

## **Rules of Procedure**

**Elisabeth Haub School of Law at Pace University**

**White Plains, New York**

**March 11-12, 2023**

**IBA ICC Moot Court Competition**

**Americas Qualifying Round**

**SUBMISSION DEADLINE: February 6, 2023 by 5:00 p.m.**

*Please note: These rules apply to the Round of the Americas held at Elisabeth Haub School of Law at Pace University. They are for the most part identical to those for the International Final rounds held in The Hague. While we endeavor 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, Elisabeth Haub School of Law at Pace University 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 the Grotius Centre for International Legal Studies – Leiden University to eliminate any such discrepancies.*

## **Chapter 1: General Rules**

### **Art. 1 - Object**

- a. The present rules (“Rules”) govern the International Criminal Court (“ICC”) Moot Court Competition 2023 (hereinafter “the Competition”) held in the English language, organized by Grotius Centre for International Legal Studies - Leiden University in partnership with the International Bar Association (IBA), and the Elisabeth Haub School of Law Pace University (hereinafter the “Organization”)

### **Art. 2 – Subject**

- a. All teams participating in the Competition are presumed to have knowledge of and shall be subject to these Rules.

### **Art. 3 - Interpretation of the Rules**

- a. The Organization has the authority to interpret and amend the provisions contained in the Rules.
- b. The Organization reserves the right to make changes at any time before the commencement of the Preliminary Round or when necessary. Any changes made will be communicated to the participating teams most likely to be affected.

### **Art. 4 - Aim of the Competition**

The Competition aims to encourage university students to improve their knowledge of international criminal law in practice and in particular of the ICC, its mandate and its jurisprudence, by simulating its proceedings through arguing a hypothetical case. The Competition seeks to enhance the knowledge about the Rome Statute, especially within countries that have yet to ratify it. In addition, the Competition provides participants with the opportunity to become familiar with the Hague based International institutions.

## **Chapter 2: Participation and Eligibility**

### **Art. 5 – Participation**

- a. All educational institutions offering a degree, or similar graduate or postgraduate qualification or training, in law or in a field related to international law, or in international relations, are eligible to participate in the Competition.
- b. Each institution may enter one team, regardless of the number of colleges, departments, faculties, or schools within that institution, and the team may include students from one or more of its colleges, departments, faculties, or schools.
- c. Each country, including the United States of America, may be represented by a maximum of **five (5)** teams who advance to the International Finals.

### **Art. 6 - Team Composition**

- a. Each team will be comprised of three (3) **speakers**. Additionally, the team may include two (2) **researchers** and two (2) **coaches**: one Leading Coach and one Assistant Coach. The amount of team representatives may never exceed seven (7) at any moment in the Competition.
- b. Registration forms may be amended at any time before **February 13, 2023**. Submitted registration forms can only be amended with prior approval from the Organization.
- c. The Organization reserves the right to allow changes in team composition after this deadline in consideration of exceptional circumstances, or in the interests or fairness of the Competition.
- d. The Coach, or a team member appointed by the team, represents both the university and the team before the Organization.

### **Art. 7 - Team Member Eligibility**

- a. Only actively enrolled students in Bachelors, Masters, JD, and LLM Programs are eligible to participate. Exchange students may participate on behalf of their host university.
- b. 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.
- c. Students admitted to practice, including by having taken and passed the bar exam, are prohibited to participate.
- d. These restrictions shall not apply to the leading and assistant coaches.

## **Chapter 3: Team Registration**

### **Art. 8 - Team Registration**

- a. Registration for the Competition will open on August 31, 2022.
- b. Each team can register online via Pace's Competition website ( <https://www.pace.edu/law/academics/experiential-learning/advocacy-program/moot-court-competitions/international-criminal> ).
- c. Each team needs to submit the names of at least three (3) members in order for the registration to be considered complete.

### **Art. 9 - Team Identification**

- a. In the interest of fairness and objectivity, each team shall be assigned an anonymous number prior to submission of their memorials. This number will be emailed to each team by the Organization. This number becomes the team's identifier throughout the Competition.
- b. Teams must not reveal their identity of their institution or country of origin to the judges at any time during the Competition.
- c. The Organization may disqualify or impose a Penalty against any team that intentionally or inadvertently discloses its school or country of origin to a judge during a competition, whether or not such disclosure occurs during an Oral Round.

