Rules of Procedure

Round of the Americas

Pace Law School

White Plains, NY

March 1-3, 2013

International Criminal Court Trial Competition

Please note: These rules apply to the Round of the Americas held at Pace Law School. They are for the most part identical to those for the International Final rounds held in the Hague. While we endeavour to synchronize our rules with those for the International Finals, there may on occasion be slight variations between the two. For the purposes of the Round of the Americas, Pace Law School and its organizers shall be the final arbiters of these rules. Should a conflict in the rules exist and should it potentially impact the competition, this should be brought to our attention and Pace will work directly with ICLN to eliminate any such discrepancies.

Chapter 1: General Rules

Art. 1 - Object

a. The present rules (hereinafter "Rules") govern the ICC Trial Competition, held in the English language (hereinafter "Competition").
b. The Competition shall be held annually.

Art. 2 – Subject

a. All teams participating in the Competition are presumed to have knowledge of and shall be subject to these Rules. The rules will be published by the organisers of the Competition ("Organisation") on their website.

Art. 3 - Interpretation of the Rules

a. The Organisation has the authority to interpret and amend the provisions contained in the Rules.

b. The Organisation reserves the right to make changes when necessary. Any changes made will be communicated to the team(s) most likely to be affected

Art. 4 - Aim of the Competition

The Competition aims to encourage university students to gain familiarity with the ICC mandate and its rules by simulating its proceedings through arguing a hypothetical case. In addition, the Competition seeks to advance the ICC's mandate, functions, and jurisprudence, as well as other International Criminal Tribunals, in building strong relationship between universities and the ICC.

Art. 5 – Participation

a. Each country may be represented by a maximum of two (2) teams.
b. Only actively enrolled students in undergraduate and postgraduate universities are eligible to participate.
c. Non-law students may be considered eligible, provided that they have the requisite legal knowledge. It is each team's responsibility to ensure that its team members have a level of legal knowledge suitable for the Competition.
d. Students with any professional legal experience, which includes qualification as a lawyer, but excludes legal internships, are not eligible to enter the Competition.
e. Students aged 32 and older at the time of the Competition are not eligible to participate. The Organization reserves the right to make exceptions to this rule upon written request.
f. A student can participate in the Competition as a speaker only once. A student who has previously participated in the Competition as a speaker is not eligible to re-enter the Competition as a speaker.
g. A student who has previously participated in the Competition as a researcher is eligible to enter the Competition again as a speaker.

Art. 6 - Team Composition

a. Each team will be comprised of a maximum of:
    1. Three (3) speakers;
    2. Two (2) researchers;
    3. Two (2) coaches: one leading coach and one assistant coach;
b. The coach is responsible for giving academic and scientific instructions to his/her team and represents both the university as well as the team before the Organisation. Article 6 restrictions shall not apply to the leading and assistant coaches.
c. Each team must submit in writing their team composition at the time of registration. Each university will be responsible for the selection of the team members and the designation of their coach(es).

d. The maximum number of team representatives for each team cannot exceed seven (7). A team may be comprised of no fewer than three speakers without an explicit waiver received upon written request of the Organizers.
e. Any other changes in team composition must also be submitted in writing before **December 22, 2012**. Any request for changes in team composition after this timeframe shall be rejected. However, the Organization reserves the right to allow team composition changes after this deadline in consideration of exceptional circumstances or in the interests and fairness of the Competition.

Chapter 2: Administrative Provisions

Art. 7 - Team Registration

a. Registration for the Competition will open at **on 6 September 2012**.
b. Each team can for register online via the Organization's Competition website.
c. The extended deadline for registration is at **2 November 2012 at 12:00 p.m (EST)**. A team cannot register after this date. Depending upon the number of teams registered, late registration may be allowed.

Art. 8 - Team Identification

a. In the interest of fairness and objectivity, each team shall be assigned an anonymous number prior to submission of their memorials.
b. This number will be emailed to each team by the Organization.
c. This number becomes the team's identifier throughout the Competition.

Art. 9 - Registration Fee

a. The Organisation will issue an invoice for payment of the registration fee to eligible teams.
b. Each team must pay their registration fee within seven (7) days of the date of the invoice was issued.
c. Incomplete payment of registration fee renders that particular registration application invalid.
d. The Organisation reserves the right to accept late payment of registration fees for extraordinary circumstances.
e. The registration fee will not be refunded under any circumstances.

