

# International Rules of Procedure

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International Rules of Procedure for the Telders International Law Moot Court Competition  
(Revised – September 2013)

## Chapter I. General Provisions

### **Article I. Function**

1. The Telders International Law Moot Court Competition (hereinafter to be referred to as 'the Competition') shall be held annually.
2. The Competition shall include, if necessary, National Pre-Selection Rounds (see Article IV of the present Rules), to be held in the participating countries, and an International Round (Semi-Finals and Final Round), to be held in The Netherlands.

### **Article II. Organisation**

1. There shall be a permanent bureau, the Telders Organizing Office (hereinafter to be referred to as 'TOO'), in Leiden, The Netherlands, responsible for the organisation and execution of the Competition.
2. The TOO shall be responsible for all administrative matters concerning the Competition and shall supply and distribute to the participating universities all the necessary information.

### **Article III. Participation**

1. Any university of a European country is eligible to participate with a team in the Competition.
2. In the International Round of the Competition a country may only be represented by one participating team. The Netherlands may be represented by two participating teams, Leiden University having the unconditional right to participate in the Competition.
3. Students are not allowed to participate in the International Round more than once. Non-compliance with this paragraph of Article III shall be penalised by the TOO in accordance with Article XIII of the present Rules.
4. The TOO will assign each participating team a registration number.
5. The TOO may exclude any university which, after having been given notice by the TOO that it should pay its outstanding debts to the TOO or third parties in the Netherlands arising from previous participation in the Competition, has not paid in full nor satisfied the TOO that it has done so for good reason.

### **Article IV. National Pre-Selection Rounds**

1. In the event that more than one university from one country registers to participate in the Competition, a National Pre-Selection Round will be held to determine which university will represent that country in the International Round of the Competition.
2. In the event that two or more Dutch universities register to participate, not including Leiden University, a National Pre-Selection Round will be held to determine which university will qualify for participation in the International Round of the Competition.
3. After the deadline for registration for participation as indicated on the TOO's Time Schedule has expired, the TOO will notify the relevant universities of the necessity to appoint a National Organising Commission (NOC). The organisation of a National Pre-Selection Round will be delegated, in each country, to an NOC, in conformity with the Rules of Procedure for National Pre-Selection Rounds of the Competition. The TOO shall be informed by the relevant universities of the constitution of the NOC no later than the deadline indicated on the TOO's Time Schedule.

4. The TOO will supply the NOC with all the necessary information and forms.

5. National Pre-Selection Rounds will be held in accordance with the Rules of Procedure for National Pre-Selection Rounds. The present rules apply to such Rounds when questions or issues arise which have not been explicitly provided for in the rules of procedure of those Rounds.

#### **Article V. Composition and Registration of the Teams**

1. The teams shall be composed of students who are enrolled in a programme of law at the participating universities and do not already have a master's degree in law. Such students can be holders of degrees other than in law.

2. A team may consist of students enrolled in different national universities.

3. Each team shall be composed of not less than two and not more than four students.

4. The names of the students composing a team are to be submitted to the TOO by the date for registration indicated on the Time Schedule. Substitution of team members is not allowed after this date, unless a team member has to withdraw due to serious and unexpected circumstances such as serious illness. A team contemplating withdrawal of a team-member shall communicate the circumstances of the requested withdrawal to the TOO. The TOO, in its sole discretion, will determine whether the withdrawal of the team member is appropriate under the circumstances. Only in the most exceptional cases may a team communicate withdrawal of a team-member within 24 hours of the date at which the National Pre-Selection Round or the International Round takes place. The TOO may determine that such withdrawal is in violation of the rules requiring that all team members give oral arguments as stipulated in Article X.2.2. The TOO may, at the request of the team, decide that another student meeting the conditions of Article V be registered in place of the team member withdrawn. In case of denial of this request, the team may continue participating with the remaining three (or two) members. One (or both) team member(s) shall in such case have a double role during the presentation of the oral arguments, presenting arguments for the Applicant as well as for the Respondent, with due regard to Article X.2.2, X.2.4 and 2.7.