### **Art. 10 - Registration Fee**

- a. The Organization will issue an invoice for payment of the registration fee to eligible teams.
- b. Each team must pay their registration fee within thirty (30) days after the date the invoice was issued.
- c. Incomplete payment of registration fee renders that particular registration application invalid.
- d. The Organization 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 4: Competition Structure**

### **Art. 11 - Case Publication**

- a. Teams will be provided with a fictional case intended to enable the students to familiarize themselves with the law and practice of the ICC. The Competition case (hereinafter: “the Case”) will be made publicly available on the Competition’s website.
- b. Each team may request clarifications and corrections to the Case by **14 December 2022 @ 11:59PM EST**. All requests must be submitted via e-mail.
- c. Each team may submit a maximum of five (5) questions/requests for clarification.
- d. The teams participating in National/Regional Rounds shall submit the questions/requests for clarification with the National/Regional Round Organizer.

### **Art. 11bis – Structure**

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

### **Art. 12 – Preliminary Round.**

- a. Each team shall address the Case in the roles of the Defense Counsel, Prosecution Counsel, and Government Counsel, and shall submit one Memorial per role.
- b. Each team shall participate in three (3) oral rounds (the “Pre-Rounds”) before the Judges in the roles of Defense Counsel, Prosecution Counsel, and Government Counsel.
- c. Each team will have three (3) individual speakers. Every individual speaker of a team will represent in their pleadings the Defense Counsel, or the Prosecution Counsel or the Government Counsel.
- d. The rebuttal must be presented by the same speaker as the main presentation.
- e. Researchers are not allowed to present at any stage of the Competition.

### **Art. 13 - Semi-Final Round**

- a. The written and oral rounds are independently assessed. The sum of the scores obtained in both stages after the deduction of any penalty points will qualify the nine (9) best teams for the Semi-Final Round. This number may change based upon the number of schools registered to compete. The number of teams advancing to the Semi-Finals will be announced prior to the commencement of the Preliminary Rounds.
- b. The Semi-Final Round will consist only of an oral phase. **The teams are free to choose which of their three (3) speakers will present at the Semi-Final Round. They are not bound by the role the speakers presented in the Pre-Rounds.**
- c. To decide which team will argue which role, the team in each round with the highest

total score thus far will choose its role. The team in each round with the second highest score will then choose its role out of the two remaining choices.

- d. Subject to the exception set forth in Art. 14(a), the results of the written Memorials will not be taken into account in assessing the final scores of the Semi-Final Round.

#### **Art. 14 - Final Round**

- a. The winner of each Semi-Final round will proceed to the Final Round. Should there be fewer than nine (9) teams advancing to the Semi-Finals and only two Semi-Final matchups, the third team to advance will be selected from the two Semi-Final runner ups based on a formula giving 50% weight to the team's Semi-Final Round score and 50% weight to the team's combined score from the Preliminary Round oral and written phase.
- b. 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.**
- c. 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.
- d. Roles in the final round will be assigned based on a random selection.

#### **Chapter 5: Memorial Provisions**

##### **Art. 15 - Submission of the Memorials**

- a. All teams participating in the Round of the Americas organized by Elisabeth Haub School of Law must submit their three (3) Memorials for each role *by email* by Monday, February 6, 2023 at 5:00 PM EST.
- b. There will be a penalty of **five (5) points for each day** the briefs are past the due date. After one week beyond the due date, briefs will not be accepted and the team will be disqualified without a registration fee refund.

##### **Art. 16 - 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. The name of its university.
- a. Violations of this article will be sanctioned with up to **forty (40) penalty points**, with **ten (10) penalty points** per violation.

#### **Art. 17 - Memorial Format**

- a. Each team must submit its Memorial in Microsoft Word and Pdf 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. The line spacing for all parts of the Memorial is to be 1.5 lines.
- g. Headings and subheadings of more than one line in length must be single spaced.
- h. Violations of this article are sanctioned with **one (1) penalty point** per violation.  
More than one violation of the same item of this Article should be considered as one violation in total.

#### **Art. 18 - 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**. The 10,000 words include the statement of facts, issues, summary of arguments, written arguments, submissions and (optional) annexes, and exclude the front cover, title page, table of contents, list of abbreviations and index of authorities.

#### **Art. 19 - 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. The swapping of two sections will be sanctioned by **one (1) penalty point**.

