

11th NELSON MANDELA WORLD HUMAN RIGHTS MOOT COURT COMPETITION

15 - 19 July 2019 GENEVA, SWITZERLAND

COMPETITION RULES

1. GENERAL

The Nelson World Human Rights Moot Court Competition (Competition) is organized by the Centre for Human Rights, Faculty of Law, University of Pretoria (Centre), the Academy on Human Rights and Humanitarian Law, American University, Washington College of Law (The Academy) and the United Nations Human Rights Council Branch at the OHCHR (HRCB).

The 11th Nelson Mandela World Human Rights Moot Court Competition is scheduled to take place at the Palais des Nations in Geneva, Switzerland, from 15 to 19 July 2019. Participation in the Moot is open to students from all Universities in the world.

Every University in the world is invited to enter one team, consisting of 2 students, at the undergraduate or Master's level, and in any academic discipline. Students must not have received their graduation certificates on the final day of the Competition. As far as possible, team composition should reflect gender diversity. Students are required to argue a hypothetical case as if they were appearing in front of a regional human rights court, and to do so on the basis of international (including regional) human rights law.

The administrative authority over the Competition rests with the Steering Committee, which is comprised of representatives of the Centre, the Academy and the HRCB.

1.1 Venue of the Competition

The preliminary rounds, quarter-final, semi-final and final rounds – the 'oral rounds' - of the Competition are held at the UN headquarters in Geneva, Switzerland.

1.2 Language

The Competition is held in English, French and Spanish.

1.3 Composition of panels of judges

The judges in the preliminary, quarter-final and semi-final rounds of the Competition are panels consisting of legal officers from the various permanent missions in Geneva, NGOs, academics, officers from HRCB and the OHCHR and other experts invited by the Steering Committee. In the final round, judges are recognized experts in international law and human rights, including judges of international tribunals, as composed by the Steering Committee.

1.4 Official programme of the Competition

The Steering Committee issues an official programme, indicating the time and venue of sessional events, at the start of the Competition.

1.5 Hypothetical case to be argued

The Steering Committee posts a hypothetical case (the problem) for argument and makes it available to participants in advance.

1.6 Selection of teams for preliminary rounds

Teams submit head of arguments (memorials) in the prescribed format (see Appendix A), which are evaluated by experts. The best 10 teams from each of the 5 UN regions, identified on the basis of the marks awarded for the written memorials (see Appendix B), and guided by the proportion of the various languages of the assessed memorials, qualify to participate in the preliminary rounds.

The Steering Committee reserves the right to select fewer than 10 teams from a particular region if less than 10 teams from that region obtain 50% or higher for their submitted memorials. The Steering Committee may exceptionally invite more than 10 teams per region to participate, keeping in mind the need to maintain geographical balance. The Steering Committee may for example invite the winning teams of the following regional human rights moot competitions to participate in the Competition, in addition to, or as part of, the 50 teams identified through submission of memorials: the African Human Rights Moot Court Competition; the European Human Rights Moot Court Competition; and the Academy's Inter-American Human Rights Moot Court Competition.

1.7 Preliminary rounds (Oral rounds)

The teams selected, as indicated in 1.6 above, are invited to participate in the preliminary rounds in Geneva. Memorials are not required for the oral rounds. Lots are drawn before the preliminary rounds to determine which teams appear against each other, and which team appears for which side of the argument during a particular round.

The preliminary rounds take place separately in English, French and Spanish, without interpretation.

1.8 Quarter-final rounds

Eight teams participating in the preliminary rounds advance to the quarter-final rounds. The teams with the highest scores during the preliminary rounds in the English, French and Spanish preliminary rounds automatically advance to the quarter-final rounds. If more than six teams participated in the preliminary rounds in any particular language, the team with the second highest score during the preliminary rounds in that language also advance to the quarter-final rounds. The remaining teams for the quarter-final rounds are determined proportionately to the number of teams in the preliminary rounds participating in the three languages. The language of the memorials submitted at the outset of the Competition determines to which language group a team belongs. Lots are drawn before the quarter-final rounds to determine which teams appear against each other, and which team appears for which side of the argument during a particular round. Where required, the quarter-final round proceedings are interpreted in English, French and Spanish.

1.9 Semi-final rounds

The winning team in each of the four quarter-final rounds advances to the semi-final rounds. Lots are drawn before the semi-final rounds to determine which teams appear against each other, and which team appears for which side of the argument during a particular round. All the semi-final round proceedings are interpreted in English, French and Spanish.

