



Faculty of Law  
University of Hong Kong



Hong Kong  
Red Cross



ICRC



School of Law  
City University of Hong Kong

# 6th Red Cross International Humanitarian Law Moot (2008)

*(An Inter-University Competition for Asia-Pacific Region)*

*Co-organized by the Hong Kong Red Cross and the International Committee of the Red Cross*

*in collaboration with the University of Hong Kong and City University of Hong Kong*

## The Rules

### General

1. The 6th Red Cross International Humanitarian Law Moot (2008) (the “Competition”) shall be run under the auspices of an Advisory Board, which shall have the power to:
  - i. co-opt members;
  - ii. appoint a Secretary and/or Assistant Secretary to administer the Competition;
  - iii. appoint judges; and
  - iv. amend and apply these rules as it thinks fit.

### Delegations and Teams

#### *Composition*

2. The Competition shall be open to not more than one delegation from each participating institution.
3. Each delegation shall send one team of two students. Each participating institution may also opt to include one student as a researcher (the “Researcher”) in its delegation.
4. Each delegation will represent either the Prosecutor or the Defendant. The roles of Prosecutor and Defendant will be allocated by means of a random draw conducted by the Advisory Board on or before 31st December 2007. Each delegation will be advised whether they represent the Prosecutor or the Defendant by means of e-mail on 3rd January 2008.

## *Eligibility*

5. Participating students shall be registered with the relevant participating institution as of 17th September 2007, either for a first degree in law or for any postgraduate qualification in law **below the level of a doctorate**. A person is ineligible to participate in the Competition if, as of 17th September 2007, he or she:
  - i. Is registered for **a doctoral degree in law**, at a participating institution or at any other institution;
  - ii. Holds any **doctoral degree in law**, regardless of the institution that conferred such **doctorate**;
  - iii. Holds a full time or part time teaching post in any tertiary institution; or
  - iv. Has been admitted or licensed to practice law in any jurisdiction.
6. Participating students need not be nationals of, or normally resident in, the country in which their participating institution is located.

## *Registration*

7. Each participating institution must notify the Secretary via e-mail (to [ihl@redcross.org.hk](mailto:ihl@redcross.org.hk)) by 21st December 2007 of:
  - i. The names of the two students and the researcher, if any, in its delegation;
  - ii. The law degree or programme in which each student and the researcher, if any, in its delegation is enrolled (e.g. LL.B.);
  - iii. The team coach, if any, who should be a law teacher, a legal practitioner, or a Red Cross legal officer, to accompany the delegation to Hong Kong; and
  - iv. The name, address, e-mail address, fax number and telephone number of a contact person, who should not be in a student status, as delegated by the participating institution.

## **[Download Registration Form](#)**

## *Contact Person*

8. Each contact person for a participating institution will be sent:
  - i. The individual moot number assigned to each of its team;
  - ii. Information relating to accommodation and transport in Hong Kong; and
  - iii. Any other relevant organizational material.

The contact person for each participating institution is responsible for distributing the foregoing information and material to each member of its delegation.

Communication between each delegation and the Secretary or Advisory Board through any person other than the relevant contact person for that delegation is at the risk of that delegation and its team.

## Substitute members

9. A delegation will normally not be permitted to make any substitution of its members after they have been registered under Rule 7.
10. In exceptional circumstances and with the express prior approval of the Secretary, a delegation may for the oral hearings of the Competition substitute a student registered as a member of its Prosecutor or Defendant teams with the student registered as its Researcher. Any other substitution of registered members of a delegation shall be permitted only in extraordinary circumstances and with the express prior approval of the Secretary.

## The Problem

### *Selection*

11. The Secretary shall have the sole power to determine the mooted problem to be used in the Competition.

### *Distribution*

12. The mooted problem will be distributed on 3rd December 2007 by posting on the website of the Hong Kong Red Cross at the following URL:  
<http://www.redcross.org.hk/moot6>
13. National or regional competitions organized by the International Committee of the Red Cross (ICRC) or other national or regional organization to determine eligibility to participate in this Competition can choose at their own discretion to adopt the same mooted problem or a different mooted problem.

### *Facts*

14. The facts in the dispute that constitutes the subject matter of the Competition are given in the mooted problem. No additional facts may be introduced into the mooted problem unless they are a logical and necessary extension of the given facts.

