

International Court of Justice Debate Procedure

Index

I. General Rules.....	2
II. Members of the Court.....	4
III. Phases of Trial.....	6
IV. Objections.....	9
V. Judgement.....	12

I.

GENERAL RULES

Article 1: Scope

1. These rules apply to the International Court of Justice of BIMUN 2024 and will be adopted before the session.

2. In the case of doubt or conflict about or with these Rules of Procedure and any other procedural regulation laid down in either the Charter of the United Nations, or the Statute of the International Court of Justice, these Rules shall prevail. The Secretariat has the final word in every case.

Article 2: Language

1. English will be the official and working language of the conference.

2. The first half of the first session will be dedicated to the explanation of the case for the jurors, how can the jurors participate in the debate will also be explained.

Article 3: Courtesy and Disciplinary Rules

1. All members of the Court and the Advocates have the responsibility to show utmost respect to each other and shall act accordingly.

2. *One on one* interaction during the sessions is strictly prohibited, with the exception of communication through note passing.

3. The President of the Court will immediately call to order any member of the Court who fails to comply with this rule.

Article 4: Communication through Note Passing and Electronic Devices

1. Written notes are the only means of communication between the members of the Court not recognized to speak.

2. Notes are distributed by the Administrative Staff present in the Court.

3. All notes must be in English and the content of the notes shall not be irrelevant or abusive, otherwise, the Administrative Staff may take the note to the President for investigation and the President may decide not to pass the note if the language or the content is found to be appropriate. The President will warn the member(s) who send(s) the note.

4. Communication through note passing between a Juror and an Advocate is strictly prohibited.

5. No cell phones or other electronic devices may be used in the Courtroom.

6. Computers may be used outside the Courtroom at any time or in the Courtroom during the opening statements, questioning of the Advocates by the Juries, testimony of the Witnesses, rebuttal, closing statements, presentation of evidence and Judge and Juries' Deliberation at the discretion of the President.

Article 5: Statements by the Secretariat and Organization Team

1. The Secretary-General or a member of BIMUN's team may at any time make either written or oral statements to the Court.

Article 6: Quorum

1. The participants are expected to attend on time (three minutes before the session starts) and to be present in all sessions unless there is an urgent health issue at stake or the situation was previously discussed with the President.

2. The quorum is met with at least two-thirds of the registered Juries are present.

3. Verification of quorum shall take place at the beginning of every session by a roll call conducted by the President.

4. When a member of the Court will be late for the roll call of the session, a note in advance should be sent to the President with a request to be absent.

5. A quorum will be assumed to be present during all sessions, unless specifically challenged or deemed as such by the President.

6. Decisions taken during the Judge and Juries' Deliberation sessions shall be taken by the referred majority of the Juries present. This will happen until the deliberation phase.

II.

MEMBERS OF THE COURT

Article 7: President

1. BIMUN 2024 shall have one President of the Court.
2. The president of the International Court of Justice will be appointed by the Secretariat prior to the conference and will remain in duty until the closing of proceedings unless otherwise decided by the Secretariat.
3. The President is responsible for the implementation of the Rules of Procedure prepared for the International Court of Justice. This moderation duty will be the same as a Moderator's in another Committee.
4. The President also acts as a Judge and has an equal vote and say with other Juries in all matters relating to the case before presenting the Court and his/her duty shall be to be informed about the case.
5. The President has one vote in procedural voting.
6. The President is obliged to follow the instructions given by the Secretariat. In case of disagreement or ambiguity relating to the application of a certain article or provision of these Rules of Procedure to a specific situation, the decision of the Secretariat shall be final.
7. Although the President will dictate the implementation of the Rules of Procedure in the Court, s/he shall not have authority over the decision of the other Juries unless a certain Jury's opinion is obviously biased in which case the concerned Judge will be given an official warning by the President or the Secretariat.

Article 8: Rapporteur

1. The Rapporteur of the International Court of Justice will be appointed by the Secretariat prior to the conference and s/he shall remain in duty until the closing of proceedings.
2. The Rapporteur will not possess the right to participate in decision-making processes; s/he does not have the right to vote in procedural and substantive matters.
3. The Rapporteur will take the oaths of the Advocates and Witnesses before the opening statements of the Advocates or the testimony of the Witnesses.
4. The Oath shall be declared as: "I solemnly declare upon my honor and conscience that I will speak the truth, the whole truth and nothing but the truth".

Article 9: Juries

1. The Juries will be appointed by the Secretariat amongst the applicants prior to the conference and shall remain in duty until the closing of proceedings unless otherwise decided by the Secretariat.

