

JejuMUN XI

Rules of Procedure

International Court of Justice

Last updated on September 23rd, 2024

General Rules of Debate

- The decisions of the Head Judge are final, unless overridden by the Secretariat.
- Only the Secretariat, the Head Judge, a member of the house recognized by the Head Judge for a point or motion, or the speaker holding the floor has the right to speak.
- The Head Judge may extend or reduce debate times, introduce witnesses, entertain or strike any hearings of evidence, and rule any motions dilatory should they upset the flow of debate.
- Except by a decision of the Head Judge or Secretariat, there will be no suspension of the rules or changes in the order of debate.
- Direct conversation between delegates is prohibited, and must take place through the Head Judge or through note-passing.
- All delegates must adhere to the JejuMUN Code of Conduct as identified on the onboarding form for the conference. Should an individual go against any of the terms outlined in the code, disciplinary measures will be taken to ensure the safety and well-being of the rest of the participants of the conference.

Roles in ICJ

ICJ consists of Judges and Advocates. Each case in ICJ is composed of 2 Parties. There are 2 advocates per Party, making a total of 4 advocates.

Advocates

1. Advocates shall be referred to as “Judge #1/#2 of (Country)”
2. All Advocates must draft the following documents before the conference: list of evidence, combined list of stipulations, list of witnesses, and a memorandum (optional)
 - a. Advocates must prepare a list of 6~8 pieces of evidence per Party to the Head Judge prior to the conference.
 - b. Advocates must prepare a list of 2~3 witnesses per Party. They may optionally provide a script to aid the witness in providing supporting evidence to win their case. Witnesses shall be reviewed by the Opposing Party in a cross-examination process.
 - c. Advocates from both Parties must combine a list of stipulations, listing facts that both Parties agree upon.
 - d. Advocates may choose to submit a memorandum which states jurisdiction, stance, relevant laws, and background information and acts as a position paper. Although not mandatory, a memorandum may highly strengthen the advocates’ stance on an issue. Memorandums are submitted 1 per advocate.
3. Applicant Party is the party that has initiated the proceedings at court

4. Respondent Party is the party that will defend the allegations proposed by the applicant Party.

Judges

1. Judges shall be referred to as “Judge #1/#2 of (Country)”
2. Judges will listen to the arguments from both sides and are expected to ask questions to the advocates throughout the session as well as participate in debate and discussion.
3. Judges must decide on the final verdict by the end of the conference based on careful evaluation of arguments presented by each team. Below are 2 possible outcomes:
 - a. The ICJ does not have jurisdiction to rule on the case, and the case is dismissed. (Refer to the ICJ jurisdictions)
 - b. Judges create a verdict as either “punishment” or “reparations” or declare the Respondent Party free of all counts.
4. Judges determine the validity of a piece of evidence that can be raised by objections, assess the arguments presented by each team of advocates and deliberate on a final verdict regarding the case. In general, there are two broad outcomes that Judges can conclude.
5. Other responsibilities are:
 - a. Judges must remain subjective and avoid any conflicts of interest.
 - b. Judges should weigh or deliberate pieces of evidence differently in court.
 - c. Judges may optionally write Concurring and Dissenting Opinions upon the Verdict. Opinions are document reasoning why a Judge disagrees or supports the final Verdict.

Case

1. The case is the main topic that will be debated inside the Committee;
2. The goal of advocates is to convince that they are speaking the truth
3. The case is set by the Head Judges and the Secretariat;
4. A motion to set the case will be out of order for single-agenda Committees.

Oaths

1. The Head Judge shall start each session by conducting a roll call. Delegates will be called in alphabetical order. The purpose of the roll call is to establish whether or not the delegate is present.
 - a. **Present:** the delegate is present in the Committee,
2. All of the advocate states and three-fourths of the judges must be present,
 - a. If a Committee has not met the quorum, the Head Judge should report back to the Secretariat for further instructions.
3. The first session shall start with advocates and judges reciting the oath: “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.”

Opening Statements

1. Each Party is required to present a maximum 10-minute speech at the start of the conference.
 - a. Applicants - introduce their case and its main arguments. Overheads or other visual aids outlining the case or the main arguments are highly suggested.
 - b. Respondents - introduce the response and main counter-arguments. Overheads or other visual aids outlining the case or the main arguments are highly suggested.
2. As 10 minutes is the total duration time for 2 advocates representing the same Party, once an advocate has spoken for a party, it is recommended that any time remaining be yielded to their colleague.
3. Applicants shall proceed first, then the respondents in any proceedings

