

New Zealand International Humanitarian Law (IHL) Moot Competition 2020 Rules

Background

The New Zealand International Humanitarian Law (IHL) Moot Competition 2020 is the ninth annual national competition organised by the International Committee of the Red Cross (ICRC) and New Zealand Red Cross in Wellington.

The purpose of the IHL Moot Competition includes enhancing students' knowledge and understanding of IHL, developing students' capacity to apply the law in a practical and relevant manner to real-life situations, supporting the teaching of IHL in New Zealand universities, and preparing participants for IHL-related professional endeavours.

The Organizing Committee for the Moot Competition, composed of members of ICRC and New Zealand Red Cross staff, are responsible for the organisation and administration of the Competition. Participation in the Moot Competition shall be in accordance with these Rules. The Organizing Committee may amend the present Rules at its discretion.

The Moot Competition 2020 gratefully receives support from time given by legal professionals.

Teams

1. Each New Zealand law school may nominate a team of two students to compete in the competition.
2. The two competitors from each participating law school, and either one student researcher or one mooting coach, will be funded to travel to the competition (including one nights' accommodation) which will be held in Wellington.
3. Each competitor and researcher must be enrolled at a participating law school at the time of competing, and also intend to be enrolled for study in the following year. This is in order to be eligible to represent New Zealand in the regional competition held in Hong Kong each March (see regional competition section below).

Competition structure

4. The competition will be comprised of two preliminary rounds, and one final round.
5. Each team will argue both sides of the problem in the preliminary rounds, i.e. both prosecution and defence.
6. Finalists will be chosen by the decision of the Judges based on the marks awarded (see point 19 below).
7. In the event of an uneven number of teams, a three way moot will be held (only in the preliminary rounds):
 - a. There may be two prosecution teams and one defence, or two defence teams and one prosecution.



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- b. Where there are two teams representing the same side, neither team may give their oral presentation in front of the other team.
- c. Teams will only be given one set of written opposing submissions and will only be expected to respond to the arguments of the opposing submissions they receive.
- d. In a three way moot, only one team can be declared the winner, and this will be seen as winning against both other teams.

Preparation and research

8. All research and preparation for the moots must be conducted solely by team members.
9. Teams may appoint a third person as researcher. The researcher is welcome to be present in Wellington for the National Competition. Funding for the researcher to travel to Wellington for the competition is as set out in Rule 2, and for the regional competition as set out in Rule 26.
10. Lists of materials issued with the question are intended as a guide only and competitors may use additional cases and materials at their discretion.

Written submissions/synopses

11. Teams will be required to submit Synopsis of Argument (separately for prosecution and defence) one week prior to the competition and sent to ihl@redcross.org.nz (i.e. by 23:59 Friday 20 November 2020)
12. Each synopsis must not exceed 4 pages in length plus one page for a table of authorities.
13. Each synopsis and list of authorities must be in Times New Roman font, size 12, with 'normal' margins (2.5cm margins) and 1.5 line spacing.

Oral argument

14. Each team will have 35 minutes to present their case (excluding time taken to give appearances).
 - a. Each team shall speak for no more than 35 minutes. The first mooter and the second mooter for each team shall each speak individually for a minimum of 10 minutes.
 - b. 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).
 - c. 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.
 - d. Each team shall indicate the division of time when giving appearances, how long each mooter will speak and how much time it intends to reserve for rebuttal or surrebuttal.
 - e. Either the first mooter or the second mooter may address the court in rebuttal or surrebuttal. For the avoidance of doubt, the time reserved for rebuttal or



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surrebuttal is not included in the minimum time for each mooter to speak as specified in Rule a.

- f. The court may, in its discretion, extend the time for each mooter for good cause, provided that the maximum extension of time granted to any mooter shall not exceed 3 minutes. In the Final Round, the maximum extension of time granted to any mooter is at the discretion of the Court.
- g. Time shall be kept by a court clerk, who will indicate to each mooter by appropriate means when they have:
 - i. 5 minutes left;
 - ii. 1 minute left;
 - iii. to conclude their address forthwith.

15. The order of the oral hearings shall be:

- i. Prosecutor's first mooter;
- ii. Prosecutor's second mooter;
- iii. Defendant's first mooter;
- iv. Defendant's second mooter;
- v. Rebuttal, if any (Prosecutor's first or second mooter);
- vi. Surrebuttal, if any (Defendant's first or second mooter).

16. No materials may be handed to the judges unless a judge specifically requests.

17. Each team member shall refrain from disclosing the name of his or her institution at all times until the announcement of the results of the General Rounds. Team members or any person associated with a team shall also refrain from disclosing the name of his or her institution to any person acting as a judge whether during or outside the hearings until the announcement of the final results of the competition. Disclosure may subject the mooters concerned to a deduction mark of 5 points from the mooter's individual score. The deductions shall also affect the team's overall score.

Judging

18. The preliminary rounds will be heard by up to three judges and the final round by up to five.

19. Judges will award each individual a mark out of 100, as follows:

Organisation of presentation	10 marks
Development of argument	25 marks
Questions from the bench	30 marks
Manner and expression	25 marks
Written submissions	10 marks
Total	100 marks

20. Score sheets will not be released to competitors or participating universities.



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Best speaker

21. An award of best speaker will be announced at the national competition closing event.
22. The Award will be by judges' decision based on performance in the preliminary rounds and if relevant the final round.

Regional competition

23. The national competition is used to select a team to compete at the Red Cross Asia Pacific Humanitarian Law Mooting Competition held annually in Hong Kong ("regional competition"). There are no dates for the Hong Kong Moot yet, and arrangements may be subject to change due to external circumstances.
24. The two competitors from the winning team from the national competition will be afforded the opportunity to represent New Zealand at the regional competition.
25. In the event that the winning team is unable to attend the regional competition, the next highest placed team may represent New Zealand.
26. The team representing New Zealand at the regional competition – namely the two competitors, and either the team's student researcher or moot coach - will receive financial assistance from New Zealand Red Cross and ICRC for their travel costs.
27. All assistance to university teams and awarding of prizes for the national and regional competitions is at the complete discretion of New Zealand Red Cross and ICRC.