Chapter 3: Competition Structure

Art. 10 - Structure

a. The International Round of the Competition shall have two (2) consecutive phases, each independently graded: a written round (Memorials) and an oral round (Hearings).

b. Each team shall address the Case in the roles of Defence Counsel, Government Counsel and the Prosecution, one memorial per role.
c. Each team shall participate in three (3) oral rounds before the Bench members in the roles of Defence Counsel, Government Counsel and the Prosecution.
d. The memorials and oral pleadings shall reflect a deep knowledge of the ICC rules and case law, as well as of International Criminal Law in general.

Art. 11 - Semi-Final Round

a. The written and oral stages of the pre-rounds are independently assessed. The sum of the scores obtained in both stages after the deduction of any penalty points will qualify the six (6) best teams for the Semi-Final Round.
a. The Semi-Final Round will consist only of an oral phase. The teams are free to choose which of their three speakers will present at the Semi-Final Round. They are not bound by the role the speakers presented in the pre-rounds.
b. The results of the written memorials will not be taken into account in assessing the final scores of the semi-final round.

Art. 12- Final Round

b. The winner of each semi-final round, and the non-winning team with the highest score in the Semi-Final Round, will proceed to the Final Round.
c. The Final Round of the Competition will be held at the seat of the ICC in The Hague. It will consist of an oral phase only.
d. The teams are free to choose which of their three speakers will present at the Final Round. They are not bound by the role the speakers presented in the pre-rounds or Semi-Finals.
e. The Bench of the Final Round will assess the substance of the arguments and the quality of the performance of the three teams. It will deliver its judgment and announce the winner of the Competition (to be picked at the discretion of the Bench, one vote per judge). The team winning the Final Round will be the winner, regardless of the scoring of the Memorials.

Chapter 4: Memorial Provisions

Art. 13 - Submission of the Memorials

a. All teams, excluding the teams participating in the Regional Round organised by Pace University Law School, must submit their three (3) Memorials for each role by email **before 9:00 PM (Eastern-EST) on 20 January 2013**
b. Pace Law School will submit the Memorials of the winner and runner-up of the North-American Regional Round to the Organisation.

Art. 14 - Identification in Memorials

a. Each team must omit the following references in their Memorials:
    1. names of team members;
    2. the members' and/or the university's country of residence;
    3. its nationality; and
    4. its university.
b. Violations of this article will be sanctioned with fifty (50) penalty points.

Art. 15 - Memorial Format

a. Each team must submit its Memorial in Microsoft Word format
b. Each Memorial must be printed on A4 sized paper or standard letter size paper
c. Each team must submit its Memorials in size 12 Times New Roman font style
d. Each page shall have a margin of at least 2 cm on every side of the text
e. Memorials must be continuously page-numbered, excluding the front-cover
f. Violations of this article are sanctioned with one (1) penalty point per violation, with a maximum of five (5) penalty points.

Art. 16 - Spacing

a. The text of the Memorial must be 1.5 spaced.
b. Headings and subheadings of more than one line in length must be single spaced.
c. Violations of this article are sanctioned with one (1) penalty point per violation, with a maximum of four (4) penalty points.

Art. 17 - Word Limit

Each Memorial must not exceed 10.000 words (**including footnotes**). Violations of this article are sanctioned by five (5) penalty points per 400 words.

Art. 18 - Order of Content

a. Each Memorial shall be presented in the following order:
    1. Front cover;
    2. Title page;
    3. Table of contents;
    4. List of abbreviations;
    5. Index of authorities (list of sources);
    6. Statement of facts;
    7. Issues;

8. Summary of arguments;
9. Written arguments;
10. Submissions;
11. Optional: Annex (max two (2) pages); and
12. Back cover

b. Violations of this article are sanctioned by two (2) penalty points per violation.

Art. 19 - Front Cover Requirements

a. The front cover must contain the following information:
   1. Team number
   2. Role (Defence Counsel, Government Counsel or the Prosecution)
   3. Title of the Competition
   4. Year
   5. Total word count
b. The front cover must be color coded accordingly:
   1. Red for Defense Counsel
   2. Green for Government Counsel
   3. Blue for Prosecution
c. Violations of this article will be sanctioned with one (1) penalty point per violation, with a maximum of three (3) penalty points.

