

**THE INTERNATIONAL COURT OF JUSTICE
(ICJ)**

RULES OF PROCEDURE



NISCMUN

Table of Content

- 1) Background Information
- 2) Key terms
- 3) Roles
 - a) Accuser
 - b) Defendant
 - c) Judges
 - d) Chairs
- 4) Court proceedings
 - a) Opening statement
 - b) Presentation of Evidence
 - c) Questioning
 - d) Testimonies
 - e) Judge's Decision
 - f) Retrial
- 5) Points and Motions
- 6) Additional Rules and Procedures
 - a) Stipulations
 - b) Evidence packet
 - c) Modes of Address
 - d) Points and Motion
- 7) Delegate Preparation

1. Background Information:

The International Court of Justice (ICJ) is an international court created in June 1945 by the United Nations (UN), and is currently located in the Netherlands, The Hague. The court was created for smaller countries to voice and discuss key issues between states. The ICJ stands as one of the six organs of the UN due to its massive role in peace and cooperation. It is a committee that focuses on the violation of international law or agreements between states.

The committee follows a court-style debate, in which stakeholders are eligible for any punishment the judges impose. Judges are selected worldwide to give an honest and fair judgment pertaining to the case provided. In the debate, two representatives will be Honoured by both the accuser and the defendant and are to provide information and evidence on the case to defend their stance. The accuser will write a memorandum, in which they will specify the activities that impacted or violated international laws and/or treaties, that will be submitted to the judges and the defendant. In this committee, the Chairs will oversee and write the Memorandum. Judges in the room will all be neutral on the case and disregard any previous information not presented in the courtroom. The judges will only be able to act on the information provided and are encouraged to question any sources and evidence given by both parties.

In the end, once the judges and representatives are satisfied with the information and evidence provided, they will have to make a judgement on the case; even if the defendant is eligible for punitive damages or not. If the country has been found culpable of their deed, further debate on the punishment can be entertained with both states for a chance to lessen the punishment. Thereafter, if the defendant is not found guilty, the accuser can apply for a retrial to host new information and evidence against the defendant, where the judges will use their own verdict to allow or deny the application.

2. Key terms:

- a. Memorandums: A memorandum is a document submitted by the accuser concerning the case. It will contain the issue/s that will be brought out and debated. The document will also include the events that took place and an explanation of those events. (Template of a Memorandum [here](#))
- b. Sentence: The punishment that will be received by the judges after inspection of all evidence, sources, and points from both sides of the party.

3. Roles:

- a. Accuser: The accuser is a representative of the state or group that brought out the case and issued it to the ICJ. They will be debating the issue written in the

- memorandum, and then would need to give evidence as well as sources to the judges. For the accusing side, there will be two members to represent their stance.
- b. **Defendant:** The defendant is the representative of the group or state called upon by the accuser for the issue given. The defendant will represent their country and deny any acts they deem unfit by providing sources and evidence to the house. They are also eligible for a counter case against the accuser which the roles switches. Similarly, two members will represent the defendant.
 - c. **Judges:** The judges will be listening to both sides of the case, overseeing the final verdicts and sentences. The judges will go into debate, disregarding all sources of evidence they had previously seen, and will only use the information provided in the memorandum as well as the debate. The judges will be given the opportunity to inquire about the accuser and defendant. There will be 5 judges who will cast the final vote for the verdict.
 - d. **Chairs:** Chairs in ICJ have a similar role to normal committees. Though they are not as involved they will keep the room organized and call on the representatives and judges when needed. In addition, they will ensure all procedures are met while assisting with any issues within the house. There will be two chairs on the committee.

