

Internationalism Global Moot Court Competition, 2021

February 20-21, 2021

Moot Problem and Rules

Scythian Republic v. People's Democratic Republic of Subah

Case Concerning the "Treaty of ScythSu"

In the International Court of Justice under Art. 36 of the Statute

The Moot Problem¹

1. Scythian Republic (hereinafter SR) is a Liberal Democratic Country and People's Democratic Republic of Subah (hereinafter PDRS) is a Socialist Regime with very limited rights to the citizens. Both SR and PDRS were under colonial occupation, and they gained independence in the 1960-70s, SR in 1958 and PDRS in 1978. SR is a Permanent Member of the UN Security Council apart from the 5 permanent members.
2. When both SR and PDRS were under colonization, they had undergone through a Treaty namely "The Treaty of ScythSu Peace" in which the border demarcation line was established between two countries. The regions still suffered violences and conflicts after independence. PDRS did not adhere with the terms of the pre-colonial treaty despite and before independence.
3. There are two prominent ethnic communities in SR – Hurutu & Gramada. The people belonging to the Hurutu community are more populous and are therefore in majority while the Gramada community is a minority in numbers. The Presidential and Parliamentary Elections have just concluded on September 3, 2020 and a ruling coalition, supported by a majority of the Hurutu people, won the parliamentary elections. Some of the Gramadan people have expressed regret and have claimed they wish to have an autonomous territory for themselves. The argument pushed is that the Gramadan people wish to have a separate constitution and a separate parliamentary body to have an autonomous province, which the Parliamentary Coalition favored majorly by Hurutu community does not wish to give.
4. In response to the arrest of some Gramadan people, some of the people in the Gramada community go ahead with peaceful protests initially. After 2-3 weeks, as reported on September 28, 2020, some of them form a pressure group known as "Gramadi Action League" (hereinafter GAL), and on a targeted basis, vandalize statues and monuments and public places in the non-contested areas of SR, which includes the embassies and consulates of other countries and government residences. In the violence that followed for 4 weeks altogether, 20 people died and 50 people were injured. Cases of arson, looting and abduction were also reported.
5. Chai Sphora, the political leader of the Gramadan community, is imprisoned by the Government of SR on the grounds of malpractices during the elections in August and September 2020. The GAL pressure group is subjected to be in high contacts with the officials and industry owners affiliated to PDRS. The SR Government does a crackdown on the members of GAL in the coming days, which has gained some attention for the cause.
6. Winnie Schroder, an ethnically Gramadan woman - who supports but is not affiliated to the movement and the cause of GAL, posts on social media a video – which portrays how her family was tortured, denied access to public facilities & forced to leave the native areas, and she also elaborates how one of her family members was also possibly killed in the crackdown by police officials, despite her non-participation in the GAL riots. The video posted on YouTube gets 10k likes and 100,000 views in 12 hours. Prominent international media agencies like AmJazeera, DNN, AMinus, Local Times, CCD, Schrioder Wellseley and Tommy Signors cover the story within 3-4 hours.
7. The SR Government issues a statement refuting the claims made by Winnie & counter-claims that the GAL have been involved in revisionist vandalism, arson, rioting etc., causing great damage to

¹ The Problem has been authored by Abhivardhan, Pratham Sharma, Tudor Ion-Gheorghe and Nikhil Dongol.

public property. Amidst the embassies and consulates attacked in SR, the PDRS embassy in the capital of SR, Speranta, issues an official statement on October 1, 2020 that 5 out of 30 diplomats in the embassy have been subjected to damages due to the arson and rioting, and they blame the inefficacy of SR administrators to retain the sovereign immunity of the officials under the Vienna Convention on Diplomatic Relations.

GAL issued a statement that they had no involvement over the attack on the PDRS Embassy. To justify their innocence the GAL people, explain to the international community that they have been subjected to one part of the country and institutionally marginalized by the SR Government. A Hurutu evangelist group known as "Hurutu Oryanalist Congress" creates a private military faction which subjects to the spontaneous killing of Gramadan people. The PDRS gets intelligence about the same actions and then approaches the UNSC on October 12, 2020 to take permission for airstrikes, showing evidence of involvement of some 'private military factions'. The draft resolution sponsored was vetoed by SR and another Permanent Member. Following the same, the PDRS armed forces conducted air strikes in the contested territory of SR where GAL and the Gramadan community allege a suppression of their civil and political liberties by the SR government.

