

STRATHMORE INTERNATIONAL
CRIMINAL LAW MOOT
COMPETITION

COMPETITION RULES

TABLE OF CONTENTS

1.	THE HYPOTHETICAL PROBLEM.....	3
2.	OFFICIAL SCHEDULE.....	3
3.	LANGUAGE OF THE COMPETITION	3
4.	TEAM ELIGIBILITY.....	4
5.	TEAM CODES.....	4
6.	ASSISTANCE.....	5
7.	COMPETITION.....	5
7.1.	WRITTEN PHASE.....	5
7.1.1	FORMAT OF THE MEMORIALS.....	5
7.1.2	SCORING OF THE WRITTEN MEMORIALS.....	6
7.2.	ORAL PLEADINGS.....	6
7.2.1.	THE ROUNDS.....	6
7.2.2.	PLEADINGS.....	7
7.2.3.	EX PARTE PROCEEDINGS.....	8
7.2.4.	SCORING OF ORAL ROUNDS.....	8
7.2.5.	GENERAL GUIDELINES.....	8
8.	TALLYING AND MARKED SCORE SHEETS.....	10
9.	BENCH.....	10
10.	CLARIFICATION OF THE PROBLEM.....	10
11.	AWARDS.....	10
12.	DISQUALIFICATION AND PENALTIES.....	11
12.1.	PROCEDURE.....	11
12.2.	GROUND FOR DISQUALIFICATION.....	11
13.	INTERPRETATION OF RULES.....	12
14.	CORRESPONDENCES.....	12

INTRODUCTION

The Strathmore International Criminal Law Moot Court Competition (SI-CLMC) is principally aimed at encouraging advocacy and scholarship in Public International Law (PIL) and more specifically International Criminal Law (ICL) and by extension International Humanitarian Law (IHL) matters, by arguing out a hypothetical case before the International Criminal Court (ICC). Further, the SICLMC aims at creating a pool of African Students with keen interest in international criminal justice by exposing them to procedures and practice of ICL and IHL in the ICC, as well as special criminal courts and tribunals. The SICLMC will at the same time provide students with the opportunity to improve their public speaking, practical and legal skills.

1. The Hypothetical Problem

The hypothetical case to be argued will be availed to all participants by **Friday, 20th May 2022** and shall also be made available on the competition's official website.

2. Official Schedule

An official schedule of the competition shall be issued, and strict adherence shall be ensured failure to which consequences, which may amount to disqualification, shall arise as shall be determined by the organizers. The same will also be made available on the competition's official website.

3. Language of the Competition

The official language of the competition is English.



4. Team Eligibility

The 2nd Edition of the SICLMC is open to participants from all Kenyan University Law Schools. Each participating university is allowed to enter a minimum of **one (1) team composed of three (3) students** and one **(1) coach** to the competition, currently undertaking their Undergraduate programme. The two-third gender rule is highly advised but is not mandatory. Each team needs to nominate an official team coordinator.

The team coordinator will be the contact person for the organizers throughout the competition, and all communication regarding the competition will be relayed through them.

A team member who cannot compete due to any supervening circumstances may be substituted with the express permission of the organizers. The deadline for substitution of team members is **8th June 2022**. That notwithstanding, the organizers may grant exceptions in some limited instances.

5. Team Codes

A team code shall be assigned to each participating team by the organizers. This team code will be the sole identification used by the teams throughout the competition.

6. Assistance

Any assistance rendered to a team in the preparation of its case, including that from faculty members, shall be limited to a general discussion of issues, suggestions as to research sources and decision making.

Assistance which would interfere with the presentation being substantially the original work of the team members is prohibited.

7. Competition

The SICLMC consists of two phases: The Written phase and Oral pleadings.

7.1. Written Phase

Each team shall prepare Written Memorials: one for the prosecution and one for the defence.

Each team shall research, draft and develop its own legal and factual arguments without any help or advice from anyone outside their team. The team coach may only provide general guidance to the team.

Each team must submit a copy of both memorials to **strathmoreCLMoot@strathmore.edu** and cc: **amukuki@strathmore.edu**, on or before **30th September 2022** at **2359hrs**.

Late submissions will lead to a deduction of marks at the discretion of the organizers. No submissions will be accepted 3 days after the submission deadline and will lead to automatic disqualification of the team from the competition.

7.1.1 Format of the Memorials

The format of the memorials shall be as follows:

- i. A standard cover page – See Appendix B
- ii. A table of contents
- iii. A table of authorities
- iv. One page summary of arguments
- v. Summary of facts
- vi. Substantive arguments
- vii. Prayers for Relief

Each team shall submit their memorials in a Word docx. Format

The memorials shall be in Times New Roman (Font type), Font size 12,

spacing 1.5. Footnotes shall be in Times New Roman, font size 10, single spaced.

