

THE RULES OF THE EUROPEAN HUMAN RIGHTS MOOT COURT COMPETITION

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PREFACE

The European Court of Human Rights is an international court based in Strasbourg. It consists of a number of judges equal to the number of member states of the Council of Europe that have ratified the Convention for the Protection of Human Rights and Fundamental Freedoms. Currently there are forty-seven member states. The Court's judges sit in their individual capacity and do not represent any state.

The European Convention on Human Rights is an international treaty, which only member states of the Council of Europe may sign. The Convention, which establishes the Court and regulates how it is to function, contains a list of the rights and guarantees which the states have undertaken to respect.

The European Law Students' Association is the world's largest independent, non-profit, non-political association run by and for law students and young lawyers. The ELSA Vision is: "A just world in which there is respect for human dignity and cultural diversity". Contributing to legal education and promoting Human Rights awareness are among the central aims of the association. Through various academically focused projects and events, ELSA provides opportunities for law students and young lawyers to apply theory in practice and to learn about other legal systems.

The Human Rights Moot Court Competition is a simulated hearing of the European Court of Human Rights. The competition is Europe-wide and open to all those currently studying in ELSA countries or countries that are members of the Council of Europe. The competition is held in English.

The aims of the Human Rights Moot Court Competition are:

- 1. To encourage law students to develop their legal skills;*
- 2. To develop law students' knowledge and to raise their awareness on Human Rights; and*
- 3. To contribute to the on-going discussion regarding Human Rights.*

We wish the best of luck to all participating teams,



Eva te Dorsthorst

Vice President for Academic Activities

International Board of ELSA 2018/19

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Definitions

In these Rules

“Advisory Academic Board”	has the meaning give to it in Rule 1.2
“Author”	means the author of the Case selected in accordance with Rules 1.2.2 and 1.3.1
“Case”	means the fictional case created by the Author every year for the Competition.
“Competition”	means the European Human Rights Moot Court Competition
“Competition Year”	means the period starting with the publication of the case and ending with the conclusion of the Final Round
“ECHR”	means the European Court of Human Rights.
“ELSA”	means the European Law Students’ Association
“Final Round”	means the Oral Pleadings of the Competition
“IOC”	means the International Organising Committee, which is the organising team designated by ELSA International to help with the organisation of the Competition
“Jury”	means the human rights law experts who judge the Written Submissions and the Oral Pleadings
“Oral Pleadings”	has the meaning given to it in Rules 4.2 to 4.3
“Rules”	means the present Rules of the Competition
“Website”	The website www.ehrmcc.elsa.org , maintained by ELSA International for the purposes of the Competition.
“Written Submissions”	has the meaning given to it in Rule 4.1

1. Organisation

1.1. General

- 1.1.1. ELSA International has overall responsibility for the organisation of the Competition. Its responsibility is exercised by the Vice President for Academic Activities of ELSA International as the Head of the organisation.
- 1.1.2. The Council of Europe offers organisational and academic support and assistance with connections in the Strasbourg community.
- 1.1.3. ELSA International will set up and maintain a website for the Competition at the address www.ehrmcc.elsa.org or any other address notified in advance.
- 1.1.4. These Rules govern the Competition. The Rules may be revised or updated at any time and modifications will be applicable as soon as they are published on the website. The Vice President for Academic Activities of ELSA International has the right to interpret the existing rules.
- 1.1.5. All materials developed by or for ELSA International for the Competition, including but not limited to the Rules, the Guidelines for Written Submissions and Oral Pleadings, the Marking Guidelines, the Case and the Written Submissions, are the property of ELSA International.
- 1.1.6. The language of the Competition is English.

1.2. The Academic Advisory Board

- 1.2.1. The Academic Advisory Board is appointed by ELSA International and is composed of experts with demonstrated experience in the field of human rights.
- 1.2.2. The Board is responsible for ensuring the high quality of the Competition. Its specific responsibilities include:
 - (a) assisting in developing and revising the Rules, the Guidelines for Written Submissions and Oral Pleadings and the Marking Guidelines;
 - (b) advising ELSA International on the appointment of the Author and the choice of the topic of the Case; and
 - (c) assisting in the selection of judges.

1.3. The Case

- 1.3.1. The Competition is based on a fictitious Case prepared by the Author each year in cooperation with ELSA International and the Academic Advisory Board.

