

15th Henry Dunant Memorial Moot Court Competition 2015

Organised by

The Indian Society of International Law

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The International Committee of the Red Cross (ICRC)

Henry Dunant Memorial Moot Court Competition: Rules and Guidelines

1. Introduction

The International Committee of the Red Cross (ICRC) is a private, independent humanitarian organisation, based in Geneva, Switzerland. The ICRC has been conferred a mandate by the international community to protect and assist persons affected by armed conflict.¹ This mandate includes the promotion and development of International Humanitarian Law (IHL), including in times of peace. In the fulfilment of this responsibility, the ICRC is active in disseminating and promoting IHL in academic circles. This includes developing IHL curricula for universities, conducting university teacher training programmes in IHL and organizing events such as the Henry Dunant Memorial Moot Court Competition.

The Indian Society of International Law (ISIL) was founded in 1959 and was inaugurated in the same year by Pandit Jawaharlal Nehru, the first Prime Minister of independent India. The principal objective of the ISIL is to “foster nation wide, the study and development of International Law and to encourage the comparative study of the application of International Law in other States”. The ISIL has been publishing the since its inception, which has attained a high standard and is held in great esteem the world over. It also publishes the ISIL Yearbook on Humanitarian and Refugee Laws. The ISIL runs post graduate diploma courses on International Law & Diplomacy; Human Rights, International Humanitarian & Refugee Laws and International Trade and Business Laws. It has been actively collaborating with the ICRC in organising the Henry Dunant Memorial Moot Court since 2001.

1.1. The Moot Court

In 2001, ICRC Regional Delegation for South Asia initiated the Henry Dunant Memorial Moot Court Competition, with the aim of promoting better awareness of IHL among law students at universities throughout India. This competition is named in memory of Mr Henry Dunant, the co-founder of the ICRC and the Red Cross and Red Crescent Movement in 1863.

The reputation and status of the Henry Dunant Memorial Moot Court Competition has grown steadily since its inception in 2001. The national Moot Court has grown to include more than 60 teams, representing universities from across India. The success of the competition prompted the ICRC, in collaboration with its partner organisation for this activity, the ISIL, to expand the Moot Court beyond India in 2005. As a result, in 2005 the Henry Dunant Moot

¹ The ICRC's initial mandate is derived from the 1949 Geneva Conventions and their 1977 Additional Protocols. The ICRC's mandate was expanded by the Statutes of the Red Cross and Red Crescent Movement, which were agreed upon by the States Parties to the Geneva Conventions. To date, 194 countries have ratified the 1949 Geneva Conventions.

Court Competition was expanded to include a regional competition, drawing teams from countries across South Asia.

The regional Moot Court competition will follow national and regional competitions (as applicable) that will take place in each participating country. Winning teams from each of the respective countries will participate in the regional competition, which will be held in one of the participating countries approximately one month after the completion of national level competitions. Winners of the regional moot court competition will represent South Asia in Asian Moot Court competition in Hong Kong.

1.2. Objectives

The principal objective of the Henry Dunant Memorial Moot Court Competition is to develop an increased awareness and interest in IHL in academic institutions throughout South Asia. A further objective is to use IHL to further academic excellence in the student community, and to develop their advocacy skills in an environment of friendly competition.

2. Administration and General Rules

The official name of the competition is *The Henry Dunant Memorial Moot Court Competition* (the "*Moot Court*"). The ICRC and ISIL are the official organisers of the National Moot Court competition in India. National competitions in other participating countries will be organised by the ICRC, in collaboration with partner institutions, including Kathmandu School of Law in Nepal, Dhaka University in Bangladesh and the University of Colombo in Sri Lanka. The South Asian Regional Moot Court competition will be organised in any of the participating countries jointly by the ICRC Regional Delegation in New Delhi, the ICRC delegation in the respective country and a partner organisation.