5. Non-compliance with this Article shall be penalised by the TOO in accordance with Article XIII of the present Rules.

#### **Article VI. The Case**

1. The TOO shall invite a duly qualified person to draft the Case and will have no involvement in the drafting. The author of the Case will remain anonymous.

2. The TOO shall send with the invitation to participate a copy of the Case which will form the basis of the Competition not later than three months before the date indicated on the Time Schedule for the submission of the Memorials.

3. Participants may submit written requests for clarification with a maximum of three questions that are pertinent to understanding the Case. These requests must be received by the date indicated on the Time Schedule. Requests for clarifications may be deleted selectively by the author of the Case.

#### **Article VII. Outside Assistance**

1. Outside assistance which would interfere with the final product being the exclusive work of the team members is prohibited.

2. Outside assistance to a team in preparation of the Competition, including that of faculty members, will be limited to a general discussion of the issues, suggestions as to research sources and training in presentation in public.

3. Under no circumstances shall anyone who has in any way participated in the drafting of the Case give outside assistance to any of the participating teams.
4. Non-compliance with this Article shall be penalised by the TOO in accordance with Article XIII of the present Rules.

## Chapter II. The Semi-Finals

### **Article VIII. The Memorials**

#### 1. Form and Contents

1.1 The Memorials shall be written in English.

1.2 Each Memorial shall contain the following sections in the following order:

- (a) Table of Contents;
- (b) List of Abbreviations;
- (c) List of Sources (treaties, jurisprudence, literature, etc.);
- (d) Statement of Relevant Facts;
- (e) Issues;
- (f) Summary of Arguments;
- (g) Jurisdiction of the Court (or other body vested with adjudicatory power);
- (h) Argument;
- (i) Submissions.

The Memorial may also include Annexes up to a maximum of five (5) pages.

Participating teams are obliged to follow the order as mentioned in this paragraph.

Each section shall include only information relevant to that section.

1.3 The Argument (section (h)) and the Submissions (section (i)) together, including footnotes, shall not exceed twenty-five (25) pages. Any argument with respect to jurisdiction or admissibility shall be included in the Argument (section (h)).

1.4 The Memorial shall be typed

- on A4 paper (21 cm x 29 3/4 cm),
- on one side,
- in font Times New Roman size 12, or Courier size 10,
- with a margin of 2.5 cm on both sides, and
- with a margin of 2.5 cm at the top and at the bottom, and
- with sections (d) - (i) and Annexes with interline 2 (double-spaced).

1.5 The maximum of twenty-five (25) pages of the sections Argument (h) and Submissions (i) together shall be numbered consecutively in Arabic numbers (1 - 25).

All the other sections of the Memorial shall be numbered consecutively in small Roman numbers (i - ii - ... -iv ... xi ...).

Each page shall be numbered in the middle at the top.

Footnotes shall be placed at the bottom of the page and must be numbered consecutively throughout the memorial in Arabic numbers.

1.6 Footnotes and quotations shall not be reduced in size.

Footnotes and quotations of more than one line in length may be typed single-spaced. The standard double spacing between separate footnotes must be kept.

1.7 The listing of the sources in the List of Sources (section (c)) and in the footnotes shall be complete and uniform throughout the document. Listings are complete when all cited texts are included in the List of Sources; no other texts shall be listed. Listings are uniform when the rendition of sources in footnotes is the same as the rendition of these sources in the List of Sources.

1.8 Each Memorial shall be bound by a cover: The Memorials for the Applicant by a green cover, the

Memorials for the Respondent by a red cover.

1.9 The participating teams may not be identified by name or in any other way in the Memorial, except by their designated registration number.

