

Initiatives for Peace and Human Rights (iPeace)
MOOT COURT REGULATIONS
PROPERTY AND LAND LAW

MOOT COURT REGULATIONS

General principles

Article 1

It is established a National Moot Court Competition as one of the activities of the Improved Legal Education for Access to Dependable Justice in Rwanda (iLEAD-Justice) Project to be organized each year by Initiatives for Peace and Human Rights (iPeace) in the collaboration of private or public universities.

iPeace has the discretion to partner with any institution or organization to organize a moot court competition in any relevant legal field with the purpose of improving law students' skills and knowledge.

Article 2

iPeace is solely competent for making changes to the content of this Regulation and its annexes, if any.

Article 3

If need be, iPeace is solely responsible to decide any question relating to the Competition. The organization may discretionarily delegate some of its powers.

Objectives

Article 4

The general aim of the Competition is to deepen and strengthen law students' skills and knowledge on specific issues related to national laws.

Specifically, the objectives of the Competition are:

- To improve law students' knowledge and analytical, research, writing and oral skills;
- To raise awareness on main legal issues faced by Rwandans in relation to most used laws and procedures in Rwanda;
- To highlight key principles and rights enshrined in most used laws in Rwanda;
- To disseminate relevant leading cases decided by Rwandan courts in relation to most used laws;
- To create a network of law students, lecturers, lawyers and judges interested specific fields of law.

Participation of the teams

Article 5

A team consists of Eight (8) students representing a university or institution of comparable level, preferably four (4) man and four (4) woman.

Among the eight (8) members, four (4) constitute the pleading team that shall stand and present the case before judges while four (4) others shall act as a back-up team to support the pleading team with notes, references, etc.

It is the discretion of each university to select their representatives and to assign them with specific tasks during the moot court competition. However, once the pleadings have started the role of team members shall not be changed.

To qualify as a team participants must:

- Be from a Faculty/school of Law;
- Be regularly enrolled in a public or private university or a higher education institute;
- Be working towards their first degree in law.

Article 6

The first degree shall be understood as a bachelor's degree in Law or a title deemed equivalent.

iPeace has the power to decide whether a particular degree should be considered as a first degree.

To be a member of a team, the participant must be a regular student enrolled full-time or part-time in one of the categories of institutions provided for in article 5 during the ongoing academic year.

In case of doubt, iPeace may take any action to verify the actual status of the student.

Two faculties/schools of the same University may be allowed to present two different teams on the double condition that they have a distinct name and that they are located on two sites or two different campuses. Otherwise, the University will be required to present only one team.

Are excluded from participation in the competition legal practitioners; members of the judiciary; or persons who have already obtained a first degree in law.

No student shall be allowed to participate twice in this Competition. Exceptions to this rule can be granted upon the submission of a writing explaining the reasons why a student should be accepted twice. Nevertheless, a student who has acted in a back-up team shall be allowed to participate in the pleading team in another moot court competition - and vice-versa.

Coaching

Article 7

Each team is accompanied by a coach (professor, lecturer, assistant lecturer, etc.) whose research focus area is in the relevant field of law. If there is no coach, iPeace may decide to disqualify the team.

The accompaniment, coaching or assistance that a lecturer provides to a team of students shall be limited to general discussions of the problems raised in the case, suggestions regarding available sources for research, and the methods to reach conclusions.

It is prohibited, under penalty of disqualification of the team, any support from the coach interfering with the final product, which must essentially be the original work of the students.

Registration to the competition

Article 8

A registration form must be filled in by a competent person from the applying university with the details of the nine (9) members (8 students and the coach) representing a university or higher education institution.

This form must be sent filled out online on the specified deadline.

Participating universities and their respective teams shall have no recourse against iPeace in connection with the selection process, the organization of the Competition, its conduct and the interpretation and application of the Rules.

Any change in the team's composition must be announced as early as possible by sending a new registration form to iPeace. No modification of the composition of the team shall be permitted after the time to be specified by iPeace.

