



SIMUN 2022
INTERNATIONAL COURT OF JUSTICE
RULES OF PROCEDURE

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1. GENERALITIES

In case any dispute arises concerning the interpretation or application of the present rules, the Secretary General has the right to decide over such matters. His decision is not subject to appeal.

- Language: The official working language for the International Court of Justice is English. No other language may be allowed at any time. Any motion for the modification of the working language is out of order.
- Warnings: Any delegate who fails to comply with these rules of procedure will receive a warning if the Chair considers it pertinent. If a Delegate receives two warnings during the same working session, they will be suspended from it and will not be able to participate until the next one. If a Delegate receives three warnings during the event, the Secretariat will consider the possibility of suspending them for the rest of the Model.
- Electronic devices: In order to encourage the minimum usage of printed sheets, the use of any electronic device is allowed during working sessions; however, social networking during the working sessions is forbidden.
- Academic dishonesty: SIMUN severely sanctions academic dishonesty, as in the form of plagiarism (any act or conduct in which a delegate tries to present a third party's ideas as his own without the proper references) or by presenting a document that has been previously prepared or that is not a product of the working sessions.
- Respect: SIMUN grows proud of its diversity and celebrates different personalities, religions, genders, sexual orientations and physical conditions that may exist. Participants are expected to fulfill this ideal.
- Harassment: SIMUN heartens an educational and amusement environment, free of any verbal and/or physical misconduct. The Organizing Committee will not tolerate any violation of this ideal by any of the participants. Sanctions will be applied in case a member of the Model incurs in this situation.





- **Dress code:** Delegates must dress properly, but not necessarily in formal attire during the Model, since it is hosted online.
 - Delegates are free to choose their own dress code, as long as it does not imply the usage of pants, pajamas, bathing suits, sweatshirts, or any other garment that is considered too informal.
 - Delegates may dress in their Delegation's typical clothes if they desire, as long as they meet the required attire for the Model.
 - The Secretariat or Chair may request a Delegate to change attire at their discretion, if they do not comply with the aforementioned rules.
- **Awards:** Under an academic, protocol and centered methodology, based on the opinion of the Academic Chair, Delegates and Secretariat, SIMUN will recognize those delegations that stood out for their participation. The decision made is final.
 - Best Agency. An award will be given to the Agent and the Deputy Agent who contributed the most to the adequate flow of the Debate, as well as in the Court itself.
 - Best Judge. An award will be given to the Judge who contributed the most, motivated other judges to participate and constantly had solid arguments that led to an adequate flow of the Debate in the Court.
 - The same Delegate cannot be given both awards.

2. THE INTERNATIONAL COURT OF JUSTICE

This committee represents the International Court of Justice (ICJ), the principal judicial body of the United Nations. It settles legal disputes submitted to it by States, in accordance with international law, and gives advisory opinions on legal questions referred to it by authorized United Nations organs and specialized agencies. The committee is composed by the Presidency, the Registry, and the Judicial Division. The Presidency and the Registry will be composed by members of the committee's Chair. In total, the maximum capacity of the committee will be of 18 delegates. Its members may speak in first person as they represent





legal physical persons. This committee simulates the Trial Chamber of the Court and deals with affairs, instead of topics.

3. JUDICIAL DIVISION

The Court consists of 14 judges from across the globe. The members of the Court do not represent the government of their country or any other authority, since they are independent magistrates whose first act is to declare solemnly and in public before the Court that they will exercise their powers impartially. Judges must represent the main civilizations and legal systems of the world.

1. The Chair: The Chair will be composed by the President as well as other members including the Moderator and Conference Officer. The President will have a full understanding of the rules of procedure of the Court like its Statute and Regulations. Furthermore, the President will be responsible for the procedural functions of the committee and will serve in any question regarding both affairs. The President does not play a part in the debate nor vote, as its title is only representative of the International Court of Justice.

