



**INTERNATIONAL COURT OF JUSTICE**

**ICJ**  
**R.O.P.**  
**PACMUN 2017**



# TABLE OF CONTENTS

Introduction: ICJ	2
Roles	2
Phases of Trial	3
Advisory Opinions	6
Delegate Preparation	6



# RULES OF PROCEDURE

## INTRODUCTION: INTERNATIONAL COURT OF JUSTICE

- A. The International Court of Justice is the judicial branch of the United Nations and is located at The Hague (Netherlands). The Court has two primary functions: to pass judgement **in accordance with international law** on disputes involving member states, and to offer advisory opinions on legal questions submitted to it at the request of UN principal bodies.
- B. The judgement of the Court comes in the form of an Opinion.
- C. The Court is comprised of fifteen Justices, two Advocates (one per side), a President, and a Vice President.
- D. The quorum of the Court is that which has been dictated in the Pacific Model United Nations 2017 Long Form Rules of Procedure: a third of the delegates in the committee (5 Justices).
- E. The following Rules of Procedure shall be considered adopted prior to session commencement and therefore shall not be challenged.

## ROLES

### A. President

1. For the purposes of PACMUN 2017, the Director will act as the President of the ICJ.
2. The President presides over committee debate. He/she will cast a vote when tied.

### B. Vice President

1. The Vice President takes over the duties of the President should he/she be absent.

### C. Registrar

1. For the purposes of PACMUN 2017, the Registrar, monitoring the flow of debate, will be the President, with a member of Secretariat formally swearing in Justices and the Dais at the beginning of committee.

### D. Advocates

1. Advocates shall be appointed by the States that are parties to the dispute. For purposes of simulation in PACMUN 2017, the **Advocates will be played by the Vice President and Chair of the Dais.**

- a) The Parties are to be known as the Applicants and the Respondents.
2. Advocates are obliged to defend the stance of their States through argumentation, presentation of evidence, and examination of witnesses. In addition, they are obliged to abide by the full Rules of Procedure and final decisions of the Court.
  - a) Advocates do not have the right to vote in substantive or procedural voting. However, they may raise motions such as “motion to reduce/extend the speaker’s time.”

## E. Justices

1. The Justices shall be appointed prior to the commencement of the trial as delegates of PACMUN 2017 and shall remain in duty until the closing of proceedings.
2. Each Justice is entitled to one vote in procedural and substantive votes. However, if they are “present” as opposed to “present and voting,” they may abstain from voting on verdicts.
3. The Justices will be recognized by the President before they can speak.
4. Justices are responsible for interpreting international law, dependent on the specific case. They will use this interpretation to reach a final judgement and write Opinions.
5. The Justices’ decisions and actions must be unbiased, and independent from the agendas of their respective nations. They are in committee to interpret international law based on the facts of the case, their research, and personal experience. Failure to comply will result in an official warning by the President.

# PHASES OF TRIAL

## A. Oaths

1. The Registrar shall step forth in order to take his own Oath, the Oaths of the Justices, those of other Dais officials, and those of the advocates.
2. The Oaths of the Justices shall state, “I Justice (name) solemnly declare that I will perform my duties as a judge honorably, impartially, and conscientiously, and that I will faithfully observe all the provisions of the Statute and of the Rules of the Court.
3. The Oaths of the Dais shall state, “I solemnly declare that I will perform the duties incumbent upon me as an official of the International Court of Justice in all loyalty, discretion, and good conscience, and that I will faithfully observe all the provisions of the Statute and of the Rules of the Court.”
4. The Oaths of the Advocates shall state, “I advocate (name) solemnly declare that I will perform my duties as an advocate honorably, impartially, and conscientiously, and that I will faithfully observe all the provisions of the Statute and of the Rules of the Court.”

## B. Opening Statements

1. Opening statements are brief speeches based on the Memorials submitted by the Applicant and Respondent. The parties intend to lay out their arguments and deliver main points.
2. The Applicant speaks first, then the Respondent. The time allocated for the opening statements of each party shall be twenty-five minutes.
3. During the opening statements or any discussion with the Advocates, Justices may interrupt delegates (at the President's discretion) and ask questions regarding the Advocates' arguments and use of evidence, this being the primary focus of the Court's analysis.

