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degli Studi di
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DIPARTIMENTO DI GIURISPRUDENZA
"SALVATORE PUGLIATTI"



Erasmus+



Universidad de
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CAMPUS DE EXCELENCIA INTERNACIONAL



Universidad de Valladolid



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RULES OF PROCEDURE OF THE BIP INTERNATIONAL CRIMINAL COURT MOOT COMPETITION

10th – 13th July, Messina University

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CHAPTER I – *General principles*

Article 1 - Object

1. The present Rules of Procedure (hereafter, “Rules”) govern the International Criminal Court Moot Competition (hereafter, “Competition”) organised by the University of Messina with the cooperation partnerships of Szeged University, Miskolc University, Valladolid University and Castilla La Mancha-Toledo University within the framework of the Erasmus+ Blended Intensive Program (hereafter, BIP), Project number: 2022-1-IT02-KA131-HED-000063620-1.
2. All Rules and materials are developed by the partners Universities of the BIP.

Article 2 - Subject

1. All participants in the Competition are presumed to have knowledge of and shall be subject to these Rules.

Article 3 - Aims of the BIP Moot Court Competition

1. The Competition is intended to allow participants to show the achievements and knowledge gained during the Erasmus+ BIP Course’s lessons that will take place from 3rd to 7th July 2023 on the topic “Science and Knowledge in Criminal Justice in the Era of (In)Security”.
2. It also represents an opportunity to prove the participants’ both oral and written communication skills developed during the BIP Course.

3. A further aim of the Competition is to enable participants to get themselves familiar with the law and practice of the International Criminal Court (hereafter, ICC).

Article 4 – BIP Case

1. The Competition concerns a fictional case inspired by the myth of the Trojan War on which both the Euripides' tragedies, "Trojans" and "Helen", are based.
2. Participants will be provided in advance with the English texts of both the tragedies (see Annexes 1 and 2).
3. Factual backgrounds will be provided to participants **3** (three) days before the Court Competition official opening.

Article 5 - General Rules of the Competition

1. Teams shall draw up documents, allege gathered evidence, and formulate closing arguments.
2. The Competition will be held in the English language.
3. Without prejudice to the provisions of Art. 1, the Competition is conducted according to the Rome Statute of the International Criminal Court (hereafter, ICC), the Rules of Procedure and Evidence and the Regulations of the Court (see Annexes 3, 4, 5).

Article 6 – Code of Professional Conduct

1. In accordance with the principle of fairness, each participant shall fulfil its role with integrity and loyalty.

2. The Defence and Prosecution Counsels teams shall refrain from performing acts or facts that may delay or impede the proceedings or constitute a violation of the adversarial principle.
3. In accordance with Art. 40 of the Rome Statute, the Judges' team shall be independent in the performance of their function.

CHAPTER II – *Organisation*

Article 7 – Competition Structure

1. The Competition is structured according to the following phases:
 - a) introductory lessons held by reputed professors and practitioners (judges, prosecutors and lawyers);
 - b) participants' assignment to teams;
 - c) preliminary inquiries of Prosecution Counsel;
 - d) pre-Trial Chamber;
 - e) trial;
 - f) decision making;
 - g) sentencing;
 - h) awards.

Article 8 – Introductory Lessons

1. Before starting the practical activities, some introductory lessons are scheduled to explain the role and the functions of the ICC, as well as the procedures, the crimes within the jurisdiction of the Court, and the Euripides' tragedies that have inspired the fictional case.

Article 9 – Team Composition

1. Participants will be divided by the teaching staff into groups, in order to establish the Prosecution Counsel, the Defence Counsels and the Trial Court. The Pre-Trial Chamber will be composed of 3 PhD candidates of Messina University.
2. The Trial Chamber team will comprise at least **5** (five) **judges**.
3. The Prosecution Counsel team will comprise at least **5** (three) **members**.
4. The Victims' Association team will comprise at least **4** (four) **members**.
5. The Defence Counsel Office will be divided into different teams, one for each defendant, according to the indictments drafted by the Prosecutor Counsel. Each Defence team will comprise at least **4** (four) **members**.
6. Each team shall be supported by at least **a professor and a researcher or a PhD student**.

Article 10 – Participant' s Personal Involvement

1. Each competitor shall be personally involved in the team's work, especially when drafting the required acts and during the final discussion.

Article 11 - Teams' Tasks During the Proceedings

1. The Prosecution Counsel shall study the case and consider whether there is a reasonable basis to proceed with an investigation and against who.
2. Pursuant to Art. 15 Rome Statute, if the Prosecution Counsel concludes with criminal charges, it shall submit to the Pre-Trial Chamber a request of authorisation of an investigation, together with any supporting material collected.

