

Official Rules

The following represent the official rules of the International Criminal Court Moot Competition ("Rules"). Rules may be changed and all registered teams will be notified immediately. The last date for rule changes will be announced shortly.

Rule 1.

The International Criminal Court Moot Competition ("Competition") is an annual international, inter-law school moot court Competition sponsored by Pace Law School. The purposes of the Competition are to develop expertise in international criminal law as practiced in the forum of the International Criminal Court among law students, their faculty and coaches and international law practitioners. It is hoped that over time, the Competition will also serve to educate a wider public, here and abroad, in the jurisdiction, procedures and substantive law, including the principle of complimentarily, that will be utilized by the ICC in the prosecution of individuals charged with War Crimes, Crimes against Humanity, and Genocide.

Rule 2.

The Competition is coordinated by the International Criminal Court Moot Board ("Board"), which is comprised of Pace students, their faculty advisors, and the Pace Administration.

The Problem is prepared by the Board and provided to each Team for its use in preparing for participation in the Competition.

A. Use in other competitions.

Schools may not use the current Problem for intramural runoff competitions for the current year's International Competition. Schools may use the current Problem, after completion of the International Competition, for intramural competitions or other academic purpose, with appropriate attribution to Pace.

B. Questions about the Problem.

The Board will accept questions relevant to the Problem until July 31, 2007.

Rule 3. The Teams.

A. Number and composition of Teams.

Each school may enter up to two teams ("Team"). Each team shall be composed of two, three, or four students, all of whom must be registered law students seeking a *Juris Doctor* degree (or its equivalent) and in good standing at their respective schools at the time of memorial writing and oral argument. Each team member must argue in at least one preliminary round.

B. If a team chooses to participate with four students, one student must be designated as a researcher and will not be eligible to participate in the competition.

C. Substitution of Team members.

There shall be no substitution of Team members after receipt of the Problem, except for extreme hardship, upon written permission of the Board.

D. If interested, a school may send more than one team. Each must register separately including registration fee, with prior approval from the board.

Rule 4. The Memorials.

A. General.

Each Team shall write three memorials; one for each position (Prosecutor, Defense Counsel and Victim's Advocate). The Team will argue all sides of the Problem during the Competition's preliminary rounds. Only the members of the Team who will actually be arguing may participate in writing the memorials. The use of the work product of any person other than a Team member to prepare the memorials is strictly prohibited.

B. Length and form of the memorials.

1. Format/Elements of Style.

i. Memorials shall be no longer than fifteen (15) 8½ x 11 inch or A4 type pages, including statement of facts, argument or discussion. Cover pages, tables of contents, indices, lists of authorities or other material that does not consist of facts, arguments or discussion does not count toward the page total. No type smaller than 12 point may be used. Memorials should be typed at 1 ½ line-spacing. All margins must be at least one inch or 2.5 cm. Reproduction of all copies must be full sized and clear.

ii. Hard copies of memorials must be bound or stapled securely and should be labeled clearly with the Team number and position (Prosecutor, Defense or Victim's Advocates) with no mention of the Team's school name.

iii. Citations must be in the text of the memorandum and not in footnotes or endnotes. Citations in the text should refer to a List of Authorities in which the full citation is given.

iv. The List of Authorities should be in a form that is intelligible to all who will read the memorial. Many of the readers will be from countries other than the U.S. Account should be taken that the style of citation of judicial decisions or articles in legal journals that is common in one country may not be intelligible to participants in the Competition from other countries.

2. Each team submitting memorials in the Competition shall certify that such memorial has been prepared in accordance with these Rules and that the work product is solely that of the Team's members. The certification shall be bound or fastened in each memorial as the last page.

3. Memorials served upon the Board shall be directed to:

Pace Law School
International Criminal Court Moot
Attn: Prof. Matthew Brotmann
78 North Broadway
White Plains, New York 10603
USA

i. Packages containing memorials must bear a postmark or some indicia proving date of mailing. The Team should maintain proof of mailing.

ii. Memorials postmarked with a date after September 6, 2007 will be subject to a one-point deduction per day late.

iii. Each team must e-mail a copy of its memorials as an attachment by 11:59 PM (EST) on September 6, 2007 to the Student Coordinator at PaceICCMC@gmail.com. The memorials will then be made available to the competitors on the Competition's web site.

