Rules of the European Human Rights Moot Court Competition

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. There are currently 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 into practice and to learn about other legal systems.

The European Human Rights Moot Court Competition is a simulated hearing of the European Court of Human Rights. The competition is open to all students from ELSA countries, as well as from countries that are members of the Council of Europe. In this respect the competition is Europe-wide. The competition is held in English.

The aims of the European 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 of Human Rights
3. To contribute to the on-going discussion regarding Human Rights
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Definitions

"AB" The Advisory Academic Board;

"Case" A fictive case created every year for the competition;

"Competition" The European Human Rights Moot Court Competition - an annual moot court competition organised by the European Law Students’ Association;

"ECHR" The European Court of Human Rights;

"Final Oral Round" The final of the Competition at the ECHR;

"IOC" The International Organising Committee is the organising team designated by ELSA International to help with the arrangement of the Competition;

"Jury" Human Rights law experts judging the Written Submissions and Oral Pleadings;

"OP" Oral Pleadings;

"WS" Written Submissions.
I Organisation and Structure

1. Organisation of the Competition

1.1 ELSA International has the overall responsibility of the organisation of the competition. The Council of Europe offers organisational support, academic support, as well as assistance with connections in the Strasbourg community.

1.2 The Vice President for Moot Court Competitions, acting on behalf of ELSA International, shall be the Head of the organisation of the European Human Rights Moot Court Competition and in this role the overall responsible for the competition.

1.3 The Advisory Academic Board appointed by ELSA International shall be in charge of ensuring the high quality of the competition. They will have the following responsibilities (the list is not exhaustive):

(1) Assisting in developing the rules, marking guidelines and the scoring of the Written Submissions (WS), as well as advising ELSA International on the appointment of the case author and topic;

(2) Assisting in the selection of Judges.

1.4 ELSA International has the right to develop and interpret the existing rules and issue additional rules and updates which will be immediately applicable. These come into force once they are published on the website.

1.5 The logistics of the Written Round shall be organised by ELSA International. ELSA International will be overall responsible for organising the Final Oral Round in cooperation with an International Organising Committee.

1.6 ELSA International shall set up and maintain a webpage for the competition.
1.7 All materials developed by or for ELSA International for the Competition, including but not limited to the Rules, all Guidelines for teams and Judges, the case and the Written Submissions, are the property of ELSA International.

2. **Organisation and Structure**

2.1 The competition is divided into two principal rounds: the Written Round and the Final Oral Round.

2.2 The competition will be entirely held in English.

2.3 ELSA International may also organise oral Pre-selection Rounds.

2.4 The National Groups of ELSA may organise pre-moots in their respective country. A pre-moot does not function as a selection round.

2.5 The Written Round shall function as a selection round with the aim of selecting teams for the Final Oral Round.

2.6 The Final Oral Round will be the finale of the competition. A total of sixteen (16) teams qualify to the Final Oral Round which shall be held in Strasbourg with the pleadings taking annually place at the European Court of Human Rights, in the Human Rights Building. The Final Oral Round shall be organised by ELSA International, with the help of the Council of Europe.

2.7 The Final Oral Round shall have at least four stages:

1. Preliminary Rounds (16 teams)
2. Quarter Finals (8 teams)
3. Semi-Finals (4 teams)
4. The Grand Final (2 teams)

2.8 In the Preliminary Rounds all teams plead once as the Applicant and once as the Respondent. The determination of the roles as well as the pleading schedule is done by drawing a lot, by the Vice President for Moot Court Competitions in the beginning of the Final Oral Round.
2.9 The Quarter Final Rounds will be held as follows:

(1) The teams ranked as the eight (8) best teams out of the Preliminary Rounds will qualify for the Quarter Finals.

(2) In Quarter Final #1 the team with the highest (1st) overall score will plead against the team with the eighth (8th) highest overall score.

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

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

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

(6) The four winning teams of the Quarter Finals will qualify for the Semi – Final.

2.10 The Semi Final Round will be held as follows:

(1) The four (4) best teams from the Quarter Finals will qualify for the Semi Final Rounds.

