

DUKE UNIVERSITY MODEL UNITED NATIONS CONFERENCE
Referred to herein as 'DUMUNC' or 'the conference'
INTERNATIONAL COURT OF JUSTICE

Referred to herein as 'the ICJ' or 'the Court'



RULES OF PROCEDURE

(Adapted from LIMUN Rules of Procedure with express permission)

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I - Rules of General Applicability

Article 1: Scope

1. These rules shall be considered an annex to any set of Rules of Procedure for the Duke University Model United Nations Conference 2018 and will specifically define the procedure of the International Court of Justice. They will be considered adopted in advance of the session.

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

Article 2: Language

1. English will be the official and working language of the conference. Should any of the parties involved wish to use documents in other languages, a translation shall be accompanying them as well.

Article 3: Courtesy

1. All members of the Court and the Advocates hold the responsibility to show 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, granted that discretion is maintained and disruption to the Court's proceedings is minimal.**
3. The Presidency of the Court (hereafter the President) will 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 may be used as long as their use does not create problems to the general well-functioning of the committee.
4. Profanity and any notes containing visual images of any kind (drawings, diagrams etc.) will not be delivered and repercussions may be in order at the discretion of the President.

Article 5: Statements by the Secretariat

1. The Secretary-General or any appointed member of the DUMUNC 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 unless there is an urgent matter at stake and the President is notified in advance.
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 chairs stating their presence otherwise they will 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

The Presidency consists of 2 people, 1 President and 1 Vice President, although there may be an additional 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 declaration shall be made by each Judge individually prior to the trial; *“I, solemnly declare that I will perform my duties and exercise my powers as a Judge honorably, faithfully, impartially and conscientiously.”*

3. 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.

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

5. Judges may ask the Advocates or Witnesses 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 every side.

2. The Advocates will be required to write a memorial prior to the conference and send it to the Secretariat.

3. Before trial 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.”***

3. Advocates may also raise a Point of Order, Point of Parliamentary Inquiry or Point of Personal Privilege.

III – Stages of the Trial

Article 10: Opening Statements

1. These are brief speeches which can be considered as the re-statement of the memorial. The parties intend to show what they will try to prove during the trial.

2. The time allocated for each party is proposed by the Directors but it can be motioned by the participants and cannot be later modified.

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

Article 11: Presentation of Evidence

1. 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 the same day with the written submissions (memorials) otherwise cannot be considered for examination upon trial. Additionally, the advocates shall receive a reminder via electronic message to that end.

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-up to the discretion of the advocates to decide who will answer what.

Article 13: Testimony of the Witnesses

1. Prior to the conference the Applicant and Respondent parties must specify the name of one Witness each, their positions and relation to the case. The Secretariat shall afterwards provide the Advocates with the Witnesses and their contact information, so that the Witnesses can be prepared by the Advocates before the trial.
2. The limit for the testimonies (either oral with cross examination or written with presentation and analysis of the argumentation) will not exceed 30 minutes. Their oath should be "I solemnly declare upon my honor and conscience that I will speak the truth, the whole truth and nothing but the truth"
3. The examination of a witness, consists of examination and cross examination.
4. Questions to the Witnesses shall be related to the Witnesses' own experience only and the witnesses must be adequately informed by the respective sides in advance otherwise their testimony may be ruled as void.
5. Applicant shall be the first to present the Witness. After the direct examination by the Applicant, the Respondent shall have an opportunity to cross-examine the Witness. Finally, the Witness shall be questioned by the Judges whose Questions will concern both the witnesses' action and any statements.

Article 14: Rebuttal and Surrebuttal -concluding remarks

1. During the procedure of rebuttal and surrebuttal the introduction of new evidence shall be strictly forbidden and the parties will have to determine whether their arguments have been successful or not. Only one advocate per side will deliver this speech whose time will be defined by the Presidency and if

not amended by the advocates via a motion will not be later susceptible to modifications. At the end of this, Judges will be able to address final 3 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 will summarize their argumentation. Time will 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 – Objections

Article 16: General Provisions

1. Where one of the parties' action or statement is considered as falling under the scope of any objection set forth in this article, the other party may rise to an objection.

2. The final decision on the objection shall be made by the Presidency and this decision shall not be subject to an appeal with the exception of an immaterial objection.

3. The Directors shall announce the decision on the objection as "granted" or "overruled".

4. Objections may interrupt the speaker.

A) Hearsay: a testimony that is given by a Witness who speaks about not what s/he knows personally, but what others have said, which therefore depends on the credibility of someone other than the Witness and is considered as inadmissible evidence.

1. Questions to the Witness shall be related to the Witness' own experience only. It must be possible for the source of the information to be examined directly during cross-examination.

2. If one of the parties to the case asks hearsay questions to a Witness, the other party has the right to raise an objection.

3. The final decision on the objection shall be made by the Directors and this decision shall not be subject to appeal.

B) Leading Question: a question that suggests the answer to the person being interrogated; especially a question that may be answered by a mere “yes” or “no.”

1. In case of a leading question during the examination, the other party has the right to object. The final decision on the objection shall be made by the Presidency and this decision shall not be subject to appeal.

C) Speculation: the act or practice of theorizing about matters over which there is no certain knowledge.

1. This objection shall be raised if a Witness tries to predict the result of an answer or possible outcome of an event.

2. In case of speculation the other party has the right to object. The final decision on the objection shall be made by the Presidency and this decision shall not be subject to appeal.

D) Irrelevant

1. All assertions by the parties shall be relevant to the case at hand and if the assertion made is irrelevant to the case the other party shall have the right to object. The final decision on the objection shall be made by the Presidency and this decision shall not be subject to appeal.

E) Badgering

1. During the examination of the Witnesses, Advocates have the responsibility to refrain from intimidation and distressing methods.

2. If one of the parties fails to meet this criterion, the other party shall have the right to raise an objection. The final decision on the objection shall be made by the Presidency and it is not subject to appeal.

F) Immaterial

1. Immaterial evidence tends to indicate that some fact that is not proper or is lacking logical connection with the consequential facts.
2. Assertion of law by the parties must be in accordance with the Article 38 of the Statute of the International Court of Justice. Furthermore, the assertion of facts must be certified under oath.
3. If one of the parties fails to abide by this rule, the other party shall have right to object. The decision on the objection by the Directors may be subject to an appeal. In the event of an appeal the final decision shall be made by the Judges' vote.

G) Prejudicial

1. All assertions of law and facts shall respect the personal integrity of the Advocates, Judges, Witnesses and others present in the Courtroom.
2. If an assertion by one of the parties harms the personal integrity of a person, an objection may be raised by any of the persons mentioned above. The Presidency will finally declare its status, and it will not be subject to appeal.

H) Competence: This objection shall be raised when a speaker asserts to a technical detail which cannot be assessed by the mentioned speaker. Provisions mentioned in this article apply specifically to the case of a witness.

V – Structure of the Judgement

1. The simple majority vote of the Judges will 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 opinion can be written and added to the Judgment by Judges opposing to the majority's judgement

5. Separate opinion can be written and be annexed to the final Judgment when different legal grounds are based to reach the same conclusion though.