8. The Government of SR approaches the UNSC for an Emergency Session called by the United States of America and Russian Federation on October 16, 2020 and requests in the draft resolution to impose economic and diplomatic sanctions upon PDRS. The Draft Resolution however is vetoed by 2 Permanent Members of the UNSC. Now, SR approaches the International Court of Justice on October 22, 2020. SR approaches the court and submits its application whereas PDRS responds and submits that it does not recognize the jurisdiction because it does not recognize the treaty under the Article 38 of the Statute of the International Court of Justice.

The Scythian Republic approaches to ICJ with the following claims

- a. The court has the jurisdiction on the issues related to the Treaty of Scythe Su
- b. People's Democratic Republic of Subah had resorted to the use of force when it attacked in the Scythian territory
- c. The officials of Scythian Republic did not commit ethnic cleansing on the Gramadan people under international law
- d. People's Democratic Republic of Subah is liable for the attack on the Scythian territory

The Court issues a public notice to take up the matter on January 17, 2021 within the Article 38 jurisdiction over the treaty.

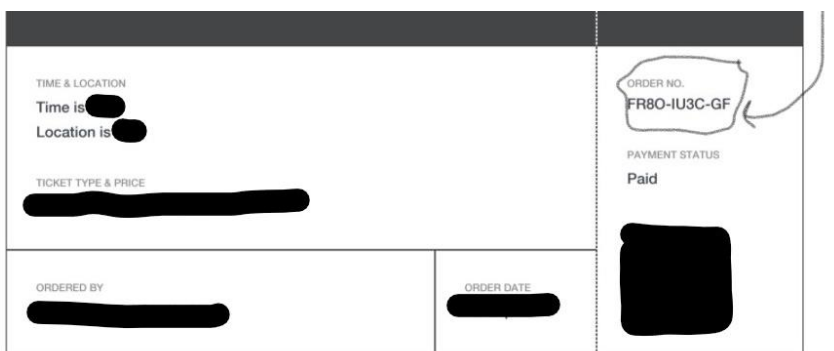
Both the parties are high contracting parties to the Vienna Convention on Diplomatic Relations, 1961, the Vienna Convention on the Law of Treaties, 1969, the Charter of the UN and the ICJ Statute, the International Covenant on Civil and Political Rights, 1966 & the International Covenant on Economic, Social and Cultural Rights, 1966. The PDRS did not vote in favour of the UN Security Council Resolution 1373 (2001) and objects it. Both the countries recognize and respect the Guiding Principles on Foreign Terrorist Fighters, 2015 by the UN CTC, while the PDRS denounces the UN Security Council Resolution 2178 (2014). The SR is not a party to the 1979 International Convention against the Taking of Hostages, while the PDRS is not a party to the 1999 International Convention for the Suppression of the Financing of Terrorism. Both the parties are the signatories to the 1997 International Convention for the Suppression of Terrorist Bombings.

Rules and Regulations

- On Memorial Submissions:
 - a. Each Team participating in the Competition must prepare one Applicant and one Respondent Memorial.
 - b. The language of the moot court competition and the memorials shall be ENGLISH(Indian/British).
 - c. The Memorials, after registration is completed, have to be submitted at <https://forms.gle/eVMp5SZQrWY58xdu5> by December 20, 2020.
 - d. Teams may resubmit their Memorials without Penalty until the Memorial deadline has passed. After the Memorial submission deadline, resubmitted Memorials will be subject to a two-point Penalty, as well as any applicable late Penalties.
 - e. Equipment failure or problems will not be considered justification for improper formatting or late submission of Memorials.
 - f. All parts of each Memorial must be contained in a single file. Memorials must be in Microsoft Word format and have a .doc or .docx file extension. Memorials that do not conform to this Rule, such as Memorials in PDF format or Memorials using a .dat file extension, will not be accepted. If a Team submits its Memorials in an unacceptable format it may resubmit conforming Memorials, but may be subject to resubmission penalties.
 - g. All pages of the Memorial must be letter size, 8.5 x 11 inches (21.6 x 27.9 cm), with margins of at least one inch (2.54 cm) on all four sides. The Organizers can reformat it if compliance is not affirmed.
 - h. It is recommended that the font and size of the text of all parts of the Memorial, excluding the Cover Page and page numbers but including the footnotes, be in Times New Roman 12-point. The line spacing for all parts of the Memorial is recommended to be 1.5 lines, with the exception of the Cover Page, Table of Contents, Index of Authorities, headings, and footnotes (which can be single-spaced). A quotation to sources outside of the Memorial may be block quoted (i.e., right and left indented) and single-spaced if the quotation (excluding footnotes) has at least 50 words. Memorial judges may consider formatting and presentation when they evaluate Memorials, but Teams will not receive Memorial penalties for failing to adhere to the formatting recommendations in sub-part (d) of this Rule.
 - i. Teams that take advantage of advanced features of Microsoft Word – including Track Changes and Comments - while drafting their Memorials are responsible for understanding how those advanced features work. A Memorial with tracked changes that have not been properly accepted or comments that have not been properly removed prior to submission may be assessed up to a five-point Penalty. Administrators shall remove all tracked changes and comments found in an affected Memorial before submitting it to judges.
 - j. Memorial Content:
 - (a) The Memorial must contain the following parts in the following order:
 1. Cover Page;
 2. Table of Contents;
 3. Index of Authorities;