1.10 The registration number of the team must appear clearly in the middle at the bottom on the cover of the Memorials.

## 2. Submission

2.1 Each team participating in the Competition shall prepare an Applicant's Memorial (A) and a Respondent's Memorial (B). Only the students registered with the TOO as team members shall research and write the team's Memorials.

No team may revise, substitute, add, delete, or in any other manner alter their original Memorials after they have been submitted.

2.2 Each team shall send the TOO the electronic pdf version of the Applicant's and Respondent's Memorials. Teams not enrolled in a national round shall also send the TOO, via registered mail, (3) copies of the Applicant's Memorial, and 3 copies of the Respondent's Memorial. Teams enrolled in a national round shall send eight (8) copies of the Applicant's Memorial, and 8 copies of the Respondent's Memorial to the National Organizing Commission, plus one (1) copy of the Applicant's Memorial and 1 copy of the Respondent's Memorial to the TOO. The winning teams of the national round shall send two (2) additional copies of the Applicant's Memorial and 2 additional copies of the Respondent's Memorial to the TOO. The deadline for mailing of the Memorials is indicated on the TOO's Time Schedule.

2.3 A clearly legible copy of the Registered Mail receipt shall be forwarded forthwith under separate cover to the TOO.

2.4 The TOO shall distribute the appropriate Memorials to the opposing teams, to the members of the Semi-Finals' Moot Courts, to the members of the Moot Court of the Final Round, and to the members of the International Board of Review.

2.5 All Memorials in the Competition become the property of the Foundation Telders International Law Moot Court Competition and may be copyrighted as such.

## 3. Penalties

3.1 Non-compliance with Article VIII.1-10 and VIII.2.1-3 shall be penalised by the TOO in accordance with Article XIII of the present Rules.

## **Article IX. The Judging of the Memorials**

### 1. The International Board of Review

1.1 The Memorials for the International Round shall be judged by the International Board of Review.

1.2 All participating teams shall appoint two (2) duly qualified persons to sit on the International Board of Review. The deadline for the participating teams to inform the TOO of the names and addresses of members appointed to sit on the International Board of Review is indicated on the TOO's Time Schedule. Preferably, no faculty members of the participating universities should be nominated. The TOO may grant a team a waiver of (part of) this duty. The authority and discretion to grant waivers lies entirely with the TOO.

1.3 Each Memorial shall be judged individually by three members of the International Board of Review, acting independently of one another. No Board member shall judge Memorials of a team of the same country as the team by whom the Board member is appointed.

1.4 Non-compliance with Article IX.1.2. shall be penalised by the TOO in accordance with Article XIII of the present Rules.

## 2. Scoring by the International Board of Review

2.1 The score shall be kept on official scoring sheets supplied by the TOO.

2.2 A grade between thirty (30) and fifty (50) points per Memorial shall be awarded by each member of the Board, excellent being 45-50, good being 40-45, average being 35-40, and poor being 30-35.

2.3 The scoring factors to be considered, without regard to their order of importance, shall include, but not be limited to:

- knowledge of the facts and the legal principles directly applicable to the facts;
- proper and articulate analysis of the issues involved;
- use of authorities and extent of research;
- logic and reasoning;
- evidence of original thought;
- clarity and organization;
- persuasiveness;
- thoroughness;
- grammar and style.

2.4 The final score for a Memorial shall be the sum of the points awarded by the members of the International Board of Review minus any penalty points. The maximum number of points that a team can score for the Memorials is three hundred (300): hundred-and-fifty (150) points for the Memorial on behalf of the Applicant and hundred-and-fifty (150) points for the Memorial on behalf of the Respondent.

## 3. The Best Memorial

3.1 At the end of the Competition, the team having prepared the Best Applicant's Memorial and the team having prepared the Best Respondent's Memorial will be announced.