Advocate's Speakers' List

1. The Speakers' list serves as the default for the Committee if no evidence is presented by the advocates. There is no limit on the amount of advocates who can be added to the list, but an advocate may not be added if they are already currently on the list; they may only appear once on the list at any given time.
2. The default speaking time for an advocate is 90 seconds. Should the entire speaking time not be elapsed by a delegate, the time is automatically yielded back to the Head Judge.
3. The quota number of times for the speakers' list is 10 speeches but can be extended upon raising another motion. If not, the court will resume the presentation of evidence.
4. At any point when not during presentation of evidence, advocates can raise a motion to enter the speaker's list,

Yielding

1. Advocates may yield the remaining time of their speech in the following ways under the discretion of the Head Judge:
 - a. Yield the time back to the Head Judge,
 - b. If there are 15 or more seconds left, yield to the advocate of the same Party:
 - i. Pre-yielding agreements are not required,
 - ii. Yielding to a second degree will not be in order,
 - c. Yielding to POIs from the Judges will be allowed in these cases
 - i. More than 15 seconds left from Opening Statements
 - ii. More than 15 seconds left in Advocates' Speakers List
 - d. Yielding to POIs from the Opposing Party will be allowed
 - i. More than 15 seconds left in Advocates' Speakers List

Presentation of Evidence

1. This procedure is repeated until all of the evidence is motioned and presented. Evidence is given by the Head Judges a month in advance to the conference.
2. Evidence is alternatively presented between the applicants and respondents. Applicants shall present the first piece of evidence, along with their pleadings. Witnesses are not counted for the alternating order.
3. 6 to 8 pieces of evidence will be presented per each advocate team throughout the duration of the committee.
4. If the credibility of the evidence has been questioned through raising objections by the opposite team or the judges themselves, judges shall vote upon it with a simple majority vote to strike.
5. Presenting the evidence:
 - a. Each piece of evidence must be assigned a letter and be presented in the following manner.
 - i. If the applicant is presenting: "Your honor the country of would like to present source (A...)"
 - ii. If the respondent is presenting: "Your honor the country of would like to present source (1...)"
 - b. Presenting of evidence can be done anytime when the floor is open
 - c. A copy of each piece of evidence must then be presented or shared with the JUDGES. Each piece of evidence must be labeled.
 - d. The applicant will then present and might choose to do so by reading the document or text, stating the author, date of publication, and the such. The presentation of the evidence is not a pleading.

Pleading of Evidence

1. The advocate for the Party is given 4 minutes to explain their interpretation of the credibility and importance of the evidence presented.
 - a. If there are 15 or more seconds left, yield to the advocate of the same Party or to the Head Judge
2. The floor is then open for 10 minutes for any Point of Information from the Judges
 - a. Follow-ups to the second degree are not in order
 - b. Judges can ask as many questions as they desire within this allotted time
 - c. The time can be elapsed if all Judges declare no questions are on the floor,
3. The floor is then open for 5 minutes for any Point of Information from the opposing Party,
 - a. Follow-ups to the second degree are not in order
 - b. Advocates can ask as many questions as they desire within this allotted time
 - c. The time can be elapsed if both advocates declare no questions are on the floor,

Rebuttal of Evidence

1. The opposing Party is given 4 minutes to counter the evidence presented
 - a. If there are 15 or more seconds left, yield to the advocate of the same Party or to the Head Judge
 - b. No evidence for their case can be brought up unless it is used to counter the claims of the opposing party,

Judges' Debate

1. Per the presentation of 2 pieces of evidence - one from the applicant and one from the respondent, the Head Judge will raise the motion of the Judges' Debate
 - a. This shall be voted by the judges with a simple majority vote. Abstains are not in order.
 - b. If passed, the judges will enter a 15 minute 90 seconds moderated caucus,
 - c. If failed, the committee will revert back to the presentation of evidence,
2. The purpose of the Judges' Debate is
 - a. Judges to debate on the verdict based on the presented evidence,
 - b. Advocates to reflect on Judges' debate and shape their following arguments,
3. The time for the Debate can be extended to a maximum of an additional 15 minutes upon a supermajority vote,

Testimony of Witnesses

1. The Head Judge may introduce a Witness at any time during the debate
 - a. Witnesses may provide evidence to support/deny charges brought to the court,
 - b. Witnesses will be introduced to the floor by the Head Judge,
 - i. Each witness will recite the oath - *“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.”*
 - c. Witnesses will be selected from a list of 2 different real-life people that each team of advocates submits to the Head Judge a week prior to the conference. Examples of the same include foreign ministers, officers, former Head Judges, etc. No witness can be repeated between the applicants or the respondents,
 - i. Head Judge shall entertain witnesses in a fair manner, alternating between the Respondent and Applicant Party’s witnesses as time allows
2. Each Party will have time to question the witnesses
 - a. The Applicant Party will proceed first, then the respondent
 - b. Questions serve to establish/question the credibility of the witness and get the witness to provide new evidence
 - c. Each Party has unlimited time to question the witness
 - i. Questioning is completed when the Party Declares “No further questions”
 - d. Objections can be raised by the Opposing Party (refer down)

Witness Debate

1. After the witness testimonials, the court automatically enters a rebuttal session between the applicant and the respondent to counter the newly presented evidence as well as the testimonials given by the witnesses in the trial.
2. Advocates will have 2 minute speaking time per rebuttal with alternating order between the applicant and respondent
3. The number of speeches entertained is set by the Head Judge.