4. Statement of Jurisdiction;
 5. Questions Presented;
 6. Statement of Facts;
 7. Summary of Pleadings;
 8. Pleadings; and
 9. Conclusion/Prayer for Relief.
- (b) Parts not enumerated in paragraph (a), for example, a Table of Abbreviations, are prohibited.
- (c) **Cover Page**
The front cover of each Memorial must have the following information: (a) the Team Number in the upper right-hand corner followed by “A” if an Applicant Memorial or “R” if a Respondent Memorial (e.g., Team 123² would put “123A” in the top right-hand corner of the front cover of its Applicant Memorial); (b) the name of the court (i.e., “International Court of Justice”); (c) the year of the Competition (the year during which the relevant Rounds take place);
- (d) The name of the case; and
- (e) the title of the document (i.e., “Memorial for Applicant” or “Memorial for Respondent”).
- (f) **Index of Authorities**
The Index of Authorities must list all legal authorities cited in any part of the Memorial and must indicate the page number(s) of the Memorial on which each is cited.
- (g) **Statement of Facts**
The Statement of Facts should be limited to the stipulated facts and necessary inferences from the Competition Problem. The Statement of Facts should not include

² After registration, the 10-digit alphanumeric code in the invoice after registration received by the registered participant team on the registration ticket shall be considered as the team-code.
Sample image:



DEAR GUEST,

This is your event ticket. Ticket holders must present their tickets on entry. You can either print your ticket or present this digital version. You can find all the details about this event on our website. If you have any questions, issues or wish to get a refund, contact the event host. If you can't attend the event, please get in touch. Looking forward to seeing you there!

unsupported statements, distortions of the facts provided, argumentation, or legal conclusions.

(h) Summary of the Pleadings

The Summary of the Pleadings should consist of a substantive summary of the Pleadings of the Memorial, rather than a simple reproduction of the headings contained in the Pleadings.

(i) Legal Argument Limited to Pleadings

Substantive, affirmative legal argument or legal interpretation of the facts of the Competition Problem may be presented only in the “Pleadings” part of the Memorial. Summaries of such arguments may be included in the Questions Presented and the Summary of Pleadings.

(j) Length

The word count for each Memorial shall be conducted using the standard “Word Count” feature in Microsoft Word 2003, Microsoft Word 2007, Microsoft Word 2010, Microsoft Word 2013, or Microsoft Word 2016.

(a) A Team may not manipulate the word count, including by such means as removing spaces between words or abbreviations in citations where a space would normally occur in standard citation formats, using hyphens inappropriately, using non-breaking white spaces or macros, or otherwise modifying the word processor dictionary. In addition to imposing the Penalty, the Administrator will adjust the word count in the Team’s Memorial to reflect the word count if each instance of manipulation had not occurred before applying the word limits of subsections (b) through (d).

(b) The Statement of Facts section, including the section title, any section headings or sub-headings, conclusion, associated footnotes, and any other language a Team might elect to include, must be no longer than 1,200 words.

(c) The Summary of Pleadings section, including the section title, any section headings or sub-headings, conclusion, associated footnotes, and other language a Team might elect to include, must be no longer than 700 words.

(d) The total length of the Pleadings section, including the section title, any section headings, section subheadings, the required Conclusion/Prayer for Relief, associated footnotes, signature block, and other language a Team might elect to include, must be no longer than 9,500 words (this is a suggestive upper limit and not a mandatory upper limit that must be reached).

(k) Citations appearing in the Index of Authorities and text or footnotes of the Memorial must include a description of each authority adequate to allow a reasonable reader to identify and locate it in a publication or other source of general availability. Full citations must be used in the footnotes of the pleadings section the first time a source is cited. Thereafter short forms of citations may be used. Abbreviating sources as defined terms, or short forms of citations in the Table of Authorities, in lieu of using the full citation during the first citation to that source in the pleadings section is prohibited. A 0.5-point Penalty will be assessed for each violation, up to a maximum of five points. The citation style for this competition will be OSCOLA, 4th edition (2012).

