

28TH AFRICAN HUMAN RIGHTS MOOT COURT COMPETITION

UNIVERSITY OF BOTSWANA

1 - 6 JULY 2019, GABORONE, BOTSWANA

APPENDIX A : INSTRUCTIONS TO JUDGES

1. SCORING DURING PRELIMINARY ROUNDS

Each individual judge, after deliberations with the other judges on a particular panel, shall assess each team participating before him/her on the basis of the instructions given below. Teams are assessed on their written memorials as well as their oral presentations. A maximum mark of 100 can be awarded, comprising 30 marks for written memorials and 70 marks for oral presentation.

1.1 Memorials

Memorials are assessed by independent experts prior to or during the Competition. Judges will receive the memorials of the teams to argue before them at the beginning of the competition and must read the memorials before the rounds in question.

1.2 Oral presentation

Judges will assess the advocacy skills and general oral presentation of each oralist of each team before them during a given round, awarding each oralist a maximum mark of 100%. In assessing the oral presentations, judges shall consider the following:

- a) Correct and articulate analysis of the issues;
- b) Familiarity with international authorities (preference should be given to the use of African sources, including the African Charter and national constitutions);
- c) Response to questions;
- d) General knowledge of the substance and process of international law;
- e) Clarity;
- f) Ingenuity (ability to argue by analogy from related legal aspects);
- g) Organisation;
- h) Persuasiveness;
- i) Knowledge of the facts; and
- j) Knowledge of legal principles directly applicable to the facts.

1.3 Total scores

The average team score will be calculated by the organisers by adding up the scores for written memorials and oral presentation, and the winner of each round will be announced.

The highest and the lowest individual score given to an oralist in any given round will be disregarded, provided that **four or more judges** adjudicated the round.

2. GENERAL

Each panel shall appoint from its ranks a president for each round. It will be the responsibility of the president to keep order in the courtroom, to ensure that the rules of the competition are adhered to and to calculate the total score of each team appearing before the panel from the scores of each individual judge on the panel.

2.1 Judges, in assessing both the written memorials and the oral presentation of any team, should take into account the fact that most of the participants will be arguing in a language other than their mother tongue. Fluency in the particular language used (or the lack thereof) should therefore not determine the marks awarded.

2.2 Since a team has no choice as to which side of the dispute it must plead in a given round, scoring must not reflect the merits of the case but only the legal analysis and advocacy skills of the participants.

2.3 Judges should feel free to question oralists at any point during the pleadings, but should also bear in mind the importance of affording oralists the opportunity to "make their case". Narrative commentary by the judges should be kept to a minimum. The primary intention of oral pleadings is to allow judges to ask relevant questions to expose the knowledge and capabilities of the advocates. It is the responsibility of the president of a specific panel to ensure that judges do not obstruct the smooth running of the proceedings and do not unduly interfere with the argument of a participant.

2.4 No improper oral or written communication may take place between judges and participants or directly affiliated parties before a particular case is heard.

2.5 Judges are reminded that it is their responsibility to enforce the rules of the competition during pleadings. Any transgression of the rules should be noted, and referred to the Steering Committee for a decision, preferably accompanied by a proposal on how to act.

2.6 Judges are required to write short comments on the performance of each oralist that appears before them.

3. SCORING DURING FINAL ROUND

During the final round, judges must give an overall mark, out of a hundred, for the oral presentation of each combined team member. The oral presentation of each oralist should be evaluated according to the same criteria as those applied in the preliminary rounds (see 1.2 above). The combined team with the highest total score wins.