

PROCEDURE & RULES
PACE/ICLN
NORTH AMERICAN ROUND
INTERNATIONAL CRIMINAL COURT TRIAL COMPETITION
WHITE PLAINS, NY
JANUARY 30, 2009 – FEBRUARY 1, 2009

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A) Teams

The Competition is open to recognised Law Colleges and Law Faculties around the world. The participation is limited to (**under**) graduate Law students only. Students holding a LLM and correspondent courses are excluded from participation.

Each team shall consist of up to four students. One more student shall be permitted by the organisers if they are associated with the team as researchers. Each team will be accompanied by one or two Academic coaches, which brings the total to 4-7 persons per team.

B) Tournament Outline

- 1) Pre-Tournament information
 - a. Team registration will be open (online) **01-08-2008**
 - b. Teams register, pay the registration fee and team participation will be confirmed **1-10-2008 (extended to November 1, 2008)**
 - c. Teams receive the ICC Trial Competition package (case and rules) by e-mail **17-10-2008**
 - d. The deadline for posing questions regarding the problem is **1-12-2008**
 - e. Responses to questions are posted on the website on **15-12-2008**
 - f. The deadline for submission of memorials (3: P, DC, VC, by e-mail) is **15-01-2009**.
 - g. **30-01-2009 – 01-02-2009**: Pace Moot Court – North America Qualifying Rounds at Pace Law School
 - h. **15-02-2009**: Arrival of teams at The Hague for International Finals
 - i. **16-02-2009 – 19-02-2009**: The Hague preliminary rounds and visit to the ICC
 - j. **20-02-2009**: Finals
- 2) Tournament structure

- a. Teams are welcomed to the North American ICC Trial Competition organisation on the eve of the first Tournament day 30-01-2009
- b. The three Tournament Rounds start 31-01-2009
 - i. Every round the teams will be evaluated by an Expert Panel allocating points to the teams, both on their Memorial (this is done previously) and their arguing (the scoring structure).
 - ii. In the event 18 or more teams compete, the six teams with the best overall scores will proceed to the semi-finals.
 - iii. The winner of each semi-final round and the non-winning team with the highest score in the semi-final round will advance to the Finals.

C) Memorials

Teams must, in advance, hand in their three memorials for the Rounds I, II and III. Memorials must be handed in by e-mail. (Penalty: 20 points)

Memorials must be prepared in English! (Penalty: 0 points for the memorial)

The participating teams must not be identified in the memorial. Names or nationality of participants or schools are not allowed in the memorial or on the cover. (Penalty: 0 points for the memorial). Teams will be assigned numbers prior to the competition in order to maintain anonymity.

The body of the memorial (parts f-k) shall be not more than 25 pages in length. (Penalty: 5 points per page) The following parts have to be included in the memorial in the given order: (Penalty: 2 points per violation)

- a) Front and back cover
- b) Title page
- c) Table of contents
- d) List of abbreviations
- e) Index of authorities (list of sources)
- f) Statement of facts
- g) Issues
- h) Summary of arguments
- i) Jurisdiction of the court
- j) Written arguments
- k) Submissions
- l) Annex (max. 2 pages)

25 pages x max. 400 words = max 10.000 words

The memorial (including the space between two footnotes) must be 1.5 spaced. Individual foot-notes, titles and sub-titles that are more than one line in length should be single spaced. (Penalty: 1 point per violation, max. 4 points).

Memorials must be differentiated by different coloured covers (background colour). Prosecutor memorials must have a blue cover, Victims Counsel memorials a green cover and Defence Counsel a red cover. The cover must contain the following information: team number, role (prosecutor, defence counsel or victims counsel), name of the competition and the year. (Penalty: 1 point, max. 3 points)

White legal size paper must be used for memorials. The typestyle of the memorial has to be Times New Roman size 12. Memorials must be continuously numbered. Each page shall have a margin of at least 2 cm on every side of the memorial. (Penalty: 1 point, max. 3 points)

Footnotes can be reduced to size 10. Furthermore, footnotes have to be placed at the bottom of a page. You have to be consistent in the way you refer to sources throughout the memorial. Footnotes have to be uniform. Footnotes may not include any other text than the citation itself. A referred document should be easy to find with the footnote. All the sources referred to in footnotes have to be included in the index of authorities. Abbreviations of sources within footnotes are allowed. The abbreviation has to be announced in the footnote itself or in the index of authorities. (Penalty: 2 points, max. 10 points)

D) Competition Structure

Language of the court shall be only in English.

