

OFFICIAL RULES

1 GENERAL

Since 1992 the Centre for Human Rights at the Faculty of Law of the University of Pretoria organises the African Human Rights Moot Court Competition ("the Moot") in partnership with a host university. Held in a different African country each year, this week-long event has become the largest annual meeting on the African legal calendar and one of the premier events on human rights in Africa. Teams of students argue a hypothetical case before benches of law lecturers and human rights experts as if they were before the real African Court of Human and Peoples' Rights.

1.1 Host University

The twenty-third African Human Rights Moot Court Competition ("the Competition") will be held at the University of Nairobi (UN), Kenya from 1 to 6 September 2014. The administrative authority over the Competition rests with the Steering Committee which is comprised of an equal number of representatives of the Centre for Human Rights and UN and whoever else they wish to co-opt.

1.2 Composition of panels of judges

The judges in the Competition will be panels consisting of representatives of the participating law schools (law faculties or law departments) ("the faculty representatives") in the preliminary rounds. These representatives should ideally be human rights law lecturers and in the alternative **must have a legal background**. Additional observers may be added to the number of judges where the Steering Committee deems that the number of judges in a particular court is insufficient.

In the final round two-thirds (2/3) of the judges will comprise experts in international law and human rights as composed by the Steering Committee. In order to ensure adequate representation of the language groups in the final round at least one (1) judge will be a faculty representative selected by the Steering Committee.

1.3 Competition's Official Programme

An official programme for the Competition will be issued by the Steering Committee at the start of the Competition, indicating the time and venue of each session.

1.4 Hypothetical problem to be argued

A hypothetical case or problem will be posed for argument by the Steering Committee and will be made available to the participants in advance.

1.5 Preliminary rounds

There will be preliminary rounds, argued before the faculty representatives, and a final round before the experts. In the preliminary rounds a team will argue the problem four (4) times: twice (2) as applicants and twice (2) as respondents. The preliminary rounds will be conducted separately and simultaneously in English, French and Portuguese.

1.6 Determination of opposing teams

The opposing teams in the preliminary rounds will be drawn and announced after registration on **1 September 2014**. The **final number of teams** that will compete in the preliminary rounds will be **determined at the time of the draw**. It is the responsibility of teams to ensure that they arrive in Nairobi on time. **Teams must arrive at least 1 (one) day before registration**. Any team or student member that arrives once the preliminary rounds have started will be disqualified or will induce the disqualification of the team.

The best teams in each language group competing will be announced after completion of the preliminary rounds.

1.7 Final round

Provided that there are at least thirty (30) Anglophone teams, ten (10) Francophone and 5 Lusophone teams registered for the competition, the Anglophone , the Francophone and the Lusophone teams awarded the highest average marks in the preliminary rounds will compete in the final round. **Each of the six (6) teams must be from a different country**. In the event that finalist teams from Anglophone, Francophone or Lusophone rounds come from the same country, the team with the highest average mark will participate in the final round. In the event that finalist teams from Anglophone, Francophone or Lusophone rounds come from the same country and have the same average mark, a draw of lots will be organised to determine the team which will participate in the final round.

Three (3) teams will be joined to argue the case for the applicant as a new combined team and the other three (3) teams will, as a new combined team, argue the case for the respondent in the final round. The new joint teams will each be comprised of one (1) Anglophone team, one (1) Francophone team and one Lusophone team. Only three (3) members of each combined team will present arguments during the final round in each language represented. The three (3) teams comprising the combined team with the highest points will be the co-winners of the competition.

Should circumstances so require, the Steering Committee may make amendments to the rules pertaining to the conduct of the final round and specifically to the language composition of the teams.

Lots will be drawn at the beginning of the preliminary rounds to pair the opposing teams during a particular round. Lots will also be drawn to determine the composition of the combined teams in the final round, and who will argue the case for the applicant or respondent.

1.8 Moot website

All the Moot official documentation and other practical information necessary for the teams' preparation ahead of the Competition in Nairobi are available from the Moot website: <http://www1.chr.up.ac.za/moot>

2 SCHOOL ELIGIBILITY

All law schools from the African continent invited by the Steering Committee are eligible to participate in the competition. Each eligible school may enter only one (1) team in the competition, and if the school's curriculum is bilingual (Anglophone, Francophone or Lusophone) one (1) team per language. Where a particular university does not have a law school, another faculty may be nominated to enter a team.

3 TEAM MEMBER ELIGIBILITY

Only students studying for their **first law degree**, preferably final year students, are eligible to participate in the competition. For the purposes of the competition the LLB degree, the *Licence en Droit* or the *Licenciatura em Direito* are considered a first law degree. The Steering Committee has the authority to make a ruling on the question whether a particular degree should be considered a first degree. A team member must be a full-time or part-time student at one of the participating institutions during the calendar year of the competition. **The following people are not allowed to take part in the Moot Court Competition: qualified legal practitioners, judicial officers and persons already holding a first degree in law (LLB, *Licence en Droit* or the *Licenciatura em Direito*). No team member (student) may have participated in the competition previously.**

N.B: UNDER NO CIRCUMSTANCES CAN ONE STUDENT PARTICIPATE MORE THAN ONCE IN THE MOOT.