2.1. Eligibility

All universities, colleges, and institutions imparting legal education on a regular or evening basis in a program of study that leads to a Bachelors degree in law (LL.B / BL) or Masters in law (LL.M / ML) are eligible to participate in the Moot Court competition. All students enrolled on a full time or evening basis in a program of study leading to or equivalent to a Bachelors degree in law (LL.B / BL) or Masters in law (LL.M / ML), are eligible to participate. Students who have participated in this Moot Court competition on a previous occasion are not eligible to participate again.

2.2. Official Language

The official working language of the Moot Court is English.

2.3. Team Composition

Each participating university/college/institute shall nominate only one team consisting of **three** student members, plus a coach from the faculty of the university/college/institute that they represent.

2.4. Assistance to Teams

All research, writing and editing of written memorials for the Moot Court must be the exclusive product of the team members. Faculty members, coaches and team advisors of the participating team may only render external assistance to the team. During oral presentation, consultation with coaches shall be strictly prohibited.

2.5. Implementation and Interpretation of Rules

Regarding Moot Court practice and procedures, the final decision on the interpretation and implementation of rules lies with the organisers.

2.6. Application of Rules

Rules contained in this document will be applicable to the Indian National Moot Court competition and the Regional Moot Court competition.

Except where otherwise indicated, these rules are also applicable to the National Moot Court competitions that are organised by the ICRC in Bangladesh, Iran, Nepal, Pakistan, and Sri Lanka, as well as such other countries that may participate in the future.

There are rules specified in addendum, which will be applicable to those countries where the number of participating teams is less than eight. (refer addendum). With the exception of rules in addendum, all other rules and guidelines contained in this document will apply to the competition.

3. Rules for Oral Pleadings and Procedures

In view of the growing number of teams participating in the Indian national round Moot Court competition, in 2007, the organising committee decided to introduce quarter-final round. Since 2007 onwards, the Moot Court in India shall consist of preliminary, quarter final, semi final and final rounds. In other countries (i.e.) Bangladesh, Iran, Nepal, Pakistan and Sri Lanka, there will not be a quarter final round competition. In these countries the moot court shall consist of preliminary, semi final and final round of competition (The top four teams will qualify for the semi-final in these countries). The method of awarding marks will be same as for the Indian competition.

The Moot Court problem for all rounds, including all national and regional competitions, shall be the same. The Moot Court problem shall be prepared annually by a suitably qualified person(s), to be selected by the organisers. The person(s) selected to prepare the problem shall be provided with instructions by the organisers concerning the nature, scope and issues that should be included in the problem.

3.1. Rules for the Preliminary Rounds

- All participating teams in the competition will be divided by the organisers into various groups, depending upon the number of teams participating in the competition.
- Where necessary, more than one court room will be provided for all competitions, in order to facilitate the smooth functioning of the Moot Court competition.

- Teams shall argue cases against each other; the matching of teams will be decided by a draw of lots prior to the commencement of the competition.
- During the preliminary rounds, each team will have the opportunity to argue both sides; once as the prosecution and once as the defence.

- Time allotted for arguments will be 10 + 2 minutes for the prosecution and 10+2 minutes for the defence. Extra time will be given to answer questions asked by the judges.
- There will be time allotted for rebuttals. Each team will be allowed 3 minutes for rebuttals during the preliminary rounds.
- Both selected members of the team shall make oral presentations during the each round. The presentations shall be divided equally among the Moot Court participants.

3.2. Rules for the Quarter Final Rounds

- In India, the top sixteen teams from the preliminary rounds shall qualify to participate in the quarter-final. Selection will be based upon the marks awarded by the organising committee after the evaluation of written memorials, plus the marks awarded by judges for the oral presentations by teams during the preliminary rounds.
- The arrangement of teams selected for the quarter-final rounds shall be as follows:
 - In India, those teams that have qualified for the quarterfinal will be divided in to four groups – Group A, Group B, Group C, and Group D.
 - The team that attained the highest score in the preliminary round will compete against the team that attained the ninth highest score.
 - The team with the second highest score will compete against the team with the tenth highest score.
 - The team with the third highest score will compete against the eleventh highest score.
 - The team with the fourth highest score will compete with the twelfth highest score.
 - The team with the fifth highest score will compete with the thirteenth highest score.
 - The team with the sixth highest score will compete with the fourteenth highest score
 - The team with the seventh highest score will compete with the fifteenth highest score
 - The team with the eighth highest score will compete with the sixteenth highest score
- The quarter-final rounds will be conducted during the afternoon session of the 3rd day of the competition.