The duration of each Court session shall not exceed three hours. The break is included in the three hours;

Rounds: 3 (leading to the semi-finals and/or finals)

Roles: once Prosecutor, once Defence Counsel, once Victims Counsel

Proceedings of each session:

<u>Session</u>		
30 minutes	Prosecution:	initial presentation
30 minutes	Defence Counsel:	response
30 minutes	Victims Counsel:	response
15 minutes	Prosecution:	rebuttal (up to 15 minutes)
15 minutes	Defence Counsel:	rebuttal (up to 15 minutes)
15 minutes	Victims Counsel	rebuttal (up to 15 minutes)
30 minutes	Break (the Expert Panel deliberates)	
15 minutes	Expert Panel delivers judgment and assessment on the quality of performance and substance of the three teams	

Each is expected to be ready with return brief and oral arguments. Parties are obliged to react to the opponent's argumentation; verbatim reading of the memorials in the court room shall not be permitted. The court will follow its own rules of procedure within the framework of excepted norms of judicial practise and on questions of doubt or dispute in the matter of procedure or facts; the decision of the presiding member of the Expert Panel shall be final.

Directive on the issues to be discussed during the three rounds and the finals:

To be included before 25 October 2008 (you will receive notification and amended regulations document)

How should teams prepare for the Finals?

The Teams can prepare themselves for the Finals, by expecting to make the Finals and prepare all the three roles they could possible represent.

In the morning of day four, the three finalist teams are provided with time to prepare their role in the finals

- No memorial in advance needed
- The Tournament structure and program will provide the Finalists with: time, location and facilities to prepare themselves for the Finals.

E) Competition Rules

1. All teams participating are given a chance to argue on all sides of the case during the preliminary rounds. .
2. If a team scheduled to take part in a round does not appear for 10 minutes after the scheduled start of the round, the competition will take place without the presence of that team. (Ex parte proceeding)
3. Scouting in any manner is strictly prohibited. No team member or person directly associated with any team may attend a round in which the said team is not participating.
4. Every team should maintain fullest dignity and decorum in the Court Room. Inappropriate behaviour in the Court Room or blatant disregard for the procedures may result in the disqualification of the team or will be liable to be punished to the extent of deduction of 15 marks.

F) Scoring Structure

Memorials

Memorials must be prepared in English by the team representing their respective role in the first three rounds. The Jury will have to give points (between 0 to 10). Points will be awarded for:

- | | |
|--|----|
| a) Knowledge of facts and legal principles | 10 |
| b) Articulate analysis of the issues | 10 |
| c) Use of authorities and citations | 10 |
| d) Ingenuity and clarity | 10 |
| e) Persuasiveness | 10 |
| f) Logic and reasoning | 10 |
| g) Grammar and style | 10 |

Total (max) 70

Oral Arguments

Points will be awarded for:

- a) Knowledge of facts and legal principles 10
- b) Articulate analysis of the issues 10
- c) Use of authorities and citations 10
- d) Ingenuity and clarity 10
- e) Persuasiveness 10
- f) Logic and reasoning 10
- g) Presentation 10

Total (max) 70

Raw Score and Bonus Points

Raw Score

(Memorial Points + Oral Arguments Points) – Penalty Points

Bonus Points

Each round there will be awarded 5 Round Points to the best Oral Argument for each role and 5 Round Points to the best Memorial for *each role*.

- 1) Raw Score
 - a. Memorial Points (0– 70)
 - b. Oral Arguments Points (0 – 70)
 - c. Penalty Deduction
- 2) Bonus Points
 - a. Memorial Round Points (Best Team 5 Points)
 - b. Oralist Round Points (Best Team 5 Points)

Example Round Scoring Structure

				Raw	Score
				Memorial Points	Oral Arguments Points
Group A	1 P	2DC	3VC	3 x (0 – 70)	3 x (0 – 70)
Group B	4P	5DC	6VC	3 x (0 – 70)	3 x (0 – 70)
Group C	7P	8DC	9VC	3 x (0 – 70)	3 x (0 – 70)
Group D	10P	11DC	12VC	3 x (0 – 70)	3 x (0 – 70)
Group E	13P	14DC	15VC	3 x (0 - 70)	3 x (0 – 70)
Group F	16P	17DC	18VC	3 x (0 – 70)	3 x (0 - 70)
Memorial Bonus Points (Best Team)	5	5	5		
Oral Arguments Bonus Points (Best Team)	5	5	5		

Winner

The winner of the North American Qualifying Round of the Pace/ICLN ICC Trial Competition will be the finalist with the highest total score (*after deduction of penalty points and plus bonus points*) after the Finals

G) Jury

Composition of the Expert Panel

1. Expert panellists in the Moot Court Competition include law professors, lawyers, judicial practitioners and international legal experts working for (inter)governmental institutions.

2. Ordinarily the panel will consist of three jury members and at least one of them shall be a teacher of International and/or Criminal Law. There shall be a bench clerk, who will be nominated by the organising committee.

- Every session in each round will have at least 2 jury members
- The jury could rotate: same jury panel each round, to evaluate different teams
- The semi-finals and finals will be assessed by a High Jury, composed of members of the Advisory Board and other renowned International Criminal Law experts

H) Final Note

- The organising committee shall reserve the rights to make changes in the rules, which will not be inconsistent with the ICC Trial Competition rules, in case of absolute necessity due to last minute drop out of team etc. However changes made will be notified to the team/teams likely to be affected. In this regard, the decision of the national administrator shall be final.