4 ASSISTANCE

Assistance rendered to a team in the preparation of its case, including that from faculty members, shall be limited to a general discussion of issues, suggestions as to research sources and decision-making. Assistance which would interfere with the presentation being substantially the original work of the team members is prohibited.

5 TEAM SELECTION

A team shall be composed of 2 (two) student members only, preferably 1 (one) male and 1 (one) female, from a single school. It is **strongly discouraged** that teams should be composed of 2 (two) male students. Team members are to be chosen by a democratic and transparent method approved by the responsible authority within the school. For the purposes of the competition, notice to one team member shall constitute notice to all team members. **The same 2 (two) students who registered at the beginning must participate throughout the competition. This year no extra team member will be allowed to attend the competition.**

Due to logistical imperatives and to ensure a level playing field, teams can only be composed of two (2) students and one (1) lecturer. No additional members will be registered even if the university covers all costs.

6 MEMORIALS

Each team must prepare memorials (heads of argument or written pleadings) in support of the case of the applicant as well as the respondent.

6.1 Memorial general format

Each memorial shall be composed of the following:

- **A standard cover page** which must be identical in style and content as Appendix C. **The cover page should not carry any mark that identifies the team such as the name of university or names of team members.**
- **A summary**, stating in brief the main arguments. **The summary must not exceed one page.**
- **The memorial proper** shall not exceed 4,000 words (including footnotes if these are used).

Spacing: The memorial must be double-spaced.

Form: The memorial must be typewritten

Margins: Top: 2cm, Bottom: 2cm, Left: 2cm, Right: 2cm

N.B: The organisers are particularly strict about teams meeting the above memorial general format. Any team failing to meet these requirements may be disqualified.

6.2 Submission of memorials

One (1) copy of the memorials for each side (one for the Applicant and one for the Respondent) should be submitted to reach the Steering Committee before **31 July 2014**. The memorials should be sent as attachments to an email message, to the following address: **armand.tanoh@up.ac.za**

Memorials received by fax or by post will be rejected.

Any team that fails to submit an electronic copy of the memorials to reach the organisers before 31 July 2014 deadline will be disqualified.

Each team is required to submit eight (8) hard copies of **each** memorial **separately** to the organisers when they register in Nairobi **on 1 September 2014**.

The Steering Committee cannot provide computer and photocopying facilities to participants during the Moot Court.

Each team shall have a compilation of the materials referred to in its memorials available during oral pleadings.

6.3 Memorial marking

Memorials will be marked by three (3) independent experts in each language group before or during the Competition.

6.4 Best memorial

The teams with the three best memorials in the preliminary rounds, one (1) Anglophone, one (1) Francophone and one (1) Lusophone, based on the points indicated for memorial presentation on the memorial score sheets, will be announced at the end of the competition during the prize-giving ceremony.

6.5 Final round memorials

During the final round the applicable memorials submitted at registration by the **three** teams comprising each combined team will be used by that combined team, provided that a combined summary of pleadings will be drawn up by each combined team and submitted to the judges no less than three hours before the commencement of the final round.

6.6 The use of opposing teams' memorials

As far as the preliminary rounds are concerned, **no team** shall be allowed to view in advance or otherwise become privy to the memorials of any other team before these are made available to them by the Steering Committee. The Steering Committee shall make copies of the two separate memorials (used in the preliminary rounds) of the combined teams that qualify for the final round available to their opponents upon announcement of the teams qualifying for the final round. The summary of the memorials of each combined team will be handed to the opposing combined team at least three hours before the commencement of the final round, and to the Steering Committee, who will make it available to the justices.

7 ORAL PLEADINGS

7.1 General procedure

The order of pleadings shall be applicant team, respondent team, rebuttal by applicant team. All team members must act as oralists during any round. No team shall plead for **longer than 30 minutes** (including rebuttal) during the preliminary and final rounds. One oralist may not use more than 20 minutes during preliminary rounds, and 10 minutes during the final round. Rebuttal may not exceed 5 minutes. Only the applicant has the opportunity for rebuttal. Time for rebuttal should be reserved in advance.

7.2 Ex parte procedures

Where a team fails to arrive for a scheduled round, the Steering Committee, after waiting for ten minutes, may announce a new team against which the other team will argue, or allow the round to proceed *ex parte*. In an *ex parte* proceeding, the attending team presents its oral pleading, which is scored by the judges. In such a case, the team that fails to arrive for the scheduled round shall forfeit all of the round's points. If good cause is shown, the Steering Committee may arrange for an additional round for the absent team later during the competition, if time and administrative concerns permit. The Steering Committee may also, in its discretion, decide that an *ex parte* procedure shall take place where special circumstances, such as translation difficulties, so require.

7.3 Scope of pleadings

The scope of a team's oral pleading is not limited to the scope of its memorial. The scope of the applicant's rebuttal is limited to the scope of the respondent's oral pleadings.