**Art. 20 - Front Cover Requirements**

- a. The front cover must contain the following information:
  1. Team number;
  2. Role (Prosecution Counsel, Defense Counsel, and Government Counsel);
  3. Title of the Competition (IBA ICC Moot Court Competition in the English Language);
  4. Year; and
  5. Total word count.
- b. The front cover (page) must be color coded accordingly:
  1. Green for Prosecution Counsel.
  2. Red for Defense Counsel.



3. Blue for Government Counsel.
- c. Violations of this article will be sanctioned with **one (1) penalty point** per violation.

#### **Art. 21 – Footnotes**

- a. Footnotes are to be in Times New Roman font style, size 10 font. Footnotes of more than one line in length must be single-spaced.
- b. Spacing between each footnote shall be single.
- c. Consistency in the reference to sources throughout the Memorial is required. One referencing style only may be used throughout the Memorial.
- d. All the sources included in the index of authorities, must be included in the footnotes as well.
- e. Footnotes must be uniform.
- 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. More than one violation of the same item of this Article should be considered as one violation in total.

#### **Art. 22 - Scoring Memorials**

- a. Scores are awarded on a scale of 50 to 100 points.
- b. The scoring factors to be considered, without regard to their order of importance, shall include, but not limited to: knowledge of the facts and law; proper and articulate analysis; extent and use of research; clarity and organization; evidence of original thought; persuasiveness; grammar and style.

#### **Art. 23 - Plagiarism**

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

#### **Chapter 6: Oral Round Provisions**

#### **Art. 24 – General Procedures**

- a. Each team shall participate in three (3) Hearings during the Preliminary Round, representing each role once.
- b. Each Hearing shall take up to two (2) hours, with each team being allotted a total of thirty (30) minutes.

- c. Each team scheduled to appear has a maximum of fifteen (15) minutes from the start of the scheduled time to appear before the bench.
- d. The Competition will proceed on an *ex parte* basis at the expiration of the thirty (30) minutes. The Organization may decide to delay the start of the proceedings, or reschedule the session, in exceptional circumstances.

#### **Art. 25 – Order of Appearance and Time Division**

- a. The order of the pleadings in each Hearing is:
  - Presentation by Defense Counsel: up to 20 minutes.
  - Presentation by Prosecution Counsel: up to 20 minutes.
  - Presentation by Government Counsel: up to 20 minutes.
  - Rebuttal by Defense Counsel: up to 10 minutes.
  - Rebuttal by Prosecution Counsel: up to 10 minutes.
  - Rebuttal by Government Counsel: up to 10 minutes
- b. Any other time division is strictly forbidden. Time not used in the presentation may not be allocated to the rebuttal, and time not used in the rebuttal may not be allocated to the presentation.
- c. Questions posed by the Judges are included in the speaking time of the presentation and of the rebuttal, respectively.

#### **Art. 26 – Speakers**

- a. Each team will have three (3) individual speakers. Every individual speaker of a team will represent in their pleadings the Prosecution Counsel, or the Defense Counsel or the Government Counsel. The rebuttal must be presented by the same speaker as the main presentation.
- b. Only two members of each team, speakers and/or researchers, are allowed to be present before the Bench. The person acting as co-counsel need not be the same person in each Hearing.
- c. Each speaker will speak according to the time allocated under Article 25.

#### **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. Violations of this article are sanctioned by up to fifty (50) points. It is up to the discretion of the Judges, taking into account the seriousness and consequences of the violation, how many penalty points will be deducted.

#### **Art. 28 – Scope of Pleadings**

- a. A team's oral pleadings are not limited to the scope of the team's Memorial. Teams may refer directly to the opposing teams' memorials in their main argument.
- b. Speakers are not allowed to introduce new issues in their rebuttal. All arguments and issues raised by opposing counsels during both presentation and rebuttal may be discussed during the rebuttal.
- c. Objections are under no circumstances allowed at any moment during the proceedings.
- d. Verbatim reading of the Memorials during the Hearings is strictly prohibited.

