



*The*  
BRITISH UNIVERSITY  
IN EGYPT



Moot Court Unit - Faculty of Law

Information Technology Moot Court Competition Rules

2023/2024

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## **I. Competition Administration**

- a) The Competition is organized by Moot Court Unit (MCU) at the British University in Egypt Faculty of Law.
- b) The MCU shall be responsible for all administrative matters concerning the IT Law Moot Court Competition and shall supply and distribute all necessary information to the participating teams.
- c) The MCU has the discretion to ask other members to help in the Competition organisation and/or teams coaching. In the event of any alterations, notification will be announced via email.
- d) The MCU will have the exclusive authority to interpret these Rules in the interests of fairness and equality.
- e) Any circumstance not covered by these rules will be adjudged by the MCU.
- f) All decisions of the MCU shall be final and binding.

## **II. Participation and Registration**

- a) Each African or Middle Eastern team shall pay 50 USD as a registration fee.
- b) Each Egyptian team shall pay 1,500 EGP as a registration Fee.
- c) Registration fees are refundable upon the successful in-person participation of the respective team in the 2024 MEA rounds in Cairo.
- d) Teams are expected to comprise no less than two (2) members and must have no more than four (4) members, representing an educational institution in the Middle East or Africa.
- e) At the time of registration, participants shall be enrolled in a law or relevant study program, being or equivalent to bachelor's or master's degree.
- f) Teams shall select an official person of contact from the participating team who will be responsible for all official correspondence between the team and the MCU.
- g) Teams may at choice designate a coach whose role is to guide team members in preparation for the competition, without carrying out substantial role in research or drafting of the memorials.

- h) After registration, participating teams will be provided with a Team Number, which will serve as their unique identifier both for Memorials and at the Oral Rounds.
- i) In a case of any change of registered information, the team is obliged immediately to communicate changes with the MCU. Although the MCU will try to accommodate compelling circumstances, teams are expected to keep the changes to team composition and other details to the minimum possible.
- j) Understanding that each eligible institution may have different procedures and protocols for selecting team members, and so each local institution is free in determining which students may apply to participate in the competition.

### **III. The Case**

- a) The MCU shall be responsible for drafting/choosing the Competition Case.
- b) Each team may make a formal request to the MCU for clarifications regarding the facts of the Competition Case. Please have in mind that the clarification requests should be clear and only in relation to facts of the case, not ‘leading’ questions on substantive arguments. It is at the discretion of the MCU which clarification requests are answered.
- c) Only one formal request for clarifications with a maximum of 5 questions may be made by any participating team via email to the MCU.
- d) The deadline for requesting clarifications will be part of the Competition timeline. No requests for clarification received after the deadline will be accepted unless the MCU, under exceptional circumstances, finds it necessary to respond to these clarifications.
- e) Responses to the clarifications will be made jointly available by the MCU to all participating teams prior to the deadline for Memorials submission and such responses should be treated as an official addendum to the Competition Case, to be read together with the Case.

### **IV. Legal Framework**

- a) Participants are not expected to raise issues related to jurisdiction and admissibility in their pleadings.

- b) Teams' knowledge of the case is limited to the facts as presented in the Competition Case, Clarifications, and this Rulebook.
- c) The facts of the Case, as found in these documents, cannot be disputed.
- d) The States, as described in the Competition Facts, are parties to the (fictional) Fourth Additional Protocol of 2005 (AP IV), stipulating *inter alia* that parties to a conflict can bring complaints against one another for violations of IHL. Per AP IV, a Permanent Committee has been set up to receive complaints, make recommendations and award potential reparations. The Permanent Committee is composed of highly qualified and experienced experts who are addressed as 'Member of the Committee'. The chair of the Committee can be addressed as 'President of the Committee' 'Madam/Mister President'.
- e) The findings of the Permanent Committee's, although non-binding, are highly regarded as interpretations IHL and its documents, *inter alia* Geneva Conventions.
- f) Teams can back their arguments using the different sources of international law, and the Permanent Committee shall consider them according to their authority in international law. Teams can particularly use Geneva Conventions and their additional three protocols, Hague Conventions, customary IHL, judicial decisions of the ICJ and the ICC, decisions of regional and national courts of relevance and legal Commentaries and scholarly works, all per their respective authority under international law.