1.10 Final round

The winners of the two semi-final rounds advance to the final round of the Competition. Lots are drawn before the final round to determine which team appears for which side of the argument during the final round. The final round proceedings are interpreted in English, French and Spanish.

1.11 Competition website

The official documentation and other practical information necessary for the team preparation are available on the Nelson Mandela World Human Rights Moot Competition website:
<http://www.chr.up.ac.za/nelson-mandela-world-moot-2018>

2 ASSISTANCE

Assistance rendered to a team in the preparation of its case, including assistance by Faculty representatives, must be limited to a general discussion of issues, suggestions as to research sources and strategic decision-making. Substantially, the presentation has to be the original work of the participating students. Only the 2 members of the team may draft memorials, with the assistance described above by a faculty representative.

3 TEAM SELECTION

3.1 Only one team per university may participate in the Competition. A team consists of two students only, from the same University.

3.2 The same team may not represent the University for more than one year. A student may participate in the Competition no more than twice.

3.3 As far as possible, team composition should reflect gender diversity.

3.4 Team members are to be chosen through a democratic and transparent method approved by the responsible authority within each University.

3.5 For the purposes of the Competition, notice to one team member constitutes notice to both team members.

3.6 Teams that are unable to come to Geneva upon invitation will be disqualified and, if possible, replaced. Teams should as soon as possible inform the organizers if there is a possibility they will not attend the preliminary rounds.

4 MEMORIALS

Each team wishing to qualify for the preliminary rounds must prepare memorials for the Applicant and the Respondent. These memorials must be emailed to eduardo.kapapelo@up.ac.za with ana.khatounian@up.ac.za in copy no later than 25 April 2019, 23:59 hrs South African Standard Time (SAST).

Submission must occur in a single email, with both Applicant and Respondent Memorials attached as separate files titled "Applicant" and "Respondent", (Please use the name of your university as the subject of the email).

In exceptional circumstances, teams may submit memorials on a deadline earlier, but no later than the time and date specified in Rule 4.

4.1 Memorial formatting

Each memorial must be one single document consisting of the following parts in the order followed below:

(a) A standard cover page, identical in style and content to Appendix A. The cover page should

not carry any mark that identifies the team, such as the name of the university, country or team members.

- (b) A table of contents.
- (c) A table of authorities.
- (d) A brief summary of facts.
- (e) A summary of arguments, not exceeding 350 words.
- (f) Pleadings.
- (g) The memorial proper must not exceed 3,000 words (including footnotes, but excluding the summary and table of authorities). Indicate the word count on the last page.

The format should be as follows:

Spacing: Double-spaced

Form: Typewritten

Margins: Top: 2cm, Bottom: 2cm, Left: 2cm, Right: 2cm Font: Arial 12

Failure to follow the prescribed requirements may result in penalties being imposed.

4.2 Submission of memorials

Memorials (one for the Applicant and one for the Respondent) must be submitted electronically, in PDF format, to the organisers on or before 25 April 2019. The two memorials (applicant and respondent) should be two separate attachments to the same email message, with the name of the university as its subject line.

Memorials received by fax or by post will not be considered.

Teams that fail to submit their memorials to the organisers before the deadline are disqualified.

The Steering Committee cannot provide computer or photocopying facilities to participants during the Competition.

4.3 Memorial marking

Independent experts mark the memorials. The names of the Universities to which the memorials belong are not disclosed to the independent experts.

4.4 Memorial editing

Teams using Microsoft Word features (including “Track Changes”, “Comments” and “Cross-referencing”) must use these features correctly. A Memorial with tracked changes that have not been accepted, comments that have not been removed or incomplete cross references, is subject to penalty.

4.5 Best memorials

The team with the best memorials is announced at the end of the Competition during the prize giving ceremony.

5 ORAL PLEADINGS

5.1 General procedure – Preliminary, quarter-final semi-final, and final rounds

The order of the pleadings in each oral round at all levels of the Competition is as follows: Applicant

team, Respondent team, rebuttal by Applicant team. Both team members must act as oralists during any session, including during semi-final and final rounds. No team may argue for longer than 30 minutes (including rebuttal) during the preliminary, semi-final and final rounds. One oralist may not use more than 20 minutes during the preliminary, semi-final or final rounds.

