



Hong Kong
Red Cross



ICRC



Faculty of Law
The University of Hong Kong



School of Law
City University of Hong Kong



Faculty of Law
The Chinese University of Hong Kong

8th Red Cross International Humanitarian Law Moot (2010)

(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, City University of Hong Kong and the Chinese University of Hong Kong

The Rules

General

1. The 8th Red Cross International Humanitarian Law Moot (2010) (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 as mooters. 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 2009. Each delegation will be advised whether they represent the Prosecutor or the Defendant by means of e-mail on or before 6th January 2010.

Eligibility

5. Participating students shall be registered with the relevant participating institution as of 21st September 2009, either for a first degree in law, including Juris Doctor (JD), 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 21st September 2009, he or she:
 - i. Is registered for a doctoral degree in law, excluding JD, 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 or has held a full time or part time teaching post in law at 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.
7. A person is ineligible to participate in the Competition if he or she has already participated twice in previous years, regardless of acting as mooter or researcher. Participating students must make a declaration when registering for the Competition that they have not participated twice in previous years whether as a mooter or as a researcher. This declaration must be verified by the respective team coach or by the contact persons delegated by the participating institution under Rule 9. Any false declaration could lead to disqualification of the entire delegation concerned.
8. The Advisory Board, or the Secretary or Assistance Secretary pursuant to Rule 87, shall have absolute discretion to determine the eligibility of participating students in case of disputable circumstances.

Registration

9. Each participating institution must notify the Secretary via e-mail (to ihl@redcross.org.hk) by 18th December 2009 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 number of times the students have participated in the Competition before;

- iv. 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
- v. 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](#)

Team Coach

10. Each delegation may be accompanied by a team coach to Hong Kong pursuant to Rule 9. The team coach of individual delegation, if any, should be responsible to confirm the declaration made by its participating students as mentioned under Rule 7.
11. To expand the participation of individual delegations with sharing of their expertise, team coaches may be invited to participate as judges of general rounds of the Competition. Team coaches are invited to provide a brief curriculum vitae detailing their academic attainments for the consideration and approval by the Advisory Board.
12. The Secretary of the Competition's Organizing Committee will notify individual delegations' team coaches about the approval results of the Advisory Board for the purpose of Rule 11 by the mid of February 2010.

Contact Person

13. 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.
14. The contact person for each participating institution is responsible for:
 - i. Distributing the information and material as mentioned in Rule 13 to each member of its delegation;
 - ii. Conveying enquiries or other correspondence for that delegation to the Secretary;
 - iii. Confirming the declaration of participating students in absence of team coach of the delegation pursuant to Rule 7; and
 - iv. Distributing memorials of opposing teams to be met in general rounds as mentioned in Rule 38 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

15. A delegation will normally not be permitted to make any substitution of its mooters and researcher after they have been registered under Rule 7.
16. In exceptional circumstances and with the express prior approval of the Secretary, a delegation may for the oral hearings substitute a student registered as a member of its mooters 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.
17. The eligibility of substitute members will be the same as other participating students pursuant to Rule 5.

The Problem

Selection

18. The Secretary shall have the sole power to determine the mooting problem to be used in the Competition.

Distribution

19. The mooting problem will be distributed on 10th December 2009 by posting on the website of the Hong Kong Red Cross at the following URL:
<http://www.redcross.org.hk/moot8>
20. 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 mooting problem or a different mooting problem.

Facts

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

Clarifications

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

delegation under Rule 9. 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) by 31st December 2009. A request for clarification, if any, must include a brief explanation of the expected material significance pursuant to Rule 22.

24. 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 18th January 2010 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

25. 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), fax (at 852-2802-7359) or telephone (at 852-2802-0021), to arrange an alternative method of distribution.

The Memorials

Form and Length

26. 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.
27. Each memorial shall be typed with 1 ½ line-spacing, using 'Times New Roman' font in size 12.
28. Citations must be in the body of the text or in footnotes (not end notes) and should be in an intelligible form.
29. 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 in the order of the oral hearings, 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 (see Rule 13). (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.)
30. Each memorial shall **not exceed 2000 words in length**, which **should include everything**, like citations, footnotes, endnotes, etc. 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 70) 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.