## V. Memorials

### 1. General Rules

- a) The Memorial scores will contribute to deciding the outcome of a match, unless the MCU decides otherwise.
- b) Each participating team must prepare written submissions for both Applicant and Respondent.
- c) The Memorials shall be written in English.

## 2. Electronic Submission of Memorials

- a) Unless otherwise indicated, Memorials must be sent via official email to the MCU email ([Mooting.Unit@bue.edu.eg](mailto:Mooting.Unit@bue.edu.eg)) and CC ([Hadia.Nasser@bue.edu.eg](mailto:Hadia.Nasser@bue.edu.eg)) by the deadline set by the MCU. It is the responsibility of the teams to ensure that there are no technical problems with the attached files. Amongst other reasons, delays connected to technology, infrastructure, equipment and conflicting schedules will not be condoned.
- b) Each Memorial should be contained in a single file with the allocated team number followed by the first letter of the party whose arguments are presented in that Memorial, an R for Respondent and A for Applicant. For example: Team number 13, Respondent Memorial file shall be named "13R".
- c) The submission of the Respondent and Applicant Memorials must be in one (1) email with the following information in the subject line: 'Team number' R + A. No other information may be contained in the email.
- d) All versions submitted to the MCU must be identical. No changes of any kind may be made after submission of Memorials to the MCU.
- e) Each memorial should be electronically submitted in both Microsoft Word and PDF formats.

## 3. Late Submission

- a) The deadline for submission of Memorials shall be communicated to all participants via email to the team's official contact.
- b) If a team fails to submit Memorials by the required deadline, the following penalties will apply: Starting at 1 minute past the deadline, 1 point will be deducted from each memorial for every hour of delay.
- c) For the removal of all doubt, if the deadline for electronic Memorial submission is **July 10, 2024**, memorials must be received by the MCU on or before **23:59 Cairo time (GMT+2)**, on **July 10**. Memorials submitted on or after 00:00 on July 11 will incur a penalty as follows: 1 point penalty for memorials submitted between 0:00 - 0:59, 2 point penalty for memorials submitted between 01:00 - 01:59; 3 point penalty for memorials submitted between 02:00 - 02:59, etc.

d) A team which does not submit its memorials within 24 hours of the deadline will not be eligible to participate in the Oral Rounds of the Competition.

#### **4. Format of Memorials**

a) Memorials must be written in Microsoft Word and saved with the corresponding .doc or .docx file extension.

b) Electronic documents submitted must contain no information or features other than those required by this rule (e.g. no comments, track changes, etc.). Breach of this provision will be penalized with a deduction of penalty points from the Memorial pursuant to the Memorial Penalties subsection.

c) Each Memorial shall contain the following sections in the following order:

1. Front Page
2. Table of Contents
3. Statement of Relevant Facts
4. Questions Presented
5. Arguments
6. Prayer/ Relief Sought

d) The text of all parts of the Memorial must be in Times New Roman, size 12 font and doublespaced. Headings and sub-headings throughout the Memorials may be in a different font size, underlined and/ or highlighted.

e) Footnotes must be single-spaced, Times New Roman and size 10 font.

f) Non-compliance with the formatting requirements will be penalised with a deduction of penalty points from the Memorial pursuant to the Memorial Penalties subsection.

g) The Front Page of the Memorial must have only the following information, which should be in the following order (this information should be centered, except where stated otherwise):

1. In the top right-hand corner of the page, the team number allocated by the MCU followed by “A” if an Applicant Memorial or “R” if a Respondent Memorial (e.g. Team Number 12 would put “12A” in the top right-hand corner of the Applicant Memorial cover page).
2. The name and the year of the Competition (i.e., “The Information Technology Law Moot Court Competition 2023-2024 )
3. The name of the Case
4. The title of the document (i.e., “Memorial for Respondent” or “Memorial for Applicant”)
5. The number of words in the Arguments section. The number of words must be stated in the bottom right on the front page.