2. Agents:

- These are composed by the Agent Plaintiff, the Agent Defense, Deputy Agent Plaintiff, and the Deputy Agent Defense from each State represented in the current affair of the Court. For practical purposes of the Court, delegates who represent either agents or judges ad-hoc will change the country represented according to the affair opened at the time of the starting session. Each country will be represented by four delegates and may act independently of the Court. This means they are not part of the judicial body that presents a verdict, and therefore, cannot vote at the indicated motions.
- A delegate who represents an Agent, must present an Indictment, in case of the Agent Plaintiff along with the Deputy Agent Plaintiff, or a Position Paper, in case of the Agent Defense and the Deputy Agent Defense. This paper must include a statement of facts which is a context and facts of the case, a statement on applicable law based on the Charter of the United Nations, the initial approach of the witnesses or evidence, and a





conclusion; the work must include its respective references and shall be delivered to the Chair before the deadline.

- Agent Plaintiff and Deputy Agent Plaintiff: The Agent Plaintiff and Deputy Agent Plaintiff are delegates who file a lawsuit because the defendant, or the other party defending the lawsuit has failed to properly fulfill what is referred to in the Charter of the United Nations. Hence, the Agent Plaintiff begins the lawsuit by filing a complaint before the International Court of Justice.
- Agent Defense and Deputy Agent Plaintiff: Likewise, Agent Defense and Deputy Agent Defense are delegates who represent the Defendant State, who has failed to fulfill what is stated in the Charter of the United Nations. Thenceforth, the Agent Defense is submitted to a trial before the International Court of Justice in petition of the Agent Plaintiff.

4. START OF THE DEBATE

A. Opening the Session:

- The session must be opened by a member of the Chair. During the roll call, the agencies will only respond as “present” but not voting as they are not part of the judicial body of the Court. On the other hand, judges will respond as “present and voting”. The Role call may proceed in the following order:
 - i. Agent Plaintiff
 - ii. Agent Defense
 - iii. Deputy Agent Plaintiff
 - iv. Deputy Agent Defense
 - v. All the other judges in alphabetical order
- Once the session has been opened and before taking up their respective duties, the judges and all parts of the Court shall each make a solemn undertaking in open Court. In case of a judge, he/she/they/them must say before the Chair: “I solemnly undertake that I will perform my duties and I will exercise my





magistrate powers as a (role in the Court) of the International Court of Justice honorably, faithful, impartial and conscientious”.

B. Establishing the Affair: At the beginning of the first session, the only motion that can be established is a Motion to open Affair A/B. All the procedures should be carried out according to the specifications of said motion. There are two affair options which are previously announced by the Chair. The Court shall debate at least one of the affair options, determined by the described voting in the motion’s procedure. The remaining affair is only debated once a Verdict of the Court of the first affair is reached.

C. Speaker’s List:

- The Speaker’s List is the foundation for the development of the debate and a space for the exposition of each member of the Court’s point of view for a determined time. The Speaker’s List consists of the order in which judges and agents expose their arguments about a matter related to the debated topic. Its order is definitive, and it is the only procedure that is automatically closed until the resolution of the topic. The introduction of the Speaker’s List should be made at the beginning of any topic’s debate and according to what the Motions to open The Speaker’s List points out.
- Each time that the floor is opened, and no other motion is established, the debate proceeds with the next speaker on the list. In the given case that a judge or agent is not present at the moment of his or her turn during the Speaker’s List, the place is yielded to the next participant and the missing judge or agent should be reassigned to the end of the list.

5. DEVELOPMENT OF THE DEBATE

The Affairs will be determined beforehand by the Chair from the Situations Under Investigation by the International Court of Justice and from the pending Affairs. In each affair submitted to the Court, there will be two or more States involved, the one or those who present the case before the ICJ as well as the one or those who’ll be referred to as the accused. They will be represented by Agent Plaintiff and Agent Defense respectively, together with its





Deputies (the committee will have to judge all accused that the affair presents). Depending on the Affair, the Accused can be under trial of the Court, or under pre-trial, and can either be under custody of the Court.

- A. Trial: When the accused State or one of the accused is under trial, it means that the Court has already gathered enough evidence to proceed to pronounce a sentence, in this case the agents still can introduce evidence to reinforce their position. Judges will have to determine the sentence that corresponds according to the crimes the accused State is being charged with.
- B. Pre-trial: When the accused State or one of the accused is under pre-trial, it means that the Court has not gathered enough evidence to declare him guilty of one or more charges. In this case, the Agents may introduce evidence to defend or incriminate the accused State of charges.