4. Court Proceedings:

- a. **Opening Statement:** The chairs will call all the members in the house to stand up, to take attendance of all the members present. After attendance, the chair will announce the court case to be debated upon. After this announcement, all members can sit again. Next, the Chairs will call the accuser to rise to the podium near the judges to begin the case. The accuser will start with the context of the case and give the main idea of the case in a speech with a limit of 90 seconds.
- b. **Presentation of Evidence:** Once finished with the opening statement, the accuser will present the evidence and sources used to prove the defendant guilty. The accuser will be explaining each of the evidence(s) and its relation to the case (one minute per section of the memorandum). Both the accuser and the defendant are also able to bring up relevant sources and articles for the house to provide information as, again, the judges will be working with no previous information given. During the evidence presentation, the house is open to any objections on the relevancy and credibility of the evidence brought out from the opposition. When an objection is raised, the defendant needs to provide a reason. Furthermore, delegates can use motions to cite sources for reassurance. The defendant can choose to bring up their own evidence packet once the accuser has finished, where the same rules will apply to the defendant.
- c. **Questioning:**

- i. After the presentation of evidence, the president will set a period of 10-15 minutes judges to ask any questions. Judges must raise their plaque cards and wait for the chairs to pick on them to ask questions.
 - ii. After the judges have finished their questioning period, the defendant will be next to ask questions. In all questioning periods, when picked, the person will be able to ask as many questions they deem relevant in the time of two minutes including the response. All questions are required to be answered when asked.
 - iii. Once all questions have been answered, the representative will return to their seat, and the chairs will set a time for five to ten minutes for a moderated caucus. During this time, the judges are to exchange their thoughts in a private quarter or area.
 - iv. After the moderated caucus is over, the defendant will rise to make a statement on the evidence brought out, where they could choose to present their previous evidence packet in a more detailed manner. Similarly, the defendant is ordered for a questioning period after their statement. Finally, the representative will return to their seat.
- d. Testimonies: The witness will be called upon from each side starting from the accuser. The representative from the accuser will rise and question their witness to provide more information on the case. The judges will have 10-15 minutes to question the witness after the representative has finished. After that, the opposition is given time to question the individual about what has been said in this period or the past sections. The witness will return to their seat after. Next, the defendant's side will have their witness up on the podium for questioning, where the same rules apply. Each witness will have 20 minutes on the podium to answer all questions.
- e. Judges Decisions: After all the sections have been met and the representatives are satisfied with what has been debated, the court will move on to making a verdict and sentence. The representative will be asked to step out of the room while the judges will talk and vote amongst themselves. The chairs will lead the procedure of voting and Judges will an unmoderated caucus to decide on the verdict. The court will need a majority to find a country liable for damages. They will be explaining their verdict and punishment set for the country, verbally if found guilty.
- f. Retrial (Optional due to time constraints) (Only one retrial is allowed per case and will only be allowed after all questions have been debated, the retrial will be the amount of time that is left for debate): After the court case has ended, the representatives are for a retrial if deemed fit. Representatives are welcome to mention new information but will have to present it during the Testimonies section. The court will be having a speech from the individual who requests the retrial and move straight on to testimonies. When asking for a retrial, the person must raise their card and state "motion to retrial the question of (question here)"

and explain their choice; the chairs will decide if their house is in order depending on the time and reasoning. Both the accuser and defendant can ask for a retrial, and the defendant, if found guilty, can ask for a lighter sentence for their retrial, in which it will always be a valid reason for a retrial for the defendant.

5. Points and Motions

Only limited points and motions are allowed in the committee due to the difference in the procedures. During the debate, the house can raise points and motions by raising their plaque card and stating the point or motion to the chairs. The chairs can overrule points and motions and will be allowed to ask for the reason for the decision.

