

ICJ RULES OF PROCEDURE

Official Rules of Procedure for International Court of Justice,
Zurich Model United Nations

FUNCTIONING OF THE COURT

Rule #1: Scope

The Court shall abide by Rules set out in ZuMUN 2017's official Rules of Procedure, as well as The Statute of the International Court of Justice (Chapter II onwards, excluding chapter I, IV and V, but including Articles 2, 18, 25, 32), whereby the former shall take priority in case on conflict.

Rule # 2: Language

The working language of the Court is English.

Rule # 3: Members

The committee consists of 2 applicant and 2 respondent advocates and 9 permanent judges. Chairperson of the committee is the Presiding Judge of the ICJ and Co-Chair of the Committee will assume the role of the Vice-President/Registrar of the Court. While the Court is in session, the Chairperson shall be addressed as "President" or "Presiding Judge" and the Co-Chair as "Vice President".

Rule # 4: Bureau

The Chairperson/President and the Vice-President/Registrar shall constitute the committee bureau. A chairperson shall declare the opening and closure of each meeting of the committee, shall direct its discussions, and ensure compliance with the Rules of Procedure. He/she shall compose the speaker's list, accord the right to speak, propose the limitation of time for debate, and announce decisions. Furthermore, he/she shall have the right to advise dele-

gates on the possible course of debate. The chairperson may also close or suspend the meeting and may temporarily transfer his/her duties to another member of the bureau. In exercise of these functions, the chairperson shall at all times follow the Rules of Procedure and report to the Secretary General.

Rule # 5: Courtesy and Disciplinary Rules

All members of the Court and the Advocates hold the responsibility to show utmost respect to each other and shall act accordingly. One to one discussions during the sessions are strictly prohibited, with the exception of communication through the note passing. The President of the Court will immediately call to order any member of the Court who fails to comply with this rule.

Rule # 6: Electronic Devices

The permission for use of any type of electronic devices, such as laptops, tablets, phones, etc., inside the committee room when the committee has been convened in formal debate, is at the discretion of Chair. The Chair may also choose to distribute working papers and draft resolutions digitally via mail or cloud storage. If he or she does so, special attention shall be paid to ensuring equal access for all delegates.

Rule # 7: Statements by the Secretariat

The Secretary-General or a member of the Secretariat designated by him/her reserves the right to make either written or oral statements to the Committee at any time.

Rule # 8: Absences

If a delegate is not present during roll call, he or she is considered absent until a note is sent to the dais staff. A delegate who is recognized but is not present when called upon yields his or her time to the Chair and debate shall continue unabated.

DOCUMENTS

Rule #9: Memorial

Each advocate team has to send a memorial to the president before the conference. Memorial is the equivalent of a Position Paper, compiling the main arguments of the party to the case at hand.

Rule #10: Evidence Packet

The evidence packet is a compilation of all the evidence the advocacy plans to use to support its legal arguments. In the form of a document containing all the pieces of evidence, the

evidence packet must contain a table contents and must have every page numbered. All evidence has to be presented before the committee sessions.

RULES GOVERNING DEBATE

Rule # 11: Oath

After the President opens the session, Judges and Advocates take Oath. A solemn declaration shall be made by each Judge individually: "I, Judge "Surname", solemnly declare that I will perform my duties and exercise my powers as a Judge honourably, faithfully, impartially and conscientiously." The Advocates shall declare: "I solemnly declare upon my honour and conscience that I will speak the truth, the whole truth and nothing but the truth".

Before the testimony of the Witnesses, the President take the Oath of the Witnesses. The Oath is the same of the Advocates.

Rule # 12: Oral Statements

Oral statements are brief speeches which can be considered as the re-statement of the memorial. The parties intend to show what they will try to prove during the trial. The time allocated for each party is set by the President. The Applicant shall have the first opening statement and after the Applicant completes the opening statement, the Respondent shall proceed. The time allocated for the opening statements shall be equally divided between both of the Advocates representing one party.

Rule # 13: Presentation of Evidence

Evidence is any piece of tangible information decided to be reliable by the Court. It can be newspaper articles, multilateral or bilateral treaties, reports, resolutions or anything that in essence helps the Advocates prove their arguments. The President may ex officio decide that evidence is unacceptable. This decision must be announced to the committee and it can be appealed by one of the Judges or the Advocates. In event of an appeal, the Judges vote on whether the evidence should be considered acceptable. If the decision of the President is successfully appealed, the evidence will stand as valid. If no appeal takes place or if the decision of the President stands after the appeal process, that piece of evidence cannot be referred to during the presentation. The Applicant party shall present their evidence and establish its relation to the case first. They will be followed by the Respondent.