6. VOTING PROCEDURE

- All motions and procedures that are submitted to voting as established by the protocol can only be considered in order if they count with a simple majority consistent of 50% + 1 (fifty percent of the committee plus one vote), being the only voting options in favor, against, and abstentions –excluding exceptions. In case of not counting with said requirement, the motion does not proceed and cannot be proposed again immediately. The voting procedure can only be repeated in case that not all judges and agents participated.
- To participate in the voting procedure, the judge or agent must select the green tick icon if its vote is in favor of the motion, the red cross if its vote is against the Motion or raise its virtual hand in case of having an abstention and it must solely press the respective icon at the moment in which the chair announces the voting option -in favor, against, abstention- and must lower it when the Chair says so.

A. Exceptions:

- a. The Verdict is voted on differently, as established in Verdict of the Court.





- b. There can be no abstentions in the Motion to open Affair A/B.
- c. Agents shall not vote in any round of voting process of Motion to open Affair A/B, Motion to introduce Evidence, and the Verdict of the Court.

7. MOTIONS

To make any motion, judges or agents must raise his or her virtual hand, and another judge or agent must second it by doing the same action.

A. Motion to Open Affair A/B:

- a. The procedures to open either Affair A or B will be determined by the Chair. Agents cannot propose the motions, speak in favor or against, and cannot participate during the voting process.

B. Motion to Open the Speaker's List:

- a. The Speaker's List of the Court already has an established order, so once the motion has been seconded and voted, it will proceed according to the committee's list regardless of who proposed and seconded the motion. The order of the Speaker's List will be in the following order:
 - i. Agent Plaintiff
 - ii. Agent Defense
 - iii. Deputy Agent Plaintiff
 - iv. Deputy Agent Defense
 - v. All the other judges in alphabetic order
- b. So, the Agents will start with opening statements, which will present their positions regarding the Affair. Any agent shall then introduce evidence. In this case, judges will examine the presented evidence and continue deliberating the case based on what was stated before by the Agents.

C. Motion to Introduce Evidence:

- a. This motion can only be introduced by the Agents and Deputies to present evidence that supports their position before the committee. The evidence can





be multimedia material (photographs, video, audio), legal briefs (or other official documents), or a witness.

- b. The Chair can only pass the motion if the evidence has been presented and accepted accordingly before the session is opened; if evidence not accepted is presented, they will be granted a warning. In case it is a witness, it must be a person from outside the committee that has not been present in the debate before and can only speak in the working language of the committee. The witness may be introduced by the Agent or Deputy that proposed the motion and can only speak for its Agent or Deputy without mentioning other parts of the case. In case of inappropriate behavior, the witness will be vetoed from the committee and the agent will be granted a warning.
- c. The procedure to present a witness or evidence is that the Agent or Deputy must propose a “Motion to introduce witness”. Then, the Agent or Deputy should establish an opening statement explaining all the points, context, and relation within the affair as well as with the submissions. After the evidence is presented, the Chair will proceed to introduce “an Extraordinary Session of Unlimited Questions”, where judges shall question either the agents or its deputies about their evidence, or the witness itself. Consequently, judges must propose a Moderated Caucus of 5 minutes to deliberate if the evidence is either faithful or not, and if it should be taken into consideration for the Court’s verdict. Neither agent nor its deputies may participate during this moderated caucus. Afterwards, a “Second Extraordinary Session of Unlimited Questions” must take place to give a follow up to any other point mentioned in the Moderated Caucus; and right away the Agent or Deputy who presented either evidence or witness may establish a closing statement in which they may determine why its evidence should be taken into consideration for the Court’s verdict. The counterpart Agent or Deputy will be given a last chance for a rebuttal. To conclude with the evidence process, Agents, Deputies, and if given the case, the witness must leave the room, so that the chamber can proceed





with the voting process towards the evidence or witness. The judges will vote in favor or against with no abstentions, and the result of the voting will be announced to the Agent or Deputy who presented the evidence when it reenters the room.

