

HYPOTHETICAL CASE

3rd EDITION OF THE SIR DAWDA KAIRABA JAWARA INTERNATIONAL HUMAN RIGHTS MOOT COURT COMPETITION 2022

BEFORE THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS

BETWEEN

UBUNTU CENTRE FOR RIGHTS PROTECTION (UCRP) V. THE REPUBLIC OF KUNTA KINTEH

RULES OF PROCEDURE

1. General

Teams of students will argue a hypothetical case before benches of lawyers and human rights experts as if they were before the African Court on Human and Peoples' Rights.

2. Host

The final rounds of the Sir Dawda Kairaba Jawara Human Rights Moot Court Competition (the Competition) will be held as part of the NHRC on the 10 December 2022 in celebration of International Human Rights Day.

3. Composition of panels of judges

The competition's judges are panels consisting of legal practitioners and academics who will be selected by the NHRC

4. Problem to be argued

The hypothetical case (the problem) to be argued will be available to all participants.

5. Registration

Each registered team will be designated a number, which each team should use throughout the competition to identify itself.

Eight teams will be selected from the memorials submitted by the teams. The top memorials will be selected from all the applications.

6. Rounds

There will be preliminary rounds, argued before panels of human rights experts, semi-final round, and a final round.

7. Preliminary rounds

Opponent teams in the preliminary rounds are determined by ballot. In the preliminary rounds, a team argues the problem once either as applicants or respondents.

8. Semi-final round

Four teams will compete in the semifinals. Lots will be drawn to pair the opposing teams during the semi-final round, and to determine who will argue the case for the applicant or respondent.

9. Eligibility

The applicants must be in their second year or above in their LBB Programm at an African University.

10. Assistance

Assistance rendered to a team in the preparation of its case, including from faculty members, must be limited to a general discussion of issues, suggestions as to research sources and decision-making.

11. Selection of Team

A team will be composed of two (2) student members only, preferably of different sexes and/or genders.

12. Registration

Each participating University is required to submit a formal request for registration by email with the heading '**Registration for the Sir Dawda Kairaba Jawara International Human Rights Moot Court Competition, 2022.**'

13. Memorials

Each team must prepare separate memorials (heads of argument or written pleadings) in support of the case of the Applicants and the Respondent.

14. Memorial general format

Each memorial must be composed of the following:

- a) A standard cover page;
- b) Each memorial must begin with jurisdiction and admissibility;
- c) Each issue must be argued separately; and
- d) Prayers.
- e) Memorial should not exceed 3000 words including footnotes if these are used;
- f) It is not necessary to include a table of contents, which will if included in the memorial, form part of the overall 3000-word count;
- g) Spacing: Double-spaced;
- h) Format: Memorials should be submitted in Microsoft Word, not PDF;
- i) Font type: Arial; and
- j) Font size: 12

NB: Failure to meet these requirements may lead to disqualification.

15. Submission of memorials

One (1) copy of the memorials for each side (one for the Applicant and one for the Respondent) should be submitted, to reach the organisers on or before 22 September 2022. The teams must register by sending email to the organisers with names and matriculation numbers of their names.

Memorials should be sent as attachments to an email message, to the following addresses: njieb@gm-nhrc.org; mgeorge@gm-nhrc.org and Sbah@gm-nhrc.org

16. Memorial marking: Memorials will be marked by independent experts in the start of the preliminary rounds of the Competition.

17. Best memorial: The teams with the best memorials in the preliminary rounds will be announced at the end of the Competition during the prize-giving ceremony.

18. Oral Pleadings/ Submissions

General procedure

The order of pleadings will be: Applicant team, Respondent team, rebuttal by Applicant team.

All team members must act as oralists during the preliminary rounds and semi-final and during the final round.

No team will plead for longer than 25 minutes (including rebuttal) during the preliminary and semi-final rounds, and 30 minutes in the final round.

One oralist may not use more than 15 minutes during preliminary rounds and the semi-final, and 20 minutes during the final round.

Rebuttal may not exceed 5 minutes. Only one member of the team appearing as an applicant has the opportunity for rebuttal. Time for rebuttal must be reserved in advance.

19. Ex parte proceedings

Where a team fails to appear for a scheduled round, after waiting for ten minutes, the Judges may allow the round to proceed ex parte.

In an ex parte proceeding, the attending team presents its oral pleading, which is scored by the judges. In such a case, the team that fails to arrive for the scheduled round will forfeit all of the round's points.

20. Scope of pleadings/submissions

The scope of a team's oral pleading is not limited to the scope of its memorial. However, the scope of the Applicant's rebuttal is limited to the scope of the Respondent's oral pleadings.

21. Oral and written communication

No oral or written communication may take place between team tables and any spectator during a round.

22. Absence from the courtroom

No team member will be allowed to leave the courtroom for the duration of the proceedings of a specific case in which he, she or they are taking part.

23. Best oralists

The names of at least the top two oralists in each of the preliminary rounds, based on the points indicated for oral arguments on the score sheets, will be announced at the end of the Competition during the prize-giving ceremony.

24. Preliminary rounds

In the preliminary rounds, teams will be scored based on their oral pleadings.

25. Semi-final and final round

In the semi-final and final round, teams will be scored exclusively on their oral pleadings.

26. Clarification of The Problem

Participants may submit written requests for clarification of points in the problem which are manifestly unclear and which must be clarified in order for the participants to develop their pleadings.