Article 9

Any request for derogation from Article 5 of these Regulations shall be addressed to iPeace as soon as possible and in any case on the date that shall be indicated by the latter.

The request for exemption contains a letter explaining why a derogation is requested and the reasons why it should be taken into consideration by the organizers. It is sent to iPeace through info@iphr-ipdh.org

Competition proceedings

Article 10

At the beginning of the competition, each team receives a code that serves as its identifier throughout the competition in order to keep anonymity on the teams. The identity of a team participating in a specific session will not be revealed to the judges of the session in question before it is held.

If necessary and as much as it remains practically feasible, each litigant shall receive a personal identification code that he / she will use throughout the pleading in order to promote impartiality,

Before the start of each hearing, each litigant must provide the judges with his or her personal identification code for transcription on the evaluation form. This will facilitate the designation of the best litigant.

Unless otherwise decided by the chairman of the jury, no participant shall be obliged to disclose either the name of their university or their country of origin.

Article 11

The Competition focuses on the practice of national laws. The evaluation of the teams includes:

(a) Mainly: knowledge of relevant laws, ability to use this knowledge (conceptualize and analyze available information to detect critical elements directly related to how the law can be applied to specific facts);

(b) Understanding the simulation, including the ability to position themselves in a fictitious scenario; the ability to distinguish between important and irrelevant details, to identify strategic issues, opportunities and risks; the ability to understand the complexity of events and the role assigned to the various stages of the simulation; understanding various social dynamics while remaining focused on the application of the law; the use of data without inventing or discussing facts' details, etc. ;

(c) Teamwork (respect for teammates, balance in participation, complementarity, cooperation, mutual support and participation);

(d) Ability to argue (conviction in the presentation of arguments, creative and innovative use of the law, appropriate combination of rational analysis with emotion and passion);

(e) Oral communication skills (including inter alia strength of belief, articulation, logic, ability to transmit emotions when appropriate in simulation, ability to communicate with judges, ability to translate ideas and complex questions in easy-to-understand concepts).

Article 12

The first part the competition shall be devoted to the Elimination Rounds. The order of pleading during the Elimination Round is determined by iPeace. The time of preparation and pleading before various juries is communicated to the participants at the time of the Competition.

The second phase is the final of the Competition. It shall oppose the two best teams in terms of the cumulative points in the evaluation of the Memorials and the Oral Pleading.

The role played by each team in the final (claimant or respondent) is determined by drawing lots before the final, following the announcement of the two finalist teams.

Article 13

Each team receives a transcript showing the marks it scored throughout all the stages of the Competition for a purely informative purpose after the two finalists are known.

No appeal shall be admitted against the marks awarded by the judges, except in the case of gross errors of transcription. To be taken into account, the claimant must demonstrate that the correction of such errors is likely to propel it into the first two teams in terms of cumulative points.

Exceptionally, a team may have access to the evaluation sheets filled out by the judges during the Elimination Rounds. iPeace has the discretion to assess the merits of such a request after consultation with the Steering Committee team and the concerned judges.

Practical Case

Article 14

The general framework of the practical case is sent to the teams within a reasonable time to enable them to sufficiently prepare their arguments. Additional factual and/or legal information is provided to participants in a timely manner.

Competition Prizes

Article 15

At the end of the Elimination Rounds, iPeace announces the two finalists who shall compete in the final. The jury awards the "Competition Prize" to the best team after the deliberations.

The first team receives a trophy and some books.

The second team also receives a trophy and, where appropriate, some books.

Every participant shall receive a certificate of participation.

It may be instituted as many prizes as may be necessary including best pleader award, best female pleader, best memorial, etc.

Logistical aspects

Article 16

Subject to availability of funds, iPeace shall cover the cost of participants transportation, accommodation, and meals throughout the duration of the competition where applicable.

Transportation is provided by the most affordable means, preferably by public transport.

A modest lump-sum will be given to participants to reimburse costs incurred during the preparation of the moot court completion.