- The competition is divided into the following stages:
 - a. The Memorial Rounds: the memorials submitted for the competition shall be adjudicated in order to evaluate the scores of both of them. Based on the same, the results of the same are decided on the basis of a cut-off method, which is dependent upon the number of

participants registering for the event [**Please note: the submission of Memorials will be considered as a round for the competition**].

- b. The Preliminary Rounds: the winners shortlisted after the Memorial Rounds have to participate on the first day of the competition per se. The results of the Prelims shall be announced by the evening itself.
 - c. The Qualifying Rounds: The qualifiers shall be done on the first or last day of the competition and after the same, the top-performers will be shortlisted for the finals accordingly.
 - d. The Finals: The top 4 teams will be participating on the last day of the competition for the semi-finals, and the top 2 winners from the rounds will participate in the finals.
- Each Virtual Moot consists of 60 minutes of oral pleadings. Applicant and Respondent are each allotted 30 minutes. Oral presentations during the Moot must be made by two, and only two, members from each Team. For the Qualifying rounds and the Finals, the time will be extended to 90 minutes with 45 minutes allocated to each side.
 - Prior to the beginning of the Moot, the Team arguing as Applicant must indicate to the bailiff which Team Members will act as its first oralist and second oralist and how it wishes to allocate its 30 minutes (45 mins in the case of Qualifying rounds and the Finals) among (a) its first oralist, (b) its second oralist, and (c) rebuttal. After Applicant has made its determinations, its opponent Team must indicate to the bailiff which Team members will act as its first oralist and second oralist and how it wishes to allocate its 30 minutes (45 mins in the case of Qualifying rounds and the Finals) among (a) its first oralist, (b) its second oralist, and (c) surrebuttal. Teams may not allocate more than 10 minutes (25 mins in the case of Qualifying rounds and the Finals), including rebuttal or surrebuttal, to either oralist, although in extenuating circumstances, the Convenors of the Competition have the sole discretion to permit a single oralist to argue beyond the 10-minute limit (25 mins in the case of Qualifying rounds and the Finals). Such permission must be sought if the circumstances are tenable. Time allocated to but not used by one oralist may not be used by the other oralist or saved for rebuttal or surrebuttal. Any Team Member may act as an oralist during any Moot in the Competition, and need not always argue the same side.
 - The order of the pleadings in each In-Person Moot at all levels of the Competition is: Applicant 1 -> Applicant 2 --> Respondent 1 --> Respondent 2 --> Rebuttal (Applicant 1 or 2) --> Surrebuttal (Respondent 1 or 2). Once an oralist has completed his or her main pleading, that oralist may not make any additional argument except for rebuttal or surrebuttal. This applies irrespective of whether the pleading Team uses all of the time it has allocated for its main pleadings. Time not used in the main pleading may not extend the time allocated to rebuttal or surrebuttal.
 - Rebuttals and surrebuttals can be used or waived as the team considers.
 - A Team's oral pleadings are not limited to the scope of the Team's Memorial. The scope of the Applicant's rebuttal is limited to responding to the Respondent's primary oral pleadings, and the scope of the Respondent's surrebuttal is limited to responding to the Applicant's rebuttal. Although judges are admonished to enforce the limits on the scope of rebuttal and surrebuttal, and may take a violation of this Rule into account in evaluating an oralist's performance, there is no discretionary or non-discretionary Penalty for exceeding the scope of rebuttal or surrebuttal.
 - Teams shall not commit plagiarism. "Plagiarism" means appropriating the literary composition of another, or parts or passages of another's writings, or the ideas or language of another, and passing them off as the product of one's own mind.

- The video and audio are required to be kept on, and professional etiquette is a mandatory consideration. Any unprofessional clothing or etiquette would not be tolerated. Decent formal apparel is permitted. No noise or aberration would be appreciated.
- **Team Member Eligibility**

A person may be a Team Member if he or she:

 - (a) is pursuing a degree, or similar graduate or postgraduate qualification or training in law, or in a field related to international law, or in international relations, provided that he or she has received, or will receive while participating, adequate instruction in international law; and
 - (b) intends to compete on behalf of an eligible institution at which he or she is enrolled as a full-time or part-time student as of the Team Member registration deadline,
 - (c) has not, after having graduated from any type of law degree program, either (i) engaged in the practice of law, (ii) enrolled in a program of study leading to an advanced post-graduate degree in a legal field (e.g. Ph.D., D.Phil., J.S.D.) or received such a degree, or (iii) engaged in any paid or unpaid activity (outside of degree studies) which would give the student an undue advantage in any aspect of the Competition over students who have not yet completed their first law degree.
- Any nefarious activity or contact with the judges of the Moot Court Competition shall be considered as a ground for disqualification.