Art. 20 - Footnotes

a. Footnotes are to be in Times New Roman font style, size 10 font, single spaced. Spacing between each footnote shall be 1.5.
b. Consistency in the reference to sources throughout the Memorial is required. A referred-to document should be easy to find using the footnote.
c. All the sources referred to in footnotes must be included in the index of authorities.
d. Footnotes must be uniform.
e. Footnotes may not include any other text than the citation itself.
f. Abbreviations of sources within footnotes are allowed. The abbreviation has to be announced in the footnote itself or in the index of authorities.
g. Violations of this article are sanctioned with two (2) penalty points per violation, with a maximum of ten (10) penalty points.

Art. 21 - Scoring Structure Memorials

a. Scores are awarded out of a maximum of 100 points.
b. Scores are awarded for:
   1. Knowledge of facts and legal principles: 20 points
   2. Articulate analysis of the issues: 10 points
   3. Use of authorities and citations: 15 points

4. Ingenuity and clarity: 20 points
5. Persuasiveness: 10 points
6. Logic and reasoning : 20 points
7. Grammar and style: 5 points

Art. 22 - Late Delivery Memorials

Late delivery of memorials is sanctioned with twenty (20) penalty points.

Art. 23 - Plagiarism

Plagiarism in Memorials will be sanctioned with disqualification of the team. A team's disqualification is final and irrevocable.

Chapter 5: Oral Round Provisions

Art. 24 - Content

a. Each team's Hearing pleadings must demonstrate an outstanding knowledge of the ICC Rules of Procedure and Evidence and the applicable international criminal law principles.
b. The Hearings will have a maximum length of three (3) hours per session (including break) and shall reflect familiarity with ICC proceedings.

Art. 25 - Appearance

a. Each team scheduled to appear has a maximum of fifteen (15) minutes to appear before the bench from the start of the scheduled time.
b. The Competition will proceed on an *ex parte* basis at the expiration of the fifteen (15) minutes.

Art. 26 - Speakers

a. Each team shall consist of three speakers. Every speaker of a team will take on the presentation of Defence Counsel, Government Counsel or the Prosecution. It is within the discretion of each team to decide which speaker will present the rebuttal.
b. Only two members of each team, speakers and/or researchers, are allowed to be present before the bench.
c. Each speaker will speak according the time allocated under Articles 32 and 33.
d. Verbatim reading of the Memorials during the Hearings is strictly prohibited.

Art. 27 - Communication

a. Communication between the speakers and the coaches, team members not presenting or Competition spectators, is strictly prohibited during the Hearings.
b. Only those present before the bench are permitted to communicate in writing with each other.
b. The use of laptops during the Hearings is strictly prohibited. An exception can be made by ICLN for exceptional circumstances, such as a team member's handicap.
c. Violations of this article are sanctioned with 50 points.

Art. 28 - Raising Objections

a. The speakers are allowed to make a maximum of one objection per session to the exposition of the oralist of the other teams, as long as it is of an utmost importance for the procedure before the ICC and refers to the immediate argument of the pleading oralist.
b. An objection is only permissible in the following situations:
    1. When any of the speakers refer to events that are not mentioned in the case;
    2. Radical differences between oral arguments and arguments in the written memorial;
    3. If the Bench Members deem it appropriate.
c. Once the reasons for the filed objection are expressed, the Bench Members are obliged to hear the arguments of the counterpart to decide on the legality or illegality of the objection.
d. The Bench will decide by unanimous vote on the admissibility or inadmissibility of the objection. In case of misusing the objection, the speaker that objects will be sanctioned by a deduction of up to ten (10) discretionary penalty points.
e. The objection will not be included in the time mentioned in Articles 31 and 32.

