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. 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 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 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
3. To contribute to the on-going discussion regarding Human Rights
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Definitions

"AAB" The Advisory Academic Board;

"Case" A hypothetical 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 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 Submissions and oral pleadings;

"RT" A regional organising team, which in cooperation with ELSA International and the IOC organises the European Final.
I Organisation and Structure

1. Organisation of the Competition

1.1 As the competition is organised by ELSA in cooperation with the Council of Europe, ELSA has the overall organising responsibility of the organisation of the competition. The Council of Europe offers organisational support, academic support as well as assistance with the connections in the Strasbourg community. The contact with ELSA and the European Court of Human Rights shall be conducted directly.

1.2 The Vice President for Moot Court Competitions, acting on behalf of ELSA International shall be the Head of the organisation of the Human Rights Moot Court Competition and in this role the overall responsible of 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) Selecting Panellists for scoring the WS

1.4 ELSA International has the right to develop and interpret the existing rules and issue additional rules and updates which will be applicable immediately. 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 Round in cooperation with an Organising Committee.

1.6 ELSA International shall set up and maintain a webpage for the competition.

1.7 ELSA International owns the property on all the documents, the case and the submissions connected with the competition.
2. Organisation and Structure

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

2.2 The competition will be entirely held in the English language.

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

2.4 The National Groups of ELSA may organise National Rounds in their respective country if more than one team registered for the competition. A National Round 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 Round. Through the Written Round teams qualify for the Final Round.

2.6 The Final Round will be the finale of the competition. A total of sixteen (16) teams qualify to the Final 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 Round shall be organised by ELSA, with the help of the Council of Europe.

2.7 The Final Round shall have three stages:

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

2.8 In the Preliminary Round 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 Round.

2.9 The four highest ranking teams of the Preliminary Round shall qualify for the Semi-Finals. The highest ranking team (1st place) will plead against the 3rd highest ranking team. The 2nd highest ranking team will plead against the 4th highest ranking team.
2.10 The winner of Semi-Final #1 and winner of Semi-Final #2 shall qualify to the Grand Final. If the teams have pleaded against each other before, they will plead for the opposite party in the Grand Final.

If the teams have not pled against each other, the determination of the roles shall be made by tossing a coin by ELSA International.

2.11 The scores of the Written Submissions will not be taken into consideration and will have no effect to the scoring and the evaluation of the pleadings during the Final Round.

3. The Jury

3.1 The Jury consists of Human Rights law experts and these individuals are referred to as judges. The members of the Jury should not have taken part in the preparation of any team of the respective year.

3.2 The Jury shall consist of the following: in the preliminary rounds three (3) judges, in the semi-finals five (5) judges and in the Grand Final nine (9) judges.

3.3 The judges shall be appointed by ELSA International in conjunction with the Advisory Academic Board and the Council of Europe.

3.4 The Jury is responsible for the timekeeping during the oral pleadings and shall be assisted by Timekeepers.

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 In order to take part in the competition, a team must be from a university or a law faculty located in a Member State of ELSA or of the Council of Europe. If the university 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 university, if they are members of ELSA.
1.2 Only students enrolled in undergraduate or Masters’ studies from a university 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 university or law faculty. Students from two different universities that are situated close to each other, might form a team together upon request sent to the Vice President 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 More than one team per university is allowed to participate. However, ELSA International recommends sending only one team per university since the team will be representing the university. If different independent universities are located in the same city, each may send a separate team. However, all team members must be from the same university. Only students can be team members. A team may apply for an exception.

1.5 Each team may have a team coach. 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. 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 registration number. The teams are not allowed to change their member composition after the registration. If this rule will not be followed upon, the team will be disqualified.

1.7 Once the team registration form is sent to ELSA International, no change in the team membership composition shall be made. However, ELSA International will consider the replacement of a team member in exceptional circumstances. For this reason, an email must be sent to ELSA International with a detailed request.