Rule # 14: Weighing of Evidence

After the presentation of evidence, the Court withdraws in closed session to rate the evidences as high, medium, or low based on the credibility, relevance, accuracy and significance of the evidence. The decision on the quality of evidence is communicated to the committee.

Rule #15: Testimony of Witnesses

The time allocated for witnesses is set by the Chairs. Each part can pick up 2 witnesses (4 Organizing Team members will play the role of witnesses). Their names and contact details will be communicate prior to the conference to allow Advocates to prepare their witnesses.

The testimony of Witnesses shall consist of two main parts; direct examination and cross examination. During direct examination, the sides shall be questioning their own Witnesses. The side that is examining directly is not allowed to ask leading questions. Such questions are subject to objection of the other party. The President is also able to rule the question out of order ex officio. Examining the opposition's Witness is called a cross examination. During the cross examination the side questioning the Witness may only ask questions related to what the Witness has said during the direct examination. Any other questions shall be ruled out of order by the President or objected by the opposing party. Rules apply as to the kind of questions which can be asked and objections can be raised by parties (Hearsay, Leading Question, Speculation, Irrelevance, Badgering, Competence). The President shall also be able to rule the question out of order ex officio. Questions to the Witnesses shall be related to the Witnesses' own experience only. It must be possible for the source of the information to be examined directly during the cross-examination.

Applicant shall be the first to present the Witness. After the direct examination by the Applicant, the Respondent shall have an opportunity to cross-examine the Witness. Finally, the Witness shall be questioned by the Judges. However, the Judges' questions are not limited by the Witness' statements during the direct examination. The same procedure will apply to the Witness of the Respondent.

Rule # 16: Rebuttals and Questions

Both teams of advocates are allowed to rebut on the arguments presented by the other party. During the rebuttals the introduction of new evidence shall be strictly forbidden and the parties will have to determine whether their arguments have been successful or not.

The rebuttal and surebuttal shall be delivered by both team of Advocates. The time allocated for rebuttal and surebuttal is set by the President.

After each party finishes their rebuttals, the Judges will have the opportunity to question the sides. They can ask any questions which will help them to make a decision.

Rule # 17: Closing Statements

Each party has the opportunity to speak one last time in order to: address each contention made by the opposing party, re-state their legal arguments and support them with the evidence introduced and/or bring up any new legal arguments. The introduction of new evidence shall be strictly forbidden. The time allocated for the closing statements shall be determined by the President.

OBJECTIONS

Rule # 18: General Provisions Governing Objections

Where one of the parties' action or statement is considered as falling under the scope of any objection set forth in this Section, the other party has a right to raise an objection. Objections can be raised only during witnesses' cross-examination. The final decision on the objection shall be made by the President and this decision shall not be subject to an appeal with the exception of an immaterial objection. The President shall announce the decision on the objection as "granted" or "overruled". Objections may interrupt the speaker.

Rule # 19: Hearsay

Hearsay is a testimony that is given by a Witness who speaks about not what s/he knows personally, but what others have said, which therefore depends on the credibility of someone other than the Witness. Such testimony is inadmissible under the rules of evidence. Questions to the Witness shall be related to the Witness' own experience only. It must be possible for the source of the information to be examined directly during cross-examination. If one of the parties to the case asks hearsay questions to a Witness, the other party has the right to raise an objection. The final decision on the objection shall be made by the President and this decision shall not be subject to appeal.

Rule # 20: Leading Questions

Leading question is a question that suggests the answer to the person being interrogated; especially a question that may be answered by a mere "yes" or "no. In case of a leading question during the examination, the other party has the right to object. The final decision on the objection shall be made by the President and this decision shall not be subject to appeal.

Rule # 21: Speculation

Speculation is the act or practice of theorizing about matters over which there is no certain knowledge. This objection shall be raised if a Witness tries to predict the result of an answer or possible outcome of an event. In case of speculation the other party has the right to object. The final decision on the objection shall be made by the President and this decision shall not be subject to appeal.

Rule # 22: Irrelevance

All assertions by the parties shall be relevant to the case at hand. If the assertion made is irrelevant to the case the other party shall have the right to object. The final decision on the objection shall be made by the President and this decision shall not be subject to appeal.

Rule # 23: Badgering

During the examination of the Witnesses, Advocates have the responsibility to refrain from intimidation and distressing methods. If one of the parties fails to meet this criterion, the other party shall have the right to raise an objection. The final decision on the objection shall be made by the President and this decision shall not be subject to appeal.

Rule # 24: Competence

This objection shall be raised when a speaker asserts to a technical detail which cannot be assessed by the mentioned speaker. The objection shall only be raised by the other party. The final decision on the objection shall be made by the President and this decision shall not be subject to appeal.

