International court of justice
(ICJ)
Rules of Procedure

NISC MUN

Background information:

The ICJ constitutes one of the six principal organs of the United Nations. Formed in 1945 and becoming active in 1946, the court is responsible for the international legal complaints, proceedings and trials of its member states.

In the real UN, the court may precede over two types of cases, contentious cases where a complaint is brought up from one member state against another, or advisory proceedings

where the case has been mutually agreed between the member states. In the case of NISCMUN, all cases will be considered contentious cases and as such are binding.

Unlike any other committee, the ICJ is unique in its structure and responsibilities for the delegates participating. The Committee will be formatted similarly to a court case with a prosecutor, defendant and a jury. Thus the committee isn't reliant on the defense or rebuttal of a set resolution but rather places greater importance on the delegates ability of to create a convincing narrative, communicate information accurately and on the spot problem solving skills to combat the opposition.

Key terms and Written documentation

a. Written documents:

Memorandum

This is a document that must be written by both parties before the conference. The memorandum should contain the general information (background information), A parties point of view, the main claims and arguments of the party, facts, point of law and the final requested judgement

Stipulations

Before the conference, both sides may discuss and reach common ground on what facts are deemed to be the truth. Stipulations may not be changed after they are presented to the court. Stipulations are treated as definite facts and thus need not be proven in court and any evidence that is contradictory to the stipulation is considered false.

These are highly important to the case as a whole, and thus advocates are advised to take extra care in preparing these documents

b. Evidence

Real evidence

Real evidence is any material objects such as documents, articles and conventions, maps, videos etc. If the advocate believes any part of the material is crucial, they may choose to underline or highlight the area of importance.

All submitted evidence must have a title and publication date of the information provided. Furthermore, each piece should contain a summary of the importance of the piece. The advocate may choose to list the author and their experience to provide further validity to the submitted evidence. This should all be researched and noted down in a document to be presented to the court during the conference.

Testimonies

Testimonies are the accounts taken from witnesses that are under oath. The advocates must ensure that the information provided to the witnesses are unbiased. A witness may test upon their credibility in court. A party may call up to 3 witnesses.

c. Terms

Burden of proof: The burden of proof is an obligation for the applicant to prove the validity of the case using evidence. In the case that the applicant is unable to meet their burden of proof, they lose the case.

Opening speeches: After role call, the court will head straight to debate. During this time members are expected to stay standing until the president announces the case to be debated on. This is followed by an opening statement from the applicant (max 90 seconds)

Presentation of evidence: The applicant will start by presenting the evidence they have in their evidence packet. Every piece of evidence is given 1 minute to prove it's relevance. During this time the house is open to any objections against any pieces of evidence **(see objection section)**. After this the defendant may then present their evidence.

Deliberation: During this period, the judges will be allowed time to discuss and consider the evidence presented. The judges will consider the authenticity, relevance and validity of the evidence, afterwords the entire panel will consider if the evidence should be taken into

minimal, medium or maximum consideration. All advocates aren't allowed to be in the room at this time.

Questioning: time allocated for judges to ask questions that were formed during the deliberations. All questions must be answered by the advocates.

Direct examination: The direct examination of the witnesses is the examination that is conducted by the party that brought the witness to court.

Cross examination: Examinations conducted by the opposing party and the panel of judges. The questions must be relevant to the witnesses previous answers and thus must be directly relevant to the direct examination.

Rebuttals: Time given for both sides to respond to the unexpected accusations from the opposing party or to address flaws found throughout the trial. Delegates may research additional information to support their points made during this time. The additional research should not be mentioned in any other part of the trial.

Closing statements: The final statements of either party where they must summarize the arguments and claims of the advocate and how they proved them. They should also touch upon how the opposing party has failed to prove their points.

Roles and responsibilities:

a. The advocates

The Applicant Party (Prosecutor): The applicant or prosecutor consists of 3 advocates that represents a state which is levying accusations against another state, claiming that they have failed to meet proper international obligations (ex: wartime violations, unlawful occupation of territory, failure to uphold the terms of a treaty). Importantly the applicant party has to meet the **burden of proof.**

Respondent party (Defendant): The respondent party or defendant, consists of 3 advocates that represent the interests of the state which has been accused of failing to abide by the international obligations (ex: wartime violations, unlawful occupation of territory, failure to uphold the terms of a treaty). The respondent party doesn't have to meet any burden of proof but most only demonstrate that the applicant party lack argument or validity in their accusations using evidence and valid proof.