### *Clarifications*

15. Requests for clarification shall not be entertained unless the clarification would have material significance in the context of the mooted problem. In particular, teams should bear in mind that the mooted problem provides a limited set of facts. Teams should not use a request for clarification merely to obtain additional facts to those contained in the mooted problem.
16. Before making any request for clarification, a team must discuss the necessity for making such a request with the contact person for their delegation under Rule 8.

Any request for clarification of the moot problem shall be brought to the attention of the Secretary via e-mail (to [ihl@redcross.org.hk](mailto:ihl@redcross.org.hk)) by 3rd January 2008. A request for clarification, if any, must include a brief explanation of the expected material significance pursuant to Rule 15.

17. The Secretary shall have absolute discretion to determine whether it is necessary to respond to any request for clarification and to resolve such request in a manner in which he or she thinks fit. If the Secretary deems it necessary to respond to a request for clarification, such clarification shall be distributed to all teams by 8th January 2008 using the same method for distribution as used for distribution of the moot problem. Clarifications issued become part of the moot problem.

#### *Receipt of Problem and Clarifications*

18. Any team that is unable to receive the moot problem or any clarification in the manner distributed should notify the Secretary immediately via e-mail (to [ihl@redcross.org.hk](mailto:ihl@redcross.org.hk)), fax (at 852-2802-7359) or telephone (at 852-2802-0021), to arrange an alternative method of distribution.

### **The Memorials**

#### *Form and Length*

19. Each team shall submit a memorial for the Prosecutor or the Defendant, depending upon whom they are assigned to represent in the draw referred to in Rule 4.
20. Each memorial shall be typed with 1 ½ line-spacing, using 'Times New Roman' font in size 12.
21. Citations must be in the body of the text or in footnotes (not end notes) and should be in an intelligible form.
22. Each memorial must have two cover sheets:
  - i. The first cover sheet must indicate the name of the participating institution, the names of the two student members of the team, whether the memorial is for the Prosecutor or the Defendant, and the word count of the memorial; and
  - ii. The second cover sheet must have on it only the team's individual moot number which was supplied to the contact person of the team's relevant delegation upon registration (see Rule 8). (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.)
23. Each memorial shall not exceed 2000 words in length, including citations. In the event that any team submits a memorial of a length exceeding 2000 words, the

Secretary shall deduct marks from that team's memorial score out of 100 (calculated pursuant to Rule 57) according to the following scale:

- i. 1-50 words in excess – deduction of 5 marks;
- ii. 51-100 words in excess – deduction of 10 marks;
- iii. 101-200 words in excess – deduction of 20 marks; and
- iv. Over 200 words in excess – deduction of 30 marks.

24. In the event that any team violates any of the format requirements (pursuant to Rules 20-22), the Secretary shall deduct altogether 5 marks from the teams' memorial score out of 100 (calculated pursuant to Rule 57).

#### *Submission of Memorials*

25. Each team shall submit a copy of its memorial via e-mail (to [ihl@redcross.org.hk](mailto:ihl@redcross.org.hk)) by 5th February 2008, and must dispatch via speed post or any express mail service by that same day a computer disc containing the same memorial, together with 20 hard copies of the same memorial, to the Secretary at the following address:

The Secretary of the 6<sup>th</sup> Red Cross International Humanitarian Law Moot  
Hong Kong Red Cross Headquarters  
33 Harcourt Road  
Hong Kong S.A.R.

The copies of the memorial which are e-mailed and contained in computer disc must be in one of the following word processing formats: Microsoft Word for Windows (.doc), or Rich Text Format (.rtf). No other data format will be accepted without the express prior consent of the Secretary. The cover of computer disc should be prominently marked with the name of the participating institution, stating whether the memorial is for the Prosecutor or the Defendant, and the word processing format used.

26. The 20 hard copies of the memorials must be single-sided (i.e. reproduced on only one side of the paper).
27. The individual hard copies of the memorials must be securely stapled so that the stapling will hold throughout the Competition. Memorials should not be held together by rubber bands, lightweight staples, paperclips, pins or other insecure means.
28. In the event that any team fails to submit its memorial on time (pursuant to Rule 25), the Secretary shall deduct 5 marks for each calendar day from the team's memorial score out of 100 (calculated pursuant to Rule 57).

