

Rules of Procedure

International Court of Justice

Adapted from the LIMUN 2018 ICJ Rules of Procedure. All content written by the LIMUN 2020 ICJ Chairs is henceforth italicised.

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I. Rules of General Applicability

Article 1: Scope

1. These rules shall be considered an annex to the General Rules of Procedure for the London International Model UN conference 2020 and shall apply to the International Court of Justice committee. They shall be considered adopted in advance of the session.

2. In case of doubt or conflict between this annex and any other procedural regulations, these Rules shall prevail. The Secretariat shall have the final word if any dispute or interpretation matter arises.

Article 2: Language

1. English shall be the official working language of the conference. Should any of the Parties involved wishes to use documents in other languages, a verified translation of the document(s) in English must be presented as well.

Article 3: Courtesy

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

2. One to one discussions during the sessions are strictly prohibited **between all members**, with the exception of communication through note passing **with their respective colleagues only when discrete and not disrupting the Court's proceedings.**

3. The Presidency of the Court (hereafter “the Presidents”) shall immediately call to order any member of the Court who fails to comply with this rule.

Article 4: Communication via 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. All notes must be in English.

3. Electronic Devices (laptops, tablets) may be used as long as their use does not create problems to the general well-functioning of the committee.

4. Communication through note passing between a Judge and Advocate is strictly prohibited, *except in cases of responding to a question in writing, where the note should pass through the presidency first.*

Article 5: Statements by the Secretariat

1. The Secretary-General or any appointed member of the LIMUN team may at any time make either written or oral statements to the Court.

Article 6: Quorum

1. The participants are expected to be punctual to all committee sessions unless there is an urgent emergency/health issue at stake and the President is notified in advance, by email.

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

3. The quorum shall be verified via an automatic roll call at the beginning of each session and all those who come in late must send a note to the Directors stating their presence, otherwise they shall not be recognised.

4. The majority of the present Judges shall be taken into consideration upon any procedural matter.

II. Members of the Court

Article 7: Presidency

1. The Presidency consists of two people, one President and one Vice President. The President may exercise a right to a double vote on substantive matters only in case of a tie.

Article 8: Judges

1. The Judges shall be appointed by the Secretariat and Directors 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 total of 16 judges will be appointed. Of the 16 judges, 15 will be the elected current members of the ICJ as specified by the official ICJ website (<https://www.icj-cij.org/en/current-members>) and one will be an ad hoc judge specific to the topic. In the case of the LIMUN 2020 topic, the ad hoc judge is Yves Daudet from France.*

3. A declaration shall be made by each Judge individually prior to the beginning of the trial: **"I , solemnly declare that I will perform my duties and exercise my powers as a Judge honourably, faithfully, impartially and conscientiously."**

4. Judges are responsible to determine the rules of international law on the specific case and reach a final Judgment. The final Judgment of the Court shall be written by the members of the Court and announced by the Presidency.

5. Each Judge shall have one vote in procedural and substantive voting procedures.

6. Judges may ask the Advocates questions in the designated phases of the trial proceedings.

Article 9: Advocates

1. Advocates shall be selected by the Secretariat and Directors prior to the conference in order to represent the Parties of the dispute and there shall be three (3) for each Party. They shall remain in duty until the closing of proceedings unless otherwise decided by the Secretariat.

2. The Advocates shall be required to write a memorial prior to the conference and send it to the *Presidency*.

3. Before the trial formally begins, they are required to take an oath as follows **"I solemnly**

swear to represent my Party's interests impartially, in accordance to the law".

4. Advocates may not participate in substantive voting but may do so with regard to procedural voting.

III. Stages of the Trial

Article 10: Opening Statements

1. Opening statements are brief speeches where Advocates restate their memorials. In there, the Parties intend to show the factual and legal points they shall try to prove during the trial.

2. The default time allocated for each Party's opening statement is 20 minutes, but it can be moderated by the Presidency.

3. The Applicant Party shall have the first opening statement and after the Applicant completes the opening statement, the Respondent shall proceed. The time allocated for the opening statement of each Party shall be divided between the Advocates representing one Party equally. Every advocate shall be therefore responsible for addressing one of the claims only, and in the order as stated in the Study Guide.