h) Substantive, affirmative legal argument or legal interpretation of the facts of the Case may only be presented in the ‘Arguments’ section of the Memorial. The Arguments section shall not exceed three thousand (3,000) words excluding footnotes but including all headings and sub-headings used in that section.

i) Each source or authority must be supported by bibliographical information using the Oxford Standard for Citation of Legal Authorities (OSCOLA).

j) It is not permitted to provide any information in the footnotes that is not related to the identification of an authority or source. Footnotes may not include additional legal arguments.

k) Endnotes are not permitted.

## **5. Judging Memorials**

a) Each Memorial shall be assessed by an odd number of judges, individually and independently. Where necessary, the MCU may authorize assessment by one (1) judge. In the event that Memorials are marked by one judge only, the procedure outlined in Rule VII (b) (Procedure for Winning a Match) shall be adjusted accordingly.

b) Every memorial will be marked on a maximum of one hundred (100) points by each judge.

c) A team’s total Memorial score shall be the sum of points awarded for the Applicant Memorial and points awarded for the Respondent Memorial.



d) Each judge can award a maximum of one hundred (100) points and memorials will be judged based on the following criteria:

- Correct legal analysis and its application to facts
- Quality and extent of research: relevant treaties, customs, case law, regional judgments, academic writings
- Recognition of problems: complete and correct recognition and weighting of problems
- Correct primary and alternative submissions
- Clarity and logic of argument
- Evidence of original thought
- Overall Presentation: Language, structure, format, citations

## 6. Memorial Penalties

a) Non-compliance with rules concerning formatting and submission of Memorials will result in a deduction from the allocated points.

#	VIOLATION	PENALTY
1	Missing or additional section	1 point per violation
2	Incorrect order of sections	1 point (one-time deduction)
3	Incorrect font size	1 point (one-time deduction)
4	Incorrect spacing	1 point (one-time deduction)
5	Breach of memorial anonymity rule	5 points (one-time deduction)
6	Missing or unnecessary information on front page	1 point (one-time deduction)
7	Substantive legal argument outside the Arguments section	2 points (one-time deduction)

<b>8</b>	Exceeding the word limit of the Arguments section	<b>1 point deduction for every 100 words over</b>
<b>9</b>	Text in footnotes	<b>1 point per violation</b>
<b>10</b>	Use of endnotes	<b>2 points (one-time deduction)</b>
<b>11</b>	Re-submission of memorial not contained in a single file	<b>2 points (one-time deduction)</b>

## **VI. Oral Pleading**

### **1. General Rules:**

- a) Oral Pleadings will be in English only. There will be no deviation from this language requirement.
- b) Each team shall prepare two (2) Oral Pleadings (one for each speaker) on behalf of the Applicant and two (2) Oral Pleadings on behalf of the Respondent.
- c) Each team shall have forty-five (45) minutes to present their arguments, including time for answering questions from adjudicators and rebuttals or sur-rebuttals.
- d) The order of the pleadings in each Oral Round at all levels of the Competition will be: Applicant 1, Applicant 2, Respondent 1, and Respondent 2 followed by the Applicant's (any one oralist) rebuttal and then the Respondent's (any one oralist) sur-rebuttal.
- e) Only two (2) team members shall present the arguments during an Oral Round on a team's behalf.

### **2. Time Allocation**

- a) The first team member presenting must inform the bailiff of the manner in which the team wishes to divide its forty-five (45) minutes between its (i) first Oralist, (ii) second Oralist, and (iii) the rebuttal (for Applicant) or Sur-rebuttal (for Respondent). The time allocation informed to the bailiff may under no circumstances be rearranged.
- b) Each team may divide its forty-five (45) minutes as it deems best provided that:

- i. No oralist is allocated less than fifteen (15) minutes or more than twenty five (25) minutes for presentation of main arguments
- ii. No more than five (5) minutes are reserved for its rebuttal or sur-rebuttal.

