



GOMUN 2024 OFFICIAL DOCUMENT

Rules of Procedure:

International Court of Justice

Released September 2024, 7th Edition

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INTRODUCTION

Welcome to the official Rules of Procedure document for the GOMUN 2024 conference – International Court of Justice. The Rules do not correspond with the general MUN concept and thus we recommend that you read this document thoroughly prior to the start of the conference.

Should you have any further questions regarding the Rules of Procedure, ask your Chairs or any one of the Secretariat members. We suggest that you check our social media sites for current confirmed information and the website for further editions of our documents.

Your GOMUN Secretariat

Introductory Rules

Before we get into the rules of the debate, here are some important rules of the conference that apply to all participants.

- The Rules of Procedure are not subject to change and are adopted prior to the beginning of the conference.
- English is the official working language of the conference. No delegate is allowed to act, speak, or submit documents in any other language during the committee work or the General Assembly.
- Every participant is obliged to have full knowledge of the Rules of Procedure for the whole duration of the conference. Ignorance of these rules is no excuse for failing to abide by them.
- Each member state of a committee will be represented by one delegate and will be granted one vote during voting procedures.
- All participants are obliged to dress accordingly. The dress code is set prior to each event. Failure to abide by the dress code may result in an appropriate punishment from the Chairs.
- The organizers of GOMUN do not assume any responsibility for the participants for the whole duration of the conference.
- All participants of the conference must be mindful of their environment and surroundings. In case of causing damage, participants are committed to admission.

- The participants or their legal guardians are responsible for financial or material damage if they themselves inflict such during the conference.
- The delegates are required to be on time at the venues of the conference and to not leave before the end of the official program without prior notice to their Chairs or the Secretariat.
- Punishments are funny actions performed by the delegates in front of their committee such as singing, dancing, or acting. The delegates may refuse to take part in punishment if they deem it deeply dishonouring, against their beliefs or morality. Punishments are most usually inflicted for being late to the committee, improper dressing, or failure to adhere to the rules of the conference.

Key Terms

International law is the set of rules, norms, and standards generally recognized as binding between states.

Memorial brief is a written pleading, stating the facts of the case, arguments supporting the authors' side, relevant international laws, related ICJ cases, and what solution the respective side is hoping for.

Presidency, In the ICJ, it is the job of the President and Vice-President (comprising the presidency) to direct the work and supervise the administration of the Court. At GOMUN, the presidency will be directing the discussion, and ensuring that the rules of procedure are followed.

The judge plays a vital role in all proceedings of the ICJ, the judge hears all the witnesses and any other evidence presented by the parties of the case, assesses the credibility and arguments of the parties, and then issues a ruling in the case based on their interpretation of the law and their judgment.

Applicant/Respondent - The two sides of any ICJ case, representing their respective country as advocates. They must present arguments, legal basis, precedence, and facts supporting their party, swaying the final ruling in their favour.

Prayer for relief - the final submitted document by both sides of each case, stating what is being requested from the court in their judgement - sanctions, compromises, changes or action to be taken by either or both sides.

What is the International Court of Justice (ICJ)?

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations (UN). It was established in June 1945 by the Charter of the United Nations and began work in April 1946. The seat of the Court is at the Peace Palace in The Hague (Netherlands). Of the six principal organs of the United Nations, it is the only one not located in New York (United States of America).

Within the court, states may settle various disputes regarding international law. As the only international court that adjudicates general disputes between nations, it is the primary forum giving advisory opinions on international legal issues. Being a participant of the Statute does not equal obligatory jurisdiction – participation in the court is based on a mutual agreement of the participating states. The jurisdiction is usually based on either a so-called Special agreement (by which parties of the dispute agree to settle within the court), or by a clause in a treaty or a convention.

The legal basis of the ICJ is included in the aforementioned UN Charter (chapter XIV), the Statute of the ICJ, and the Rules of Court of the ICJ. The International Court of Justice is composed of 15 judges elected to nine-year terms of office by the United Nations General Assembly and the Security Council. The court decides on cases with a simple majority and no appeal is possible to the judgment. Any judge may, if they so desire, attach their individual opinion to the judgment, whether they dissent from the majority or not.

GOMUN ICJ

The GOMUN model of the ICJ will be adjusted to our simulation's and the conference's specific conditions and limitations. Cases will be created so that there is no clear solution, meaning that the outcome of each case is up to both sides' presentations, pleadings, and arguments.

The bench (judge panel) will consist of 5 judges, and the teams of both parties to the dispute (Applicants, Respondents) will consist of 5 members as well.

There will be 3 cases covering different areas of international law.