8. OBJECTIONS

An objection within the International Court of Justice is a formal protest raised in Court during the trial to disallow a violation of the rules of evidence or another procedural law.

- Relevance: Used to object the relevance of the evidence or the witness when it has nothing to do with the affair or when it is not important in the judgement of the affair.
- Prejudicial: Used to object whenever an evidence presented would unfairly turn the Court against a party even when the evidence is considered to be relevant within the affair.
- Leading Questions: It is used to object any time a party poses a question on direct examination that leads either a witness or other party to a certain answer. Leading questions usually occur with yes or no questions.
- Argumentative: It is only used when the questioning attorney is not properly asking a question and is instead making an argument of law or application of law. In addition, it is only valid when the witness is not being asked a question that he, she, they, or them can properly answer.
- Speculation: Used when any party to the affair, or if given the case a witness does not have first-hand knowledge of the fact it is testifying to. This could be what someone else thought or why someone did something.
- Assumed Facts not in Evidence: Used whenever a question by the directing attorney contains information not yet in the recorded evidence.
- Lack of Foundation: Used when a piece of evidence has not been accepted that would make this admissible. This could be proof that a confession has been made knowingly and voluntarily, that a witness is competent to testify to a fact, or that a document is admissible.





- Repetitive: Also described as asked and answered, it is used at the time in which during the evidence process either a judge or agent might ask the same question over and over again; perhaps in slightly different ways or re-ask a question they had asked earlier towards the evidence or if given the case, a witness.
- Non-responsive: Whenever a judge or an agent responds to a question with information that is completely unrelated to the question. This can be important in the evidence process or when looking for very specific answers.
- Vague: It is a vague question when it is either difficult or impossible to tell what the question is about. If the question is objected to, the questioning judge or agent might then be able to ask the question in a different way that makes more sense or is more specific.
- Hearsay: A statement made out of Court and offered in Court to prove the truth of the matter asserted. A statement is not hearsay if the words spoken are relevant, not what the words mean.
- Badgering: Used when a lawyer is antagonizing or mocking a witness by asking insulting or derisive questions, perhaps in an attempt to provoke an emotional response.

9. VEREDICT

The verdict will be written up mainly by the judges of the Court who can be helped by the Agents in specific aspects, but not in entire dispositions as the points within the verdict can only be agreed by the judges. The Verdict will contain the basic information about the accused State, the specific charges, and the final deliberation of the Court: the sentence and the terms under which the last steps of the trial will be taken. The verdict will never be related to issues corresponding to other sectors than the application of justice on the accused State. The voting process of the verdict will proceed just like a committee resolution with the only exception that the Agent Plaintiff, Agent Defense, Deputy Agent Plaintiff and Deputy Agent Defense will not be able to partake in any round of the voting. The Court can only close an affair if it has reached a verdict.





A. Application of treaties and conventions within the International Law:

- a. The ICJ as the main judicial organ of the United Nations settles judgment upon international disputes of legal nature submitted by the States. The United Nations Charter Article 93(1)(2) says that all Members of the United Nations are ipso facto (something reasonable to state based on facts already known) parties to the Statute of the Court, and any State which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly as well as upon the recommendation of the Security Council. Following Article 94(1)(2) of the United Nations Charter which provides a formal machinery of enforcement of its judgments, it is stated that:
 - i. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.
 - ii. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may if it deems necessary make recommendations or decide upon measures to be taken to give effect to the judgment.
- b. Within the Article 36 of the Statute of the Court, it is established that the jurisdiction of the Court comprises all affairs in which the parties refer to it and all matters specially provided by the UN Charter or in treaties as well as international conventions. The jurisdiction of the Court in all legal disputes concern: the interpretation of a treaty, any question of international law, and the nature or extent of the reparation to be made for the breach of an international obligation.
- c. The fact that both the judgement and the verdict of the International Court of Justice has a declarative nature does not imply necessarily that States involved





in international disputes should not subsequently take specific actions to give effect to the Court's ruling. If the ICJ rule on the determination of territorial or maritime sovereignty is evident, armed forces or separatist groups that are positioned in part of the territory that has been adjudicated in favor of another State must proceed to vacate it.