Rule # 25: Immaterial

Immaterial evidence tends to prove some fact that is not proper or is lacking logical connection with the consequential facts. Assertion of law by the parties must be in accordance with the Article 38 of the Statute of the International Court of Justice. Furthermore, the assertion of facts must be certified under oath. If one of the parties fails to abide by this rule, the other party shall have right to object. The decision on the objection by the President may be subject to an appeal. In the event of an appeal the final decision shall be made by the Judges' vote.

Rule # 26: Prejudicial

All assertions of law and facts shall respect the personal integrity of the Advocates, Judges, Witnesses and others present in the Courtroom. If an assertion by one of the parties harms the personal integrity of a person, an objection may be raised by any of the persons mentioned above. The final decision on the objection shall be made by the President and this decision shall not be subject to appeal.

RULES GOVERNING DELIBERATION

Rule # 27: Deliberations

After the conclusion of the rebuttal phase, the Advocates are asked to leave the Courtroom for Judges' Deliberation. The Judges discuss the case in private. During the deliberation the methods of open debate, moderated caucus and unmoderated caucus will be adopted. However, the judges are not obliged to raise in order to deliver their speeches/interventions. When the president considers that the deliberations are advanced enough, the panel votes on the decision of the Court. A majority of judges must vote in favor of a solution in order for it to pass.

During deliberations, several motions can be raised to organise the debate such as:

- Motion for Unmoderated/Moderated Caucus;
- Motion for an Extension for the Previous Caucus;
- Motion for the Suspension or Adjournment of the Meeting;
- Motion to Appeal the Decision of the Chair.

Rule # 28: Redaction of the Judgement and the separate and/or dissenting opinions

All judges are obliged to participate in the redaction of the judgement, either in the judgement or in a separate and/or dissenting opinion. A specific format must be respected for the judgement. Dissenting opinion can be written and added to the Judgment by Judges who oppose the Judgment of the Court. Separate opinion can be written and added to the final Judgment by Judges who agree with the final Judgment despite having different legal basis.

The simple majority vote of the Judges will be required for deciding on claims and writing of the Judgment. Each Judge shall have one vote. In the event of an equality of votes, the President or the Judge who acts in his place shall have a casting vote.

The Judgment shall include the following aspects:

- a. The date of Judgment
- b. The names and signatures of the Judges authorizing the Judgment.
- c. Names of the parties and Advocates
- d. Summary of the trial
- e. Statement of the facts
- f. Legal ground
- g. The Merits of Each Claim
 - i. The Position of the Parties
 - ii. The Tribunal's Assessments
- h. Decision
- i. Dissenting and concurring opinion.

Rule # 29: Delivery of the Judgement

The President reconvenes a session, in presence of both parties, to deliver and read the judgment of the Court.

RULES GOVERNING VOTING

Rule # 30: Quorum

A Quorum is the number of members of the Court present necessary for any vote to be taken. The chairperson may declare a meeting open and permit the debate to proceed when at least one third of the expected number of members in the committee are present. The presence of two thirds of the members will be required for any substantive vote to be taken.

Rule # 31: Voting

Each judge will have one vote on both substantive and procedural matters. All matters will be voted upon by a show of placards. After the president has announced the beginning of voting procedure, no judge is allowed to leave the room or to interrupt the procedure except for a point of order regarding the conduct of voting.

All motions require a simple majority of members present to pass, except the motion to Vote for Judgment, which requires a two-thirds majority. No judge may abstain from any vote at any time during procedural matters or substantive matters.

a. Voting on Substantive Matters

The only substantive voting at the simulation will be the final voting on notes and the judgment. Passage requires a two-thirds majority of the total number of voting judges. No abstentions are permitted.

b. Voting on Procedural Matters

Apart from the final voting on notes and the judgment, all voting done at the simulation will be considered procedural voting. Procedural voting requires a simple majority for passage.

c. Roll Call Vote

During a roll call vote delegates are called upon in alphabetical order. Each delegate then shall answer with either “Yes/In favor” or “No/Against”.

APPENDIX: SHORT FORM OF THE ROP

Motion	Majority	Purpose
Point of order	None	Signal an error in procedure
Point of Personal Privilege	None	Signal personal discomfort
Point of Parliamentary Inquiry	None	Request for clarification on the procedure
Appeal the Decision of the Chair	2/3 majority	Question the chair's ruling
Extension of a Previous Caucus	Simple majority	Continue the previous caucus
Suspension of the Meeting	Simple majority	Pause the debate
Adjournment of the Meeting	Simple majority	Used on the last day of the conference.
Closure of the Debate	2/3 majority	Stop discussions on the topic and move into substantive voting
Change the Speaker's Time	Simple majority	Increasing or decreasing the speaker's time
Mock Vote	Simple majority	Verify majorities on document
Unmoderated Caucus	Simple majority	Move into unmoderated discussions
Moderated Caucus	Simple majority	Move into moderated discussions