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NELSON MANDELA

World Human Rights Moot Court Competition
Concours Mondial de Procès Simulé des Droits de l'Homme
Competencia Mundial de Derechos Humanos



NELSON MANDELA

13th World Human Rights Moot Court Competition

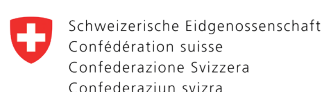
12 - 16 JULY 2021, Palais des Nations, Geneva, Switzerland

COMPETITION RULES



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
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UNITED NATIONS
HUMAN RIGHTS COUNCIL

**13th NELSON MANDELA WORLD HUMAN RIGHTS MOOT COURT
COMPETITION**

12 - 16 July 2021

**GENEVA,
SWITZERLAND**

COMPETITION RULES

1. GENERAL

The Nelson World Human Rights Moot Court Competition (Competition) is organised 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 (Academy); and the United Nations Human Rights Council Branch at the OHCHR (HRCB).

The 13th Nelson Mandela World Human Rights Moot Court Competition is scheduled to take place at the Palais des Nations in Geneva, Switzerland, from 12 to 16 July 2021. Participation in the Moot is open to students from all Universities in the world.

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 quarter-final, semi-final and final rounds – the ‘oral rounds’ – of the Competition are scheduled to be 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 for the Competition and preliminary rounds of the Competition, indicating the time of the court sessions, by 6 July 2021.

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*

The teams selected, as indicated in 1.6 above, will be invited to participate in the preliminary rounds, which will take place in person and in Geneva. Memorials are not required for the preliminary rounds. The Steering Committee will 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: www.chr.up.ac.za/worldmoot

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. UNIVERSITY/FACULTY ELIGIBILITY

All Universities in the world are eligible to participate in the Competition. Each University/Faculty may enter only 1 team in the Competition. If the Faculty's curriculum is presented multilingually, the University / Faculty may enter only 1 team per language group.

4. TEAM MEMBER ELIGIBILITY

Every University in the world is invited to enter 1 team, consisting of 2 students, at the undergraduate or Master's level, and in any academic discipline. A team member must be a full-time or part-time student at one of the participating University during the calendar year of the Competition. **The following categories of persons are prohibited from taking part in the Moot: legal practitioners, judicial officer, PhD candidates and PhD holders.**

5. TEAM SELECTION

5.1 Only 1 team per university may participate in the Competition. A team consists of 2 students only, from the same University.

5.2 The same team may not represent the University for more than 1 year. A student may participate in the Competition no more than twice.

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

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

5.5 For the purposes of the Competition, notice to 1 team member constitutes notice to both team members.

5.6 Teams that are unable to come to Geneva upon invitation will be disqualified and, if possible, replaced. Teams should as soon as possible after being informed that they qualify for the quarter-final rounds inform the organizers if there is a possibility they will not attend the preliminary rounds.

6. 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 no later than 15 April 2021, 23:59hrs 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”. The name of your university and country in which the university is based must be used as the subject of the email.

6.1 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.

6.2 Submission of memorials

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.

6.3 Memorial marking

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

6.4 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.

6.5 Best memorials

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

7. ORAL PLEADINGS

7.1 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.

7.2 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.

7.3 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.

7.4 Scouting

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.

7.5 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.

7.6 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.

7.7 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.

7.8 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.

8. CONFIDENTIALITY OF TEAM IDENTITY

Each team will be 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.

9. 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.

10. 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 11 March 2021 no later than 23:59hrs South African Standard Time (SAST). Clarifications will be made available to all participants on or before 1 April 2021. The onus is on each team to establish, before the Competition, whether there has been any such clarification or alteration.

11. DISQUALIFICATIONS AND PENALTIES

11.1 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.

11.2 Grounds

The Steering Committee may disqualify a team or impose a penalty against a team for behaviour that substantially prejudices the Competition, including 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.

12. 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.

13. CONTACT WITH ORGANISERS

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

Mr Eduardo Kapapelo

Project Coordinator

Centre for Human Rights

Faculty of Law, University of Pretoria

eduardo.kapapelo@up.ac.za

www.chr.up.ac.za/worldmoot

