



# ICRC

## The Henry Dunant Memorial Moot Court Competition 2023 Bangladesh National Rounds

### Rules and Guidelines

#### 1. Introduction

The International Committee of the Red Cross (ICRC) is a neutral, independent humanitarian organization, based in Geneva, Switzerland. The ICRC has been conferred a mandate by the international community to protect and assist people affected by armed conflict and other situations of violence. 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.

##### 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. 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 success of the competition prompted the ICRC, in collaboration with its partner organisation for this activity, to expand the Moot Court across South Asia. As a result, in 2005 the Henry Dunant Moot Court Competition was expanded to include a regional competition, drawing teams from countries across South Asia. The regional round has been held between 2005 and 2022. The South Asia regional round will not be organised in 2023. The winning (one) team of the national rounds would be eligible to participate in the Asia Pacific Round 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 aim 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 the Independent University, Bangladesh (IUB) are the official organizers of the National Moot Court Competition in 2023.

## 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 Bachelor's degree in law (LL.B / BL) or Master's 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 Bachelor's 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. It is optional for the teams to be accompanied with a coach from the faculty of the university/college/institute that they represent. The **three-member composition is mandatory** for participating in the competition.

## 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 National Moot Court competition.

## 3. Rules for Oral Pleadings and Procedures

### 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 the competition, 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 12 minutes for the prosecution and 12 minutes for the defence. The time will be paused when the judges pose a question to the speakers. The time taken to respond to the questions will be counted in the time allotted to the speakers.
- There will be time allotted for rebuttals. Each team will be allowed 2 minutes for rebuttals during the preliminary rounds.
- Both selected members of the team shall make oral presentations during each round. The presentations shall be divided equally among the Moot Court participants.

### **3.2. Rules for the Quarter Final Rounds**

- The top eight teams from the preliminary rounds shall qualify to participate in the quarter-final. Selection will be based upon the marks awarded by the organizing 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:
  - The team that attained the highest score in the preliminary round will compete against the team that attained the fifth-highest score.
  - The team with the second-highest score will compete against the team with the sixth-highest score.
  - The team with the third-highest score will compete against the seventh-highest score.
  - The team with the fourth-highest score will compete with the eighth-highest score.
- The sides to be argued by teams will be decided by a draw of lots, prior to the commencement of the quarter-final round of the competition. Each team shall argue both prosecution and defence during the quarter-final 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.

- The time will be paused when the judges pose a question to the speakers. The time taken to respond to the questions will be counted in the time allotted to the speakers. 3 minutes will be allotted to 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**

- 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:
  - 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 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.
- 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 18 minutes to present its argument during the semi-final rounds. There will be a warning bell at the end of 15 minutes and there will be a final bell at the completion of the allotted time of 18 minutes.
- The time will be paused when the judges pose a question to the speakers. The time taken to respond to the questions will be counted in the time allotted to the speakers. 3 minutes will be allotted to each team for rebuttal in each round.
- Participating teams will be required to strictly follow the time limits.

- Written memorial marks will not be taken into consideration during the marking of semi-final 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 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 3 minutes for rebuttal in each round.
- Winner of the final round will be selected based upon the oral performance during the final round of competition, written memorial marks of the teams will not be taken into consideration to select the winner of the Henry Dunant Memorial Trophy.

## 4. Memorials

### 4.1. Submission of Memorials

Each participating team shall prepare both memorials and counter-memorials in English. Each team shall submit both of its memorials in electronic format (both Microsoft Word and pdf) via a single e-mail to [mansari@icrc.org](mailto:mansari@icrc.org) by **21<sup>st</sup> September 2023, 23:59hrs BD time**. Failure to submit written memorials will result in the disqualification from the competition.

Teams shall carry **four copies of their memorial and counter-memorial** in a paper (hard copy) and shall submit the same to the organizing committee during the opening day of the competition at the venue.

During oral presentations, the participating teams should retain copies of their memorials for their personal use. The copies submitted to the organizing 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 according to the following specifications:

- Memorials must be typed and submitted on standard A4 size paper.
- Memorial or counter memorial shall not be more than 25 typed pages.
- 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.
- The late submission of memorials will attract a penalty of 3 marks for each day delay being deducted from the total marks allocated for memorials.
- The disclosure of the team's institutional affiliation on the memorial will attract a penalty of 1 mark being deducted.
- 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.
- 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.

## **6. Awards and Prizes**

Awards and prizes will be conferred for the National Moot Court competition, as follows:

- The Henry Dunant Memorial Moot Court Competition winners will be awarded a Trophy, medals for the three participants of the team, and certificates.
- The Runners up team will be awarded a trophy, 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 general certificate of participation.
- The coaches and advisers of the participating teams will not be entitled to receive any kind of certificate or award.

## **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. Electronic equipment such as laptops, iPad, tablets etc. if used during oral rounds will be solely to refer to reference materials saved on the same. There will be no right granted to participating teams to access wi-fi/internet to source information or answers to respond to queries posed by the bench. Any team found violating this rule would be disqualified from the competition.
- Scouting is permitted in the competition in all the rounds.
- 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 organizing committee is vested with the sole and absolute discretion to publish or not publish the scores of any of the oral rounds and memorials.
- 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/Subordinate 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.

## **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. Questions, Complaints and Suggestions**

Any feedback concerning the organisation or conduct of the Moot Court should be directly addressed to the organisers. Any suggestions for improvement of the competition should be addressed formally, in writing, to the ICRC.

## ADDENDUM

### **Specific Rules for National Moot Court Competition 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.

- 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. 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:

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.