

DUTCH NATIONAL ROUND
OF THE PHILIP C. JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION
RULES

Article 1: Object

The object of the Philip C. Jessup International Law Moot Court Competition is to stimulate student interest in and knowledge of international law.

In the event that a minimum of two Dutch teams enter the Competition, there will be a Dutch National Round in the Philip C. Jessup International Law Moot Court Competition. The Winning Team of this National Round has the right to participate in the International Round organized by the International Law Student Organization (ILSA).

Article 2: Organization

The organization of the Dutch National Round (National Round) is entrusted to a commission, hereinafter the *Organization Commission*, appointed by the T.M.C. Asser Instituut, through the Public International Law Committee of its Academic Board. Financial arrangements of the National Round shall be the exclusive responsibility of the T.M.C. Asser Instituut.

Article 3: Participation

- 1) The National Round is open to teams from law faculties and international law-related advanced degree programs at universities in the Netherlands. Each Team shall consist of at least two and not more than five students. All Team members must be continuously registered as students for the current academic year at such Dutch university at the time of the submission of the application to enter the National Round. Students taking part in further education programmes must fulfill the requirements as set out in Rule 2.2 of the Official International Rules of the Philip C. Jessup International Law Moot Court Competition (International Rules).
- 2) In principle, only one Team per university may enter the National Round, see International Rules, Article 2(1)(a).
- 3) The application to enter the National Round shall be made in accordance with the date fixed annually by the Organization Commission and shall be made to the *Organization Commission*, c/o T.M.C. Asser Instituut, R.J. Schimmelpennincklaan 20-22, P.O. Box 30461, 2500 GL Den Haag; telephone 070-3420300.
- 4) Each participating Team is obliged to pay ILSA a registration fee. Such payment shall be made to the T.M.C. Asser Instituut in accordance with the date and specifications fixed by the *Organization Commission*. The T.M.C. Asser Instituut will see to it that the money is transferred to ILSA.

- 5) Each participating Team shall be assigned a registration number which it must treat as confidential.

Article 4: The Case

- 1) The *Organization Commission* shall send the case, as well as the Rules of the Dutch National Round and the International Rules to each participating Team.
- 2) Each Team shall present and argue the case on behalf of both Applicant and Respondent.

Article 5: Assistance to Teams

- 1) Each participating Team shall have assigned to it by their faculty at least a member of the academic staff as its Coach and/or Advisor.
- 2) All research, writing and editing must be solely the product of Team members. However, faculty members and other Team advisors may provide advice to a Team. Such advice must be limited to: general discussions of the issues; general suggestions as to research methods and the location of legal sources; consultations regarding oral advocacy technique; general commentary on argument organization and structure, the flow of arguments, and format; and advice during Competition elimination rounds as to pleading option or similar strategy. The Team may also receive tips concerning presentation, pronunciation, and personal appearance. Any Team which receives inappropriate outside assistance will be disqualified from the Competition.
- 3) The participating Teams shall be instructed in the particular procedural aspects of the National Round at the Briefing Meeting organized at the T.M.C. Asser Instituut at a date fixed by the Organization Commission. At least one of the team members should represent the team at the Briefing Meeting.

Article 6: Memorials

- 1) The memorials for Applicant and Respondent shall be prepared pursuant to Rule 6 of the International Rules. Memorials from previous competitions may be consulted at the T.M.C. Asser Instituut upon request.
- 2) The memorials must be prepared in the English language. The Teams may have the memorials linguistically revised or corrected.

Article 7: Submission of Memorials

- 1) Each Team shall send via electronic mail one copy of each memorial (both Applicant and Respondent) to the T.M.C. Asser Instituut at conferencemanager@asser.nl and the Jessup competition coordinator at Jessup@ilsa.org, no later than 23:59 on the day before the *Briefing Meeting*, see Article 5.3. Each Memorial should be contained in a

single file. The electronic copies must be submitted in Microsoft Word for Windows format. Each Team shall also bring 20 copies of exactly the same memorials (thus, in total, 40 copies) to the *Briefing Meeting*. No Team may revise, substitute, add, delete, or in any other manner alter its memorials after the deadline for their submission.

- 2) The *Organization Commission* shall ensure that the memorials, as soon as possible after receipt, are sent to the judges and memorials judges referred to below.
- 3) No Team is allowed to read or otherwise learn the content of memorials of any other Team, except for the respective Applicant or Respondent memorials used by their opponents in the National Round. Each Team will receive memorials of their opponents at the *Briefing Meeting*, see Article 5.3.

Article 8: Oral Pleadings

- 1) The *Organization Commission* shall draw up a timetable for the hearing of the oral pleadings. The *Organization Commission* shall notify the participating Teams within a reasonable time of the date, time, and place for the hearing of the oral pleadings.
- 2) Oral pleadings shall be presented in English before a court of three to five judges.
- 3) Each Team shall be allotted a maximum of 45 minutes for the presentation of their oral pleading for each round, i.e. for Applicant and Respondent respectively. This time period shall include the answering of questions posed by the judges of the court.

Two oralists per Team shall plead during any single round. No single oralist shall plead longer than 25 minutes of the 45 minutes allotted to each Team for each round. If the judges, in their discretion, extend the total team time beyond 45 minutes (and they may do so for no more than 10 minutes), then, and only then, may an oralist plead for longer than 25 minutes. If an oralist pleads more than one round, he or she must designate before the beginning of the first round of the Competition which one round is to be counted for purpose of the Competition for Best Oralist, see Article 11.

