



International Court of Justice - Rules of Procedure

1. Lobbying and Merging:

On the first session, judges will begin an informal debate on their preliminary opinions towards the case. They will formulate a rough list of questions to be asked to the advocates. This is an informal session.

2. The stand

It marks the opening of the ICJ. The thirteen judges are hereby requested to welcome and rise for the Justices as they enter the court.

3. The initiation Ceremony

The two Justices will ask the Court to come to order. Then, they introduce themselves to the judges with their last names. The Justices will be the first to swear the following oath:

“I, on my Honor, pledge to uphold the tenets of justice, and to serve the International Court of Justice under the Basic Principles of the United Nations”.

The judges will then rise and swear the oath in alphabetical order.

4. The Case

The Justices introduce the case with a short, **neutral** summary or a brief outline of the conflict.

5. The Opening Statements

The case begins when the president asks the Plaintiff to rise and state his opening speech.

The Plaintiff will give an opening speech first, which ranges between 25 and 30 minutes. The Defendant’s opening speech will follow. In the opening statement, advocates must present the case to the Court by presenting their claims and giving the Court necessary information. Opening speeches should not exceed the time accorded by the Justices. Advocates will be warned before the time elapses.

6. The Stipulations

The stipulations are a list of unbiased facts agreed upon by both counsels. Its purpose is to set facts that will not be discussed during the trial. The advocates should use these facts in their arguments. Following the advocates’ opening statements, the Justices will read aloud the stipulations and will question the opposing side if they agree. The opposing side will either object or “*So stipulate*” the fact. If they object, the advocates have to justify their objection to the Justices. The Justices can either overrule or take into consideration the objection.

7. Marking the evidence

The evidence collected by both sides is presented to the Judges. The evidence must be drawn from official published material by the United Nations only. The advocates, before the conference, should collect relevant evidence. They should also highlight the important parts and email them to the Presidency by a set deadline.

The Justices will go through the evidence to make sure that it is drawn from appropriate sources. Advocates should proceed by stating the name of each piece of evidence, its subject matter, but not how it proves their claims. The Plaintiff's evidence is marked in numbers and the Defendant's evidence is marked in letters. Objections are in order during this stage.

8. Witnesses

A witness may represent an individual or an organization. It is the responsibility of each party to prepare the witnesses before the conference for the examination and the cross-examination.

After the marking of the evidence, witnesses are brought in one by one, the Plaintiff's witnesses before the Defendant's. Witnesses should be ready to answer questions from the Plaintiff, the Defendant, the Presidency as well as the judges. Advocates can only choose people from the conference to act as witnesses.

A witness list must be presented to the Court beforehand. The claims of the witnesses will be counted as evidence so the advocates must make sure the witnesses are very well prepared.

The Admin staff will summon the Plaintiff's witnesses during the examination and cross examination and they will remain outside until they are requested to enter by the Presidency of the court. They will be escorted by the advocates into the court. Once the advocates escort the witness to the President's bench, the presidents will put the witness under an oath. The witness will repeat after the Justices the following oath: " *I, on my Honor, solemnly swear to tell the truth, the whole truth, and nothing but the truth.* ". The witness will then be asked to be seated. After direct examination¹, the opposing counsel will be asked if there will be any cross-examination².

If yes, the Defense will examine the witness. After the Defense has concluded its examination, the Presidency will ask if there will be a follow up on direct examination. Please note only one advocate from each counsel should one witness.

The order of the line of questioning is: direct, cross, re-direct, re-cross, continued until there are no further questions.

¹ Direct Examination: Witnesses are asked non-leading question; that do not imply a specific or given answer

² Cross Examination: Advocates may ask witnesses leading questions; that imply a given or specific answer

Once examined, the witness will be escorted out of the court and the following witness will be examined. The Presidency will execute the same procedure for all the Plaintiff's witnesses then all the Defense's witnesses. A period of one hour will be given for direct and cross-examination of the witness. After both the direct examination and the cross examination from the advocates, judges will have the opportunity to ask questions to the witness.

Revision of Evidence

The court will now move into a semi-closed session where the advocates are required to leave the court. The Presidency will ask admin staff to guard the door and not to allow the advocates in. Each piece of marked evidence will then be attributed to a pair of judges. The aforementioned judges will then examine, support and summarize their opinions on the piece of evidence which they must present to the court

9. Questions to the Advocates

The advocates will be asked by the Presidency to come into the court. The Presidency will ask the Plaintiff to approach the podium in order to start the questioning. The Presidency will call on any judge having a question. The same procedure will be followed for the Defendant. After the judges finish their questions to the Defendant, if they want to ask the Plaintiff again, the Presidency will ask them to approach the podium again and same thing for Defense. This will go on until there are no further questions or until the time has elapsed.