- 1.3.2. The Case concerns alleged violations of human rights guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms.
- 1.3.3. The Case is published on the website when the Competition is launched.
- 1.3.4. Registered teams may submit up to three clarification questions each, before the clarifications deadline.
- 1.3.5. Author may refuse to answer questions without giving reasons, if they are deemed to be unfair, unrealistic or irrelevant.
- 1.3.6. After the expiry of the deadline, the Case will be revised to include the clarificatory information, subject to Rule 1.3.5.

1.4. The Timeline

- 1.4.1. At the start of each Competition Year ELSA International will issue and publish on its website a Timeline for the Competition.
- 1.4.2. The Timeline contains all relevant deadlines for the Competition.
- 1.4.3. Where penalties are applicable for late submission, the applicable deadline is that set out in the Timeline.

1.5. The structure of the Competition

- 1.5.1. The Competition is composed of two consecutive stages: the Written Round and the Final Round.
- 1.5.2. The twenty teams with the best marks in the Written Round will qualify for the Final Round.
- 1.5.3. The National and Local Groups of ELSA may organise pre-Round in their respective country. A pre-Round does not function as a selection round. Participation in the pre-Round is not obligatory.

2. Eligibility and team composition

2.1. Team Eligibility

- 2.1.1. All law schools, law faculties, and institutions with a law degree programs located in a Member State of ELSA or of the Council of Europe are eligible to participate in the Competition.

- 2.1.2. If the university has a campus in a country, which is not a Member State of ELSA, or of the Council of Europe, campus is eligible to enter the Competition.

2.2. Team member eligibility

- 2.2.1. Students are eligible to participate in a team if they:
- (a) are enrolled in undergraduate or Masters' studies in law at an eligible university at the time of submission of the application;
 - (b) are not or have not been engaged in the professional practice of law other than a work experience;
 - (c) are not involved in the organisation of the current Competition;
 - (d) have not previously participated in the Final Round of the Competition. A student has not previously participated in the Final Round if his/her team participated in the Final Round but s/he was personally prevented from participating because of external difficulties (force majeure, visa issues, etc.);
 - (e) have not ever acted as a judge in the Competition.
- 2.2.2. More than one team per university may participate in the Written Submissions stage. When there are more teams from one University being qualified to the Final Round, only the team with the highest score will be potentially eligible to participate in the Final Round.

2.3. Composition

- 2.3.1. Teams shall consist of 2-4 students.
- 2.3.2. All members of a team must be enrolled at the same university.
- 2.3.3. Teams may not change their composition after sending their Written Submissions. Any change must be submitted to ELSA International.
- 2.3.4. Each team may have maximum of 2 team coaches. A team coach may only assist in general discussions concerning the Case, linguistic matters and presentational skills. He/she should provide no substantive advice on the legal issues arising in the Case and should not participate in the preparation of the Written Submission or the Oral Pleadings. The team coach may attend the Oral Pleadings but may not communicate with teams, timekeepers nor Judges.

2.4. Exemption

- 2.4.1. Where exceptional circumstances exist, teams may apply to the Vice President for Academic Activities of ELSA International for an exemption from any requirement in any part of this Rule by submitting a reasoned request by email.

3. Registration

3.1. Registration

- 3.1.1. Teams wishing to register for the Competition must complete the registration procedure published on the website by the deadline for registration.
- 3.1.2. Upon receipt of the registration form, ELSA International will issue a team number for the team and confirm registration. All communication must be made with reference to this team number only.

3.2. Anonymity

- 3.2.1. After submitting the registration form, ELSA International will issue a team number. All communication must be made in reference to this team number.
- 3.2.2. It is prohibited to disclose, in particular to the judges, information regarding teams' country of origin or the institution they represent in the Written Submissions or during the Final Round. This prohibition applies as long as teams are still in competition; no such prohibition applies to teams, which have been eliminated.

3.3. Miscellaneous

- 3.3.1. Teams and team coaches are prohibited from engaging in communication with any judge on the issue of the Case before the end of the Final Round.
- 3.3.2. Teams shall bear all financial costs (accommodation, meals etc.) assessed by ELSA International in the form of a participation fee for the Final Round. Travel costs to Strasbourg are not covered by participation fee.