#### **Art. 29 - Bench Composition**

- a. Each Bench will be composed of one (1) or two (2) Judge(s) and one (1) Presiding Judge (appointed by the Organization or by consensus by the Judges participating in the Hearing) and shall be assisted by a Bench Clerk.
- b. If only two Judges score a given hearing, the Organization shall create a third score by averaging the scores of the two Judges.
- c. The organization may appoint a fourth Judge. In the event four (4) Judges score a given hearing, the score that is furthest from the average of all four (4) scores, and the score sheet on which it appears, will be disregarded.
- d. If only two Judges score a given Hearing, the Organization shall create a third score by averaging the scores of the two Judges.
- e. An Assistant coach of a participating team can under no circumstance be appointed as a Judge.
- f. Judges for hearings can be different from the Bench evaluating the memorials. All Judges must read the case, as well as other explanatory documents. Though not compulsory, Judges may wear a judicial robe.
- g. Judges are not permitted to give their individual opinion outside the deliberation room regarding the quality of the presentation and results of the participating teams. Furthermore, Judges are not allowed to give the participating teams any feedback on the details of the case.
- h. During the oral rounds, the Bench shall ensure the respect for the Rules of Procedure and will assess the quality of the arguments. The Judges are encouraged to intervene with appropriate questions during the oral pleading to further assess the knowledge and the preparation of the oralists.
- i. 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.
- j. The Judges shall mark the oral arguments in accordance with the scoring criteria provided for in these Rules.
- k. 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. 30 – Eligibility of Judges**

- a. The Organization will determine the eligibility of persons to serve as judges in the Competition.
- b. Subject to the provisions below, a Judge may not judge a team with whom that judge is affiliated.
- c. An “Affiliation” means a professional or extraordinary personal relationship between a judge and an institution, coach or team member participating in the Round in which the judge is to serve. A Coach or Assistant Coach of a participating team can under no circumstance be appointed as a Judge.
- d. The existence of professional relationship between a Judge and a team shall not preclude the Judge from judging that team when—in the determination of the Organizers—that Judge is not in a position to discover whether or not such an affiliation exists.
- e. The existence or non-existence of a close personal relationship shall be determined by the Organization.
- f. It is the duty of a judge to report any affiliations at the time he or she registers to judge or subsequently, directly to the Organizers = in advance of the Moot. The Organizers shall investigate any reported affiliation (whether self-reported by a judge or otherwise) and shall determine whether such affiliation constitutes a conflict of interest.

### **Art. 31 - Role of the Bench Clerk**

- a. The Bench Clerk is nominated by the Organization.
- b. The Bench Clerk is responsible for:
  1. The collection of the score sheets and their delivery to the Organization;
  2. Briefing and advising the Judges on the Rules of Procedure contained herein;
  3. Keeping order during the Hearing;
  4. Facilitating the sessions’ development;
  5. Timekeeping.

### **Art. 32 - Scoring**

- a. Scores are rewarded out of a maximum of 100 points for the Presentation and the Rebuttal. The Presentation and the Rebuttal shall be awarded with one score only.
- b. Points are allocated as follows:
  1. Organization, structure, and time management: twenty (20) points
  2. Knowledge and use of rule and principles of law: twenty (20) points

3. Knowledge and use of the facts: twenty (20) points
4. Questions and rebuttal: twenty (20) points
5. Persuasiveness and style of presentation: twenty (20) points

#### **Art. 33 - Penalties for Inappropriate Behavior**

- a. Every team should maintain the fullest dignity and decorum, not only in the Courtroom, but during the entire Competition.
- b. Inappropriate behavior or blatant disregard for the procedures may result in the disqualification of penalty points and in extreme cases to the disqualification of the team.

#### **Art. 34 – Recording of the Hearing**

- a. Members of the presenting team, may (voice) record their own team members during their presentation and/or rebuttal. However, it is strictly forbidden to (voice) record the opposing teams during their presentation and/or rebuttal.
- b. Violations of this article are sanctioned with 50 penalty points.

#### **Art. 35 - Scouting**

- a. Scouting is forbidden at all times during the Competition.
- b. Scouting is defined as:
  1. When a team or one or more of its members 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 7: The Awards**

#### **Art. 36 - Categories of the Awards**

- a. The following awards will be given by the ICC after the Final Round:
  1. Winner
  2. First Runner-up
  3. Second Runner-up
  4. Best Oralist
  
- b. The following awards will be given by the Organization after the Final Rounds:
  1. Best Prosecution Counsel Memorial
  2. Best Defense Counsel Memorial
  3. Best Government Counsel Memorial
  
- c. Each participating team shall receive a certificate of participation.

## **Chapter 8: The Organization**

### **Art. 37 – Organization**

- a. The Regional Round for the Americas and Caribbean is held in White Plains, New York, in the United States and is organized by Elisabeth Haub School of Law at Pace University ( <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 of the international competition are organized by the Grotius Centre for International Legal Studies – Leiden University (www.iccmoot.com).