Each memorial (Prosecution and Defence) shall not exceed 4,000 words inclusive of footnotes. The 4,000 words shall be counted starting from the summary of arguments to the prayers.

No information identifying the team members, or their university may appear in the Memorials, save for the Team code which shall be indicated on the cover page.

The citation style to be used is the OSCOLA Citation.

7.1.2 Scoring of the Written memorials

The maximum score for each of the memorials is 50 points, which will collectively tally to 100 points.

• Up to 45 points may be awarded to the handling of substantive issues. Points are allocated as follows:

1. Understanding of legal issues and the applicable law: **max 10 points**
2. Knowledge and analysis of the facts: **max 10 points**
3. Legal analysis (quality of argument): **max 15 points**
4. Logic (Structure of argument): **max 10 points**

• Up to 5 points may be awarded to the overall presentation. Points are allocated as follows:

1. Grammar: **max 3 points**
2. Style: **max 2 points**

The organizers may apply a penalty of up to five points for violation of any of the rules set out in 7.1.1. above.

The scores of the written memorials will add up to 50 % of the score in the preliminary rounds.

7.2. ORAL PLEADINGS

7.2.1. The Rounds

The oral rounds shall consist of the preliminary rounds, the quarter-finals, the semi-finals and the finals.

(a) Preliminary rounds

In these rounds, each team will argue twice, once for the Prosecution and once for the Defence. The prerequisite for teams to argue in these rounds will be the submission of their written memorials.

The top 8 teams in the preliminary rounds on merit, will proceed to the Quarter finals

(b) Quarter Finals

The 8 teams advancing to the Quarter-Final rounds will be selected based on the average of their Oral Rounds (50%) and their written memorials (50%).

Lots will be drawn to determine whether a team will argue for the Prosecution or for the Defence. After the pairing, the teams will only have one round of argument, unlike the preliminaries. The nature of these rounds will be knock-out/merit*

To determine the winners for these rounds, only the oral arguments will be considered. From this stage until the finals, memorials will not be used to determine winners.

The qualifying 4 teams will then proceed to the semi-final rounds.

(c) Semi- Finals

To determine which team will appear on either side, lots will be drawn.

After the pairing, the teams will only have one round of argument, and the winning teams will be determined on a knock-out/merit* basis.

The best two teams will proceed to the finals.

(d) Finals

Lots will be drawn to determine which team will argue for the Prosecution or for the Defence.

The team with the highest score in these rounds will be announced the winner of the competition. This team shall receive the SICLMC Cup.

7.2.2. Pleadings

All team members shall plead during the hearings; the organizers may grant exceptions in exceptional circumstances.

The order of pleadings shall be team appearances, oral pleadings by the prosecution team, oral pleadings by the Defence team, rebuttal by the Prosecution and finally sur-rebuttals by the Defence.

During the Team appearances, team members pleading shall introduce themselves to the Court. The name of the Team's university shall not be stated at any time during the competition.

No team shall plead for **longer than 25 minutes** (including rebuttals) during the preliminary and quarter final rounds, **30 minutes** for the semi-final rounds and **45 minutes** for the final rounds.

Rebuttal may not exceed **5 minutes**. Time for rebuttal should be reserved in advance. The scope of the rebuttals is limited to the scope of the defence's oral pleadings, and the sur-rebuttals to the prosecution's rebuttals.

7.2.3. Ex Parte Proceedings

Where a team fails to arrive for a scheduled round, the organizers, after waiting for ten minutes, may announce a new team against which the other team will argue, or allow the round to proceed *ex parte*.

In an *ex parte* proceeding, the attending team presents its oral pleading, which is scored by the judges. In such a case, the team that fails to arrive for the scheduled round shall forfeit all of the round's points.

If good cause is shown, the organizers may at their discretion arrange for an additional round for the absent team later during the competition, if time and administrative concerns permit.

7.2.4. Scoring of Oral Rounds

During the deliberations, the bench will attribute a score to each team, and select the winning team. Each judge will give their own individual award to the team, without consultation with any of the other sitting judges.

The bench will provide feedback after the end of each round. The winning team and the scores will not be disclosed.

The results and scores of each round will be announced by the organizers, before the start of the next rounds.

