



The International Court of Justice

Rules of Procedure

JUDICIARY:

1. Judges may not interrupt the speaker at any time other than in consideration of an audibility issue.
 2. Judges may not decide whether or not an objection is sustained or overruled – this right is only given to the president or the vice presidents of the ICJ, and if neither are present, whosoever holds chairing rights in the committee.
 3. Judges are expected to prepare and deliver speeches in the beginning of the committee session and are asked to be unbiased in their explanation of events.
 4. After the presentation given by the advocates, the advocates will be asked to leave the room, and the judge's debate will commence which will contain a seated delivery of opinions – not speeches.
 5. Judges are allowed to question witnesses, however if witnesses are unable to answer, the question is not considered.
 6. Judges are not granted the right of reply.
 7. If a judge feels as though a source provided is invalid, they may send a note to the dais, where the source will be evaluated for its validity.
 8. Judges are allowed to question advocates after their presentations in the form of Points of Information, and the duration of questioning will be separate from the time given for the advocates' presentation.
 9. Judges are not required to send any document before the conference, and are not expected to.
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ADVOCATES:

1. Advocates are required to send a brief prior to the conference;
 - a. Advocates of a particular country are expected to send a brief only on the case the specific country is involved in. i.e. the advocate of Belgium will only send a brief on the topic “the question of the obligation to prosecute or extradite”
 - i. It is important, on this note, that advocates be aware that their role as advocates is only for the time where the committee is debating their country’s topic. I.e. The advocate of Belgium will take the role of a judge while the committee is debating the case “Application of the IC for the suppression of the financing of terrorism...” but will act as an advocate during the case regarding Belgium and Senegal.
2. Advocates will have a presentation of their briefs for 15 minutes, in which they will go through all their evidence. No member of the court is allowed to interrupt at any time. After which a time period will be determined - depending upon time restraints – for any questions from the judiciary or the opposition.
3. Co-Advocates are not allowed to speak to each other in consideration of whoever is speaking, however can pass each other notes without the note-passers checking them.
4. Co – Advocates must prepare the brief together, and will be provided with the emails of their co-Advocates beforehand.
5. Advocates are required to learn the possible objections that can be held in court in the situation where they feel a witness is being questioned incorrectly – it is on this basis in which the objection is sustained or overruled. The Dias would recommend learning The objections used in the US supreme court or the ICJ as they are the most easily available
6. Advocates are required to prepare a stipulation and submit it to the president **on the first day** of the conference. A stipulation must be made for both cases by the specific advocates.
 - a. A Stipulation is made in coordination with the opposing party. In the case of our MUN, two stipulations will be made, one for each case, one from the advocates of Russian Federation and Ukraine as well as one from the advocates of Belgium and Senegal.
7. Closing statements will consist of each party addressing the points presented by the opposing party, and arguing against it. They shall also summarise their own points and use the evidence introduced. They may also bring up new points if any, and speak of their prayer of relief – which is what they would like from the court, such as punitive measures or reparations.

ORDER OF PROCEEDINGS:

1. Opening Speeches
 2. Presentation of Stipulations
 3. Presentation of Evidence
 4. Weighing of Evidence (Judges Only)
 5. **Witness Examinations** – *Explanation below*
 6. Closing Statements
 7. Deliberation (Judges Only)
 8. Judgement
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WITNESS HEARING AND EXAMINATIONS:

After the evidence has been examined by the judiciary, the advocates shall bring up any witnesses that they may have. (maximum number of witnesses is 3 per counsel) The witness may answer the questions presented by the court. First there will be direct examination from the advocates that brought the witness up, then cross examination from the advocates of the opposing party and then judge examinations. If an advocate believes that a witness is being treated unfairly or is not answering relevantly, they may use objections. The president will deem the objection as sustained or overruled, after which the court will proceed accordingly.

Objections:

- **Hearsay:** If the Advocate questioning the witness has asked about an act or statement allegedly made outside of court, or the evidence the witness provided contained second –hand information.
- **Leading Question:** Questions where the answer is suggested within the question itself; usually yes or no questions such as “she did this, didn’t she.”
- **Immaterial:** The question regards information that is not in any way relevant to the case, and may be asked for manipulative purposes, hence being objectionable.
- **Speculation:** A speculative question or answer is a statement that has no factual basis. If a witness is asked a question to which they do not know a definite and factual answer, advocates may call out this objection.
- **Asked and Answered:** A question that has already been answered is generally not allowed to be answered again.
- **Argumentative:** A lawyer is not permitted to argue or dispute what a witness has stated.

- ***Misleading***: If a question asked is vague, or confusing, or unanswerable.
 - ***Incompetent***: When a question is asked that the witness is unqualified to answer, or incompetent. This may be based on a mental illness that the witness may have that may change their testimony in regards to that particular question, or if they were too young.
 - ***Inflammatory***: When a statement is made to generate a reaction in the jury, and is objectionable on the grounds that it is manipulative.
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The International Court of Justice

Documents

HOW TO WRITE A BRIEF/MEMORIAL:

A brief is a concentration of all the documents that is to be submitted to the president prior to the case hearing, excluding the stipulation. Each advocacy shall submit one brief. Therefore for each case there shall be two briefs submitted. One from the prosecution and one from defence.

The contents of a Brief should include:

- *Short Introduction:* A short introduction of the case, should not be prioritised (max. 150 words)
 - *Jurisdiction of the ICJ:* The counsel's view of whether or not the International Court of Justice has the jurisdiction to hold the court hearing for the case or to settle that dispute, references must be made to the Statute of the International Court of Justice in justification. (max. 200 words)
 - *Evidence:* The most important part of the Brief/Memorial, advocates must research considerably well and collect evidence to prove their point. They may provide videos, or documents, or excerpts, or links to these as evidence. A short caption/description must be written below the piece of evidence in italics for the benefit of the court. (min. 4 pieces of comprehensive evidence)
 - *Memorandum:* All the legal points brought forth by the advocacy, including accusations and any possible counter-argument for a point that the counsel may have predicted the opposition to bring up. (max. 800 words)
 - *Prayer for Relief:* What the Counsel wishes for the court to do, such as punitive measures or compensation.
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STIPULATION:

A Stipulation is a document consisting of numbered facts that both parties agree with, and should be prepared prior to the conference. It will be created in coordination between both prosecution and defence and shall be submitted on the first day of the conference to the president. (No word limit)

This Document is **simply** a list of facts and shall not include any pleadings at all.

JURY'S DOCUMENTS

The final product of the case hearing that the judges will make after the judges debate, the format shall be shown during the conference.
