

Rules of Procedure

International Criminal Court Trial Competition 2013

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 at any time before the commencement of the Hearings when necessary. Any changes made will be communicated to the team(s) most likely to be affected.

Art. 4 - Rule Publication

The final Rules of Procedure are to be published on the Organisation’s website at least four (4) months prior to the date of the commencement of the Hearings.

Art. 5 - 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 relationships between universities and the ICC.

Art. 6 - Participation

- a. Each country and the Special Administrative Region of Hong Kong may be represented by a maximum of two (2) teams.
- b. Only actively enrolled students in undergraduate and postgraduate universities are eligible to participate. Exchange students may participate on behalf of their host university.
- 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. Students admitted to practice by having taken and passed the bar exam are prohibited to participate as well.
- e. Students aged 32 and older at the time of the Competition are not eligible to participate. The Organisation 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, but is eligible to re-enter the Competition as a researcher.
- g. A student who has previously participated in the Competition as a researcher is eligible to enter the Competition again as a speaker.

Art. 7 - Team Composition

- a. Each team will be comprised of:
 1. Three (3) speakers;
 2. Two (2) researchers;
 3. Two (2) coaches: one leading coach and one assistant coach.
- b. The maximum number of team representatives for each team cannot exceed seven (7). However, a team can submit in writing a request to the Organisation before **31 January 2013**, if its team may be comprised of fewer coaches or researchers (but not fewer speakers). A team may be comprised of no fewer than three speakers.
- c. Any other changes in team composition must also be submitted in writing before **31 January 2013**. Any request for changes in team composition after this timeframe shall be rejected. However, the Organisation 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.
- d. The coach is responsible for giving (academic) 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.

Chapter 2: Administrative Provisions

Art. 8 - Team Registration

- a. Registration for the Competition will open at **9am Central European Time (CET) on 1 October 2012**.
- b. Each team can register online via the Organisation's Competition website (www.icc-trialcompetition.org). The deadline for registration is at **1pm CET on 19 October 2012**. A team cannot register after this date.

Art. 9 - Problem-Solving Question

- a. As per Article 6(a), only two teams per country are allowed to participate. In the event of more than two teams from one country seeking registration for the Competition, a special procedure in the form of a preliminary selection round can be organized by the competing universities themselves. The Organisation will not initiate such preliminary rounds; this is within the discretion and responsibility of the competing universities within the country concerned.
- b. If no preliminary round is organized by the concerned country under Rule 7(a), then each team from that country concerned shall receive from the Organisation a problem-solving question on **19 October 2012 at 3pm CET**.
- c. Each concerned team must submit its answer to the problem-solving question to the Organisation on **26 October 2012 by 2pm CET**
- d. An answer submitted after the problem-solving question deadline specified renders that team's registration automatically invalid.
- e. Each team will be notified of the result of its performance of the problem-solving question and their eligibility in the registration of the Competition on **5 November 2012**.
- f. The registration fee mentioned in Article 10 is only paid by the teams who proceed to the Main-Round in The Hague.

Art. 10 - 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 that 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.
- f. Registered teams who do not need to participate in a preliminary round will receive confirmation of registration by **19 October 2012**.

Art. 11 - Team Identification

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

Art. 12 - Case Publication

- a. The Competition case (hereinafter: 'Case') shall be send to the registered teams at **12 pm CET on 5 November 2012**. Teams will only receive the Case once their registration fee is paid (or if they can show a proof of payment).
- b. Teams proceeding to the Main-Round after the preliminary question will receive the Case on 5 November 2012 and will need to pay the registration fee within 7 weeks.
- c. The deadline for each team to email any questions regarding the Case to the Organisation is at **11 pm CET on 30 November 2012**. Any questions submitted after this deadline will not be answered.