10. Closing Statements

Once the questioning has been completed, the court shall move to closing statements. The closing speeches are delivered by the Plaintiff followed by the Defendant. Closing speeches may take a period of one hour. Closing statements must include: a summary of all evidence presented, as well as the examined witnesses . This speech is the last chance for the advocates to convince the judges of their position. The Plaintiff may choose to present a portion of their closing statement for a period of ten minutes and conclude their statement after the Defendant.. The Presidency may call

11. Deliberation:

During deliberation, no further evidence shall be taken into consideration by the court.

The court will determine the order of the issues discussed in the order of priority. The issues will be listed by the Registrar and will be made visible to the court. Judges must determine the validity of the plaintiff's claims Through discussions, the judges need to try to come to a more unified understanding of the case to reach a solid judgment. Before this phase can end, each judge has to make a final decision about which party to vote for. Judges should have a clear justification of why they chose to support any party.

Burden of Proof The burden of proof is defined as the minimum amount of convincing the Judges. It means that the counsel must persuade a simple majority of the judges that its position carries its weight by at least 51%. If a judge's stance does not meet the burden of proof, he/she shall not vote for a stance.

The stance with the most votes is called "Majority Opinion". Judges of this opinion must write their opinion together. The opinion should state a justify their ruling based on references from International Law. If a judge is a part of the majority opinion but does not agree with the justification of the ruling, he/she must state why they disagree.

The judges in favor of another stance must write dissenting opinions. They can choose to do this individually or as a group. Each judge has to sign only one opinion, whether it's the majority opinion or the dissenting opinion however it may not be both.

The Court will then move into a closed session where the advocates and all the guests are asked to leave the Court with the exception of members of the OISMUN High Board. The judges will be given one hour to review the evidence, share opinions about the case and work on the verdict. At the end of the closed meeting, a vote must be held on the verdict. The vote will be conducted by the Presidency in which they have voting rights as well. More than half of the judges must support the verdict for it to pass. Please note that any information about the verdict must remain secretive until its announcement. Eventually, a statement will be written and given to the Presidency which will be given out in the form of a verdict in the closing ceremony.

Glossary of Terms

- Hearsay: A statement will be considered hearsay if it is: (i) an assertive statement (ii) made by an out-of-court declarant; (iii) offered to prove the truth of the matter asserted therein[1]. For example, Francisco testifies that he spoke to Joanna at the electronics store on Saturday, and she said, “I’m going to steal an iPod.” If Joana is on trial for stealing an iPod and this statement is being used to establish the fact she stole the iPod, it is hearsay. If Joana is on trial for murdering someone in the parking lot of the electronics store, and Francisco’s testimony is being used to establish her presence in the vicinity of the parking lot that day, then it is not hearsay.
- Competence: A competence objection may be raised when a speaker asserts to a technical fact that he is not professionally qualified to assess.
- Prejudicial: May be raised if an assertion is presented in such a way that the personal integrity of an Officer, justice, or speaker is harmed.
- Irrelevant: May be raised if an assertion is irrelevant to the case at hand.
- Speculation: This objection may be raised if a witness attempts to guess the answer of a possible outcome or question of which he cannot be certain.
- Leading the witness: May be raised if the Advocate questioning the witness does so by putting forth questions that require simple answers and hints of the desired answers given. Ex: “Would you not agree that”, “Isn’t it true that”
- Badgering the witness: Whenever an Advocate aggressively questions a witness placing him or her in an uncomfortable or intimidating situation that leads to the distress of the witness, this
- Prayer: The specific request for judgment, relief and/or damages at the conclusion of a complaint or petition. An ICJ example might read: “The applicant party prays that 1) the Equidistant line starting at the border of Peru and Chile marks the maritime boundary between the two countries and 2) Chile recognize the Peruvian sea as Peru’s territory.” Damages may also be requested in the prayer
- Right of Reply: A justice or advocate whose personal integrity has been harmed may request a Right of Reply. The President’s decision to grant this right is not appealable. A Right of Reply is not an incentive to establish dialogue.

[1] *Understanding the rules of Evidence: Hearsay* [online] Available at: <http://understandingevidence.com/>