31. In the event that any team violates any of the format requirements (pursuant to Rules 26-29), the Secretary shall deduct altogether 5 marks from the teams' memorial score out of 100 (calculated pursuant to Rule 70).

Submission of Memorials

32. Each team shall submit a copy of its memorial via e-mail (to ihl@redcross.org.hk) by 5th February 2010, and must dispatch via speed post or any express mail service on or before the same day (according to post mark) a CD/DVD containing the same memorial, together with 20 hard copies of the same memorial, to the Secretary at the following address:

The Secretary of the 8th 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 CD/DVD must be in one of the following word processing formats: Microsoft Word (.doc), or Rich Text Format (.rtf). No other data format will be accepted without the express prior consent of the Secretary. The cover of CD/DVD 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.

33. The 20 hard copies of the memorials must be single-sided (i.e. reproduced on only one side of the paper).
34. 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, while binding on the edge is not necessary.
35. In the event that any team fails to submit its memorial on time (pursuant to Rule 32), the Secretary shall deduct 5 marks for each calendar day from the team's memorial score out of 100 (calculated pursuant to Rule 70).

Revision of Memorials

36. A memorial may not be revised for any purpose whatsoever once it has been submitted.
37. Except as permitted by Rule 48, a team's oral hearings are limited to the arguments presented in the teams' memorial.

Pairing of Opposing Teams

General Rounds

38. 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 2010. No team shall compete against the same team twice in the general rounds.
39. 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.
40. The Secretary will distribute to the respective contact persons by email copies of memorials of individual delegations' opposing teams, pursuant to Rule 14, seven days before the general rounds, i.e. on 26th February 2010 at around 11:00 – 12:00 (HK time). Hard copies of the same memorials will also be available at request at the Briefing Session as mentioned in Rule 85.
41. Any team that is unable to receive the memorials of its opposing teams should check with their respective contact person first, while the contact person should notify the Secretary via email (ihl@redcross.org.hk), fax (at 852-2802-7359) or telephone (at 852-2802-0021) for being unable to receive memorials in a reasonable time after the distribution time as mentioned in Rule 40 to arrange an alternative method of distribution.

Semi-Final Round

42. 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 5th March 2010 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.
43. 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

44. There shall be two general rounds of the Competition. Each team shall argue once in each general round.
45. 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, 5th March 2010. 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

46. There shall be a semi-final round of the Competition. Three teams each with highest average scores in general rounds (calculation pursuant to Rule 61) from the Prosecutor and Defendant side shall argue once in the semi-final round.
47. Unless otherwise notified by the Secretary, the semi-final and final rounds will be held in the morning and afternoon of Saturday, 6th March 2010 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

48. As set out in Rule 37, a team's oral hearings are limited to the arguments presented in the team's memorial. Any change in the direction of the arguments presented in the team's memorial during the oral hearings will be subject to a deduction of marks, unless the change during the oral hearings reflects developments in the law after the date of submission of the memorial pursuant to Rule 32.
49. Each team shall consist of a first counsel and a second counsel, as designated by the team or by its relevant participating institution.
- 49a. 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:
 - i. A court clerk will confirm the presence of both teams.
 - ii. If one team is absent, the court clerk will inform the judges and notify the Secretary.
 - iii. Once the Secretary 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.
 - iv. 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.
 - v. The oral hearing will then proceed as an ex parte hearing.
 - vi. The opposing team that presents in the court will receive scores pursuant to Rules

69 through 72.