#### *Revision of Memorials*

29. A memorial may not be revised for any purpose whatsoever once it has been submitted.

## **Pairing of Opposing Teams**

### *General Rounds*

30. The Advisory Board 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 on or before 12th February 2008. No team shall compete against the same team twice in the general rounds.
31. After the draw has been conducted, the Secretary shall forward each team's memorial to the judges who will adjudicate that team's oral hearings in the general rounds of the Competition.
32. The Secretary will convene a meeting in Hong Kong, which all teams must attend, at 9:00 a.m. on Friday, 7th March 2008, at a venue to be advised. At the meeting, the Secretary will announce the results of the draw conducted under Rule 30, and will make available a copy of each team's memorial to its opposing teams.

### *Semi-Final Round*

33. The Advisory Board will determine which Prosecutor and Defendant teams will meet each other in the semi-final round of the Competition on the evening of 7th March 2008 after results of the general rounds have been available. No team shall compete against the same team already met in the general rounds as far as possible. Otherwise, the pairing of opposing teams will be determined by means of a random draw.
34. The Secretary will then announce the pairing result for semi-final round to the eligible teams, and will make available a copy of each team's memorial to its opposing team.

## **Oral Hearings**

### *General Rounds*

35. There shall be two general rounds of the Competition. Each team shall argue once in each general round.
36. Unless otherwise notified by the Secretary, the first and the second general rounds will be held on the afternoon and the evening respectively of Friday, 7th March 2008. The Secretary will give due notice to the contact persons for participating institutions of the venue of the first and second general rounds.

### *Semi-Final and Final Rounds*

37. There shall be a semi-final round of the Competition. Three teams each with highest aggregate scores (calculation pursuant to Rule 49) from the Prosecutor and Defendant side shall argue once in the semi-final round.
38. Unless otherwise notified by the Secretary, the semi-final and final rounds will be held in the morning and afternoon of Saturday, 8th March 2008 at the High Court of Hong Kong, 38 Queensway, Hong Kong in principle.

### *Rules Applicable to the General Rounds, Semi Final Round and the Final Round*

39. Each team shall consist of a first counsel and a second counsel, as designated by the team or by its relevant participating institution.
40. Each team shall speak for no more than 40 minutes. The first counsel and the second counsel for each team shall each speak individually for a minimum of 15 minutes.
41. 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).
42. Each team shall indicate at the beginning of its oral argument, how long each counsel will speak and how much time it intends to reserve for rebuttal or surrebuttal.
43. Either the first counsel or the second counsel 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 counsel to speak as specified in Rule 40.
44. The court may, in its discretion, extend the time for each counsel for good cause, provided that the maximum extension of time granted to any counsel shall not exceed 5 minutes.
45. Time shall be kept by a court clerk, who will warn counsels by appropriate means when they have:
  - i. 5 minutes left;
  - ii. 1 minute left;
  - iii. to conclude their address forthwith.
46. The order of the oral presentations shall be:
  - i. Prosecutor's first counsel;
  - ii. Prosecutor's second counsel;
  - iii. Defendant's first counsel;
  - iv. Defendant's second counsel;

- v. Rebuttal, if any (Prosecutor's first or second counsel);
  - vi. Surrebuttal, if any (Defendant's first or second counsel).
47. Every courtesy shall be given to oralists during oral hearings. Communication at the counsel table shall be in writing to prevent disruption, and teams and spectators shall avoid all unnecessary noise or other inappropriate behavior which distracts from the argument in progress.
  48. 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 delegations that include a Researcher, counsels shall not be permitted to communicate with the Researcher during the oral hearings and the Researcher shall not be permitted to sit with counsels at the counsel table.

#### *Semi-finalist Teams*

49. The three Prosecutor teams and the three Defendant teams with the highest average score out of 500 after the completion of the general rounds will meet in the semi-final round. Each team's average score out of 500 shall be determined by combining its memorial score out of 100 with the average of its two oral hearing scores out of 400 awarded in the general rounds, pursuant to Rules 56 through 59 below.
50. In the event that, after the completion of the general rounds, more than three Prosecutor teams or more than three Defendant teams have scores so that two or more of them have tied for eligibility for the semi-final round, then the Prosecutor or Defendant team to proceed to the semi-final round shall be the team from those which have the highest average score out of 400 for its oral hearings in the general rounds. In the further event that such teams are also tied in their average score out of 400 for oral hearings in the general rounds, the team which will proceed to the semi-final round shall be the team whose first counsel has the highest average score out of 200 for his or her oral hearings in the general rounds. Where more than two teams have tied, the Secretary shall apply this rule according to its principle to the tied teams.