2. A solemn declaration will be made by each Judge individually prior to the trial; “I, Judge “Surname”, solemnly declare that I will perform my duties and exercise my powers as a Judge honorably, faithfully, impartially and ethically.”

3. Juries are responsible for determining the rules of international law on the specific case and reach a final Judgment. The final Judgment of the Court will be written by the members of the Court and announced by the President.

4. Each Jury will have one vote in procedural and substantive voting procedures.

5. The Jury’s decisions and actions must be unbiased. If they fail to meet this criterion, they may be given an official warning by the President or the Secretariat as stated by Article 7, paragraph 7.

6. Juries may ask the Advocates or Witnesses questions in the designated phases of the trial proceedings. The rules from Article 13, paragraph 3-7 apply for the Questioning of the Juries.

Article 10: Advocates

1. Advocates will be divided by the Secretariat prior to the conference amongst the Applicant’s and Respondent’s party. They shall remain in duty unless otherwise decided by the Secretariat.

2. Advocates represent state parties in the case as two for the Applicant and two for the Respondent and they are obliged to act in the best interest of their clients. The written memorials, presentation of evidence, questioning of the Witnesses, rebuttal and sub rebuttal of their counterparty statements and evidence, and other methods of proof shall constitute their instruments while carrying out their duty.

3. Advocates, as any other member of the Court, are obliged to abide by the whole Rules of Procedure and final decisions of the President. The official warning procedure for the Juries in Article 7, paragraph 7, also applies to the Advocates.

4. The Advocates will be required to write a memorial prior to the conference and send it to the Secretariat. Deadlines for the memorial are communicated to each advocate by the President.

5. Advocates do not have the right to vote in substantive or procedural voting. However, they may raise some motions following the rules in Section III of BIMUN’s ICJ Rules of Procedure.

6. Advocates may also raise a Point of Order, Point of Parliamentary Inquiry or Point of Personal Privilege. However, they cannot raise a Point of Information.

III.

PHASES OF TRIAL

Article 11: Opening Statements

1. Opening statements are brief speeches which can be considered as the restatement of the memorial. The parties intend to show what they will try to prove during the trial.

2. The time allocated for each party is set by the President and it can be amended by the Advocates or Juries before the trial phase begins. Once it begins, it cannot be amended.

3. Prior to the opening statements, the Rapporteur shall have the Advocates take their oaths as stated by Article 8, paragraph 4. An Advocate refusing to take the oath will not be able to continue counselling.

4. The Applicant will 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 divided between both of the Advocates representing one party.

5. The Questioning of the Advocates by the Juries will not be possible until both sides conclude the presentation of their evidence.

Article 12: Presentation of Evidence

1. 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. It must be handed in to the President of the court in advance, otherwise it will not be presented during the trial.

2. The procedure related to the time allocated for the opening speeches shall be applied to the presentation of evidence *mutatis mutandis*.

3. The President may *ex officio* decide that evidence is unacceptable. This decision must be announced and it can be appealed by one of the Juries or the Advocates. In event of an appeal, the Juries vote on whether the evidence should be considered acceptable.

4. 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.

5. The Applicant party shall present their evidence and establish its relation to the case first. They will be followed by the Respondent.

6. Other evidence may be presented to sustain the evidence presented before. The President must be informed in advance.

7. Evidence released after the actual Judgment may be presented as long as it does not mention the resolution.

8. It is the Advocate's responsibility to be prepared to present the evidence at the moment it is requested.

Article 13: Questioning of the Advocates by the Judge and Juries Following the Presentation of Evidence

1. After finishing the presentation of evidence, the Judge and Juries will have the floor to question the Advocates. In order to ask questions, the Juries shall be recognized by the President first.

2. The Judge and Juries can question any side they prefer; however, they may only pose one question at a time.

3. There will be no certain time limitation for the questioning of the Advocates; nevertheless, the President can, at any time, determine when to end the questioning. This decision of the President is subject to appeal. In event of an appeal, the Juries vote on the President's decision.

4. The questions of the Judge and Juries will not be limited by the scope of the presentation.

5. One Advocate from each side will answer the question of a Judge. Intervention from the other Advocate will not be allowed. However, the parties are free to decide which Advocate will answer any given question.

6. The Advocates shall answer the questions, stand upon the stand and seek for the permission directed by the President to leave the stage.

7. The President may at any time rule a question or answer out of order and this decision cannot be appealed.

Article 14: Testimony of the Witnesses

1. Prior to the conference the Applicant and Respondent parties must specify the name of one Witness each, their positions and relation to the case. The Secretariat will afterwards provide the Advocates with the Witnesses and their contact information, so that the Witnesses can be prepared by the Advocates before the trial.

2. These Witnesses can be called upon by the Rapporteur. After they take their oaths, the Court may proceed with the testimony of the Witnesses.