- 49b. In the event that only one counsel of a team presents for a scheduled oral hearing, the court clerk will notify the Secretary. Once the Secretary has been notified, the court clerk will announce the start of the oral hearing. The oral hearing will proceed on the following basis:
- i. The counsel of the team appearing alone shall speak in the oral hearing and receive an individual score from the judges pursuant to Rule 71. This score shall be assessed for the award of the Best Mooter pursuant to Rule 78. If this is a counsel of the Prosecutor team, he or she will speak first, or if from the Defendant team will then speak after the Prosecutor team in the order pursuant to Rule 58.
 - ii. If one team is absent, the court clerk will inform the judges and notify the Secretary.
 - iii. The team with only one counsel will forfeit all scores as a team for that round of the Competition.
 - iv. The opposing team with both counsel present will be heard and scored normally by the judges and receive scores as a team for that round of the Competition.
50. Each team shall not, in any circumstance, be permitted to mention anything about their background (including country, city, university, etc.), which would otherwise be subject to a deduction of a fixed mark of 20 from the total score out of 200 of the counsel in concern, and in turn affect the team's score out of the total of 400 in each of the oral hearings, pursuant to Rule 71.
51. 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.
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 hearings, and the scope of the Defendant's surrebuttal is limited to responding to the Prosecutor's rebuttal.
54. 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.
55. 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 51.

56. 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.
57. Time shall be kept by a court clerk, who will warn counsel by appropriate means when they have:
 - i. 5 minutes left;
 - ii. 1 minute left;
 - iii. to conclude their address forthwith.
58. The order of the oral hearings 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).
59. 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.
60. 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, counsel shall not be permitted to communicate with the researcher during the oral hearings and the researcher shall not be permitted to sit with counsel at the counsel table.

Semi-finalist Teams

61. 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 69 through 72 below.
62. 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 adopt his discretion pursuant to Rule 87 to discuss with the respective judges and the decision after discussion shall be final.

Finalist Teams

63. The Prosecutor team and the Defendant team with the highest aggregate score out of 400 after the completion of the semi-final rounds will meet in the final round. Each team's score out of 400 shall be purely calculated based on the aggregate oral hearing scores out of 400 awarded in the semi-final round, pursuant to Rules 71 through 72 below.
64. 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 400, the Prosecutor or Defendant team which will proceed to the final round shall be the team which memorial has the highest average score out of 100. In the further event that both such teams are also tied in their average score out of 100 for their memorials, 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.
65. The Secretary shall apply the same rule as mentioned in Rule 64 according to its principle to tied case in the final round.

Assistance

Memorials

66. 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 9, the researcher may assist in the research, writing and editing of the memorials for the delegation.

Oral Hearings

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

Assistance from Staff and Other Advisors

68. 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

69. Scoring shall consist of two parts: the scoring of memorials and the scoring of the oral hearings.
70. 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.
71. The oral hearings shall be assessed by at least two judges in each oral hearing of the general rounds and by at least three judges in the oral hearings of semi-final and final rounds. 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.
72. The decision of the judges shall be final.
73. All teams are prohibited from requesting for or receiving their marks or scoresheets.

Awards

74. The winning team shall be the team participating in the final round with the highest aggregate score out of 400 based on its oral hearing score in the final round. The other team participating in the final round shall be the runner-up team.
75. 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 (restricted to mooters) that will enhance the understanding on the application of the International Humanitarian Law.

76. 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 (restricted to mooters), to a country in the Asia-Pacific region, including a visit to an ICRC regional or country delegation.
77. The top ten teams, five teams from each of Prosecutor and Defendant sides, with highest average score out of 500 in the general rounds will be announced in alphabetical order without making known their respective scores.
78. 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.
79. The counsel with the second and third highest average score out of 200 in the oral hearings of the two general rounds shall receive the first and second honorable mention respectively and shall each be awarded a certificate.
80. The top five counsel with highest average score out of 200 in the oral hearings of the two general rounds will be announced in alphabetical order without making known their respective scores.
81. 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.
82. The memorials with the second and third highest average score out of 100 shall be adjudged the first and second honourable submission respectively and shall each be awarded a certificate.
83. 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.
84. The Advisory Board may in its discretion decide to award alternative prizes in lieu of the prizes described above.

Briefing Session and Seminar

85. The Secretary will convene a meeting in Hong Kong, which all teams must attend (restricted to all participating students, local and overseas alike, at 2:30 p.m. on Friday, 5th March 2010, at Room 726, Knowles Building, The University of Hong Kong. At the meeting, the Secretary will provide a briefing to all participating teams.
86. There will not be any seminar to be held during the mooted competition.

Interpretation and Application of Rules

87. The Advisory Board shall have absolute discretion to resolve any question concerning the interpretation and application 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.