#### *Finalist Teams*

51. The Prosecutor team and the Defendant team with the highest score out of 500 after the completion of the semi-final rounds will meet in the final round. Each team's score out of 500 shall be determined by combining its memorial score out of 100 with the average oral hearing scores out of 400 awarded in the semi-final round, pursuant to Rules 56 through 59 below.
52. In the event that, after the completion of the semi-final round, any two Prosecutor teams or two Defendant teams tie for the highest score out of 500, the Prosecutor



or Defendant team which will proceed to the final round shall be the team which has the highest average score out of 400 for its oral hearings in the semi-final round. In the further event that both such teams are also tied in their average score out of 400 for oral hearings in the semi-final round, the team which will proceed to the final round shall be the team whose first counsel has the highest average score out of 200 for his or her oral hearings in the semi-final round.

## **Assistance**

### *Memorials*

53. All research, writing and editing relating to the memorial must be work of the team of two students submitting that memorial, except that:
  - i. if a participating institution has registered a Researcher as a member of its delegation pursuant to Rule 7, the Researcher may assist in the research, writing and editing of the memorials of both teams in the delegation.

### *Oral Hearings*

54. Each participating institution shall be permitted to arrange practice moots.

### *Assistance from Staff and Other Advisors*

55. Staff of the 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 a general commentary on structure, organization and flow of arguments, format, presentation and style.

## **Judging and Scoring**

56. Scoring shall consist of two parts: the scoring of memorials and the scoring of the oral hearings.
57. Each memorial shall be assessed by two judges, at least one of whom is a current or former judge, lawyer, or law teacher, or otherwise experienced in the field of international law. The judges will be supplied with copies of the memorials with cover sheets showing only the teams' individual moot numbers. The maximum score for each memorial shall be 100. The score for each memorial shall be the average of the scores out of 100 awarded by the two judges assessing their memorials.
58. The oral hearings shall be assessed by two judges in each oral hearing of the general and semi-final rounds and by at least three judges in the oral hearing of the final round. At least one judge in each oral hearing of the general rounds and

the semi-final round, and at least two judges in the oral hearing of the final round, shall be a current or former judge, lawyer, or law teacher, or otherwise experienced in the field of international law. In each general round, semi-final round and in the final round, the maximum score for each counsel shall be 200 and the maximum score for each team's oral hearing shall be 400.

59. The decision of the judges shall be final.

### **Awards**

60. The winning team shall be the team participating in the final round with the highest aggregate score out of 500, after combining its memorial score out of 100 and its oral hearing score in the final round out of 400. The other team participating in the final round shall be the runner-up team.
61. The winning team shall be awarded a trophy and the prize of an overseas field trip, which will worth equivalent to a maximum of USD800 per person (first and second counsels) that will enhance the understanding on the application of the International Humanitarian Law.
62. The runner-up team shall be awarded a certificate and the prize of a field trip, which will worth equivalent to a maximum of USD400 per person (first and second counsels), to a country in the Asia-Pacific region, including a visit to an ICRC regional or country delegation.
63. The top ten teams with highest average score out of 500 in the general rounds will be announced in alphabetical order without making known their respective scores.
64. The counsel with the highest average score out of 200 in the oral hearings of the two general rounds shall be adjudged the Best Mooter and shall be awarded a certificate.
65. The counsel with the second highest average score out of 200 in the oral hearings of the two general rounds shall receive an honorable mention and shall be awarded a certificate.
66. The top ten teams with highest average score out of 100 in the memorial will be announced in alphabetical order without making known of their respective scores.
67. The memorial with the highest average score out of 100 shall be adjudged the Best Memorial and the team that submitted such memorial shall be awarded a certificate.

68. The Advisory Board may in its discretion decide to award alternative prizes in lieu of the prizes described above.

### **Interpretation of Rules**

69. The Advisory Board shall have absolute discretion to resolve any question concerning the interpretation of these rules. If there is not sufficient time for the Advisory Board to meet, the Secretary or Assistant Secretary shall have absolute discretion to resolve any such question.