3.2 The Best Memorials are those which received the highest final scores.

## **Article X. The Oral Arguments**

### 1. Time, place and order of the presentation

1.1 The TOO shall determine the place of the presentation of the oral arguments of the Semi-Finals and of the Final Round. The TOO shall determine the pleading schedule, i.e. the time and order of the presentation of the oral arguments, of the Semi-Finals by ballot, while the pleading order of the Final Round shall be determined in accordance with Article XIV of the present Rules.

1.2 The pleadings shall be held before a Moot Court constituted according to Article XI and a Jury for the Best Oralists constituted according to Article XII.

### 2. Form and contents of the oral arguments

2.1 Each team shall prepare an oral argument for the Applicant and an oral argument for the Respondent. The oral arguments shall be presented in English. Each team shall present an oral argument in four (4) of the sessions of the Semi-Finals: twice as Applicant and twice as Respondent.

2.2 Per session of the Semi-Finals, two team members shall present the team's oral argument for the Applicant or for the Respondent. Each member of the team shall act as an oralist in the presentation of the team's oral argument in at least two (2) out of four (4) sessions of the Semi-Finals.

2.3 Only the students registered with the TOO as team members shall act as oralists.

2.4 During the Semi-Finals' oral arguments, all team members shall be present in the sessions in which their team is pleading. Teams shall be seated behind their table at the time indicated for the start of the

session. None of the team members, coaches of the team, or persons officially affiliated with the team shall be allowed to attend any other sessions.

2.5 The scope of an oralist's pleadings is not limited to the scope of his/her submitted Memorial. The scope of the Applicant's rebuttal is limited to the scope of the Respondent's pleadings proper and the scope of the Respondent's surrebuttal is limited to the scope of the Applicant's rebuttal. Failure to keep within these limitations shall be taken into account by the members of the Moot Court.

2.6 Per session each team (Applicant and Respondent) shall be allowed a total of forty (40) minutes to present its oral argument, including the time needed to answer any questions which may be put to it by the Judges and including the time for the rebuttal or surrebuttal. No more than ten (10) minutes of this time shall be reserved for rebuttal or surrebuttal.

2.7 Per session no team member shall speak for more than twenty-five (25) minutes.

2.8 Extension of team time beyond forty (40) minutes, which in no case shall exceed five (5) minutes beyond the total time allocated for presentation, shall be within the discretion of the members of the Moot Court.

2.9 No oral or written communication may take place between the team table or the oralist and their accompanying staff members or any member of the public during the session in which that team presents its oral argument, rebuttal or surrebuttal.

2.10 No oral or written communication may take place between the team table and an oralist while the oralist is presenting his/her argument. This does not, however, preclude an oralist from taking a treaty or similar document from the team table when the oralist has been questioned about such a document.

2.11 With the exception of a flip-chart, with which teams can illustrate their arguments, the use of exhibits is not permitted. Teams requiring a flip-chart must inform the TOO well in advance.

2.12 Team members are not permitted to wear robes during the presentation of the oral arguments, nor may they wear garments which could indicate their country of origin.

2.13 The TOO will ensure that during the Semi-Finals no team shall meet any other team more than once.

### 3. Penalties

3.1 Non-compliance with Article X.2.1-2.4, X.2.6-2.7, and X.2.9-2.12 shall be penalised by the TOO in accordance with Article XIII of the present Rules.

3.2 Non-compliance with Article X.2.5 shall be taken into account by the members of the Moot Court in their scoring in accordance with Article XI.2.2-2.3 of the present Rules.

## **Article XI. The Judging of the Oral Arguments**

### 1. The Moot Court

1.1 The oral arguments shall be judged by a Moot Court consisting of three judges.

1.2 The TOO shall invite duly qualified persons to act as members of the Moot Court for the Semi-Finals.

1.3 Each oral argument shall be judged individually by the three judges, acting independently of one another. During the Semi-Finals, no member of the Moot Court shall judge a team of his/her own nationality.