Final Questioning

1. After advocates and judges decide there has been enough debate, any judge/advocate may raise a motion to enter final questioning
 - a. This motion shall pass with a supermajority vote for both judges and advocates

2. Judges will take turns asking questions to any Party about the evidence, witnesses, or arguments presented,
 - a. The limit on questions will be decided upon the Head Judge's discretion,
 - b. Follow-ups to the second degree are not in order,

Submitting Evidence

1. Advocates for each party rise and ask the court to admit the real or physical evidence they have used to make their case.
 - a. Advocates will state "Your honor, (country) would like to ask the court to admit evidence A through F (for example)."
 - b. Unless evidence is missing or not labeled, the judges will declare that the evidence presented is in order

Closing Statements

1. Preptime/Judge debate time 30 minutes
2. Applicants present their closing Arguments for a total duration of 15 minutes in which they should summarize the charges, their main arguments, and evidence
 - a. Visual aids are highly suggested here.
 - b. Presentation of the "prayer" – what the applicants would like out of the case. This is the time for the applicants to outline the amount of damages they wish for and why.
 - c. As 15 minutes is the total duration time for 2 advocates representing the same Party, once an advocate has spoken for a party, it is recommended that any time remaining be yielded to their colleague.
3. Respondents then present their closing arguments, in which they should summarize their case for the dismissal of the charges.
 - a. Visual aids are highly suggested here.
 - b. As 15 minutes is the total duration time for 2 advocates representing the same Party, once an advocate has spoken for a party, it is recommended that any time remaining be yielded to their colleague.
4. Each closing statement should end with the Advocates announcing the completion of their case by stating "Your Honor, we rest our case"
5. No objections, questions, or points shall be raised during this time

Final Judges' Debate (Verdict)

1. All advocates are to vacate the room after the Closing Statements
2. Each team of judges will present their deliberation on the overall case and verdict for 3 minutes maximum time in Alphabetical Order

- a. The remaining time can only be yielded to the colleague or back to the Head Judge,
 - b. No POIs will be entertained,
- 3. Judges will automatically enter a 30-minute unmoderated caucus to discuss and draft the final verdict and damages if any,
 - a. Judges may raise a motion to enter a speaker's list during this debate,
 - i. This will be voted with simple majority,
 - b. This debate time can be extended by 10 minutes,
- 4. The verdict will be voted upon and needs to be passed by simple majority,
 - a. Judges may draft Opinions (Concurrences and Dissents) to explain the rationale behind the verdict and present it to the Head Judge,

Voting

1. Two types of Procedural votings shall be recognized by the Head Judges:
 - a. Procedural votes, pertains to all procedural matters including (in the order of precedence),
 - b. Substantive votes, voting on substantive documents (verdicts),
2. Two types of Majority votes shall be recognized by the Head Judges:
 - a. The Simple Majority, with more than one-half of the votes in favor of a motion,
 - b. The Supermajority, with more than two-thirds of the votes in favor of a motion,
3. Below are Motions and Voting Rules for both Advocates and Judges,
 - a. Motion to Suspend the Rules (Super Majority)
 - b. Motion to Adjourn the Session/Meeting (Super Majority),
 - c. Extend Speaking Time (Super Majority)
4. Below are Motions and Voting Rules for Advocates,
 - a. Motion to Extend the Debate ,
 - i. Questioning (Simple Majority)
 - ii. Rebuttal Session (Simple Majority)
5. Below are Motions and Voting Rules for Judges,
 - a. Substantive Voting
 - i. Credibility of Evidence (Simple Majority)
 - ii. Verdict (Simple Majority)
 - b. Procedural Voting
 - i. Motion to Extend the Debate for Judges' Debate (Simple Majority)
 - ii. Motion to Enter Speaker's List in Final Judges' Debate (Simple Majority)
6. Abstentions on procedural votes are out of order:

