

BEIMUN



International Court of Justice (ICJ)
Handbook for Model United Nations

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1. Introduction: What is the ICJ?

The International Court of Justice (ICJ) is one of the six main organs of the United Nations and serves as its primary judicial body. Its official languages are English and French. Established in 1945 under Article 92 of the UN Charter, the ICJ became operational in 1946 as a mediator for international disputes, with every member of the U.N. subject to the ICJ and its verdicts. Enforcing the bounds of international law, the Court not only deals with the disputes between countries (Contentious Cases) but also as an advisor for international action.

It is regarded as the successor to the Permanent Court of International Justice (PCIJ), which functioned from 1922 to 1946 and was created by Article 14 of the Covenant of the League of Nations. As a result, the ICJ's Statute, which outlines its rules and procedures, is largely derived from the PCIJ's Statute.

Although a part of the UN system, the ICJ operates independently and has its own permanent administrative body, the Registry. The Registry handles administrative, judicial, and diplomatic tasks. Currently, it is staffed by 100 officials who are appointed either by the Registry itself or the Court. To clarify: it is essential to note that the ICJ is NOT a criminal court. Please do not confuse it with the International Criminal Court (ICC) which entertains cases where **an individual** was accused of a crime. The ICJ hears disputes between states and does not have the jurisdiction to adjudicate anything beyond that.

As a THIMUN-affiliated conference, the model ICJ at BEIMUN intends to complete the U.N experience for students. The United Nations was formed to promote peace and unity among nations. However, this is not done solely through discussing the social and environmental issues that the world faces, but also by settling the conflicts that countries have with each other. As a specialized committee, the ICJ provides students the chance to work within the various aspects that a court functions through, from developing arguments and researching for evidence to judging situations through legality rather than ideological preference.

2. Roles and Responsibilities

Officers of the Court

The Presidency: All court proceedings are facilitated by the President of the International Court of Justice and the Assistant President, who both lead the Court Panel. As the forum's chairperson, the President oversees and guides every administrative operation within the Panel and is well-versed in the ICJ's regulations and jurisdiction. When the President is not present or the office of the Presidency is delegated to him or her, the Assistant President assumes all presidential responsibilities. Every advocate uses the same level of respect and address when referring to the president and the assistant president.

The Registry: The Registrar is in charge of all court records and serves as the court's administrative branch. The evidence collected by the Respondent shall be arranged alphabetically by the Registrar and numerically by the Applicant (i.e., Respondent A, Respondent B, etc.). As needed, the Registrar should send copies of the memoranda, stipulations, witness lists, and evidence packs to the judges and presidents. Before court hearings start, the Registrar or another court official must receive the evidence, witness lists, and other papers that the advocates will use in support of their case.

Per the BEIMUN procedure, the Registrar and the Assistant President roles are interchangeable.

Advocates

The Applicant Party (Prosecution) is made up of two advocates who act on behalf of a state that is bringing legal action against another state on the grounds that the latter has not fulfilled its duties under international law. The burden of proof rests with the application party. The legal term "burden of proof" refers to the applicant party's duty to provide evidence supporting the legitimacy of their accusations against the respondent party. Only the party making the application is subject to this responsibility. The applicant party loses the case if they are unable to bear the burden of proof. If the Applicant party has failed to meet their burden of proof, the court will automatically vote in favor of the Respondent Party. The

Applicant Party itself will have identified the points that must be demonstrated by their burden of proof in their memorandum and requested judgment/prayer of relief.

The Respondent Party (Defendant) is made up of two advocates who speak for the state that is purportedly in violation of international law. The burden of proof is not on the respondent party. All that needs to be shown is that the Applicant Party cannot achieve its burden of proof due to a lack of arguments, supporting evidence, and legitimate justification.

Obligations of the Advocates:

Writing a Memorandum: This is a document that clearly states the party's pleas before the Court, with a brief summary of the jurisdiction, facts, evidence, and arguments of the case as presented by that party. At the end of the memoranda, the parties' prayers of relief must be stated clearly. The prayer of relief is the request that each party has for the Court.

Agreeing on Stipulations: Objective facts of the case as agreed by both opposing parties. There will be only one set of stipulations presented to the Court but signed and agreed to by all advocates presenting the case. Advocates must know what they agree to in the stipulations, as it will be a foundation for the Judges' verdict.