(2) In Semi Final #1 the team with the highest (1) overall score will plead against the team with the fourth (4th) highest overall score.
(3) In Semi Final #2 the team with the second highest (2\text{nd}) overall score will plead against the team with the third (3\text{rd}) highest overall score.

(4) The winning teams of each Semi Final Round will advance to the Grand Final.

2.11 If the teams have not pleaded against each other, the determination of the roles shall be made by tossing a coin by the Vice President for Moot Court Competitions.

3. The Jury

3.1 The Jury consists of Human Rights law experts appointed by ELSA International in cooperation with the Advisory Academic Board. These individuals are referred to as Judges. The members of the Jury shall not provide support or advice of any kind to any participating team or coach/academic advisors before or during the Final Oral Round. Teams receiving support or advice from Judges will be disqualified.

3.2 The Jury shall consist of the following: in the Preliminary Rounds and the Quarter Finals three (3) Judges, in the Semi-Finals five (5) Judges and in the Grand Final nine (9) Judges.

3. The Timekeepers are responsible for keeping the time of the Oral Pleading.

3.5 The Jury may ask questions from the teams at any time of the pleading.

II Competition

1. Team Composition and Registration

1.1 All law schools, law faculties, and institutions with international law related degree programs located in a Member State of ELSA or of the Council of Europe are eligible to participate in the Competition. If the school has a campus in another country, this is allowed to enter as well. Students being on exchange in another country are eligible to participate under the foreign school.

1.2 Only students enrolled in undergraduate or Masters’ studies from a school or law faculty awarding a law degree are allowed to participate.
1.2 Teams shall consist of 2 - 4 law students and must be enrolled in the same school or law faculty. Students from two different schools that are situated close to each other, might form a team together upon request sent to the Vice President for Moot Court Competitions.

1.3 Students who have previously participated in the Final Round in Strasbourg cannot take part in the competition as team members, unless they had been kept from participating in the final due to external difficulties (force majeure, visa issues, etc.).

1.4 There shall only be one (1) team per school, since the team will be representing it. If different independent schools are located in the same city, each may send a separate team. However, all team members must be from the same school. ELSA International will not be in any situation involved in the selection of the team from a participating school.

1.5 Each team may have maximum 2 team coaches/academic advisors. A team coach may only assist in general discussions concerning the case, linguistic matters or presentational skills and no substantive advice. The team coach is not allowed to actively take part in the Oral Pleadings. However he/she may attend the Oral Pleadings, but must not sit within speaking distance of the team for which he/she is responsible. Teams not obeying this rule will be dismissed.

1.6 The registration of the teams will be confirmed upon a completion of the registration procedure which will be published on the official webpage. ELSA International will provide each team with a team number. The teams are not allowed to change their member composition after the registration, except in extenuating circumstances and only with the written permission of the Vice President for Moot Court Competitions. If this rule is not followed, the team will be disqualified.

1.8 Registered team members from one team are permitted to engage in practice moots among themselves and within their own institutions. Any assistance given in this phase will also be limited to a general discussion of the issue, linguistic help and training in presentation skills.

1.9 Students will be excluded or disqualified if they are:

(1) Involved in the current organization of the EHRMCC in any way;
(2) Performing as a legal practitioner under a national legal system and not enrolled in a school programme;

(3) Are or have been engaged in extensive practice of law (including judges, advocates, lawyers, attorneys, barristers, solicitors, notaries, bailiffs, legal officers) implying the following activities: pleading in court, arbitrations or other dispute resolution procedures (e.g. mediations or conciliations); or any legal work that is justified by jurisdictional law (for example if a law in a jurisdiction permits a legal officer to perform legal work that is usually undertaken by an admitted legal practitioner), with exception of any internship programme.

1.10 Students or team coaches/academic advisors may apply for exemption from Rule 1.9 by submitting a reasoned written request to the Vice President for Moot Court Competitions, before the stated registration deadline.

1.11 Team members and team coaches/academic advisors are prohibited from engaging in communication with any Judge on the issue of the EHRMCC Case before the end of the Final Oral Round.