Objections

1. During the questioning of a witness, advocates may raise objections to the question asked or a witness' response,
2. Objections can go into categories of:
 - a. **Ambiguous/vague:** When a statement or question is unclear, unspecific, and requires explanation and facts.
 - b. **Answer exceeds:** When an answer to a question exceeds the concern and scope of the question itself.
 - c. **Argumentative:** When questions do not deduce facts and are prejudicial.
 - d. **Assumes facts not in evidence:** Witnesses have to testify on facts and evidence included in the evidence packet.
 - e. **Badgering the Witness/advocate:** When questionnaires are quarreling with, displeasing, provoking, and harassing the witnesses or advocates on the stand.
 - f. **Hearsay:** Used when a testimony a witness provides that is not based upon personal knowledge but is a repetition of what someone else said or the question is seeking information relating to another individual, entity, organization, etc. that may not have the capability of defending themselves in court. Hearsay may be more complex than the aforementioned definition.
 - i. It is impossible to test its truthfulness on cross-examination. The principles directed at achieving truth generally fall under the headings of trustworthiness and relevance. The basic criterion for admissibility of evidence is trustworthiness. The object is to ensure that only the most reliable and credible facts, statements, and/or testimony are presented to the jury. There are many exceptions to this ground
 - g. **Improper argument:** When a team states false information that can be proven untrue and incorrect.
 - h. **Leading question:** When a question is asked, suggesting what exactly is the witness supposed to answer. (Allowed in the case of expert witnesses.)
 - i. **Relevance:** When a question asked is irrelevant or is questioned for its relevance along with the testimony presented to the court.
 - j. **Speculation:** When a guess, conjecture, supposition, or assumption is presented on a discussion, case, or evidence.

Points

Point of Personal Privilege

1. Delegate may rise this point when a delegate experiences personal discomforts (ex: voice of the delegate or Head Judge, temperature of the room)
2. It may interrupt a speech only when the delegate cannot hear the voice of the delegate on the podium.

Point of Order (Point of Parliamentary Procedure)

1. Delegates may raise this point when a delegate feels that the debate is not following the correct procedure.
2. It may interrupt a speaker only when the speech itself is not following proper procedure.

Point of Inquiry

1. Delegates may raise this point and ask the student officer when he/she is confused or not aware of the proper Rules of Procedure.
2. This point cannot interrupt a speaker.

Point of Clarification

1. This point is used when a delegate wants clarification regarding the content of the speech to the speaker, usually after operative clauses of a resolution and amendment are read out.
2. Delegates may use this point when they are not able to understand the resolution due to the terminology, acronyms, abbreviations of words or audibility of the speaker.

Point of Information

1. This point is used when a delegate has a question in regards to the content after a speech.
2. The point must be in a question form, and may occur during a Speakers' List or when a delegate opens the floor to Points of Information.

Motions

Motion to Extend the Speaking Time

1. The default speaking time without a Motion to Extend the Speaking Time is 90 seconds.
2. The motion shall be immediately put to a procedural vote and requires a Super Majority of advocates/judges to pass.
3. If the motion passes, the General Debate of the Committee must be carried out by abiding by the speaking time.
4. If the motion fails, the Committee continues to debate with the previous speaking time.

Motion to Extend the Debate

1. The motion shall be immediately put to a procedural vote and requires a simple majority of advocates/judges to pass.
 - a. Advocates vote only
 - i. Witness Rebuttals
 - ii. Questioning by opposite Party
 - iii. Advocates' Speaker's List
 - b. Judges vote only
 - i. Judges' Debate
 - c. Advocates & Judges
 - i. Final Questioning
2. If the motion passes, the General Debate of the Committee must be carried out by abiding by the speaking time.
3. If the motion fails, the Committee continues to debate with the previous speaking time.

Motion to Enter the Advocates' Speaker's List

1. An advocate may raise a motion to enter the speaker's list. This will be entertained or struck under chair's discretion with no voting procedures.

Motion to Enter the Speaker's List during Final Judges' Debate

1. A judge may raise a motion to enter the speaker's list. This will be entertained with a simple majority vote.

Motion to Adjourn the Meeting

1. When there are less than 30 minutes remaining in the session, a delegate may move to adjourn the meeting.
 - a. A Motion to Adjourn the Meeting must specify at which point in time the meeting will be resumed, except for the last session on the last day of the conference.
2. The Head Judges may rule on this motion.
3. This motion shall be put to an immediate procedural vote, and requires a Simple Majority to pass.

Motion to Suspend the Rules

1. This motion can be raised when a delegate feels impracticality, health problems, or other problems regarding the Rules of Procedure.
2. A delegate may make a Motion to Suspend the Rules, specifying the rule he wants to suspend, the purpose, and the total duration.
3. This motion shall be put to an immediate procedural vote, and requires a Supermajority to pass.
4. This motion must be approved by the Secretariat before it is implemented.

Order of Precedence

1. Point of Personal Privilege
2. Point of Order
3. Point of Inquiry
4. Motion to Suspend the Rules
5. Motion to Adjourn the Session/Meeting
6. Motion to Modify the Speaking Time
7. Motion for an Advocates' Speakers List
8. Motion to extend the debate time