Compiling an Evidence Packet: Documents, treaties, conventions, and other relevant information in support of the case before The Court, in addition to a brief explanation of the evidence. The packet should have a table of contents and all pages should be numbered. Advocates must provide titles, authors, dates, and sources of all evidence. Evidence must be presented in its original format, i.e. it must not be re-typed or copied into an application that alters its format in any way.

Witness List: The names and/or roles of witnesses to be called to give testimony before the Court. For example: "Mr. Anthony Frederickson, President of the World Bank", or "The Ambassador of Nigeria". Each team of Advocates can call a maximum of four witnesses.

Please keep in mind that though each case was debated in the real ICJ in the past, this is a simulation of the case so documents of the ICJ's ruling may not be used as legitimate evidence.

Witnesses

An Advocate of each party will need to play the role of a Witness. Witnesses are required to comprehend the case that is being brought before the court in which they are involved, as well as their role within it. Although they are expected to be ready to respond to the questions posed by judges and advocates, they are not obliged to do so if they are unsure of the answer. In any event, witnesses must answer honestly, which allows them to admit when they don't know the answer to a specific question or when they are unable to remark on the subject at hand. Before being examined, witnesses will be required to make a commitment in front of the court, which they are expected to keep throughout the entire process.

Judges

There will be 14 Judges in BEIMUN's model ICJ. During the deliberations, the judges' primary responsibility is to examine, analyze, and assess the testimony and factual evidence to thoroughly understand the case's facts and determine if the applicant has fulfilled their burden of proof in the final voting. Finally, they must reach a verdict with the Presidency's assistance and direction. The judges' work before the conference should be minimal. The memoranda are the only case-related materials they are permitted to read. All judges must avoid doing any prior study on the case because it could lead to biases in their judgment.

Before and during the trial, they are not permitted to discuss case-related issues with the advocates. It is strictly prohibited for lawyers and judges to exchange notes. Because it is wholly unrelated to the case, a judge's views about a nation and its policies should also not be allowed to affect them during the trial. It is recommended that judges maintain a record of all court proceedings and maintain a constant awareness of the distinction between established facts and allegations.

Motion to follow up: This can only be raised by the judges during the examination of the witnesses and the questioning of the advocates.

Modes of Address

Though the ICJ does not require third-person modes of address, all members of the Court must be addressed formally. A judge should be addressed as “Judge (Surname),” “Your Honor,” or “Judge.” Any panel member occupying the duties of the presidency for a case must be addressed as “Mr./Madame President” or “President” while the registrar, if needed to be addressed at any point, should be addressed as “Registrar.”

When addressing specific advocates of either party, the advocate may be called “Advocate” or “Counsel”; when a specific party is referred to, it may only be called by country name or “Applicants/Respondents.” Keep in mind that there is to be no direct conversation between parties when the court is in session, but that any questions or objections may be asked through the President or Assistant President. Any witness appearing before the Court is to be addressed by their appropriate title and surname (e.g, Dr. (surname) or Ms. (surname)). Witnesses appearing before the Court may use first-person modes of address.

3. Overview of Proceedings

Advocates must prepare prior to the conference:

1. Memorandum
2. Evidence list
3. Witness List & Preparation of the Witnesses
4. Stipulations (Suggesting and deciding on the stipulations)

Procedures during the conference:

1. Role Call: Quorum consisting of minimum 9 Judges present to start the session
2. Stipulations, Swearing of Oaths.

The Presidency reads the stipulations, and the advocates may object. Advocates and witnesses must give an oath (mentioned in “Advocates”)

3. Opening Statements
 - 20 minutes max. for each party
 - The applicant party begins but it can divide its time
4. Presentation of the first real pieces of evidence (up to 5 pieces for each party)
 - The applicants present, the respondents present, the applicants present, and so on.
 - The parties may object during the process
5. Deliberation on the first 10 real pieces of evidence
6. First Questioning of the advocates
7. Testimony Evidence (2 witnesses per party)
 - Approximately 25 minutes for each witness: 5 mins direct examination, 10 mins cross-examination by the opposing advocates, 10 mins cross-examination by the Judges
 - Both parties can request to redirect the examination if they have time left
8. Deliberation on the Witness Testimonies
9. Second Questioning of the advocates
10. Presentation of the Rebuttals (4 speeches total)
 - The applicant begins, and the respondent proceeds
 - The parties may object
11. Deliberation on the Rebuttals
12. The third and final questioning of the advocates
13. Closing Statements
 - 20 minutes max. for each party
 - The applicant party begins but it can divide its time
14. Final Deliberation
 - Voting
 - Composition of the verdict/ultimatum