Art. 29 - Speaking Time

a. Presentation by Defence Counsel: 20 minutes
b. Presentation by Government Counsel: 20 minutes
c. Presentation by the Prosecution: 20 minutes

Art. 30 - Rebuttal

a. Rebuttal by Defence Counsel: up to 10 minutes
b. Rebuttal by Government Counsel: up to 10 minutes
c. Rebuttal by the Prosecution: up to 10 minutes

Art. 31 - Judgment

a. Bench deliberation: 30 minutes (maximum)
b. Delivery of judgment by the Bench: 15 minutes

Art. 32 - Bench Composition

a. Each Bench must be composed of two (2) members and a President (appointed by the Organisation or by consensus of the judges participating in the hearing) and shall be assisted by a bench clerk. We will endeavour to have Bench Members that have knowledge and experience in the fields of international criminal law, international human rights law, public international law, and/or criminal law. All Bench Members will be fully briefed on the issues presented.
b. An advisor of a participating team cannot be appointed as a Bench Member.
c. Bench Members for oral sessions can be distinct from the Bench evaluating the memorials. All Bench Members must read the case, as well as other explanatory documents that may be produced by the case author. Though not compulsory, bench members may wear a judicial robe.
d. Bench Members are not permitted to give their individual opinion outside the deliberation room of which team or student they personally consider the best participant.
e. During the oral rounds, the Bench shall ensure the respect or the Rules in all Rounds and assess the quality of the arguments. The Bench members are encouraged to intervene with appropriate questions during the oral pleading to further assess the knowledge and the preparation of the oralists.
f. The Bench will follow its own Rules of Procedure within the framework of accepted norms of judicial practice, and with regard to questions of doubt or dispute in the procedure or facts. A decision of the Presiding Member of the Bench shall be final.
g. The Bench Members shall mark the oral arguments in accordance with the scoring criteria provided for in these Rules.
h. Team objections to a jury panel due to conflict of interest or prior relationship must be disclosed and communicated to the Bench Clerk/Bailiff prior to the commencement of the Hearing.

Art. 33 - Role of the Bench Clerk/Bailiff

a. The Bench Clerk/Bailiff is nominated by the Organisation.
b. The Bench Clerk/Bailiff is responsible for:
    1. the collection of the score sheets and their delivery to the organisation;
    2. briefing and advising the bench members on the Rules of Procedure contained herein;
    3. keeping order during the Hearing;
    4. facilitating the sessions' development;
    5. timekeeping.

Art. 34 - Scores

a. Scores are rewarded out of a maximum of 100 points.
b. Scores are allocated as follows:
    1. Knowledge of facts and legal principles: 20 points
    2. Articulate analysis of the issues: 20 points
    3. Use of authorities and citations: 20 points
    4. Ingenuity and clarity: 5 points

5. Persuasiveness: 15 points
6. Logic and reasoning: 10 points
7. Presentation: 10 points

Art. 35 - Penalties for Inappropriate Behaviour

a. Every team should maintain the fullest dignity and decorum not only in the Courtroom but during the entire Competition.
b. Inappropriate behaviour or blatant disregard for the procedures may result in the disqualification of a team or the team will be sanctioned by a deduction of fifteen (15) points.
c. Inappropriate behaviour displayed by any observers of the Competition will result in being escorted out of the Competition venue.

Art. 36 - Scouting

a. Scouting is forbidden at all times during the Competition.
b. Scouting is defined as:
    1. when a team or its members including students, coaches and spectators associated with that team attend a Hearing in which they are not participants;
    2. instances where students, coaches or spectators discuss with or pose questions of substantive issues of international criminal law to the judges.
c. Violations of this article will result in disqualification. A team's disqualification is final and irrevocable.

Chapter 6: The Awards

Art. 37 - Categories of the Awards

a. The following awards will be given by the ICC after the Final Round:
    i. Winner
    ii. First Runner-up
    iii. Second Runner-up;
    iv. Best Oralist;
b. The following awards will be given by the Organisation after the Semi-Final Rounds:
    i. Best Memorial
    ii. Best Representative for the Victims (speaker)
    iii. Best Prosecutor (speaker)
    iv. Best Defense Counsel (speaker)
c. Each participating team shall receive a certificate of participation.

Chapter 7: The Organisation

Art. 38 – Organisation

a. The Regional Round for the Americas and Caribbean is held in White Plains, New York, in the United States and is organized by Pace University Law School (https://www.pace.edu/law/academics/experiential-learning/advocacy-program/moot-court-competitions/international-criminal).
b. The Pre-Rounds, Semi-Final Rounds and the Final Round are organised by the International Criminal Law Network (ICLN) (www.icln.net).