Chapter 3: Competition Structure

Art. 13 - 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). After the first oral round (Main-Round), a Semi-Final Round and a Final Round will take place.
- b. Each team shall address the Case in the roles of the Defense Counsel, Counsel for the Prosecution, and the Common Legal Representative for Victims (Victims' Counsel), one Memorial per role.
- c. Each team shall participate in three (3) oral rounds before the Bench Members in the roles of Defense Counsel, Counsel for the Prosecution, and the Victims' Counsel.
- 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. 14 - Semi-Final Round

- a. The written and oral stages of the Main-Round 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.
- 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 Main-Round.
- b. The results of the written Memorials and the result of the oral pleadings of the Main-Round will not be taken into account in assessing the final scores of the Semi-Final Round. The Bench will assess the substance of the arguments and the quality of the performance of the three teams.
- c. Each round is independent, thus Semi-Final Round winners are the highest scoring teams in that round regardless of scores in other rounds, and will advance to the Final Round.
- d. Semi-Final matchups will be predetermined by Main-Round ranking.

- a. Semi-Final Matchup: 1, 6, 9th place teams.
- b. Semi-Final Matchup: 2, 5, 8th place teams.
- c. Semi-Final Matchup: 3, 4, 7th place teams.

Art. 15 - Final Round

- b. The winner of each 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 Main-Round or Semi-Final Rounds.
- 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 and the results of the team in the Main-Round and Semi-Final Round

Chapter 4: Memorial Provisions

Art. 16 - Submission of the Memorials

- a. All teams, excluding the teams participating in the Regional Round organised by Pace University Law School and The Association for the Promotion of International Humanitarian Law (“ALMA”), must submit their three (3) Memorials for each role by email before 4pm CET on 20 February 2013.
- b. Late delivery of Memorials is sanctioned with twenty (20) penalty points.
- c. Pace University Law School and ALMA will submit the Memorials of the winner and runner-up of the North-American and Israeli Regional Round to the Organisation before **4pm CET on 20 February 2013**.

Art. 17 - Identification in Memorials

- a. Each team must **omit** the following references in their Memorials:
 1. The 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.
- b. Violations of this article will be sanctioned with fifty (50) penalty points.

Art. 18 - Memorial Format

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

Art. 19 - 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. 20 - 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. 21 - 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. 22 - Front Cover Requirements

- a. The front cover must contain the following information:
 1. Team number
 2. Role (Defense Counsel, Counsel for the Prosecution, and the Victims' Counsel)
 3. Title of the Competition (ICC Trial Competition in the English language)
 4. Year
 5. Total word count
- b. The front cover must be colour coded accordingly:
 1. Red for Defense Counsel
 2. Green for Counsel for the Prosecution
 3. Blue for Victims' Counsel
- c. Violations of this article will be sanctioned with one (1) penalty point per violation, with a maximum of three (3) penalty points.

Art. 23 - 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. 24 - Scoring Structure Memorials

- a. Scores are awarded out of a maximum of 100 points.
- b. Scores are awarded for:
 1. Organization, structure, and analysis of the issues: (20 points)
 2. Use of facts and legal principles: (20 points)
 3. Use of authorities and citations: (20 points)
 4. Persuasiveness, ingenuity, logic and reasoning: (20 points)
 5. Grammar, style, and clarity: (20 points)

Art. 25 - 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. 26 - Content

- a. Each team's oral 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. 27 - 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. 28 - Speakers

- a. Each team shall consist of three speakers. Every individual speaker of a team will represent in their pleadings the Defense Counsel, or Counsel for the Prosecution or the Victims' Counsel. It is within the discretion of each team to decide which speaker will present the rebuttal. Researchers are not allowed to present the initial presentations or the rebuttal.
- b. Only two members of each team, two speakers or one speaker and one researcher, are allowed to be present before the bench.
- c. Each speaker will speak according to the time allocated under Articles 31 and 32.
- d. Verbatim reading of the Memorials during the Hearings is strictly prohibited.