## C. Use of Evidence

1. Evidence can be submitted for display at any point in the trial except for during/after closing statements. The quality and relevance of the evidence may be factors that influence the final verdict of the Justices.
2. The President may rightfully declare any piece of evidence irrelevant or out of order.
3. The President may at any time rule a Justice's question or Advocate's answer out of order. This decision cannot be appealed.

## D. Judges' Deliberation

1. After any phase of discussion with the Advocates, Justices may motion to deliberate in the form of an Unmoderated Caucus. At this time, Advocates may be forced to leave the room at the Justices' discretion.
2. Open debate between Justices may be done in the form of a Moderated Caucus. However, the Justices shall never be required to stand up while making their speeches.

## E. Testimony of the Witness

1. Prior to the commencement of the trial, both the Applicant and Respondent parties must each specify a witness.
2. These witnesses will be asked, by the Registrar, to take the following Oath: "I solemnly declare upon my honor and conscience that I will speak the truth, the whole truth and nothing but the truth".
3. There shall be no pre-determined time limitation for the testimony of witnesses.
4. The testimony of witnesses shall consist of two main parts: a direct examination and cross examination.
  - a) During direct examination, Advocates will question their own witnesses. However, they may not ask leading questions.
  - b) During cross examination, Advocates question the other side's witness. Leading questions are permitted; however, the Advocate questioning the witness may only ask questions relevant to the direct examination.
5. The Applicant begins with a direct examination, followed by a cross-examination by the Respondent. This cycle continues with the Respondent's direct examination and the Applicant's cross-examination.

**a)** Afterwards, the witnesses will be questioned by the Justices. However, the Justices' questions are not limited by the witness's statements during the direct examination.

## **F. Closing Statements**

- 1.** Closing statements shall be given by the parties to the case. They will be a maximum of ten minutes long and will deliver a summary of the case as well as a prayer of relief.
- 2.** No new evidence may be presented at this time by the Advocates.

## **G. Opinions**

- 1.** Types of Opinions
  - a)** Majority Opinion
    - (1)** Supported by a majority of the Justices. This Opinion is the ruling that takes precedence and dictates international course of action.
  - b)** Concurring Opinion
    - (2)** Opinion with the same verdict as the Majority Opinion, but with different reasoning.
  - c)** Dissenting Opinion
    - (3)** Opinion whose verdict supports the side opposite of the Majority Opinion.
- 2.** General Format
  - a)** The date which the judgement was determined
  - b)** Names and states of the judges authorizing the verdict
  - c)** Names of the parties/states involved
  - d)** Summary of the case's facts as recognized by the Court
  - e)** Decision of the Court, legal basis for the decision
  - f)** Suggestive clauses for the guilty party to adhere to
  - g)** The signature of the President

# ADVISORY OPINIONS

- A.** Authorized UN bodies such as the General Assembly or Security Council may request the Court to conclude a legal opinion on a situation or case at any time, often without seeking the consent of any other body.
- B.** Upon the submission of request by the authorized body, the President may allocate an appropriate time for discussion of the advisory opinion.
- C.** Advisory opinions of the Court are not binding and require simple majority in substantive voting to be written.

# DELEGATE PREPARATION

- A.** Although there will be no position papers due before the conference, each Justice in the ICJ will be required to research three laws that pertain to the case and analyze their significance.
  - i.** This will be due to [icj@pacificmun.com](mailto:icj@pacificmun.com) on the Position Paper due date.
- B.** Other than referring to the PACMUN ICJ 2017 Background Guide, delegates should refer to the ICJ Website ([www.icj-cij.org](http://www.icj-cij.org)) as well as the Statute of the ICJ (<http://www.icj-cij.org/documents/?p1=4&p2=2>) in order to better understand the International Court of Justice and other relevant sources of international law.