- a. Point of Personal Privilege: Delegates can raise this point for a personal or private issue, or any factor which may affect their ability to debate in the committee, audibility is an example of this. Chairs will make the necessary actions to relieve the point.
- b. Points of Order: Points of order are used if delegates find a fault in the procedures or if anyone in the house has broken any rules. Delegates must raise their card, state the point, and explain their decision. The chair will act appropriately to mitigate the issue.
- c. Points of Parliamentary Inquiry: This point can be raised if delegates have any questions about the procedures and rules of the committee. Delegates are highly encouraged to use this to understand the process better.
- d. Points of Information: After a speech, the delegates can use their point of information to ask the delegates questions. The point must be in the form of a question and is relevant to the case.
- e. Motion to Extend Debate Time: The delegate can motion this if they are not satisfied with the debate section's duration. Once raised, the chairs will ask for a reason from the delegate for the motion and decide if this motion passes. Chairs can also ask for seconds in the room to scout the house's opinion and decide.
- f. Motion to Extend POI: After a questioning period has finished, and the delegate wishes to ask more questions, they can use this motion and give a valid reason to extend the section for more questions.
- g. Motion to Cite Source/s: If delegates question the legitimacy of the sources brought out, they can use this motion and ask the chairs to find the exact sources for what the delegate has said.

6. Additional rules:

- a. Stipulations: Stipulations are agreements made by both sides of the party to write something as truth, these could include events, definitions, evidence, and information.
- b. Evidence Packet: The evidence packet contains sources and evidence of relevant information for the case. This packet can be given by both sides to provide information which can be useful for the case. The evidence packet must be printed out and have the sources written on the top in MLA format. Delegates must provide the full article or source. If the criteria have not been met the evidence provided is not in order.
- c. Modes of Address: In the committee, the representatives will be addressed as representatives of the applicant, and representative of the defendant. The chairs will be addressed as president and deputy president. Finally, the judges will be called your honour and when referring to themselves they will be Judge (Name).
- d. Objections: Objections can be used in the courtroom to deem a statement or what has been shown irrelevant or is a false product in the court case. When using objections the delegate must raise their card and say object, where the chair will ask for the reason and will use their judgment to either sustain or overrule the objection.
- e. Yeilding: When yielding to the representative for their question or speech, delegates must end with yielding back to the chair. By saying thank you house, or this delegate yields back to the chair. Delegates will not be able to yield to anyone other than the chairs.
- f. Members: The overall members in the ICJ will have a total of 11, with 5 being the judges, 2 being the president and the deputy president and 2 representatives from each side.

7. Delegate Preparation:

- a. Opening Statement: Both sides of the representative should prepare opening statements for the court to explain the issue and their part of the case. Opening statements should explain each part of the issue brought up in the memorandum.
- b. Evidence Packet: Delegates should prepare one evidence packet for their party to provide information and defend their party. Both parties are eligible for an evidence packet which can be shown during debate time.
- c. Stipulations: Stipulations can be provided to the chairs before the debate session where both parties can agree to make the debating session smoother. Delegates must send all stipulations by email or have them printed out during the conference. Delegates should also prepare stipulations for during the debate. This can be made with the words the delegates wished to define in a document that will need the other party to accept for the definitions to be recognized.

- d. Research: Both representatives are highly encouraged to research their country's stances pertaining to the case presented. Given the topics chosen are based off existing cases, it would be of use to understand the type of points that could be brought up during the debate.
- e. Sources: Delegates should prepare legitimate sources for the debate, to make claims of the events that occurred. The sources hold significant importance when debating, and for judges when adjudicating the statements made.

8. Sources

- a. "RULES of COURT (1978) | INTERNATIONAL COURT of JUSTICE." *Icj-Cij.org*, 2023, www.icj-cij.org/rules. Accessed 18 Aug. 2024.
- b. Nations, United. "What Is the International Court of Justice? The Role and Activities of the ICJ." *YouTube*, YouTube Video, 24 Oct. 2017, www.youtube.com/watch?v=DME-wfbt08c. Accessed 18 Aug. 2024.
- c. Story, UN. "What Is the International Court of Justice? 5 Facts about the World Court." *YouTube*, YouTube Video, 10 Jan. 2024, www.youtube.com/watch?v=kJKgYZfeMkE. Accessed 18 Aug. 2024.