### **3. Extension of Time at Judges' Discretion**

- a) Judges may, at their discretion, extend the time for an Oral Pleading.
- b) Judges cannot change the order of presentation of an Oral Round.

### **4. Rebuttal and Sur-Rebuttal**

- a) Only one team member participating as an Oralist in the ongoing Oral Round may deliver the rebuttal for the Applicant or sur-rebuttal for the Respondent. Each team may reserve up to 5 minutes for rebuttal or sur-rebuttal. The information given to the bailiff need not indicate the team member selected to deliver the rebuttal or sur-rebuttal.
- b) The Applicant's rebuttal, which immediately follows Respondent 2, must be limited to responding to the Respondent's Oral Pleadings; whereas the Respondent's sur-rebuttal is limited to responding to the Applicant's rebuttal.
- c) The Applicant has the right to waive rebuttal, in which case the Respondent may not appear for sur-rebuttal.

### **5. Communication During Oral Pleadings**

- a) During an Oral Round, oral communication is limited to the judges and the Oralist presenting a team's arguments.
- b) During each Oral Round, one (1) additional Team Member may sit at counsel's table with the two (2) oralists; this individual shall be called "of counsel".
- c) A maximum of three (3) team members may be seated at counsel's table: the two (2) oralists and one (1) of counsel.
- d) Communication between the Oralist presenting a team's arguments and her/ his team's counsel's table is prohibited during presentation.

e) Communication at the counsel's table among other team members shall be in writing, and teams shall avoid all unnecessary and inappropriate behaviour which disrupts or detracts from the Oral Pleading in progress.

f) Communication between participants at the Counsel's table and adjudicators should be through the Court Clerk only. Direct communication between participants at the Counsel's table and the adjudicators is prohibited.

g) If participants continue to engage in such communication at any point in the Competition despite an earlier warning, the MCU shall have the discretion to disqualify any such team from a particular Oral Round or from the remainder of the Competition, or to otherwise penalise that team.

## **6. Electronic Devices**

a) It is prohibited for any team member including coaches to use electronic devices during the Oral rounds.

b) This rule does not apply to judges.

## **7. Spectators**

a) Team members, or individuals directly affiliated with a team, may only attend Preliminary Rounds in which their team is competing.

b) Teams, and individuals directly affiliated with teams, which have not moved on to the Advanced Rounds may attend any oral match in the Advanced Rounds.

c) Once a team in the Advanced Rounds has been knocked out of the Competition, team members and individuals directed affiliated with the team, may attend all remaining Advanced Rounds matches.

d) All Rounds should be open to the public. The MCU has the supreme authority in determining whether spectators are unnecessarily disturbing the Oralists during an Oral Round, in which case the spectator will be kindly asked to leave the room. Spectators are urged to show the utmost sportsmanship while presentations are being made and to be as silent as possible throughout the Competition.

## **8. Recording and Copy Rights**

- a) The MCU has the legal rights to all recordings and dissemination of such recordings whether audio, video, or other forms of recording which take place during the Competition.
- b) The MCU has exclusive copy rights to all products of the competition including the written memorials and the written, audio and video recordings of the Competition.

## **9. Judging Oral Pleading**

- a) In each oral round, the MCU shall employ three (3) judges. The MCU may employ more than three (3) judges in the Advanced Rounds.
- b) Each oral pleading will be marked on a maximum of one hundred (100) points by each of the judges.
- c) Each oralist can be awarded a maximum of one hundred (100) points per oral pleading based on, but not limited to, the following criteria:
  - Correct legal analysis and its application to facts
  - Relevant treaties, relevant customs, case law, regional judgments, legal scholars, other
  - Recognition of problems: complete and correct recognition and weighting of problems
  - Clarity and logic of argument
  - Correct primary and alternative submissions
  - Evidence of original thought
  - Overall presentation
  - Ability to communicate with judges: persuasiveness and fluency
  - Rebuttal or sur-rebuttal: ability to respond to opposing side's arguments