3. There shall be no certain time limitation for the testimony of Witnesses. However, the President may warn the Advocates or Juries should the testimony needlessly exceed a reasonable amount of time.

4. The testimony of Witnesses shall consist of two main parts; direct examination and cross examination.

5. 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.

6. 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.

7. Hearsay (gossip) questions are not in order. Such questions are subject to the other party's objection. The President shall also be able to rule the question out of order ex officio.

8. 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.

9. 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 Judge and Juries. However, the Judge and Juries' questions are not limited by the Witness' statements during the direct examination. The same procedure will apply to the Witness of the Respondent.

10. Only the Witnesses that were present during the original trial are allowed to testify.

Article 15: Rebuttal and Sub rebuttal

1. During the rebuttal and sub rebuttal the introduction of new evidence will be strictly forbidden. However, the Advocates will ask the Juries to admit previously presented documents and Witnesses into evidence.

2. During rebuttal and sub rebuttal, the parties shall try to determine where their argument was lacking and try to compensate. The rebuttal and sub rebuttal shall be delivered by only one Advocate for each party.

3. The time allocated for rebuttal and sub rebuttal is set by the President and it can be amended by the Advocates or Juries before the trial phase begins. Once it begins, it cannot be amended.

4. After each party finishes their rebuttal and sub rebuttal, the Juries will have the opportunity to question the sides. Questioning of a certain side starts immediately after they have delivered their rebuttal and sub rebuttal. The rules from Article 13, Paragraph 3-7 apply for the Questioning of the Juries.

Article 16: Judge and Juries' Deliberation

1. After the conclusion of the rebuttal phase, the Advocates are asked to leave the Courtroom for Judge and Juries' Deliberation. The Judge and Juries discuss the case in private.

2. During the deliberation the methods of open debate, moderated caucus and unmoderated caucus, will be adopted. However, the Juries are not required to stand up or go up to the podium while making speeches.

3. The length of the Judge and Juries' deliberation will be determined and announced by the President. The President may extend the time if needed; however, his or her final decision is not a subject to appeal.

Article 17: Closing Statements

1. Closing statements shall be given by the Advocates for each party to the case.

2. During closing statements the Advocates shall try to present what they have proven through their evidence, legal elements and Witnesses and deliver their prayer for relief. The time allocated for the closing statements shall be determined by the President. The procedure in Article 11, paragraph 2 will be applied mutatis mutandis.

IV.

OBJECTIONS

Article 18: General Provisions Governing Objections

1. 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.

2. The final decision on the objection shall be made by the President and this decision shall not be subject to an appeal.

3. The President shall announce the decision on the objection as "granted" or "overruled".

4. These objections can interrupt the speaker.

Article 19: Hearsay

1. 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.

2. 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.

3. If one of the parties to the case asks hearsay questions to a Witness, the other party has the right to raise an objection.

4. The final decision on the objection shall be made by the President and this decision shall not be subject to appeal.

Article 20: Leading Question

1. 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."

2. 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

Article 21: Speculation

1. Speculation is the act or practice of theorizing about matters over which there is no certain knowledge.

2. This objection shall be raised if a Witness or an advocate tries to predict the result of an answer or possible outcome of an event.

3. 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.

Article 22: Irrelevant

1. All assertions by the parties shall be relevant to the case at hand.

2. 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.

Article 23: Badgering

1. During the examination of the Witnesses, Advocates have the responsibility to refrain from intimidation and distressing methods.

2. 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.

Article 24: Immaterial

1. Immaterial evidence tends to prove some fact that is not proper or is lacking logical connection with the consequential facts.

2. 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.

3. If one of the parties fails to abide by this rule, the other party shall have the 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 Juries vote.

Article 25: Prejudicial

1. All assertions of law and facts shall respect the personal integrity of the Advocates, Juries, Witnesses and others present in the Courtroom.

2. 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 about the objection shall be made by the President and this decision shall not be subject to appeal.

Article 26: Competence

1. This objection shall be raised when a speaker asserts a technical detail which cannot be assessed by the mentioned speaker.

2. 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.

V.

JUDGMENT

Article 27: General Provisions Governing Judgment

1. The simple majority vote of the Juries and Judge will be required for deciding on claims and writing of the Judgment.

2. 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.

3. The Judgment will work as a resolution paper in another committee and shall include the following aspects:

- a) The date of Judgment
- b) The names and signatures of the Juries 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 opinions

4. Dissenting opinion can be written and added to the Judgment by Juries who oppose the Judgment of the Court.

5. Separate opinions can be written and added to the final Judgment by Juries who agree with the final Judgment despite having different legal basis.