### 2. Scoring by the Members of the Moot Court

2.1 The score shall be kept on official scoring sheets, supplied by the TOO.

2.2 A grade between thirty (30) and fifty (50) points per oral argument shall be awarded by each judge, excellent being 45-50, good being 40-45, average being 35-40, and poor being 30-35. The score per session for the oral argument of a team shall be the total of the points awarded.

2.3 The Moot Court shall especially, but not exclusively, take into consideration competence, inclusion of all relevant factors, structure and logic of the argument, knowledge of points of international law directly applicable to the facts, soundness of the argument presented, evidence of original thought, and response to questions.

2.4 The final score for an oral argument shall be the sum of the points awarded by the judges for the two sessions of the Semi-Finals minus the sum of the penalty points, divided by two. The maximum number of points that a team can score for the oral arguments in the Semi-Finals is three hundred (300): hundred-and-fifty (150) points for the Applicant's side and hundred-and-fifty (150) points for the Respondent's side.

### 3. The Best Oral Argument

3.1 At the end of the Competition, the team presenting the Best Oral Argument for the Applicant and the team presenting the Best Oral Argument for the Respondent will be announced.

3.2 The Best Oral Arguments are those which received the highest final scores.

### **Article XII. The Jury for the Best Oralist**

1. The oral presentations of the individual participants shall be judged by a special Jury consisting of one member in each courtroom.

2. The TOO shall invite duly qualified persons to sit on the Jury for the Best Oralist.

3. During the session, each oralist shall be judged individually by the member of the Jury.

4. The Jury shall especially, but not exclusively, take into consideration the clarity and style of the presentation, fluency, debating skill and powers of persuasion. The legal contents of the argumentation shall not be taken into consideration.

5. The final decision of the Jury with regard to the selection of the Best Oralist of the Competition will be taken by the entire Jury by consensus, or lacking such consensus, by a  $\frac{3}{4}$  majority of votes.

6. At the end of the Competition, the individual participant having been judged to be the Best Oralist of the Competition will be announced.

### **Article XIII. Penalties**

1. During the Competition, penalties may lead to the disqualification of a team, or to penalty points being deducted from the sum of the points awarded by the International Board of Review for a team's Memorials or from the sum of the points awarded by the Judges for a team's oral arguments presented during the Semi-Finals.

2. Penalties shall be exacted for failure to comply with

- Article III.3 : disqualification of the team;

- Article III.5 : disqualification of the team;

- Article IV.3 : 4 points per day for delay in appointing members of the NOC with a maximum of 28 points and divided equally between the two Memorials of the team;
- Article V : disqualification of the team;
- Article VII : disqualification of the team;
- Article VIII.1.1 : disqualification of the team;
- Article VIII.1.2 : 2 points per missing section or per violation;
- Article VIII.1.3 : 5 points per page over 25 pages;
- Article VIII.1.4 : 1 point per violation per single requirement mentioned, with a maximum of 4 points for 4 or more violations per single requirement mentioned;
- Article VIII.1.5 : 1 point per violation per single requirement mentioned, with a maximum of 2 points for 2 or more violations per single requirement mentioned;
- Article VIII.1.6 : 1 point per violation per single requirement mentioned, with a maximum of 4 points for 4 or more violations per single requirement mentioned;
- Article VIII.1.7 : 2 points for 1-5 violations per single requirement mentioned; 4 points for 6-10 violations per single requirement mentioned; 6 points for more than 10 violations per single requirement mentioned;
- Article VIII.1.8 : 1 point per violation, with a maximum of 4 points for 4 or more violations;
- Article VIII.1.9 : 6 points per violation;
- Article VIII.1.10 : 2 points per violation;
- Article VIII.2.1 : disqualification of the team;
- Article VIII.2.2 : 2 points per copy not received; 6 points per day for delay in mailing of the Memorials with a maximum of 48 points and disqualification of the team in case of a delay of 8 days or more;
- Article VIII.2.3 : 3 points per violation;
- Article IX.1.2 : 4 points per day for delay in appointing members for the International Board of Review with a maximum of 28 points and divided equally between the two Memorials of the team;
- Article X.2.1 : disqualification of the team;
- Article X.2.2 : 10 points per violation per single requirement mentioned;
- Article X.2.3 : disqualification of the team;
- Article X.2.4 : disqualification of the team; late arrival 5 points per minute;
- Article X.2.6 : 5 points per minute more, unless Article X.2.8 applies;
- Article X.2.7 : 5 points per minute more, unless - Article .2.8 applies;
- Article X.2.9 : disqualification of the team;
- Article X.2.10 : disqualification of the team;