5.2 Rebuttal

Rebuttal may not exceed 5 minutes. Only the Applicant has the opportunity for rebuttal. As a courtesy to the judges, teams must reserve time for rebuttal at the beginning of their oral argument. Only one oralist may deliver the rebuttal, but participants need not indicate in advance which oralist will do so. Applicant's rebuttal is limited to the scope of the Respondent's oral pleadings.

5.3 Ex parte session

Where a team fails to arrive for a scheduled session, the Steering Committee, after waiting for 10 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 arguments, and is scored by the judges. In such a case, the team that fails to arrive for the scheduled session forfeits all of the round's points. However, 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 allow. The Steering Committee may also, at its discretion, decide that an *ex parte* session will take place where special circumstances, such as interpretation difficulties, so require.

5.4 Scouting

No member of a team may attend a pre-final round or view the memorials of any other team unless they are themselves competing in that round. Teams violating this rule may be disqualified. All rounds will be open to the public.

No audio-taping or video-taping of oral arguments is permitted except in the final round without the advance permission of the entire panel of judges, the 2 participating teams, organizers and steering committee. In no circumstances are participating teams permitted to view or listen to any video or audio tape until after the completion of the competition in which the taped oral round occurred.

The Steering Committee may record any part of the Competition for promotional and training purposes without compensating the participants. Participants agree to this when entering the Competition.

5.5 Oral and written communication

No oral or written communication may take place between team members and spectators or any other person not involved in the case during a session.

5.6 Absence from the courtroom

Team members may only leave the courtroom during a session in which they are taking part to go to the bathroom or for medical reasons.

5.7 Best oralist

The best oralists in the preliminary rounds, 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.

5.8 Preliminary, quarter-final, semi-final and final rounds

In the preliminary, quarter-final, semi-final and final rounds teams will be scored exclusively on their oral pleadings.

6 CONFIDENTIALITY OF TEAM IDENTITY

Each team is assigned a number at the start of the Competition and is identified only by that number for the duration of the Competition, to ensure anonymity.

7 INTERPRETATION OF RULES

These Rules are interpreted by the Steering Committee. Any matter not specifically provided for in these Rules falls within the sole discretion of the Steering Committee.

The Steering Committee may - at any stage in the Competition - adopt additional Rules, modifications, or other measures to ensure the orderly conduct of the Competition. These Rules, modifications, or measures must be consistent with the aim and purpose of the Competition.

8 CLARIFICATION OF THE PROBLEM

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

Requests for clarification must be received by the Steering Committee on or before 12 February 2019 at 23:59hrs South African Standard Time (SAST). Clarifications will be made available to all participants on or before 26 February 2019. The onus is on each team to establish, before the Competition, whether there has been any such clarification or alteration.

9 DISQUALIFICATIONS AND PENALTIES

9.1 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 violation. Judges may propose disqualification or penalties, but these measures will only take effect once they have been 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 a violation of the Rules has occurred. A team initiating a complaint must give notice immediately after the occurrence of the perceived violation and or infraction to the Steering Committee and the team against whom the complaint is brought. If, on its own motion, the Steering Committee investigates a possible violation, it must give timely notice to the team concerned. The concerned team will 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 a 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 awarded by the judges to the team concerned in the particular round.

9.2 Grounds

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

- (a) scouting;
- (b) late submission of memorials to the Steering Committee;
- (c) failure to comply with memorial length and form requirements;
- (d) communication between counsel table and any person (other than judges) during the oral pleadings;
- (e) engaging in poor sportsmanship;
- (f) submitting petty, frivolous and verbose complaints;
- (g) submitting substantially ill-conceived requests for clarification of the problem;
- (h) revealing the identity of a team to the judges of a session before that session has taken place; and
- (i) dishonesty or other serious breaches of the spirit of the Competition.

10 SCORING

Scoring is done in accordance with the following documents:

- (a) Memorial standard cover page;
- (b) Memorials scoring sheet;
- (c) Instructions to Judges; and
- (d) Oral pleadings scoring sheet.

11 CONTACT WITH ORGANISERS

All correspondence in relation to the Competition has to be addressed to:

Mr Eduardo Kapapelo

Project Coordinator:

Nelson Mandela World Human Rights Moot Court Competition

Centre for Human Rights Faculty of Law University of Pretoria
PRETORIA 0002

Republic of South Africa Tel: +27 (0) 12 420 4754

Fax: +27 (0) 86 577 5125

Email: eduardo.kapapelo@up.ac.za

For more information about the Nelson Mandela World Human Rights Moot Court Competition, please visit: <http://www.chr.up.ac.za/worldmoot>