3. If the Pre-Trial Chamber agrees with the opportunity of an investigation and the case appears to fall within the jurisdiction of the Court, it shall authorise its commencement.
4. After the investigation phase is concluded, the Prosecution Counsel is called upon to formulate the indictments. Then, the Pre-Trial Chamber holds a hearing in the presence of the Prosecutors and the suspects and/or their Counsel with a view to determining whether the charges can be confirmed or not.
5. The Defence Counsel of each accused may develop a defence strategy and request suitable evidence by the day before the Trial's beginning.

Article 12 – Evidence

1. In order for the competition to be consistent with the topics of the Erasmus+ BIP, within the scope of their competences, each Counsel may gather/request/introduce at least one scientific evidence, such as DNA test, expert witness, interception of communications, etc...
2. Witnesses, experts and people who may render statements will be chosen among participants in the BIP Course.

Article 13 – Public Trial and Discussion

1. During the Trial, evidence shall be taken in compliance with the adversarial principle.
2. The Trial Chamber shall ensure that the Trial is fair and expeditious and that proceedings are conducted in accordance with the rules of procedure and evidence.

3. After the conclusion of the discussion, Prosecution and Defence Counsels shall formulate their closing arguments.

Article 14 – Rules on Judicial Decision Making and Sentencing

1. At the end of the hearing, pursuant to Art. 74 Rome Statute, the Trial Chamber shall take a decision based on the evaluation of the evidence gathered, introduced, and discussed. The decision shall not exceed the facts and circumstances described in the charges and any amendments to the charges.
2. The judgment shall be written and shall contain a full and reasoned consideration of the Trial Chamber's findings on the evidence and conclusions.
3. The Trial Chamber shall issue one decision. In case of dissenting opinions, the Trial Chamber's judgment shall contain the opinions of the majority and the minority of judges.
4. The judgment shall be delivered in open court the day after the public trial.

Article 15 – Winners Announcement

1. The delivery of the judgment will be then followed by the announcement of the winners of the best speaker and best team's awards.

CHAPTER III – Documents, Memorials, and Acts

Article 16 – Documents, Memorials, and acts Format and Footnotes

1. Each document, memorial, and act shall be drawn up in A4 format, in Times New Roman font, size 12, with line spacing 1.5; margins 2.5 in all directions.
2. Footnotes require Times New Roman, size 10, single line spacing.

Article 17 - Word Limit

1. Each document, memorial, and act shall not exceed the maximum number of 5 pages, including both questions of fact and law.

Article 18 – Front Cover Requirement

1. Each document, memorial, and act shall be written on headed paper in order to allow identification of the drafting team.

Article 19 – Content Requirements

1. All documents, memorials, and acts shall be drafted clearly and precisely.
2. They may present a logical consistency between premises and conclusions. They should also be the result of accurate and careful jurisprudential and doctrinal research.

CHAPTER IV – *Competition Rules*

Article 20 – Categories of Awards

1. BIP International Criminal Court Moot Competition has two award categories:
 - a) best speaker;
 - b) best team.

Article 21 – Judging Commission

1. The judging commission will comprise practitioners and professors taking part in the BIP Course chosen among those who will not assist the teams during the practical activities.

Article 22 – Best Speaker Scoring

1. Evaluating best speaker for award will consider:
 - a) quality, pertinence, accuracy, and comprehensiveness of arguments;
 - b) persuasiveness skills (communication, logic, and reasoning);
 - c) clarity in the development of topics;
 - d) responsiveness.
2. The best speaker will be the one who gains the higher average score.

Article 22 bis – Best Team Scoring

1. The best team award is given considering the scores of written documents, memorials, and acts and teamwork skills.

2. The criteria of the documents, memorials, and acts' evaluation are:
 - a) quality and pertinence of the arguments;
 - b) logical consistency between assumptions and conclusions;
 - c) quality of case-law and doctrinal research;
 - d) clarity in the development of themes and issues.
3. The criteria of the teamwork's evaluation are:
 - a) work-sharing;
 - b) cooperation between members of the team;
 - c) respect of equal participation of each member;
4. The best team will be the one who will gain the higher average score.

Article 22-ter – Scores

1. All evaluations will be scored from **1** (one) to **10** (ten).

Article 23 – Penalties

1. Failure to comply with the provisions of these Rules entails the following penalties:
 - a) deduction of **1** (one) point from the score attributed to the document for failure to comply with the format, font size, line spacing, dimensions, page and margins and for each page exceeding the maximum number established by Art. 16, 17, 18, 19.
 - b) deduction of **1** (one) point from the score attributed to the participant for failure to comply with the obligations of loyal collaboration and fairness established by Art. 6.
2. Penalties are unquestionable and given by the judging commission.

CHAPTER V - *Final provisions*

Article 24 - Interpretation of the Rules

1. The Organisation has the authority to interpret and amend the provisions contained in the Rules.
2. The Rules adopted could be supplemented at any time by the organisational committee in order to suitably address concrete needs and only if deemed necessary.
3. Every change shall be communicated in due time to all participants.

Article 25 – Publication

1. The Rules and any further changes will be published on the website of the University of Messina.