4. Procedural Details of a Contentious Case

1. Documents and Swearing In

All case documents to be provided by the advocates are to be submitted before the start of the conference, by the deadline appointed by the Court Officers. Stipulations must be prepared together by the advocates of both countries of the case, while evidence must be gathered and assembled in packets individually by each team of advocates. Deadlines must be met unless special permission is requested by advocates and approved by the President. Note that new evidence will not be accepted nor witness lists altered after the deadline or during the presentation of the case at any time unless deemed fit to do so by the President.

Before the Court may convene for the contentious case, advocates and witnesses must give an oath before the registrar:

“I solemnly declare that the case I present before the International Court of Justice, and the evidence and documents referred to therein, shall be the Truth, the Whole Truth, and nothing but the Truth as best I know it.”

2. Opening Arguments

At the start of the court session, each party delivers an opening statement. This speech is the advocates' first opportunity to address the judges directly and make a lasting impression, which is why it holds significant importance. The opening statement should present a summary of the country's perspective, including their claims, key arguments, counterarguments, strongest evidence, main legal grounds, relevant historical context, and the judgment they are seeking (prayer for relief). During these statements, advocates should aim to evoke an emotional response from the judges. However, it's crucial for judges to remember that the advocates' statements are not considered factual evidence.

3. Presentation of Evidence

Each team of advocates must provide three copies of their evidence: one for themselves, one for the opposing party, and one for the panel (to be given to the Registrar). Additionally, an electronic copy of the evidence must be submitted to the Panel before the conference date to allow the opposing team sufficient time to prepare objections and counterarguments. When presenting each piece of evidence, advocates should state its title, author, date, and source, along with a brief explanation of its relevance to the case. The Applicants will present their evidence first, followed by the Respondents.

After each piece of evidence is introduced, the opposing party will have the opportunity to object on grounds such as authenticity, undue bias, relevance, reliability, or accuracy. These objections will be recorded by the Registrar, and the evidence will be marked as contested before the advocates proceed to the next item. An objection does not guarantee that the evidence will be excluded, but it will be taken into account during the court's deliberations.

The Court places the greatest weight on evidence in the form of international treaties and official government documents. It's important to note that the Court bases its verdict on legality; therefore, legal documents must be used to establish the legality or illegality of actions in question.

4. Examination of Witnesses

Witnesses will be examined in the order they appear on the witness lists, unless the President specifies otherwise due to circumstances (e.g., if a witness is unable to excuse themselves from their forum). Note that each party has its own witness list, and witnesses will alternate between the parties: the Applicant's witness will go first, followed by the Respondent's witness, and so forth. Witnesses must wait outside the

Court until called in. When each witness is summoned, the Registrar will administer the following oath:

“I solemnly affirm that the evidence I am about to give shall be the whole truth as best I know it.”

- i) The examination begins with direct examination, during which the party that called the witness first asks their questions. Advocates should ensure their witnesses are well-prepared before the proceedings, knowing exactly what questions will be asked, expected responses, and their character's role in the case. Witnesses must not present false information or contradict other valid evidence submitted by either side.
- ii) After direct examination, cross-examination takes place, where the opposing party's advocates, followed by the judges, question the witness. Advocates should also prepare witnesses for cross-examination and potential questions from the panel. Each party has a total of 20 minutes to examine each witness, which may be divided across multiple rounds (e.g., direct examination for 3 minutes, cross-examination for 4 minutes, another direct examination for 3 minutes, etc.).
- iii) An advocate may interrupt the proceedings to raise an objection only for the following reasons:
 - Audibility
 - Relevance to the case
 - Badgering of a witness
 - Lack of consistency
 - Asking a leading question
- iv) The President's ruling on any objection is final and cannot be contested. Once the advocates have finished examining a witness, the judges will have the opportunity to question them.