The maximum score that can be obtained during the preliminary rounds is 50 points. Points are allocated as follows:

- Opening statement: **max 5 points**
- Knowledge and understanding of the facts & legal issues of the case; and application of the law and international jurisprudence to the case: **max 20 points**
- Reasoning & Response to questions: **max 10 points**
- Overall presentation (Coherence & flow of arguments, non-verbal cues, response to questions, grammar, confidence & composure throughout the presentation): **max 10 points**
- Closing argument: **max 5 points**

7.2.5. General Guidelines

(i) Scouting

No member of a team may attend a preliminary round of any other team taking part in the completion unless so permitted under these rules. Teams violating this rule may be disqualified. All rounds will be open to the public and will only be open to other non-qualifying teams during the quarters, semis and final rounds.

(ii) Oral and Written Communication

Communications between team member must be kept a minimum and as discreet as possible e.g., through passing notes. Where the presiding judge of a particular session deems this communication disruption, they may flag it out and bar the team from further communication.

No oral or written communication may take place between team tables and any spectator or coach during a round.

(iii) Absence from the Courtroom

No team member shall be allowed to leave the courtroom for the duration of the proceedings of a specific case in which he or she is taking part.

(iv) Best Oralists

The names of the best oralists both male and female in the preliminary rounds based on the points indicated for oral argument on the score sheets will be announced at the end of the competition during the prize-giving ceremony.



8. Tallying and Marked Scoresheets

Tallying shall be done by the organizers. For purposes of transparency, each team shall be presented a copy of the tallied results at the end of the Competition.

9. Bench

During the preliminary rounds to the semi-final rounds, the bench shall be composed of not less than 2 judges.

During the finals, the bench shall be composed of four judges and one presiding judge.

The bench follows the rules and procedures in accordance with accepted judicial practice.

10. Clarification of the Problem

Participants may submit written requests for clarification of points of fact in the problem which are manifestly unclear, and which must be clarified in order for the participants to develop their pleadings.

Requests for clarification must be sent to **StrathmoreICLMoot@strathmore.edu** and cc: **amukuki@strathmore.edu** by **20th June 2022**. Such clarifications will be made available to all participants on or before **8th July 2022**.

11. Awards

The Organizers will give the following awards during the Awards ceremony:

1. Winners of the competition
2. First Runner's Up
3. Best Female Oralist
4. Best Male Oralist
5. Best Memorial – Prosecution
6. Best Memorial – Defence

Each Team Member will receive a certificate of participation in the competition.

12. Disqualification and Penalties

12.1. Procedure

The organizers have the power to disqualify a team on the basis of violations of these rules or the spirit of the competition. It also has the power to impose penalties, in the form of subtractions from the marks awarded, not exceeding 20 points in general.

Judges may propose disqualification or penalties, but these measures will only take effect once endorsed by the organizing Committee.

When the issue of disqualification or penalties arises, the Organizing Committee, on its own motion or as a result of a team complaint, must ascertain the facts of the situation in order to determine whether an infraction has occurred.

The team initiating the complaint must give timely notice to the Organizers and the accused team. If, on its own motion, the Steering Committee investigates a possible violation, it must give timely notice to the accused team. The accused team shall be allowed to reply to the complaints made. Where judges intend proposing disqualification or the imposition of penalties, they must inform the teams accordingly and give them time to respond at the end of each particular round. **Complaints pertaining specifically to oral pleadings must be submitted to the Steering Committee within 5 minutes of the completion of the round in which the alleged violation occurred.** Memorial and oral pleading penalty points will be assessed against the total score given by the judges to the penalized team in the particular round.

12.2. Grounds for Disqualification

The organizers may disqualify a team or impose a penalty against a team for behavior, which substantially prejudices the competition, including, but not limited to the following:

1. Failure to submit memorials or late submission of memorials;
2. Scouting
3. Communication between counsel table and any person (other than judges) during the oral pleadings;
4. Engaging in poor sportsmanship;
5. Submitting petty, frivolous and verbose complaints;
6. Submitting substantially ill-conceived requests for clarification of the problem;

7. Revealing the team identity to the judges of a session before any rounds take place;
8. Dishonesty or other serious breaches of the spirit of the competition.

13. Interpretation of Rules

The rules outlined herein will be interpreted by the Organizing committee both prior to the competition as well for any dispute arising during the competition that concerns interpretation and application of these rules or the general administration of the competition

All decisions of the organizing committee concerning questions of rules, interpretation and application are final and dispositive.

The organizing committee, in interpreting the Official Rules, may promulgate such other measures as may be deemed advisable for the orderly conduct of the competition, provided that these measures do not violate the spirit of these official rules.

The organizers reserve the right to modify the rules at any time without prior notice. Modifications will immediately be posted on the competition's official website and sent to the teams.

14. Correspondences

The 2nd SICLMC is organized by the Strathmore University Law School (SLS) in partnership with the Nuremberg Academy and Konrad-Adenauer Stiftung.

All correspondence should be addressed to:

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Cc: amukuki@strathmore.edu**





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