## **VII. Procedures for Determining Winner of a Match**

- a) In each match the Memorials of each team will be marked by 3 judges with each judge giving a score out of 100. Therefore, each team's memorial will have 3 scores: a highest score, a middle score and a lowest score.
- b) In each match, the highest score of the Applicant's Memorial will be compared with the highest score of the Respondent's Memorial; the middle score of the Applicant's Memorial will be compared with the middle score of the Respondent's Memorial and the lowest score of the Applicant's Memorial will be compared with the lowest score of the Respondent's Memorial.
- c) For scoring higher in each of the above comparisons, a team will get 1 Round Point. Therefore, in a match between Team 1 and Team 5, if Team 1 scores more than Team 5 in all the three comparisons, then Team 1 gets 3 Round points. If Team 1 scores higher than Team 5 only in two comparisons, then Team 1 gets 2 Round Points and Team 5 gets 1 Round Point. If scores being compared are the same, then each team will be awarded 0.5 point for each comparison. Therefore, there a total of 3 Round Points can be won for the Memorials in each match.
- d) In the Oral Pleadings each of the 3 judges' scores for the two teams will be compared. If Judge 1 in a match between Team 10 and Team 20 gives a higher number of points to Team 10 – then Team 10 will get 2 Round Points. A similar comparison will be carried out for Judges 2 and 3. Therefore, a total of 6 Round Points can be won in the Oral Pleadings in each match. As a result, there are 9 Round Points to be won in each match and the team with the higher number of Round Points wins the match.
- e) In the event that both teams have the same number of Round Points, the following procedure will be followed to resolve the tie:
  1. The Competition Raw Scores of both teams will be compared to determine the winner of the match.
  2. If a tie still exists, it shall be broken in the following order:
    - i. By comparing only the total Oral Pleadings points.
    - ii. By comparing only the total Memorial points.

f) The MCU reserves the right to allow Oral Round judges of the Advanced Rounds to determine the winner of the match by consultation rather than using the above procedure.

g) The aggregate of the actual points awarded to a team by each of the 3 Memorial judges and each of the 3 judges during the Oral Pleadings will constitute the Match Raw Score. For example, Team 15 in its first match could score 85, 85, 90 as Memorial scores and 80, 80, 85 for Speaker 1 and 90, 90, 85 for Speaker 2 as Oral Pleadings score. The Raw Match Score for Team 15 in the first match is sum of these scores –which is 770.

### **VIII. Procedures for Qualifying Teams for Advanced Round**

In deciding the teams for the Advanced Rounds, the following will be taken into account:

a) Teams with the highest number of wins in the Preliminary Rounds.

b) In case 2 teams or more have the same number of wins, they shall be ranked by comparing the aggregate Round Points in the Preliminary Rounds.

c) If ties still exist, then the Competition Raw Scores of the tied teams will be compared to determine the ranking inter se.

d) If a tie is not resolved by the above procedure, the tie shall be broken in the following order:

i. By comparing the sum of the Average Oral Pleadings Score and the Average Memorial Score. The Average Oral Pleadings Score is the total points awarded to a team during the Oral Pleadings divided by the total number of that team's oral rounds judges. The Average Memorial Score is the total points awarded to a team's Memorials divided by the total number of memorial judges for both Applicant and Respondent memorials. ii. By comparing only the Average Oral Pleadings Score as calculated above. iii. By comparing only the total Oral Pleadings points. iv. By comparing the Average Memorial Score as calculated in (i).

v. By comparing only the total Memorial points.

### **IX. Competition Prizes**

The following prizes will be awarded in two categories: 'Winner' and 'Runner-up'.

(a) Best Team: The team winning the finals will win a prize of the Winning Team.

(b) Best Memorials: The team with the highest aggregate Memorial points will win the prize for the Best Memorials.

(c) Best Oralist - Preliminary Rounds: The participant with the highest average score at the conclusion of the Preliminary Rounds will be adjudged the Best Individual Oralist. The average score will be calculated by dividing the total number of points of each speaker by the number of times the speaker has presented oral arguments.

(d) Best Oralist – Finals: There will be an award for the Best Oralist in the finals. This prize will be decided by the Finals bench.