5. Rebuttals

Rebuttals occur after witness examinations, providing advocates with an opportunity to refute their opponents' arguments presented thus far. A recess will be given to allow advocates time to prepare. Rebuttals should address both the written evidence and witness testimonies. Starting with the Applicants, rebuttals are delivered in two alternating rounds, resulting in a total of four speeches, each lasting up to 15 minutes. Similar to examinations, the allotted time can be used across several rounds.

Generally, the first round of rebuttals is intended to directly challenge the arguments presented by the opposing advocates. The second round is focused on countering points raised in the first round and adding additional points. Advocates will have a brief period to prepare before this round.

6. Closing Arguments

Each party's advocates will have up to 20 minutes to deliver a closing argument, without the option to divide this time into multiple rounds. In the closing argument, advocates are expected to summarize their party's case, connecting each part of the argument to the evidence presented, as well as to relevant legal principles, treaties, conventions, customary international laws, and other pertinent elements. This summary should also include key points from witness testimonies, rebuttals, and witness examinations.

7. Deliberations

In total, four deliberations will take place during the conference. Before each deliberation, all advocates must leave the room, allowing them time to rest, prepare rebuttals, brief witnesses, or work on their closing statements. Only panel members are permitted to remain in the room.

During the first deliberation, each judge will examine one or more pieces of evidence, depending on their length, assessing each piece based on three key criteria: relevance to the case, reliability, and authenticity. Judges are not allowed to write notes or mark anything on the evidence itself to avoid altering it, which could cause confusion if the evidence is needed later for witness testimonies or advocate questioning.

Each judge will briefly present the evidence they examined along with their opinion on it. The panel will then discuss and vote on the level of consideration each piece will receive—maximum, medium, or minimum. The next deliberation will follow a similar process, focusing on witness testimonies and determining their weight. In the third deliberation, the panel will evaluate the rebuttals, using the same approach as with the initial evidence.

In the fourth and final deliberation, the panel will discuss whether the applicant party has met the burden of proof, followed by a vote. In the case of a tie, the president has a casting vote, which counts twice, as previously noted. Finally, the panel will draft the verdict.

8. The Verdict

After deliberation, judges who agree on both the judgment and the reasoning behind it will form a joint opinion. Judges who agree with the judgment but for different reasons must write a concurring opinion. Judges who disagree with the judgment will produce a dissenting opinion. The opinion with the most votes becomes the majority opinion, which will be documented as the Court's official verdict. All other opinions are classified as either "separate but concurring" or "separate and dissenting" and must also be documented, though only for record-keeping purposes.

The verdict will be based solely on legality, as determined by treaties and international conventions ratified by the parties involved. Therefore, it is crucial for advocates to carefully select and present their evidence. The President will announce the verdict only during the Closing Ceremonies.

The verdict of the Court will follow this format:

The International Court of Justice,

Regarding the case of the maritime dispute between the [Applicant] and the [Respondent]

We have found the following statements of fact:

(Here, clauses and statements from pieces of evidence will be directly quoted and cited as follows) Clause [X] of the [Treaty of Y] states:
“[Quote clause here]”

Hence, we, the majority opinion judges, find that:

(Here, the Court would state and evaluate the arguments of the advocates in several numbered clauses, stating what arguments they determined valid and what they did not consider valid pertaining to this case)

For these reasons, we believe that:

(Here, the Court will state its conclusion and conditions in several numbered clauses)

Points

1. **Point of Personal Privilege:** The point should be referring to the comfort and well-being of the delegate. The point of information to the Presidency *may* interrupt the Advocates, the Panel or the Board, only if pertaining to audibility.
2. **Point of Order:** The point of order is a question regarding procedural matters only. If there has been a procedural mistake, then the chair should state “the chair stands corrected” and correct themselves. It *may not* interrupt the Advocates or the Panel.
3. **Point of Judiciary / Judicial Inquiry:** The point of judiciary / judicial inquiry is a question towards the chair concerning the Rules of Procedure. It *may not interrupt* the Advocates or the Panel.
4. **Point of Information (POI) to the Presidency:** The point of information to the presidency is mostly requesting for a statement by the Presidency or a clarification on an issue. The question can be referring to anything that does not fall under the category of Point of Judiciary/ Judicial Inquiry, Point of Order or Point of Personal Privilege. It *may not interrupt* the Advocates or the Panel.