



**Australian  
Red Cross**



**INTERNATIONAL  
HUMANITARIAN LAW MOOT**  
ALSA CONFERENCE 2008 - HOBART

Proudly presented by:

Australian Law Students' Association  
Australian Red Cross  
International Committee of the Red Cross

## **1. THE COMPETITION**

- 1.1 Competitors will be assessed upon their advocacy skills and basic knowledge of IHL rather than specific black letter law.
- 1.2 The same problem will be used for all rounds of the competition and will be made available on the ALSA website one month prior to the competition. Questions for the preliminary rounds are e-mailed to the nominated LSS Representative under Conference registration procedure on the day they are released on the Internet.

## **2. TEAMS**

- 2.1 Each law school may nominate a team of two (2) people to compete in the Australian IHL Moot competition. Team members must not have completed a law degree in any jurisdiction.
- 2.2 If invited by the ALSA President and the Conference Convenor, teams from nations other than Australia may enter the competition, providing their competitors comply with all other requirements.
- 2.3 Competitors must register by the registration date as set by the Conference Convenor and ALSA President. A penalty of two percent per day applies for late registration.

## **3. COMPETITION STRUCTURE**

- 3.1 All teams will compete in preliminary rounds. Teams will be divided into two groupings (Group A and Group B). Every endeavour will be made to ensure that a team is not disadvantaged by the draw and will not meet the same team twice in the preliminary rounds. Each team will moot both as the prosecutor and defence team as specified by their round draw.
- 3.2 Competitors may not observe, nor are they to be briefed on, proceedings of a preliminary round in which they are not competing.
- 3.3 In the event that an odd number of teams enter the competition, every effort will be made to source an additional team. If an additional team does not enter the competition, the last team to register will be ineligible to compete.
- 3.4 In the event that less than ten teams enter the competition, there will be no Quarter-Final round and the top four teams will progress to the Semi -Final.
- 3.5 Eight teams with the highest win-loss ratio will progress to the Quarter-Finals.
- 3.6 In the event that only two teams have tied win-loss ratios, and the two teams have faced each other in the preliminary rounds, then the winner of that round shall proceed to the Quarter-Finals.
- 3.7 If the two teams referred to in 3.6 have not faced each other, or there are more than two teams with tied win-loss ratios, the team or teams will progress to the quarter-finals on the basis of the highest average winning margin as a proportion of the highest score. A team's 'average winning margin as a proportion of the highest score' is to be calculated by, for each moot, dividing the margin (positive for winning margin, negative for losing margin) by the highest team score in that moot, and multiplying by 100.
- 3.8 If the teams remained tied, the teams will progress based on a coin toss conducted by the Competitions Director.

#### 4. DRAW

- 4.1 The draw for the Quarter-Finals will be as follows (where Team One is the highest placed team and Team Eight is the lowest placed team):

Round	Team	v	Team
A	One		Eight
B	Two		Seven
C	Three		Six
D	Four		Five

- 4.2 Teams will be allocated as prosecutor or defence by random draw.
- 4.3 Quarter-Finalists will be announced after the conclusion of the preliminary rounds, and teams will be informed as to the side they will advocate. Each team will moot only once in the Quarter-Final round.
- 4.4 The winners of each Quarter Final round progress to the Semi Finals.
- 4.5 Semi-Finalists will be announced after the conclusion of the previous rounds, and teams will be informed as to the side they will advocate. Each team will moot only once in the Semi-Final round.
- 4.6 The draw in the Semi Finals is:  
  
The winner of Round A versus the winner of Round D  
  
The winner of Round B versus the winner of Round C
- 4.7 Teams will be allocated as prosecutor or defence by random draw.
- 4.8 The winning team from each Semi Final proceeds to the Grand Final. The Grand Finalists will be allocated as prosecutor or defence by random draw.
- 4.9 The winners of the Grand Final will be announced at the ALSA Conference Closing Dinner.

#### 5. WRITTEN SUBMISSIONS

- 5.1 Written submissions for all rounds must be exchanged two hours before the commencement of the moot. The same problem is to be used throughout all stages of the competition.
- 5.2 Written submissions are to be used as a guide by both competitors and judges. Competitors must prepare the number of copies of the Memorandum of Argument so specified by the Conference Convenors.
- 5.3 Copies must be submitted to the organiser of the moot - one copy will be given to the opposing team with the remaining copies to be distributed among the judge(s) of that round.
- 5.4 Submissions must contain an outline of all major arguments to be raised and must not exceed two pages (12 point font, Times New Roman) in length.