Participants shall bear expenses related to their personal needs such as – but not limited to - telephone, and drinks.

Assignment of rights related to image

Article 19

Each participant authorizes iPeace and its partners to take, reproduce or distribute the photographs and videos taken during the entire duration of the program.

This assignment authorizes iPeace to use, reuse, publish, edit, copy, reproduce, adapt, modify these images by any technical process.

These images may be reproduced or used with other materials, including but not limited to texts, data, information or slogans, other images, photographs, drawings, illustrations, animations, graphics, video or audio segments of any nature, by any means, methods or techniques currently known or to be devised.

Authorization is given for all media: paper, fabrics, wood, plastic, computer, electronic, magnetic, digital, laser, optical and in general for all modes of diffusion including social networks (Twitter, Facebook, ...).

Authorization is given for all areas of operation: advertising, promotion, manufacturing, packaging, distribution, production, without this list being restrictive.

This transfer of rights is granted without charge for an unlimited period throughout the world, without prejudice to the preservation of the reputation and privacy of the transferor. On the other hand, no commercial exploitation of images will be made.

Anyone can, by mail, request the removal of their photos from the Program's database at info@iphr-ipdh.org. Such request shall take effect six (6) months after its receipt and twelve months after the end of the edition in which the applicant participated.

Final provisions

Article 20

This Regulation shall apply. iPeace reserves the right to modify some of its aspects according to the realities that may occur on the ground and the evaluation that shall have been made by the organization.

Article 21

The schedules accompanying these Regulations form an integral part of its provisions.

Done at Kigali this 15th day of May 2019

Initiatives for Peace and Human Rights (iPeace)

Shaping Aspirations

ANNEX I: INSTRUCTIONS RELATED TO MEMORIALS

1. General presentation

Each memorial (applicant/respondent) must consist of the following documents:

- Two cover pages. On the first page, the identity of the participating team, including the name of the university of origin, the surnames and first names of the students, the surname and forename of the coach and the position supported (applicant or defendant). While the second page should remain blank with the only word "code". On this page will be transcribed the code that will serve as identification to the team throughout the Competition.
- A summary highlighting the key arguments. This summary shall not exceed one page (450 words)
- The actual memorial shall be between 3,000 words (minimum) and 6,000 words (maximum) footnotes included, if any.
- The format of the text should meet the following criteria:
 - Line spacing: 1.5
 - Form: typed
 - Police: Times New Roman
 - Font size: 12
 - Margins: Height: 2 cm; Bottom: 2 cm; Right: 2 cm and Left: 2 cm.

Note: The organizers are particularly strict about meeting the criteria for the general presentation of memorials. Any team that does not respect these criteria is subject to penalties during the evaluation of memorials. On the number of pages in particular, the evaluator will not take into consideration any page after the recommended limit.

2. Submission of memorials

A copy of memorials supporting each position (an applicant's memorial and a respondent memorial) must be sent to the Competition Coordinator no later than **14 June 2019 at 17:00 (Kigali Time)**. Memorials must be sent as attachments (in PDF **and** WORD) to an email to the following address: info@iphr-ipdh.org

Any team that does not submit its memorials to the organizer before the deadline of 14 June 2019 shall be subject to sanction. The organizer determines the nature of this sanction, which could include refusal to take the memorials into account up to disqualification.

The organizers are not able to provide participants with the use of computers or photocopying machines during the competition. Each team shall bring two copies of its memorials as sent for its own use.

3. Evaluation of memorials

The submissions shall be assessed before the Competition by a panel of independent experts appointed by the organizers.

4. Use of adverse team's memorials

As regards the preliminary rounds, no team shall have the right to consult beforehand or to be made aware of the content of the other teams' briefs before it is made available to them by the Coordination.

ANNEX II: INSTRUCTIONS FOR JUDGES

The allocation of marks during the Preliminary Rounds

Article 1

Each judge, individually and independently, shall evaluate each team standing in front of him/her, in accordance with the instructions given below.