Art. 29 - 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 with each other.
- c. 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.
- d. Violations of this article are sanctioned with 50 points.

Art. 30 - 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. 31 - Speaking Time

- a. Presentation by Defense Counsel: 20 minutes
- b. Presentation by Counsel for the Prosecution: 20 minutes
- c. Presentation by Victims' Counsel: 20 minutes
- d. Questions posed by the Bench Members are included in the Speaking Time of the Presentations

Art. 32 - Rebuttal

- a. Rebuttal by Defense Counsel: up to 10 minutes
- b. Rebuttal by Counsel for the Prosecution: up to 10 minutes
- c. Rebuttal by Victims' Counsel: up to 10 minutes
- d. Questions posed by the Bench Members are included in the Speaking Time of the Rebuttal

Art. 33 - Judgment

- a. Bench deliberation: 30 minutes
- b. Delivery of judgment by the Bench: 15 minutes

Art. 34 - Bench Composition

- a. Each Bench must be composed of two (2) Members and a President (appointed by the Organisation or by consensus by the judges participating in the hearing) and shall be assisted by a bench clerk. The Bench Members shall have knowledge and experience in the fields of international criminal law, international human rights law, public international law, and/or criminal law.
- b. An advisor of a participating team cannot be appointed as a Bench Member.
- c. Bench Members for the 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 on which team or student they personally consider the best participant.
- e. During the oral rounds, the Bench shall ensure respect for the Rules in all Rounds and will 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 prior to the commencement of the Hearing.

Art. 35 - Role of the Bench Clerk

- a. The Bench Clerk is nominated by the Organisation.
- b. The Bench Clerk 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. 36 – Scores Oral Pleadings

- a. Scores are rewarded out of a maximum of 100 points.
- b. Scores are allocated as follows:
 1. Organization, structure, and analysis of the issues: (20 points)
 2. Use of facts and legal principles: (20 points)
 3. Use of authorities and citations: (20 points)
 4. Persuasiveness, ingenuity, logic and reasoning: (20 points)
 5. Presentation: (20 points)
- c. Score sheets will be emailed to each team upon the cessation of the Competition.

Art. 37 - 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 the 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. 38 - Scouting

- a. Scouting is forbidden at all times during the Competition.
- b. Scouting is defined as:
 1. when a team or 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

Art. 39 - Competition Program Visits

- a. Scheduled site visits to various institutions in The Hague are part of the education programme for participants and are mandatory. It is the students responsibility to meet at designated meeting points and bring proper documentation to complete these visits. While failure to attend site visits will have no bearing on scoring procedure, it may result in loss of certificate of completion.

Chapter 6: The Awards

Art. 40 - Categories of the Awards

- b. The following awards will be given by the ICC after the Final Round:
 - i. Winner
 - ii. First Runner-up
 - iii. Second Runner-up;
- c. The following awards will be given by the Organisation after the Semi-Final Rounds:

- i. Best Memorial
 - ii. Best Government Counsel (speaker)
 - iii. Best Prosecutor (speaker)
 - iv. Best Defense Counsel (speaker)
 - v. Best Oralist;
 - vi. Best Non-Native English Speaking Team. A team is considered 'non-native' if more than two out of three participating speakers are nationals of a non-English speaking country.
 - vii. Honorable Mention: Selected by ICLN staff, for those who have demonstrated perseverance in the face of challenge.
- d. Upon completion of entire program, each participating team shall receive a certificate of participation.

Chapter 7: The Organisation

Art. 41 – Organisation

- a. The Regional Round for the Americas and Caribbean is held in White Plains, New York, in the United States of America and is organized by Pace University Law School (www.pace.edu/school-of-law/ICC).
- b. The Regional Round for Israel is organized by the Association for the Promotion of International Humanitarian Law (“ALMA”).
- c. The Main-Round, Semi-Final Rounds and the Final Round are organised by the International Criminal Law Network (ICLN) (www.icln.net).