- 5.5 A case list may be supplied indicating where materials may be accessed. Additional cases may be used, but competitors are advised that marks are allocated on advocacy, not research, skills.
- 5.6 The Memorandum of Argument must contain an outline of the structure of the team's submission, major arguments to be raised, allocations of speaking time and a list of the authorities on which Counsel rely.

## **6. MOOT PROBLEMS**

- 6.1 All problems are fictitious and must be argued with reference to international humanitarian law.
- 6.2 The case will be heard before a fictitious international court and all relevant rules of evidence and procedure will be released, where necessary, with the problem. The same problem will be argued in preliminary, Semi-final and final rounds of the competition.

## **7. THE MOOTS**

- 7.1 Counsel will not robe.
- 7.2 Preliminary Rounds
  - 7.2.1 After a formal introduction to the bench, each team will have 30 minutes to present its case.
  - 7.2.2 Judges may grant an extension of time of up to two (2) minutes per team. There will be no right of reply and penalties apply if Counsel exceed their allocated or extended time.
- 7.3 Quarter, Semi- and Grand-Finals
  - 7.3.1 After a formal introduction to the bench, each team will have 30 minutes to present its case.
  - 7.3.2 Judges may grant an extension of time of up to five (5) minutes per team. There will be no right of reply and penalties apply if Counsel exceed their allocated or extended time.

## **8. PREPARATION**

- 8.1 All research and preparation for the moots will be conducted solely by the team members, however, competitors may seek thematic and general assistance from Australian Red Cross.
- 8.2 A case list may be provided indicating where materials may be accessed. Competitors may use additional cases at their discretion.

## **9. JUDGING**

- 9.1 Every effort must be made by the competition organisers and the competitors to ensure that judges are unaware of which university competitors are from until after they have judged that particular competition.
- 9.2 All judges must have a suitable legal qualification, or extensive relevant professional experience.
- 9.3 The preliminary round will be heard by one to three judges depending on availability. The Quarter-Final, Semi-Final and Grand Finals may be heard by up to five judges.

9.4 Judges shall be provided with Counsel's Memorandum of Argument and a marking schedule for marking individual competitors. Judges will also be provided with a personal feedback form to be returned to competitors at the end of that round. Actual marks will not be released until the end of the competition.

9.5 Each judge will award each team a mark out of 100. These marks will be allocated as follows:

Content of Argument: 40 Marks

Written Submissions: 5 Marks

Development of Argument: 15 Marks

Questions from the Bench: 15 Marks

Speaking ability and delivery: 25 Marks

**Total 100 Marks**

9.6 Each team's score will be submitted to the organiser of the competition or a person nominated by them. At the conclusion of the competition the Competitions Director or their representative will release a ranking of all teams to the ALSA Council.

## 10. DETERMINING A WINNER WHERE MULTIPLE JUDGES

10.1 If there are three or five judges judging a round, the winning team is the team which was the superior team in the opinion of the majority of judges, irrespective of the result derived from the aggregate of the teams' scores.

Example	Team A score	Team B score	Winner in judge's opinion
Judge 1	50	48	Team A
Judge 2	50	48	Team A
Judge 3	45	50	Team B

Winner determined under this rule

<b>TOTAL</b>	<b>145</b>	<b>146</b>	<b>Team A</b>
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The winner of the round is Team A.

## **11. PENALTIES**

11.1 The following penalties apply:

11.1.1 Late registration for the Championship: 2 per cent reduction of total marks for each day late in each round of the Championship.

11.1.2 Continuation of oral submissions beyond the time limit without the judge's express permission: 2 marks for every minute or part thereof.

11.1.3 Late submission of written Memorandum of Argument: 2 marks for every 10 minutes late or part thereof.

11.2 Judges do not have the discretion to dispense with these penalties.

11.3 Where a penalty is levied against a team, the penalty will be divided equally amongst counsel for that team.

## **12. FORFEITURE**

12.1 A team which forfeits will receive a mark of zero.

## **13. APPEALS**

13.1 All appeals will be dealt with according to the ALSA Appeals Procedure Bylaw.

## **14. BEST ORALIST AWARD**

14.1 The best oralist is also announced at the closing dinner.

14.2 The best oralist is determined as follows:

14.2.1 Candidates for best oralist must have competed in at least two of the three preliminary rounds.

14.2.2 Only performances in the preliminary rounds are considered.

14.2.3 For each moot, every competitor is ranked by score as either first, second, third or fourth. This ranking will be given according to the competitor's score relative to the other competitors in that moot.

14.2.4 Of the competitors achieving all first rankings, the mooter with the highest average score for their best two moots will be declared 'Best Oralist'.

14.2.5 If no competitor achieves all first rankings, the competitors with the most first rankings are considered.

14.2.6 In the event of a tie, the competitors will share the prize.