Each Team may reserve not more than 10 minutes of its period for delivery of a rebuttal or surrebuttal. As a courtesy to the judges, Teams should announce whether they intend to reserve time for rebuttal or surrebuttal at the beginning of their oral argument, and how much time they intend to reserve. Failure to announce will not waive the right to rebuttal or surrebuttal. Only one Team member may deliver the rebuttal or surrebuttal.

- 4) Before presenting their case, none of the Team members or persons affiliated with that Team shall be allowed to attend any sessions other than that/those in which their own Team participates.
- 5) The two oralists, and possibly one Team member designated as counsel, may communicate in writing during the oral pleadings. Team members in the midst of their oral presentation may not receive written notes or advice from the Team table, although they may take or be handed a treaty or other documents from the Team table when the oralist has been questioned about such a document.

- 6) A Team's oral pleadings are not in any way limited to the scope of the Team's memorial. The scope of the Applicant's rebuttal is limited to the Respondent's primary oral pleadings, and the scope of the Respondent's surrebuttal is limited to responding to the Applicant's rebuttal. If the Applicant waives rebuttal, there shall be no surrebuttal. No legal issues that were not addressed in the primary pleadings may be raised in the rebuttal or surrebuttal.
- 7) Audio or video tapings are only allowed if permitted by the *Organization Commission*. Such requests shall be submitted to the *Organization Commission* at least one week prior to the date of the National Round.

Article 9: Memorial Judges and Judges of the Court

- 1) Each memorial shall be judged by at least two memorial judges.
- 2) The oral pleadings shall be judged by the judges of the court.
- 3) The *Organization Commission* shall invite duly qualified persons to act either as memorial judges or as judges of the court.
- 4) A person attached to a participating university is not allowed to be a memorial judge. With the exception of the Team Advisor, such person may nevertheless be one of the judges of the court, provided that the person concerned does not preside over the court and provided that this person will not be a judge during the session in which the Team of his/her university is pleading.

Article 10: Scoring of Memorials and Oral Pleadings

- 1) The scoring of the memorials and the oral pleadings shall be made in accordance with Article 10 of the International Rules.
- 2) When judging
 - a. The memorials, the following factors shall be given weight: knowledge of facts and law, proper and articulate analysis, extent and use of research, clarity and organization, correct format and citation, grammar and style.
 - b. The oral pleadings, the following factors shall be given weight: knowledge of law, application of law to facts, ingenuity and ability to answer questions, style, poise, courtesy and demeanor, time management, and organization.

Article 11: Designation of Best Oralist

- 1) The Best Oralist shall be designated by a jury of two persons appointed by the *Organization Commission*. Such persons may not be a memorial judge or a judge of the Court, and may not be attached to a participating university.
- 2) When four or more Teams participate and simultaneous sessions take place, each courtroom has a separate jury that may designate a best oralist.

Article 12: Winning Team

The competing Teams are ranked in accordance with the International Rules, Article 10. The two teams that rank the highest will compete in an Oral Round Final. They will toss a coin as to determine which team shall be applicant and which team shall be respondent. There will be no carrying over of points to the Oral Round Final.

The winner of the Oral Round Final is the Winning Team.

Article 13: Prizes

- 1) The Winning Team shall be presented with the Challenge Cup, which must be made available to the *Organization Commission* for the next National Round.
- 2) The members of the Winning Team and the best oralist(s) shall be presented with a book on international law and a certificate.
- 3) The members of the Team with the best memorials shall be presented with a certificate.

Article 14: Penalties

- 1) The number of points collected by a Team shall be reduced by the penalty points awarded against that Team.
- 2) Penalty points shall be awarded against a Team in the cases mentioned in the International Rules, Article 11, and in the following case:
 - a. Coming late to the Briefing Meeting: 3 points.
 - b. Not bringing enough hard copy Memorials to the Briefing Meeting: 3 points for first day, 1 point per day thereafter
- 3) If necessary, the *Organization Commission* (represented by the National Administrator) may award additional penalty points or may waive a penalty for special circumstances. Such decision shall be with good reason, which shall be provided in writing.
- 4) The *Organization Commission* shall notify all affected Teams of imposed Memorial Penalties prior to the National Round, and shall include with such notification a reasonable deadline for any appeals from the decision to impose Penalties. A Team may appeal any Penalty imposed against its Memorials in writing to the National Administrator. The *Organization Commission* shall decide upon the validity of any appeal. A Team may request that the *Organization Commission* submit an appeal of the *Organization Commission's* decision to the Executive Director. The *Organization Commission* shall contact the Executive Director for a prompt and timely decision. Such decisions of the Executive Director shall be final and cannot be appealed.

Article 15: Exclusion of Participation

The university whose Team withdraws from participation 3 weeks or less before the *Briefing Meeting*, see Article 5.3, shall be excluded from the competition the following year. Appeal against such exclusion may be made to the *Organization Commission*.

Article 16: Final Provisions

- 1) Should circumstances so require, the *Organization Commission* may depart from the National Rules. It shall inform all participants as soon as possible thereof with a statement of its reasons.
- 2) The *Organization Commission* shall reach a decision by majority vote as soon as possible on each complaint and request submitted to it. Should the urgent nature of a particular case so require, each member of the *Organization Commission* is individually empowered to give a decision.