Students of the same university recognized by the governments of the countries of the residence of the university form a team or 2 or 3 team-members, with the Speakers being the mandatory members, and a Researcher as an optional member for the competition.
- **Marking Criteria:**
 - a. For Memorials:
 - i. Balance of Length – 20
 - ii. Legal Reasoning and Argumentation – 20
 - iii. Articulation of Facts – 20
 - iv. Use of Authorities and Compliance with Rules and Specifications – 15
 - v. Presentation – 15
 - vi. Originality - 10
 - b. Oral Rounds – Virtual
 - i. Legal Reasoning and Argumentation – 30
 - ii. Advocacy Skills and Responsiveness – 20
 - iii. Interpretation and Articulation of Facts – 30
 - iv. Use of Authorities – 10
 - v. Time Management and Court Demeanour – 10
- The Convenors reserve the right to amend, modify, change or repeal any of the Competition Rules at any point of time. The Administrators shall communicate any changes made in the Competition Rules to the teams.
- The Convenors reserve the right to take decisions on any matter not mentioned in the Competition Rules. Any such decision taken by the Administrators shall be final and binding.
- No audio or videotaping of oral pleadings is permitted without the permission of the Administrators.

Where to Register?

- Please register at <https://www.internationalism.in/event-details/internationalism-global-moot-court-competition-2021>.
- You will find an event page related to IGMCC 21. The registration fee for the competition for the team is 550 INR (Indian Delegates)/10 USD (for Overseas or Foreign Delegates). If Payment is not possible through PayPal, then a free ticket named as "Token for Alternative Payment" must be bought as a token and then the same can be paid at abhivardhan2@okhdfcbank via Paytm/UPI/Google Pay. Once the payment is made, the receipt of payment via Paytm/UPI/Google Pay has to be notified at live@internationalism.co.in.
- Alternative payment methods are discussable via a request put up at live@internationalism.co.in. We shall not deal with any payment-related queries at igmcc@internationalism.co.in or jurisen.internationalism@gmail.com.
- The receipt/invoice has to be uploaded in the Form with the memorials at <https://forms.gle/eVMp5SZQrWY58xdu5> by February 5, 2021.
- The fee is non-refundable.

Important Dates – Revised

- Last date of Registration: January 20, 2021, 11:59 PM IST
- Last date for Memorial Rounds Submission: February 5, 2021, 11:59 PM IST
- Date of announcement of Results for the Memorial Rounds: February 10, 2021
- Dates of the Preliminary Rounds for the Moot Court Competition: February 20, 2021, 10:00AM IST onwards
- Dates of the Qualifying Rounds for the Moot Court Competition: February 21, 2021 (time is based on the circumstances – will be intimated once a final itinerary is released 2 weeks before the competition)
- Dates of the Finals: February 21, 2021 (time is based on the circumstances – will be intimated once a final itinerary is released 2 weeks before the competition)

Prizes

- Internship opportunity at Internationalism and its affiliated projects and ventures – Legit by Internationalism, South Asian Journal of International Law, the Indian International Law Programme and others for the participants
- Free Publication opportunity for the winners of the Preliminary Rounds in the Indic Journal of International Law, South Asian Journal of International Law, Legit by Internationalism or any of our books
- Presentation and felicitation opportunity for the winners of the qualifying rounds in the Global Law Assembly Conference, 2021 in February 2021
- Recommendation, free publication and mentorship opportunity for the winners of the competition along with the access to the special merchandizes exclusively by Predets PVT LTD

- Based on the performance in the competition, students will be invited by Internationalism Research to contribute and participate in our research project, with much avenues and benefits connected beyond publication and recognition

The Team

- Abhivardhan, Co-Founder, IGMCC and Executive Convenor
- Aryakumari Sailendraja, Convenor
- Pratham Sharma, Associate Convenor
- Nikhil Dongol, Associate Convenor
- Tudor Ion-Gheorghe, Founder, IGMCC and Executive Advisor
- Charishma Sekhar K, Convenor, Engagement
- Kartikey Gaur, Convenor, Engagement

Contact Info

- Mail us at igmcc@internationalism.co.in; jurisen.internationalism@gmail.com
- Message us through Whatsapp (**highly recommended**) at +91-7735497967 for any queries. Calls are LESS RECOMMENDED.
- Website: internationalism.in/igmcc