams participating in the General Rounds, unless exempted by the Committee.

## Participating Teams

### *Composition*

4. The Competition shall be open to not more than three teams from each participating university/institution.
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 1<sup>st</sup>, 2021, for any university degree below the level of a doctorate.
7. A person is not eligible to participate in the Competition, as of September 1<sup>st</sup>, 2021, 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 and won any award in a previous Red Cross International Humanitarian Law Moot. This declaration shall be verified by the respective team coach or the contact person for the participating team. Any false declaration could lead to 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](mailto:seo_seoul@icrc.org)) by June 27<sup>th</sup>, 2021, 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 confirmation that none of the team members have never participated as a mooter and won any award in a previous Red Cross International Humanitarian Law Moot; and
- (e) the name, address, e-mail address and telephone number of the contact person.
- (f) the eligibility of participating student(s) where it is disputable.

11. The Committee reserves the full and sole discretion to accept a team into the Competition even after the deadline with penalty of deducting one mark from each memorial score for each day of the delay.

12. The teams for the General Rounds of the Competition shall be no more than eight. The Committee reserves the discretion to determine the number of teams participating in the General Rounds in consideration of the level of social distancing, imposed by the government, in place. Such determination will be made based on the memo scores.

### *Team Coach*

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

- (a) The team coach shall 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 receive the following information:

- (a) individual moot number assigned to his/her team;
- (b) memorials of its opposing teams in the General Rounds;
- (c) any other material the Committee deems relevant.

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

- (a) distributing the information and material to each member of his/her team;
- (b) conveying enquiries or other correspondence for his/her team to the Committee;
- (c) verifying the declaration of the team members in 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 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 June 29<sup>th</sup>, 2021, on the website of the International Committee of the Red Cross Mission in Seoul at the following URL: <http://kr.icrc.org/category/announcement/>

### *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 make 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 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 e-mail ([jlee@icrc.org](mailto:jlee@icrc.org)) by July 9<sup>th</sup>, 2021. A request for clarification, if any, shall include a brief explanation of the expected significance of the question.

23. The Committee reserves absolute discretion to determine if it is necessary to respond to any request for clarification and the extent of its response to such request. If the Committee deems it necessary to respond to a request for clarification, the clarification will be distributed to all teams by July 19<sup>th</sup>, 2021, 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 e-mail ([jlee@icrc.org](mailto: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 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. name of the participating institution;
    - 2. 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. word count of the memorial; and
  - (b) The second cover sheet must have:
    - 1. 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. word count of the memorial.
28. Each memorial must have the page numbers (eg. 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 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 e-mail (to [seo\\_seoul@icrc.org](mailto:seo_seoul@icrc.org)) and dispatch via EMS or a similar express mail service 15 hard copies of the same memorials by 11:59 p.m. (Seoul time), August 22<sup>nd</sup>, 2021, to the Committee at the following address:

국제적십자위원회 한국사무소  
(우) 04535 서울특별시 중구 퇴계로 97  
고려 대연각타워 504 호

31. The 15 hard copies of the Prosecutor and Defendant memorials must be single-sided (i.e. reproduced on only one side of the paper).

32. The hard copies of the memorials must be securely stapled or bound together so that the stapling or binding will hold throughout the Competition. The memorials may not be held together by rubber bands, lightweight staples, paperclips, pins or other insecure means.

33. 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*

34. 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 September 1<sup>st</sup>, 2021, 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 shall compete against the same team twice in the General Rounds.

35. The Committee will distribute soft copies of the opposing teams' memorials to the respective contact persons on September 1<sup>st</sup>, 2021.

#### *Semi-Final Rounds*

36. 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.

37. 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 25<sup>th</sup>, 2021.

### *Final Round*

38. 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.
39. 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 25<sup>th</sup>, 2021.

### *Proceedings before the Court*

40. Each team shall consist of a first mooter and a second mooter, as designated by the team.
41. 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.
42. 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 court room 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) the oral hearing will then proceed as an ex parte hearing.
43. 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 in the order pursuant to Rule 41 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 Semi-Final 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.

44. 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.
45. 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.
46. Each team may reserve up to 10 minutes for rebuttal (for the Prosecutor) or surrebuttal (for the Defendant).
47. 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.
48. 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.
49. 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.
50. 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 45.
51. 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 five minutes. In the Final Round, the maximum extension of time granted to any mooter is at the discretion of the court.
52. 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.
53. 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).
54. All oral hearings are open to the public. However, the team coaches may only attend their own teams' hearings. Subject to venue capacity, the Committee may limit the number of spectators in a room in any rounds of the Competition.

55. 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.
56. 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.
57. 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.
58. 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 deduction in their score at the discretion of the Committee.

## **Assistance**

### *Memorials*

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

### *Assistance from Staff and Other Advisors*

60. Staff of the participating institutions and coaches, assistants or advisors shall restrict their advice to general matters, such as to a discussion of the issues, suggestions as to research sources, and a general commentary on structure, organization and flow of arguments, format, presentation and style.

## **Judging and Scoring**

### *Judges*

61. The oral hearings shall be assessed by at least three judges in the General Rounds, Semi-Final Rounds, and the Final Round. 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*

62. No memorial may be revised for whatsoever purpose once it has been submitted to the Committee.



63. Each memorial shall be assessed by no less than two judges appointed by the Committee, and at least one of them shall be 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.
64. 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*

65. In the General Rounds, scoring consists of two parts: the scoring of memorials and the scoring of the oral hearings.
66. 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.
67. 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 of the respective judges, may decide the team(s) advancing to the Semi-Final Rounds.

### *Semi-Final Rounds*

68. In the Semi-Final Rounds, there will be one oral hearing for each team and the team having a higher score against its opposing team will advance to the Final Round. The score consists of the following parts:
- (a) 100 points for the first mooter's pleading;
  - (b) 100 points for the second mooter's pleading.

### *Final Round*

69. In the Final Round, the court will determine the winning team based on their oral pleadings without scoring.

## **Awards**

70. 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 20<sup>th</sup> Red Cross International Humanitarian Law Moot (2022) for Asia-Pacific Region.

71. The runner-up team will be awarded with certificates and scholarship of 500,000 Korean Won.
72. The third place team will be determined based on the scores in the Semi-Final Rounds and be awarded with certificates and scholarship of 200,000 Korean Won.
73. All teams who successfully competed in the General Rounds will be awarded with certificates.
74. 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.
75. The Committee may in its discretion decide to award alternative prizes in lieu of the prizes described above.