A score of 100 shall be awarded in accordance with the evaluation criteria contained in article 3 (Oral presentation).

The judge shall assess each participant according to the criteria established on the evaluation grid. The total score obtained by the participants is the team's performance.

Memorials

Article 2

Memorials are evaluated by independent experts before or during the competition. These experts are not necessarily members of the sitting panels during the pleading Rounds.

The judges shall receive parties' memorials at the beginning of the Elimination Rounds. They shall read the briefs before the meetings.

Submissions shall account for 40% of the final mark.

Oral presentation

Article 3

During the oral pleadings, the judges shall evaluate the talents of the litigant and the oral presentation in general of each team which will plead before them during a specific session. In assessing the oral presentation, the judges will consider the following aspects - each litigant in his or her specific position:

- (a) Knowledge of facts; and correct and clearly stated analysis of the issues;
- (b) General knowledge of substantive and procedural laws, and case-law applicable to the facts;
- (c) Reactivity (spirit of distribution)
- (d) Clarity and concision;
- (f) Ingenuity (the ability to argue by analogy with aspects directly related to the law);
- (g) Organization skills;
- (h) Force of persuasion;
- (i) Knowledge of legal principles that are directly related to the facts.

The oral pleading will count for 60% of the final mark.

Total points

Article 4

The average of the team shall be calculated by iPeace by summing up the points for memorials and Oral pleadings.

The first two teams in terms of the cumulative points (memorials and oral pleadings) shall face each other in the final stage where only oral performances will be taken into account when deciding on the winner of the Moot Court Competition.

Juries or Panels

Article 5

A jury is composed of three (3) judges with expertise in the relevant area of law. For exceptional reasons, this number may be reviewed.

Each jury is chaired by an Expert. The President shall maintain order in the courtroom, to ensure that the competition rules are respected.

Before the opening of each pleading, the President of the Jury shall ask each participant to identify himself/herself through his/her personal identification code and to tell the position they are submitting for (applicant or defense).

The president shall ensure that each member of the jury faithfully transcribes the codes thus given on the scorecard according to the position defended by each of the litigants before the beginning of the hearing.

Each session of hearing lasts 90 minutes - maximum - evenly distributed between the two pleading parties. The intervention of all members of the jury should not take a total of more than 15 minutes within the 90 minutes allocated to each hearing session.

At the end of pleading, each member of the jury independently evaluates each team and each pleader by filling in the form provided to this end.

The President of the Jury shall collect the correction sheets of each judge and transmits them under sealed cover to iPeace or to any other person designated by the latter.

Article 6

In evaluating the oral presentation of any team, experts should bear in mind that most participants will argue in a language that is not their mother tongue. The ease of speaking in English should therefore not be the most determinant factor in awarding marks.

Article 7

Since a team does not choose the position for which it pleads in a particular session, the award of points should not take into account the merits of the case but only the legal analysis and the ability of the participants to persuade the audience.

Article 8

The judges shall ask participants questions at any point in the proceedings without overlooking the importance of allowing the participants "to make their case".

Comments from judges shall be limited as much as possible. The main purpose of the oral proceedings is to allow judges to ask relevant questions in order to probe the knowledge and competence of the litigants.

The chairman of a specific panel shall ensure that the judges do not unduly interfere with the proper conduct of the proceedings and that they do not interfere unduly with the participants' arguments.

Article 9

No oral or written communication shall take place between judges and participants, or persons directly associated with them, before a case is taken for deliberation.

Judges shall be responsible for enforcing the competition rules during the proceedings. Any infringement of the rules shall be noted, agreed upon and submitted to the organization, preferably accompanied by a proposal of the measures to be taken to make a decision.

Article 10

The judges are asked to write brief comments on the performance of each team that pleads before them.

Allocation of marks during the final**Article 11**

During the final, the judges will award an overall score out of 100 which will only take into account the oral presentation of the members of each team. The criteria for the evaluation of the oral presentation during the preliminary rounds remain in force.

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