4. Revision of Memorials.

A Team may not revise its memorial after the submission to the Board.

Rule 5. Scoring.

A. Memorials

The Pace International Law Review and a committee of international law practitioners and/or judges shall score all memorials submitted and shall select the best memorial for each party opponent in the Competition. The average memorial score of the three memorials submitted by each Team shall be used with the preliminary round scores to determine advancement to the semifinal round.

B. Preliminary Rounds.

1. Time and Place.

All rounds of arguments shall be held on the campus of Pace Law School. Preliminary rounds will take place on a schedule announced by the Board.

2. Number of Arguments.

Each Team will argue in three preliminary rounds; each Team will argue a different party position each round. At the conclusion of the preliminary rounds, the six (6) Teams with the highest total preliminary scores shall advance to the semifinals.

3. Ties.

Ties shall be broken in favor of the Team that has the highest aggregate point difference over its opponents in the three preliminary rounds. In the event that tying teams have the same aggregate point difference over their opponents, the tie shall be broken in favor of the Team having the highest average memorial score.

4. Scouting.

No Team member or other person directly affiliated with any Team may attend any Preliminary Round other than those in which their Team is participating. Violation of this Rule should be brought to the attention of the Board, without disturbing the Round in progress

C. Semifinal and Final Rounds.

The semifinal and final rounds will take place on a schedule announced by the Board. The six teams with the highest scores from the preliminary rounds shall progress to the semifinal round. Each team progressing to the semifinal round will be assigned the party that they are to represent (i.e., Prosecution, Defense or Victim's Advocate) as determined by a random drawing by the Board. In addition, the three teams to argue in each courtroom for the semifinal rounds will be determined by a random drawing by the Board. The winning Team from each of the two semifinal courtrooms shall automatically advance to the Final Round. The third Team to compete in the Final round will be the Team with the highest score that did not win the semifinal round in which it competed.

D. Order, timing and results of the arguments.

1. Participants.

Any two members of a Team may participate in any argument, but two members must participate in each argument. In the case of a three-member Team, each member must argue at least once during the preliminary rounds. Each Team participant in each preliminary round will argue two issues. A Team member not participating in an argument may be of counsel.

2. Time allowed for and order of arguments.

Oral arguments shall be limited to a total of thirty (30) minutes per Team, fifteen (15) minutes for each Team member. Judges, at their discretion, may interrupt arguments to ask questions. Judges should treat each team even-handedly in this regard, i.e., not directing significantly more questions to one team than the other, thus creating an imbalance of argumentation time. The order of argument for each round shall be as follows:

- a.** Prosecution (Team 'A' first team member)
- b.** Victim's Advocate (Team 'B' first team member)
- c.** Defense (Team 'C' first team member)
- d.** Prosecution (Team 'A' second team member)
- e.** Victim's Advocate (Team 'B' second team member)
- f.** Defense (Team 'C' second team member)

3. Final Round

- a.** Sides to be argued for the final round will be decided by random drawing thirty (30) minutes prior to the start of the final round.
- b.** The order of argument for the final round may be changed if so requested by the final round judges.

4. Results

The Best Oralist for each courtroom in the preliminary rounds will be announced by the judges. The scores for each Team will not be announced, but shall be determined by the judges without knowledge of the memorial scores. The winning teams of each semifinal and final round will be announced after that round. The list of winners for Best Oralist, Best Prosecution Memorial, Best Defense Memorial and Best Victim's Advocate's Memorial, as well as Runners Up in each category will be announced at the end of the Competition.

5. Pace Law School may video or audio tape each round. If a team wishes not to be taped that request should be made in writing and directed to the Board prior to the Competition.

Rule 6. Faculty or Other Assistance.