Both parties will be expected to summon witnesses (max 3) for which they may question to reveal further information. These witnesses may be cross examined by the opposing party in an attempt to find faults or gather evidence that may oppose the original statement. Lastly the Judges will be provided time to further question the witnesses on any matter they deem have not been probably addressed in the orignal examination and cross examination.

b. Judges:

The ICJ consists of 15 judges. The judge main responsibility is to analyze, examine, and evaluate the evidence presented from both sides, usually in the form of real and testimony evidence. They are also expected to question witnesses from both parties, to gather information and determine if the burden of proof has been met. Lastly they must conduct their verdict with the guidance of the presidents. If the judge isn't convinced by either party, then the applicant has failed to meet the burden of proof and should vote in favor of the respondent.

The judges work before the conference should be minimal. They are only allowed to read the memoranda of both parties before the trial. They aren't allowed to discuss the topic with the advocates during or before the conference, furthermore **any note passing between the judges and an advocate is prohibited.** A Judges final decision should solely be based upon the evidence and not preconceived opinions of any country. Lastly judges are encouraged to note down all evidence and become aware of which statements are fact and which are opinions.

c. Presidents:

All roles within this category will be held by the chair.

President and deputy president

They are judges with the added responsivity of the coordinating and directing the committee. They too are expected to cast a vote at the end. In the case of a tie, the president has a casting vote to break the deadlock, meaning their vote may be counted twice.

The registar

The registar's main task is to help guide advocates to achieve the best results as well as documenting the processes of the court and storing all pieces of evidence so they may be provided to the court at the request of an advocate or judge.

Court proceedings (timeline)

a. Documents that must be prepared before the conference

- Position papers
- Memorandum
- Evidence list
- Witness list and preparation
- Stipulation workshop

b. Procedures during the conference

1. Role call
   - Minimum of 9 judges required to start
2. President reads the stipulations
3. Opening statements
4. Presentation of real evidence from both sides
5. 1st deliberation on the evidence
6. 1st questioning towards advocates
7. Testimony evidence
8. 2nd deliberation on the testimonies
9. 2nd questioning towards advocates

10. Rebuttals from both sides
11. 3rd deliberation on the rebuttals
12. Closing statements
13. Final voting and release of a verdict.

An explanation of each procedure is offered in the written documentation and key terms section.

Objections, Motions and Points

a. Objections:

The president holds all rights to ask advocates to elaborate more on the grounds of their objections

1. During the presentation of evidence

   The advocates may object on the grounds of

   - Authenticity, (ex: we are unsure if this is the full article)

   - Reliability, (ex: we are unsure of its source)

   - Relevant, (ex: we are unsure of its relevance to the case)

2. During the Testimony of a witness

   The advocates may object on the grounds of

   - Hearsay, when the witness says something that has already been said

   - Leading questions, when the advocate tries to get a witness to say a specific answer during the direct examination

   - Relevance, when someone asks the witness something that is not relevant to the direct examination during cross examination

- Badgering, the question posed may intimidate the witness and thus must be phrased in a calmer manner.

- Ambiguous question, the question posed is too vague and may not yield a relevant answer and thus must be rephrased to be more clear

- Lack of competence, the witness does not have the experience or expertise to properly answer the question

- Nonresponsive answer, the answer provided by the witness is unrelated to the trial and must be rephrased.

b. Motions:

Motion to approach the board: requesting to approach the president's board to discuss a personal matter

Motion to Follow up: requesting to continue the line of question. May only be used by judges during the examination of witnesses and questioning of the advocates

c. Points:

Point of personal privilege: A point that may be raised by delegates concerning the ease of participation or their personal well-being. This point of information to the president may only interrupt any other member of the court if pertaining to audibility.

Point of order: This point is a question regarding the procedural matters and may be used to address mistakes made. This point may not disrupt other members of the court.

Point of judicial inquiry: A question to the chair regarding the rules of procedure. It may not disrupt other members of the court

Point of information to the presidency: A point used to request a statement or clarification of an issue to the president regarding any matters that fall outside the other 3 points. It may not disrupt other members of the court

Sources:

CGS MUN International Court of Justice Manual 2.

ICJ Manual ACG MUN 0 ICJ Manual.

NISCMUN 2024-2025 ICJ guidelines

DSAMUN ICJ manual