4. The Applicant Party may then give a five-minute rebuttal replying to the opening statement of the Respondent Party followed by the Respondent Party giving a five minute rebuttal replying to the opening statement of the Applicant Party.

Article 11: Presentation of Claims and Evidence

1. Once the opening statements by both Parties are concluded, the Advocates of Applicant shall move to the presentation of their claims, arguments and related evidence.

2. Applicants shall label and refer to their evidence numerically (i.e. evidence 1, evidence 2 etc.) and Respondents shall label and refer to their evidence with Latin letters (i.e. evidence A, evidence B etc.).

3. The court will first entertain the Applicant's first piece of evidence (evidence 1) followed by the Respondent's first piece of evidence (evidence A) followed by the Applicant's second piece of evidence (evidence 2) followed by the Respondent's second piece of evidence (evidence B) and so forth until the evidence list is exhausted.

4. When entertaining each piece of evidence, should the Party that submitted the piece of evidence feel the need, they may present, explain and establish its relation to the case for up to four minutes. Should the other party feel the need to comment on the evidence, they may do so for up to 2 minutes. We urge advocates to remember this time limit and the general

*time constraints of the conference and prepare their evidence accordingly. **Evidence should be submitted as a separate list attached to each side's memoranda.***

5. Evidence is any piece of tangible information considered as reliable by the Court. It can be in form of newspaper articles, multilateral or bilateral treaties, reports, resolutions or anything that in essence helps the Advocates prove their arguments and shall follow the same procedure with the opening speeches. **Evidence has to be submitted by the deadline set by the Presidency otherwise can not be considered for examination upon trial. Additionally, the Advocates shall be sent a reminder by email for the deadline.**

6. The Judges may not pose any Questions to the Advocates until they conclude with their argumentation and presentation of the evidence.

Article 12: Questioning of the Advocates by the Judges

1. After finishing the presentation of evidence, the Judges shall have the floor to question the Advocates. In order to ask questions, the Judges shall be recognized by the Presidency.

2. The Judges may question any side they prefer; however, they may only pose one question at time and only one Advocate shall reply. It is up to the discretion of the Advocates of the Party to designate the one who shall answer which question.

3. Questions by Judges are not to be limited to the scope of the presentation provided by the Advocates but may refer to any part and in regard to any clarification they may need.

4. Advocates can elect to respond to a question in writing.

5. The Directors retain discretion to rule a question out of order (e.g. in instances where the question is manifestly irrelevant, without any legal foundation etc.). Such decision may not be appealed.

Article 13: Witnesses

1. Volunteers shall be selected by the Secretariat and the Presidency to act as witnesses.

2. The Advocates shall be provided with the contact details of the volunteers and it is the responsibility of the Advocates to research and assign a persona for each volunteer

and to brief them on their new character.

- 3. Each side may examine in chief or cross examine the witness respectively for up to 15*

minutes each, even though less or extra time may be allocated depending on the

course of the proceedings.

- 4. Judges may then ask questions to the witness for up to 10 minutes.*
- 5. The Presidency reserve the right to rule any question as out of order (e.g. in instances*

where the question is manifestly irrelevant, without any legal foundation etc.). Such decision may not be appealed.

Article 14: Rebuttal, Surrebuttal and Concluding Remarks

1. During the procedure of rebuttal and surrebuttal, the introduction of new evidence shall be strictly forbidden. Only one Advocate per side shall deliver this speech whose time shall be defined by the Presidency and, if not amended by the Advocates via a motion, shall not be later susceptible to modifications. At the end of this part, Judges shall be able to address final three questions to each side.

2. As soon as this procedure is concluded, closing statements shall be given by the Advocates for each Party to the case, where the Advocates shall summarise their argumentation without introducing new legal arguments nor evidence. Time shall be allocated by the Presidency.

Article 15: Judges' Deliberation

1. Once the rebuttals are completed the advocates are asked to exit the room to the end of Judges' Deliberation in a form of a GA committee.

IV. Structure of the Judgment

1. The simple majority vote of the Judges shall 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 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 grounds
- 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 opinions can be written and annexed to the final Judgment of the Court by Judges who oppose to the majority's judgment.

5. Separate opinions can be written and annexed to the final Judgment in case a Judge has reached the same conclusion of the majority's judgment by posing his/her reasoning on different legal grounds.