ROLE DISTRIBUTION

During our proceedings, every participant will have the opportunity to try out a different role in each of the cases. Each participant will act once as an Applicant, once as a Respondent, and once as a member of the bench, as a judge.

Participants will be divided into groups of 5, assigned different roles to every case, and each group will have to submit a written pleading on two cases – one Memorial Brief as an Applicant and one Counter-Memorial Brief as a Respondent. To help you with preparing your Memorial Brief, see the “How to write a Memorial Brief” manual.

PROCEDURE

Each case should take a maximum of five hours. Each session will follow the structure specified below:

1. Preparatory meeting

First, participants will gather with other Advocates representing their party to unify their Memorial (or Counter-Memorial) Brief – participants are to divide their work and prepare ahead of the conference (see documents relating to memorial briefs).

Participants assigned as judges to the case will gather to discuss the case in general and prepare their questions for both parties.

The default time for a preparatory session is an hour, however, it may be extended or shortened by the chair if they deem such a change necessary.

2. Time for presentation – Applicant

Moving to the presentation of the pleadings, each party will get 15 minutes to present their statements. If needed, an extension of 5 minutes may be permitted by the presidency

The presentation will be, on behalf of the team, delivered by a maximum of two speakers (chosen by the team). Team members are allowed to communicate or use paper notes for this purpose quietly.

When presenting arguments, CRAC or IRAC structure is to be followed, as described in the “How to Write a Memorial Brief” manual. During the oral presentation of the pleading, it is important arguments for arguments to be well-structured. It is recommended to keep your oration simple and intelligible. That is because when the judges get lost in your logic or line of thought, they might start asking questions you’re not prepared for, and

leave you unable to answer.

3. Questions

During the presentation of a (Counter-) Memorial Brief, judges will have the floor to ask questions to understand your arguments better, further specify your side's stance on the issue, ask about specifics, and test your orientation in the case. Your goal should be to answer these questions as best as you can and move back to your presentation before any further unpleasant questions follow.

4. Time for presentation – Respondent

After the Applicant party has presented their pleading, it is time for a presentation by the Respondent. Respondents are encouraged to present their stance and Memorial Brief as a counterclaim or response to the Applicant. All rules stay the same (15-20 minutes, 2 speakers, CRAC/IRAC).

5. Questions

Just as the Applicant, the Respondent will have to deal with questions of the judges. These questions might concern the Respondent's opinion on the Applicant's claims presented previously.

6. Time for consultation

After presentations, the presidency will identify key aspects of the dispute and ask the Applicant and Respondent to prepare shorter (5-10 minutes) so-called "re-battle" (or rebuttal) presentations on these aspects. The presidency will assign time for the preparation of these presentations based on the complexity of the debated topic. Parties may also use this time to prepare questions for the opposing party. In the meantime, judges will evaluate the presentations that have already been given and prepare clarifying questions. Points 6.-8. of the procedure (rebuttals) will be repeated as many times as needed depending on how many points of dispute are identified in the case.

7. Rebuttal - Applicant

In their rebuttal, the Applicant may respond to earlier statements by the Respondent and elaborate their position on the aspect of the case assigned for that re-battle. Following a re-battle presentation, not only judges, but the Respondent as well will be able to ask

questions.

The rebuttal may be presented by a maximum of two different speakers from the team. The team is encouraged to switch speakers up between re-battles.

8. Rebuttal – Respondent

The rules for Respondent's re-battle presentations are identical to the Applicant's presentations. Respondents are once again encouraged to present their statement as a counterclaim to what the Applicant has said.

9. Prayer for Relief

After both parties are given equal time for presentations and reactions, time will be allocated to deliver a short conclusion and, most importantly, repeat the Prayer for Relief – what the party is asking from the court to adjudge and declare.

BASIC RULES

When referring to yourself or any other party, do not use personal pronouns.

Examples of addressing parties are as follows:

Mister/Madam President, Your Excellencies...

- Addressing the chairs of the ICJ

The Applicant/Respondent believes/wishes to declare/asks the court to/...

- Referring to yourself and stating wishes

The state of Colombia considers/agrees/submits/...

- Referring to your side as the state you're representing

May the Respondent clarify/explain/...

The Applicant claimed that..., but the Respondent submits that....

When a judge asks a question, you should not say "thank you" or any other response, simply answer the question and proceed with the pleading. If you do not understand the question, you may ask the judge directly to rephrase it.

One of the judges will measure the time given to you for delivering your oral pleading. The process will be supervised and assisted by the presidency. When that time is over, you will be asked to conclude your speech. When asked to conclude, do so as quickly as possible, in one or two sentences.

This is the end of this document.