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- The sides to be argued by teams will be decided by a draw of lots, prior to the commencement of the quarterfinal round of the competition. Each team shall argue both prosecution and defence during the quarterfinal round.

There shall be a break after the first round of arguments. After the break, the teams will change, switch over their position and will have to argue against a new team, as follows:

- The team that argued on behalf of the prosecution in the first round will have to argue on behalf of the defence in the second round against a new team. The team that argued on behalf of defence in the first round will have to argue on behalf of the prosecution during the second round against a new team/new set of judges.
- Each team will be allotted a total of 15 minutes to present its argument during the quarter-final rounds. There will be a warning bell at the end of 12 minutes and there will be a final bell at the completion of the allotted time of 15 minutes.
- There will be extra time allotted to respond to the questions posed by the judges, as necessary. Three minutes will also be allotted for each team for rebuttal in each round.
- Participating teams will be required to strictly follow the time limits.

3.3 Rules for the Semi-Final Round

- In India, the top four teams from the quarter-final rounds shall qualify to participate in the semi-final. Selection will be based upon the marks awarded by the organising committee after evaluation of the written memorials, plus the marks awarded by judges for the oral presentations by teams during the quarter-final rounds.
- The arrangement of teams selected for the semi-final rounds shall be as follows:
 - In India, those teams that have qualified for the semi-final round will be divided into two groups – Group A, and Group B.
 - The team that attained the highest score in the quarter-final round will compete against the team that attained the third highest score.
 - The team with the second highest score will compete against the team with the fourth highest score.
- The semi-final rounds will be conducted during the morning session of the final day of the competition.
- The sides to be argued by the teams will be decided by a draw of lots, prior to the commencement of the semi-final rounds of competition. There shall be two rounds of oral argument during the semi-finals.
- During the semi-final rounds, the teams will be required to argue on behalf of both prosecution and the defence.

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- There shall be a break after the first round of arguments. After the break, the teams will change, switch over their position and will have to argue against a new team, as follows:
 - The team that argued on behalf of the prosecution in the first round will have to argue on behalf of the defence in the second round against a new team. The team that argued on behalf of defence in the first round will have to argue on behalf of the prosecution during the second round against a new team.

Each team will be allotted a total of 15 minutes to present its argument during the semifinal rounds. There will be a warning bell at the end of 12 minutes and there will be a final bell at the completion of the allotted time of 15 minutes.

- There will be extra time allotted to respond to the questions posed by the judges, as necessary. Three minutes will also be allotted for each team for rebuttal in each round.
- Participating teams will be required to strictly follow the time limits.
- Written memorials marks will not be taken into consideration during the marking of semifinal rounds. Only the marks awarded by the judges during the oral round of presentation will be considered to select the finalists.

3.4. Rules for the Final Round

- The top two teams from the semi-final rounds will be selected to compete in the final round of the Moot Court competition.
- The final round of the competition will take place during the second session of the final day of the competition.
- The sides to be argued by the teams will be decided by a draw of lots prior to the commencement of the final round of the competition. There shall be two rounds of arguments by the final teams.
- There shall be break after the first round of arguments. After the break, the team that argued on behalf of the prosecution in the first round will be required to argue on behalf of the defence; the team which argued on behalf of the defence in the first round will be required to argue on behalf of the prosecution during the second round of the arguments.
- Each team will be permitted to speak for a total of 20 minutes during the final round. There will be a warning bell at the end of 15 minutes and a final bell at the end of the allotted time.
- There will be extra time (5 Minutes) allotted to each team, as necessary, to respond to questions posed by judges. Each team will have three minutes for rebuttal in each round.

4. Memorials

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4.1. Submission of Memorials

Each participating team shall prepare both memorials and counter memorials, in English. All teams are to submit their copies to the organisers before the deadline specified by the organising committee in its invitation letter. As a general rule this will be one week prior to the start of the Moot Court competition. Failure to do so will result in disqualification from the competition.