4. The Competition

4.1. The Written Round

- 4.1.1. Teams must submit two sets of their Written Submissions by 23.59 CET on the given deadline. Late submissions will be dealt with in accordance with the penalty system set out in Rule 8.1.1

- 4.1.2. The Written Submissions must include:
- (a) A cover page in accordance with the template in Appendix C
 - (b) A one page summary of the arguments (bullet points)
 - (c) A table of contents
 - (d) A list of references
 - (e) A list of any abbreviations used
- 4.1.3. The Written Submissions must comply with the following formatting and page-limit instructions:
- (a) Paper size: A4
 - (b) Font style: Times New Roman
 - (c) Font Size: 12
 - (d) Margins: 2.54 cm
 - (e) Line spacing: 1.5
 - (f) Maximum pages: twenty (20), excluding the information required under Rule 4.1.2.
 - (g) Footnotes font style and size: Times New Roman 10.
- 4.1.4. Each set of the Written Submissions should be saved and submitted as a single and separate word document.
- 4.1.5. Any breach of the Rules will lead to penalty points issued by ELSA International.

4.2. The structure of the Final Round

- 4.2.1. The Final Round shall consist of a Preliminary Round, a Quarter-Final, a Semi-Final and a Grand Final.
- 4.2.2. The twenty teams with the highest marks in the Written Round will participate in the Final Round.
- 4.2.3. The Final Round is judged solely on the basis of the Oral Pleadings. The marks of the WS will not be taken into consideration, except in a case presented in 4.2.5.
- 4.2.4. The Preliminary round is composed of twenty separate moots. Each team pleads twice, once as applicant and once as respondent state. The pleading schedule is determined by the drawing of lots at the opening ceremony by Vice President for Academic Activities of ELSA International.
- 4.2.5. The eight four teams with the highest marks in the Preliminary Rounds will participate in the Quarter-Finals. In the case of a tie the team with the highest score of the cumulative WS will proceed to the QF.
- (1) In Quarter Final 1 the team with the highest (1st) overall score will plead against the team with the eight (8th) highest overall score.

(2) In Quarter Final 2 the team with the second (2nd) highest overall score will plead against the team with the seventh (7th) highest overall score.

(3) In Quarter Final 3 the team with the third (3rd) highest overall score will plead against the team with the sixth (6th) highest overall score.

(4) In Quarter Final 4 team with the fourth (4th) highest overall score will plead against the team with the fifth (5th) highest overall score.

4.2.6. The winner of each QF will qualify for the Semi-Finals.

(1) In Semi Final 1 the winner of the QF 1 will plead against the winner of the QF4.

(2) In Semi Final 2 the winner of the QF 2 will plead against the winner of the QF3.

4.2.7. The winner of each Semi-Final will participate in the Grand Final.

4.2.8. If the teams pleaded against each other in the earlier rounds, they will plead in the opposite role in the next pleading. Otherwise, the pleading roles will be determined by the toss of a coin by Vice President for Academic Activities of ELSA International.

4.3. The Oral Pleadings

4.3.1. Each team shall have a total of thirty-five (35) minutes to present its main oral pleadings, including time needed to address the judges' questions made during their oral presentations, not including the introduction of the orators. One team member shall introduce all the team members and the nominated orators and structure of their pleading. This time is not including in the main Oral Pleadings time. However, this should not exceed more than 3 minutes.

4.3.2. The order of pleading is applicant – respondent – applicant rebuttal – respondent sur-rebuttal.

4.3.3. A minimum of 2 members and a maximum of 3 members shall present the main oral pleading.

4.3.4. A Team may request extra time to enable it to complete its main oral pleadings or to answer judges' questions. The President of the panel has discretion to grant the request.

4.3.5. If the applicant seeks and is granted extra time during its main oral pleadings, that time will also be added automatically to the time allowed to the respondent for its main oral pleading.

4.3.6. If the respondent seeks and is granted extra time during its main oral pleadings, that time will be added automatically to the time allowed to the respondent for its rebuttal.

4.3.7. Each Team shall be given a total of five (5) minutes to present its rebuttal or sur-rebuttal, including time needed to answer the judges' questions. A team may not ask for additional time during its rebuttal or sur-rebuttal time.

- 4.3.8. Only one team member shall present the rebuttal or sur-rebuttal and answer the judges' questions.
- 4.3.9. If the allocated minutes for the main oral pleadings are not fully used, they will not be added to the time allowed for Rebuttal or Sur-rebuttal.
- 4.3.10. The scope of the rebuttal is limited to the issues raised in the respondent's main oral pleadings only and the scope of the sur-rebuttal is limited to the issues raised in the applicant's rebuttal.
- 4.3.11. Time keepers will indicate the elapsed time towards Judges and Teams at intervals of five minutes and where there are three, two and one minutes, and when the end of the time allocated is reached.
- 4.3.12. The scope of the Oral Pleadings of a team does not depend on the scope of its Written Submissions.
- 4.3.13. The judges may provide direct feedback to teams at the conclusion of the moot. Such feedback must comply with the following conditions:
- (a) it must not concern the substantive aspects of the Case or reveal any of the contents of the Bench Memorandum;
 - (b) it must not reveal individual scores;
 - (c) it must not reveal the result of the round.
- 4.3.14. The failure to comply with any part of this Rule 4.3 will not lead to disqualification but will be taken into account when evaluating the individual and team performance and attributing marks.