1.12 Teams shall bear all financial costs consisting of their travels and a participation fee for the Final Oral Round.

1.13 The teams shall follow the official rules of the competition set out by ELSA International.

2. The Case and the Timeline

2.1 Every year a new fictitious case will be created by Human Rights law specialists in cooperation with ELSA International and the Advisory Academic Board. The case author must not have any close relations with participants.

2.2 The Case shall concern alleged violations of Human Rights guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms.

2.3 The Case will be published according to the timeline, on the day when the competition is launched on the official website.
2.4 ELSA International will issue a timeline which is binding under these rules. The timeline will be published on the website.

2.5 Teams may submit five clarification questions on the case within the indicated clarifications deadline. Clarification questions should be as far as possible approximate to those which could be asked in real situation. The Case Author may refuse to answer questions without giving reason if they are deemed to be unfair or unrealistic.

2.6 A list of all questions submitted by the teams will be published separately, indicating if applicable which have been found irrelevant to the case and therefore not taken into consideration.

2.7 Teams have to fill in a team registration form before the registration deadline. ELSA International will provide the team with a confirmation of their registration.

2.8 The Final Oral Round will take place in February.

2.9. ELSA International will publish the scores of both the Written Submissions and the Oral Pleadings in the Final Report after the competition is finished.

2.10 The exact dates of the competition will be published on the official webpage of the competition.

3. The Written Submissions

3.1 Registered teams must send two Written Submissions: one for the Applicant and one for the Respondent, within the given deadline at 23.59 CET. If a team does not send in their Written Submissions within the deadline, penalty points will be given in accordance with the penalty system set out in rule 6.

3.2 Both submissions shall contain of the following:

(1) A cover page with the given team number

(2) A one page summary of the results (bullet points)
3.3 The WS shall be written according to the following instructions:

- A4 size
- Font: Times New Roman
- Font Size: 12
- Standard letter spacing
- Margins of 2.54 cm
- 1.5 interlinear space
- Twenty (20) pages including the contents named in II.3.2.
- Both submissions shall consist of no more than forty (40) pages (including the contents).
- Each submission must be sent in a single and separate word document (single file).
- The footnotes shall be in Times New Roman and font 10.

3.4 If these rules are not followed upon, the penalty points will be issued.

4. The Oral Pleadings

4.1 Each team shall present their oral arguments for both the Applicant and the Respondent parties by presenting oral submissions in front of a Jury. The pleadings shall be held in standing.

4.2 The Vice President for Moot Court Competitions shall establish the pairings for the Preliminary Rounds, in the first instance, by a random draw.
4.2 Each team shall have a total of thirty (35) minutes to present its main Oral Pleadings, including time needed to address the Judges’ questions, not including the Team Appearance. Each team will be given maximum 5 minutes for rebuttal or sur-rebuttal, additional to the total of 35 min for the main Oral Pleading.

4.3 The Jury may allocate extra time in order to allow a team to complete its Oral Pleadings or answer questions during the main Oral Pleading. The same extra time shall also be given to the opposing team.

4.4 If the allocated 35 minutes are not fully used, they will not be added to the time allowed for rebuttal or sur-rebuttal.

4.5 A minimum of two (2) members and a maximum of three (3) members shall present the main Oral Pleading. Each orator shall speak at least seven (7) minutes during the main OP and plead both as Applicant and Respondent, to be eligible for the best orator’s awards.

4.6 One team member shall introduce all the team members and the nominated orators within the Team Appearance. This time is not included in the main Oral Pleadings time. However, this should not exceed more than 3 minutes.

4.7 Only the nominated orators may answer questions from the Jury during the Oral Pleading.

4.8 Each team shall be given a maximum of five (5) minutes to present its rebuttal or sur-rebuttal, including time needed to answer the Judges’ questions.

4.9 Only one (1) team member, nominated during the team appearance, shall present the rebuttal or sur-rebuttal and answer the Judges’ questions. A team may ask for additional time, granted by the Jury to its rebuttal or sur-rebuttal time. The scope of the Applicant’s rebuttal is limited to the issues raised in the Respondent’s main Oral Pleadings only and vice versa.