Four copies of each memorial and counter memorial in paper (hard copy) shall be submitted to the organising committee. During oral presentations, the participating teams should retain copies of their memorials for their personal use. The copies submitted to the organising committee will not be returned to the participants under any circumstances. There will be exchange of memorials between the teams during the competition.

All memorials shall be prepared to the following specifications:

- Memorial or counter memorial shall not be more than 25 typed pages.
- Memorials must be typed and submitted on standard A4 size paper.
- Font and size of the text of all parts of the memorial (excluding footnotes) must be the same and must be in either Times New Roman 12 or Arial 11 font size.
- The texts of all parts of each memorial must be double-spaced, with one inch margin on both sides.
- The text of footnotes and headings may be single-spaced. The font size of footnotes must be 2 points less than the text font.
- There must be double spacing between separate footnotes and between each heading and the body text of the memorial.
- Quotations of sources outside of the memorial of fifty words or more in any part of the memorial shall be block quoted and must be single-spaced.
- The table of Contents, Index of Authorities and Case Title are not included in the 25 typed pages limit.

4.2. Description of Memorials

The Memorial shall consist of the following parts:

- Table of Contents
- Index of Authorities (including corresponding page numbers)
- Statement of Jurisdiction
- Identification of Issues
- Statement of Facts
- Summary of Pleadings
- Pleadings including the Conclusion and/or Prayer for Relief.

5. Criteria for assessment

The assessment of the teams during the Moot Court competition shall be out of a maximum of 100 marks, set out as follows:

Written Memorials	30 Marks
Appreciation of Fact and Law	15 Marks
Advocacy (Arguments, Framing of Issues, expression and articulation)	30 Marks
Use of Authorities and Citations	15 Marks
General Impression and Court Manner	10 Marks

- The written memorials submitted by participating teams shall be evaluated by an expert(s) appointed by the organising committee and marks will be awarded for them.
- These marks will be taken into consideration, along with marks awarded by judges for the teams during the oral presentation made by them, in the preliminary round of competition.
- The teams who secured the top eight positions will be selected to participate in semifinal round competition only.
- Top two teams will be selected based upon their performance on oral presentation made by them during semi-finals. The written memorial marks will not be taken into consideration to select the teams for the semi-final and final rounds of competition.
- Winners of the final round will be selected based upon their oral performance during the final round of competition, written memorial marks of the teams will not be taken into consideration to select the winners of the Henry Dunant Memorial Trophy.

6. Awards and Prizes

Awards and prizes will be awarded for the National and Regional Moot Court competitions, as follows:

- The Henry Dunant Memorial Moot Court Competition winners will be awarded a "Running Trophy", medals for the three participants of the team, and certificates.
- The Runners up team will be awarded individual medals and certificates.
- There will be a Best Advocate prize. This prize will be awarded to the participant who is judged by the organising committee to have performed best during her/his oral presentations.
- There will be a Best Memorial prize. All the memorials, which are submitted to the organising committee of the competition, will be evaluated and the best memorial will be chosen among them to award this prize.
- Each participant in the Henry Dunant Memorial Moot Court Competition will be given a certificate of participation.
- The coaches and advisers of the participating teams will not be entitled to receive any kind of certificate or award.
- Since the trophy of Henry Dunant Moot Court Competition is a "Running Trophy", it is the responsibility of the head of the institution/college/university of the winning team to ensure that the trophy is returned to the organising committee, in New Delhi, within eight months of the date of award, at the expense of the winning team's institution/college/ university.