5. The judges and marking

5.1. General

- 5.1.1. The judges are human rights law experts selected by ELSA International in consultation with the Academic Advisory Board. They must not have assisted any team taking part in the Competition Year.

5.2. The Final Round

- 5.2.1. In the Final Round the judges will sit in panels. Each Panel will have a President.
- 5.2.2. The teams will be marked in each moot in the Preliminary Round by a panel of three judges in accordance with the Marking Guidelines and the Bench Memorandum. Their

marks from both moots will be combined to determine their overall mark for the Preliminary Round.

- 5.2.3. The teams will be marked in the Quarter-Final by a panel of three judges in accordance with the Marking Guidelines
- 5.2.4. The teams will be marked in the Semi-Final by a panel of three to five judges in accordance with the Marking Guidelines
- 5.2.5. The teams will be marked in the Grand Final by a panel of seven to nine judges in accordance with the Marking Guidelines. The team with the highest mark is the winner.
- 5.2.6. In each round size of the Jury will be the same for all pleadings in that round.
- 5.2.7. The Timekeepers are responsible for the timekeeping during the Oral Pleadings.
- 5.2.8. The judges may direct questions or comments to the teams at any time during the Oral Pleadings.

6. Awards

6.1.1. The awards of the Competition are the following:

- (1) The Winner – “The Council of Europe Award”
- (2) The Runner up
- (3) The Best Applicant’s Written Submission
- (4) The Best Respondent’s Written Submission
- (5) The Best Orator of the Preliminary Rounds (each orator must present oral pleadings for the Applicant and the Respondent to be entitled for the award)
- (6) The Best Orator of the Quarter Finals
- (7) The Best Orator of the Semi Final
- (8) The Best Orator of the Grand Final– “The Liaison Office of the Council of Europe award”

6.1.2. The “Council of Europe Award” is a one-month traineeship at the European Court of Human Rights for each member of the winning team.

6.1.3. The winner of the Best Orator of the Grand Final will get a traineeship at the Liaison Office of the Council of Europe in Brussels.

7. Reporting of results

7.1.1. ELSA International will publish the scores of both the Written Submissions and the Oral Pleadings in a final report after the Competition is finished.

8. Penalties

8.1.1. Penalties will be imposed in accordance with the following table:

Action	Penalty
Team coach actively taking part in Oral Pleadings	Disqualification
Change of member composition after registration without prior authorisation of the Vice-President of Moot Court Competitions	Disqualification
One (1) day delay past given deadline in dispatch of documents	0,5 point
Two (2) days delay past given deadline in dispatch of documents	1 point
Three (3) days delay past given deadline in dispatch of documents	2 points
Four (4) days delay past given deadline in dispatch of documents	3 points
Five (5) days delay past given deadline in dispatch of documents	Disqualification
Exceeds the maximum length of the one-page summary	0,5 point per page
Exceeds the maximum length of the Written Submission – excluding contents and documents (i.e. 20 pages for content)	0,5 point per page
Electronic copy of Written Submissions dispatched in wrong format (i.e. if NOT as a Word document and NOT as a single file)	0,5 point per WS
Failure to use correct Font (Times New Roman)	0,5 point
Failure to use correct Font size (12 points)	0,5 point

Action	Penalty
Applied “kerning” to the document (Written submissions should be in standard letter spacing)	0,5 point
Failure to use A4 electronic page	0,5 point
Incomplete Title of Word Document	0,5 point
Including pleading in the footnotes	0,5 point per infraction
Incorrect referencing of footnote or reference	0,5 point per infraction
Violation of rules on anonymity requirement in Rule 3.2.1	Disqualification

8.1.2. Where reference is made in the above table to disqualification, the Vice President for Academic Activities has discretion in exceptional circumstances to allow a team to continue to participate and to substitute, if appropriate, a lesser penalty.

9. Appendixes

[Appendix A: Guidelines for Written Submissions and Oral Pleadings](#)

[Appendix B: The Timeline](#)

[Appendix C: The Written Submission Cover template](#)