4.10 Time keepers will indicate the elapsed time at intervals of five minutes.

4.11 The teams will be ranked according to the total score of their OP (90 %) and their WS (10 %) in the Preliminary Rounds.
4.12 The role of the teams in the OP will be determined by a coin toss by the Vice President for Moot Court Competition. The highest ranked team will call the coin toss. If the teams have pleaded against each other before, they will plead for the opposite party.

4.13 The Judges must provide feedback to the teams at the conclusion of the Oral Pleading. Such feedback must comply with the following conditions:

(1) It shall not concern the substantive aspect of the case;

(2) It shall not reveal any individual scores nor the result.

4.14 The failure to comply with any part of Rule 4 will not lead to disqualification, but will be taken into account when evaluating the individual and team performance and attributing marks.

5. Awards:

(1) The Winner – “The Council of Europe Award”

(2) The Runner up.

(3) The Best Applicant’s Written Submission

(4) The Best Complainant’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 prize).

(6) The Best Orator of the Quarter Finals

(7) The Best Orator of the Semi Finals

(8) The Best Overall Orator– “The Liaison Office of the Council of Europe award”
5.1 The winning prize of the competition is the “Council of Europe Award”, which is a traineeship at the European Court of Human Rights for the winning team of the competition.

5.2 The winner of the Best Overall Orator will get a traineeship at the Liaison Office of the Council of Europe in Brussels.

6. Team Identification and Anonymity Rule

6.1 After submitting the registration form, ELSA International will issue a team number for the team. All communication must be made with reference to this team number.

6.2 According to the anonymity rule, the Judges shall not be aware of any details or information regarding the registered team, universities or countries of origin. Disclosure of such information must be brought to the attention of the Vice President for Moot Court Competitions.

6.3 In this regard, team and team coaches/academic advisors are prohibited from enclosing such information. They are only allowed to reveal their team number.

7. Penalty System

<table>
<thead>
<tr>
<th>Action</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Team coach actively taking part in Oral Pleadings</td>
<td>Disqualifications</td>
</tr>
<tr>
<td>Change member composition after registration</td>
<td>Disqualification</td>
</tr>
<tr>
<td>One (1) day delay past given deadline in dispatch of documents</td>
<td>0,5 point</td>
</tr>
<tr>
<td>Two (2) days delay past given deadline in dispatch of documents</td>
<td>1 point</td>
</tr>
<tr>
<td>Event Description</td>
<td>Penalty</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------</td>
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<tr>
<td>Three (3) days delay past given deadline in dispatch of documents</td>
<td>2 points</td>
</tr>
<tr>
<td>Four (4) days delay past given deadline in dispatch of documents</td>
<td>3 points</td>
</tr>
<tr>
<td>Five (5) days delay past given deadline in dispatch of documents</td>
<td>Disqualification</td>
</tr>
<tr>
<td>Exceeds the maximum length of the one page summary</td>
<td>0,5 point per page</td>
</tr>
<tr>
<td>Exceeds the maximum length of the Written Submission – including contents and documents (i.e 20 pages per submission)</td>
<td>0,5 point per page</td>
</tr>
<tr>
<td>Electronic copy of Written Submissions dispatched in wrong format (i.e. if NOT as a Word document and NOT as a single file). Additionally, team will be asked to send their WS in the right format.</td>
<td>0,5 point per WS</td>
</tr>
<tr>
<td>Failure to use correct Font (Times New Roman)</td>
<td>0,5 point</td>
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<tr>
<td>Failure to use correct Font size (12 points)</td>
<td>0,5 point</td>
</tr>
<tr>
<td>Failure to use correct Inter-liner Spacing in main text</td>
<td>0,5 point</td>
</tr>
<tr>
<td>Failure to use correct Page margin</td>
<td>0,5 point</td>
</tr>
</tbody>
</table>
Applied “kearning” 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

III Appendixes

4. Appendix A: Guidelines for Written Submissions and Oral Pleadings

5. Appendix B: The Timeline

ELSA International 2015/2016