7. Miscellaneous Rules of the Competition

- Upon completion of the competition, the organising committee reserves the exclusive right to use the memorials submitted to them, as they deem appropriate.
- Participating teams should carry with them required study or reference materials for their own use during the oral rounds of competition.
- Participating teams shall be expected to maintain the proper decorum of the courtroom during the proceedings and shall conduct themselves in a manner befitting the legal profession.
- The organising committee reserves the right, at its sole discretion, to take appropriate action for any unethical, unprofessional and wrongful conduct during the entire period of the Moot Court competition.
- The organising committee's decision as regards the interpretation of these rules or any other matters related to the Moot Court competition shall be final and binding. If there is any situation, which is not covered by these rules, the decision of the organising committee shall be final.
- The organising committee reserves the right to amend, modify or repeal any of the rules if so required and as they deem appropriate. Participating teams shall receive adequate notice of any/all such amendments or modifications to the rules.
- The organising committee shall not be held responsible for any loss or non-delivery of the Memorials.

8. Rules Regarding the Judges

8. 1. Judges

- A person appointed as a Moot Court judge should be well versed in the subject of International Law, in general, and International Humanitarian Law, in particular. Judges are expected to be aware of the procedure involved in mooting and the rules.
- Judges may be selected from the following categories:
 - Academicians,
 - Legal advisers to the Government/armed forces/diplomats,
 - Serving or retired judges of the Supreme Court or the High Court, or
 - Senior advocates of the Supreme Court or the High Court.
- The judges who have presided over the preliminary rounds/quarter final rounds will not judge the advanced rounds. If under exceptional circumstances, which will be determined by the organising committee, a judge from a preliminary rounds/quarter final rounds is required to judge at an advanced round, then he/she will not judge the team he/she has judged during the preliminary rounds/quarter final rounds.
- For the final round of the competition a fresh team of judges will be appointed.
- There should be a full bench of three judges for every session. It is preferable to have a full bench for all the rounds of the competition.

- No faculty advisers, team coaches or other persons directly affiliated with a team shall act as judges at any level of the competition. The organising committee (members of the ICRC and its partner organizations) shall not act as judges in any of the rounds of the competition. Students shall not serve as judges.

- The Bench Memorandum shall be distributed to the Judges for the purposes of briefing them on the legal issues addressed in the Moot Court competition. The contents of the Bench Memorandum are strictly confidential.

8. 2. Rules for the Judges

- All written memorials and oral presentations should have a minimum score.
- Judges are instructed to follow the time limit as closely as possible. Interventions from the judges are permitted at any stage of the presentations; however these interventions must be relevant to the issues and be kept to a minimum, so as not to disrupt the presentations of the participants.
- Three minutes per team should be provided for rebuttal during the semi-final and final rounds. Two minutes per team will be permitted for rebuttals during the preliminary rounds of the competition.

8. 3. Commentary by Judges

Judges in any round of the competition are encouraged to provide direct feedback to teams regarding the team's performance, at the completion of the round. In providing such feedback, Judges are cautioned to give due regard to the time limitations and the schedule of the competition as a whole.

9. Anonymity

To ensure the smooth functioning of the Moot Court and avoid any perception of bias during the competition, the organising committee maintains anonymity of the college/university/institute names throughout the competition. To ensure this the organising committee will allocate a code number to each participating team in the competition. This code is to be applied by the organising committee to the participating teams during the competition, including on their written memorials.

10. Accommodation and Travel

- The organising committee will provide accommodation and meals to members of the participating teams for the duration of the competition, where it is required.
- For the Indian National Moot Court competition and the Regional Moot Court competition, ISIL will be responsible to coordinate travel, accommodation and meals for all participating teams.
- The ICRC and its partner organisations will be responsible for coordinating all administrative arrangements, including travel, accommodation and meals, for participants in their respective national competitions.

11. Questions, Complaints and Suggestions

Any feedback concerning the organisation or conduct of the Moot Court should be directed directly to the organisers. Formal complaints or suggestions for improvement of the

competition should be addressed formally, in writing, to the Regional Legal Adviser for South Asia, ICRC or ISIL.

These Henry Dunant Memorial Moot Court Competition Rules and Guidelines were finalised on this the 5th day of June 2006 at New Delhi, INDIA and further amended on 1st day of June 2012 at New Delhi in consultation with the participating countries.