- Article X.2.11 : 10 points per violation;

- Article X.2.12 : 10 points per violation.

### Chapter III. The Final Round

#### **Article XIV. Ranking for the Final Round**

1. The Final Round shall be held between the best Applicant-team (A) and the best Respondent-team (B). The best Applicant-team (A) and the best Respondent-team (B) are the teams with the highest total score on the Applicant-side and on the Respondent-side respectively, the highest total score being the sum of the final score for the Memorial and the final score for the oral argument on the Applicant-side and on the Respondent-side respectively.

2. If there are two or more teams on the Applicant's side with the same highest total score as defined above, the team with the highest final score for the Semi-Finals' oral argument shall be ranked highest. In case the final scores for the Semi-Finals' oral arguments are also identical, the finalist will be determined by ballot.

The same determination applies for the Respondent's side.

3. In case the highest total score on the Applicant's side and the highest total score team on the Respondent's side belong to the same national team, the side with the highest score of the two (Applicant or Respondent) shall represent the team in the Final Round. When the total scores for both sides are identical, the side with the highest final score for the Semi-Finals' oral argument will go to the Final Round. In case these scores also are identical, the finalist side will be determined by ballot. The opponent shall be the team representing the Applicant or Respondent, as required, with the second highest total score as defined above. In case of a shared second place, the above procedure will be followed to determine the opponent finalists.

4. This Article applies regardless of whether or not the highest-ranking Applicant and Respondent teams have met each other during the Semi-Finals.

#### **Article XV. Judging of the Memorials and of the Oral Arguments**

1. The Memorials and the oral arguments shall be judged by a Moot Court consisting of three Judges.

2. The TOO shall invite duly qualified persons to act as members of the Moot Court for the Final Round.

3. Each Memorial and oral argument shall be judged individually by the three Judges.

4. The earlier scores for the Memorials and for the Semi-Finals' oral arguments shall not be communicated to or taken into account by the Final Round Moot Court.

5. There will be no specific scores given by the Final Round Moot Court for the Memorials and the oral presentations.

#### **Article XVI. The Winner**

1. The winner of the Final Round will be the team so decided by the members of the Final Round Moot Court.

2. The winner of the Final Round shall be considered to be the Winner of the Competition. This team shall receive the Telders Cup to hold in trust until the following year's Telders Competition.

3. An overall ranking of the teams shall be provided based on the overall team scores. The overall team score is the sum of the final scores for the Memorials and the final scores for the oral arguments of both the Applicant and the Respondent side of one and the same national team. At the end of the Competition, the team with the highest overall team score will be announced.

## Chapter IV. Final Provisions

### **Article XVII. Powers of the TOO**

1. The TOO, in interpreting the present Rules and the Rules of Procedure for the National Pre-Selection Rounds of the Competition, may take such other discretionary measures as it may deem advisable for the sake of fairness and the orderly conduct of the Competition.
2. The TOO may depart from the present Rules should circumstances so require. In such an event, it shall inform all concerned participants as soon as possible, providing a statement of reasons for the departure.
3. Any decision or ruling handed down by the TOO on matters concerning the present Rules of Procedure, the Rules of Procedure for the National Pre-Selection Rounds, or any other matters regarding the state of affairs of the Competition is final. No appeal from these decisions or rulings is admissible.