Although the students should do all the research and writing of the memorials by themselves – without assistance from anyone who is not a student member of the Team – faculty advisors, coaches and others may help identify issues and comment on the persuasiveness of arguments. The final product must be that of the students – not their advisors. A certificate signed by each student whose name appears on the registration form stating that no other person other than a student Team member has participated in the writing of the memorials must be submitted with the memorials as discussed above. Teams shall receive no assistance with their memorials prior to submission to the Board. Once filed, faculty are advised and encouraged to schedule as many practice rounds of oral argument as possible prior to the actual competition. Faculty coaches and others participating in this process are free to comment on content of the oral arguments, style of argumentation, etc.

Rule 7. Penalties.

- A.** The Board may assess such penalties, including disqualification, as it deems reasonable and appropriate in its sole discretion for failure to comply with the Rules or deadlines set pursuant to these Rules and any other Rules made pursuant to Rule 9.

B. All memorials in the Competition shall be subject to uniform penalties for each type violation; penalties may be levied in whole or fractional points (see below).

C. For the following violations, Penalties will be assessed without discretion on the part of the Board:

Non-Discretionary Memorial Penalties:

- 1.** Late submission of memorials: 1 point per day
- 2.** Failure to comply with formatting rules 3 points/violation
(e.g., incorrect font-size, improper up to a total of 15 pts. margins, etc.)
- 3.** Substantive legal argument outside the 5 points scope of the Problem
- 4.** Excessive Statement of facts 2 points
- 5.** Excessive length of Pleading (page limit) 2 points

Non-Discretionary Oral Argument Penalties:

- 1.** Improper Courtroom Communication 10 points
- 2.** Scouting 15 points

Discretionary Penalties:

1. The Board may assess up to fifteen (15) points for violations of these Rules not specifically listed under Non-Discretionary Penalties. The size of the Penalty shall correspond to the degree of the violation in the judgment of the Board. Activities subject to Discretionary Penalties include but are not limited to:

- engaging in poor sportsmanship;
- submitting multiple frivolous complaints against other Teams;
- engaging in inappropriate behavior at counsel table during oral rounds;
- engaging in inappropriate discussion with oral pleading judges prior to submission scores at the end of a Round; and,
- exhibiting blatant disregard for the procedures or requirements outlined in the Rules.

2. Teams shall bring potential violations to the attention of the Board in writing.

3. The Board shall notify Teams of the imposition of such Penalties prior to the beginning of the Preliminary Rounds, if possible, or as soon as practicable if incurred after the beginning of the Preliminary Rounds.

D. The Board shall maintain a record of the penalties imposed pursuant to this Rule for at least six (6) months.

Rule 8. Interpretation of the Rules.

Requests for interpretation of these Rules should be addressed to the Board at the address above or via e-mail to PaceICCMC@gmail.com. Request should be made at the earliest date possible. All interpretations of the Rules and any waivers, consents, assessments of penalties, decisions or other actions taken by the Board in its administration of the Competition shall be in its sole and absolute discretion and all participants shall be bound thereby.

Rule 9. Other Rules.

The Board may from time to time make any other rules and procedures deemed advisable for the conduct of the Competition, in its sole discretion.

Additional Notes

1. The official version of the Rules, Problem and any other document of the Competition is the version distributed by the Competition in hard copy form. Any reference to Competition documents, such as page citations in memorials, should be to the official version.
2. Memorials will be scored on the following basis: thoroughness of research, depth of analysis, and persuasiveness shall represent eighty-five percent (85%) while format, citation, spelling, punctuation and grammar shall represent fifteen percent (15%).
3. The average memorial score shall consist of the sum total score for each memorial divided by three.
4. Should the need for a bye arise, a team comprised of Pace Law School students will be utilized. In the event that no Pace Law team is available, a team selected by random drawing will receive a bye. No team shall receive more than one Bye throughout the competition. In order to avoid the need for a bye, Pace may add a Team for purposes of oral argument.
5. Form of Certification: teams should use the following text in format for their Certification Forms:

Certification

We hereby certify that the memorial for _____ Law School is the product solely of the undersigned and that the undersigned have not received any faculty or other assistance, other than that allowed for in the Rules, in connection with the preparation of this memorial.

Team member

Team member

Team member

Team member

Date: _____