ADDENDUM

Specific Rules for National Moot Court Competitions in Countries² where Number of Participating Teams is less than Eight

During the competition, if less than eight teams are participating, the preliminary round of the national competition will not be held; only the semi-final and final rounds of competition will be conducted. During these competitions, the general rules which are contained in this document will be applicable, subject to the exceptions and modifications which are prescribed below here:

- If only one team is participating:
 - There will not be a competition to select the winner. The team should, however, be required to argue before the organising committee to get acquainted with the competition procedure, court manner, advocacy skills, etc., which are specified in the rules.³
- If two teams are participating:
 - Only one round of competition will be conducted and for this the rules which are specified for the final round of competition (point 3.4 in this document) will be applicable.
- If three teams are participating:
 - The Competition will be conducted using a round-robin system. Each team will have the chance to argue against all other teams. The teams will be selected by a draw of lot to argue.
 - ⁴ ○ After assessment of the three teams' performances, the top two teams will be selected to compete for the National Henry Dunant memorial trophy.
- If four teams are participating:
 - The general rules contained in this document for the semi-final round of competition will be applicable.
 - The performance of the four teams will be assessed, based upon the written memorial marks and the marks obtained in the oral presentations.

- If five teams are participating:

² Countries other than India. ³ Since all participating teams should get sufficient training while competing in the national competitions, the organizing committee is adopted this practice.

⁴ This will include marks obtained by the teams in the written memorials.

- The first four teams will argue according to the rules contained in the semi-final rounds of competition.
 - The fifth team will be then facilitated by two teams which have already argued in the first round of arguments. These two teams will be selected by draw of lots. Here, only the fifth team's performance will be taken into consideration for marking; the facilitator teams will not be marked.
- If six teams are participating:
 - General rules contained in this document for the semi-final round of competition will be applicable.
 - Teams performance will be assessed based upon their written memorial marks and the marks obtained in the oral presentations.
 - If seven teams are participating:
 - The procedure adopted will be the same as that used to conduct a five team competition.

Rules and Guidelines for the Henry Dunant Memorial Regional Moot Court Competition

1. Introduction

The Regional Henry Dunant Memorial Moot Court Competition was initiated and organised by the International Committee of the Red Cross (ICRC), Regional Delegation, New Delhi, in collaboration with Indian Society of International Law (ISIL) in India during October 2005. In 2009 for the first time Regional rounds of the competition was organised outside India, in Dhaka. In 2012 the regional rounds will be once again hosted by Bangladesh in association with ICRC Delegation in Dhaka.

2. Objectives

The principal objective of the Regional Henry Dunant Memorial Moot Court Competition is to develop an increased awareness and interest in IHL amongst students and academic institutions throughout South Asia. A further objective is to use IHL to further academic excellence in the student community, and to develop their advocacy skills in an environment of friendly competition.

3. Rules for Oral Pleadings and Memorials

Rules regarding the Regional Moot Court Competition will be the same as National Henry Dunant Memorial Moot Court Competition. Refer to the rules of national competition.

Once the national competitions are concluded within their respective countries, the winning teams of the national round competitions should submit their written memorials to the ICRC Dhaka. The deadline for submission of memorials is at least one week prior to the commencement of the regional competition. Failure to do so will result in disqualification from the competition.

4. Rules Regarding the Judges

In the Regional Moot Court Competition along with the categories of persons mentioned in Rule 8 of the National Rounds, the ICRC officials well versed International Law in general and International Humanitarian Law, in particular can be included as the Judges. The prohibition for the members of the partner organising institutions to act as Judges will continue as long as the team from the institution is competing in the competition.

5. Accommodation and Travel

- For participating teams from Bangladesh, India, Iran, Nepal, Pakistan and Sri Lanka, the ICRC and its partner organisations will be responsible for coordinating all administrative arrangements, including travel, accommodation and meals, during their stay in Dhaka, Bangladesh. Personal trips such as sightseeing trips, shopping, etc., the ICRC and its partner organisation will not be responsible.
- The participating teams from countries such as Nepal, Iran, India, Pakistan and Sri Lanka should contact ICRC delegations in their respective countries for their travel arrangements and visa requirements.

- The ICRC Delegation hosting the regional round will be responsible for administration of the team representing their home country in the competition.