7.4 Scouting

No member of a team may attend a preliminary round or view the memorials of any other team if they are scheduled to compete against that team. Teams violating this rule may be disqualified. All rounds will be open to the public. Audio and video taping of oral pleadings is prohibited unless authorised by the Steering Committee.

7.5 Oral and written communication

No oral or written communication may take place between team tables and any spectator during a round.

7.6 Absence from the courtroom

No team member shall be allowed to leave the courtroom for the duration of the proceedings of a specific case in which he or she is taking part.

7.7 Best oralists

The names of the three best oralists in the preliminary rounds, one Anglophone, one Francophone and one Lusophone, based on the points indicated for oral argument on the score sheets, will be announced at the end of the competition during the prize-giving ceremony.

7.8 Final round

In the final round teams will be scored exclusively on their oral pleadings.

8 CONFIDENTIALITY OF TEAM IDENTITY

Each team shall be assigned a number at the start of the competition and shall, for the duration of the competition, be identified only by that number, to ensure that the judges do not know which university or country a team represents. The identity of teams taking part during a specific round shall not be divulged to the judges of any round before that round is completed.

9 ATTENDANCE OF THE ONE-DAY TRAINING WORKSHOP ON HUMAN RIGHTS IN AFRICA

A one-day training workshop for students on the African human rights system forms part of the African Human Rights Moot Court Competition. This workshop will separately provide students with a critical analysis and further in-depth review of the Moot problem. A separate workshop will be conducted to provide lecturers with innovative insights, tools and tips on human rights law teaching. Attendance at the workshop for students is compulsory. Insufficient attendance by any of its members may disqualify a team from participating, or may lead to the imposition of penalties, unless good cause for such absence is shown.

10 LANGUAGES

Teams may present their memorials and oral pleadings in English, French or Portuguese. **The preliminary rounds are conducted separately in English, French and Portuguese. Simultaneous translation will be made available in the final round according to the languages used.** Other languages may also be accepted at the discretion of the Steering Committee.

Otherwise all other communication from/to the organisers will be conducted in French or English.

11 INTERPRETATION OF RULES

11.1 Prior to the Moot Competition

Prior to the Moot Competition, the rules will be interpreted by the Centre for Human Rights.

11.2 During the Competition

Any dispute that arises during the competition that concerns interpretation and application of these rules, or the general administration of the competition, will be resolved by the Steering Committee. All decisions of the Steering Committee concerning questions of rules, interpretation and application are final and dispositive.

The Steering Committee, in interpreting the Official Rules, may promulgate such other measures as may be deemed advisable for the orderly conduct of the competition, provided that these measures do not violate the spirit of these official rules.

12 CLARIFICATION OF THE PROBLEM

Participants may submit written requests for clarification of points in the problem which are manifestly unclear and which must be clarified in order for the participants to develop their pleadings.

Requests for clarification must be received by the Steering Committee by 15 April 2014. Clarifications will be made available to all participants before **30 April 2014**. The onus is on each team to establish before the competition whether there has been any such clarification or alteration.

13 DISQUALIFICATION AND PENALTIES

13.1 Procedure

The Steering Committee has the power to disqualify a team on the basis of violations of these rules or the spirit of the competition. It also has the power to impose penalties, in the form of subtractions from the marks awarded, not exceeding 20 points for each infraction. Judges may propose disqualification or penalties, but these measures will only take effect once endorsed by the Steering Committee.

When the issue of disqualification or penalties arises, the Steering Committee, on its own motion or as a result of a team complaint, must ascertain the facts of the situation in order to determine whether an infraction has occurred. The team initiating the complaint must give timely notice to the Steering Committee and the accused team. If, on its own motion, the Steering Committee investigates a possible violation, it must give timely notice to the accused team. The accused team shall be allowed to reply to the complaints made. Where judges intend proposing disqualification or the imposition of penalties, they must inform the teams accordingly and give them time to respond at the end of each particular round.

Complaints pertaining specifically to oral pleadings must be submitted to the Steering Committee within one hour of the completion of the round in which the alleged violation occurred. Memorial and oral pleading penalty points will be assessed against the total score given by the judges to the penalised team in the particular round.

13.2 Grounds

The Steering Committee may disqualify a team or impose a penalty against a team for behaviour, which substantially prejudices the competition, including, but not limited to the following:

- 1) scouting
- 2) late submission of prescribed memorials to the Steering Committee, or failure to submit memorials;
- 3) failure to meet memorial length and form requirements;
- 4) communication between counsel table and any person (other than judges) during the oral pleadings;
- 5) engaging in poor sportsmanship;
- 6) submitting petty, frivolous and verbose complaints;
- 7) submitting substantially ill-conceived requests for clarification of the problem;
- 8) revealing the identity of a team to the judges of a round before that round has taken place;
- 9) insufficient attendance of the one-day training workshop on human rights education in Africa;
- 10) dishonesty or other serious breaches of the spirit of the competition.

14 SCORING

Scoring must be done in accordance with the documents:

- Instructions to Judges: Appendix "A"
- Oral pleadings scoring sheet: Appendices "B"
- Memorial standard cover page: Appendix "C"
- Memorials scoring sheet: Appendix "D"

All correspondence should be addressed to:

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