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;

(2) Performing as a legal practitioner under a national legal system and not enrolled in a university 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);

1.10 Students or team coaches/academic advisors may apply for exemption from Rule 1.9 by submitting a reasoned request by email to ELSA International before the stated registration deadline.

1.11 Team members and team coaches are prohibited from engaging in communication with any competition judge on the issue of the EHRMCC Case before the end of the Final Round.

1.12 Teams shall bear all financial costs (transportation, accommodation, meals etc.) assessed by ELSA International in the form of a participation fee for the Final 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 to participants of the competition.

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

2.3 The Case will be published when the competition is launched on the website according to the timeline.
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. After the expiry of the deadline for sending clarification questions, the moot court case will be revised to reflect the information requested in the questions submitted by the teams. 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.

2.6 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.

2.7 The Final Round will take place in February.

2.8 ELSA International will publish the scores of both the written submissions and the oral pleadings in a final report after the competition is finished.

2.9 The exact dates of the competition will be published on the official webpage of the competition which is administered by ELSA International.

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 the submissions are not provided within this time, penalty points will be issued.

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) A table of contents

(4) A list of references
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 Jury will issue penalty points.

4. The Oral Pleadings

4.1 Each team shall present their oral arguments for both the applicant and the respondent parties to the case by presenting oral submissions in front of a Jury. The pleadings may be held in sitting and in standing.

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.

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 members and a maximum of three members shall present the main oral pleading. Each orator shall speak at least seven (7) minutes during the main OP. The same team members shall plead in all of the pleadings. 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.

4.6 Only one team member, nominated during the team appearance, shall present the rebuttal or sur-rebuttal and answer the judges’ questions. A team may be permitted to have additional time, granted by the Jury to its rebuttal or sur-rebuttal time. The scope of the Complainant’s rebuttal is limited to the issues raised in the Respondent’s main oral pleadings only and vice versa.

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

4.8 The scope of the OP of a team does not depend on the scope of the WS.

4.9 The prizes of the competition are the following:

- Winner Team of the Competition - “The Council of Europe Award”
- Best Applicant Written Submission
- Best Respondent Written Submission
- Best Orator

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. Team Identification and Anonymity Rule

5.1 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.

5.2 According to the anonymity rule, the Judges (including other teams or coaches) shall not be aware of any details or information regarding the registered team, universities or countries of origin.

5.3 In this regard, team and team coaches/academic advisors are prohibited from enclosing any such information. They are only allowed to reveal their team number.
### 6. Penalty System

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<thead>
<tr>
<th>Action</th>
<th>Penalty</th>
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</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>
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<tr>
<td>Three (3) days delay past given deadline in dispatch of documents</td>
<td>2 points</td>
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<tr>
<td>Four (4) days delay past given deadline in dispatch of documents</td>
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<tr>
<td>Five (5) days delay past given deadline in dispatch of documents</td>
<td>Disqualification</td>
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<tr>
<td>Exceeds the maximum length of the one page summary</td>
<td>0,5 point per page</td>
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<tr>
<td>Exceeds the maximum length of the Written Submission – including</td>
<td>0,5 point per page</td>
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<td>contents and documents (i.e 20 pages per submission)</td>
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<td>Electronic copy of Written Submissions dispatched in wrong</td>
<td>0,5 point per WS</td>
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<tr>
<td>Criteria</td>
<td>Penalty</td>
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<td>Format (i.e. if NOT as a Word document and NOT as a single file)</td>
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<tr>
<td>Failure to use correct Font (Times New Roman)</td>
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<td>Failure to use A4 electronic page</td>
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<tr>
<td>Incomplete Title of Word Document</td>
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</tr>
<tr>
<td>Including pleading in the footnotes</td>
<td>0,5 point per infraction</td>
</tr>
<tr>
<td>Incorrect referencing of footnote or reference</td>
<td>0,5 point per infraction</td>
</tr>
</tbody>
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III Appendixes

4. Appendix A: Guidelines for written submissions and oral pleadings
5. Appendix B: The Timeline