



**INTERNATIONAL COURT OF JUSTICE
GUIDE + RULES OF PROCEDURE**





TABLE OF CONTENTS

TABLE OF CONTENTS

1

Overview of the ICJ at LmunA

4

The Function of the Model ICJ in Model United Nations

4

The ICJ in the United Nations

4

The Model ICJ at LmunA

4

Basic Rules of The Court

5

The Statute and Rules of Court

5

Structure

5

Modes of Address

5

Roles and Responsibilities

6

The President

6

The Deputy President

6

The Registrar

6

The Advocates

6

The Judges

7



LMUNA

Lorentz Lyceum
Model United Nations
Arnhem



Presentation of Evidence

9

Rules of Procedure

11

Formalities

11

Evidence

11

Witness

14



Esteemed Advocates, Registrar and Judges,

Welcome to the International Court of Justice!

As we embark on this simulation of one of the United Nations' most crucial judicial bodies, you will notice a departure from conventional committee procedures. Instead of representing a single country, you will assume the role of either an advocate or a judge in a court proceeding.

The court is composed of the following members: the Presidency, consisting of a main and a deputy; three Applicant Advocates, three Respondent Advocates, and fifteen Judges, one of whom will serve as Registrar. These roles have already been assigned.

As a judge, you must formulate an impartial verdict, basing your decision solely on the facts presented. In contrast, as an advocate, your role is to present evidence and persuade the judges to support your legal arguments.

This year's conference will focus on the case of the '**Territorial and Maritime Dispute (Nicaragua v. Colombia)**'. This guide will provide an overview of the key features of the International Court of Justice's proceedings and offer contextual background on the legal issues likely to arise in the Court, such as state responsibility, the use of force, and terrorism.

The mission of this committee is clear: to utilise the full extent of your knowledge to ensure that the ICJ plays a pivotal role in delivering justice.

Presidency of the International Court of Justice



LMUNA

Lorentz Lyceum
Model United Nations
Arnhem



Overview of the ICJ at Lmuna

The Function of the Model ICJ in Model United Nations

The ICJ in the United Nations

The ICJ was formed in the United Nations as a mediator for international disputes, with every member of the U.N. subject to the ICJ and its verdicts. The ICJ acts to keep all actions of the international community within the bounds of international law. Thus, the Court deals not only with the disputes of countries (contentious cases) but also as an advisor for international action.

The Model ICJ at Lmuna

The Model ICJ completes the U.N experience for students. The United Nations was formed to unify the world and bring peace. This is not done solely through discussing the social and environmental issues that the world faces, but by settling the conflicts that countries have with each other as well. The ICJ at Lmuna 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 a lens of legality rather than ideological preference.



Basic Rules of The Court

The Statute and Rules of Court

The proceedings of the Model ICJ at LmunA follow the basic guidelines set forth by the International Court of Justice Rules of Court as well as its Statute, which is also annexed to the U.N Charter. All parties involved in Court proceedings are to have good knowledge of the Rules of Court and Statute. For the purposes of the Model ICJ at LmunA, the required information as to the Court proceedings is presented in this booklet. All official international treaties and other such formal documents (including U.N resolutions) also govern the Court.

Structure

The Model ICJ at LmunA consists of 3 involved bodies:

- **Applicant:** The moving party, or Applicant, consists of the advocates from the country that brings the case to the Court. 2 LmunA
- **Respondent:** The responding party, or Respondent, consists of the advocates from the country defending itself from the case presented by the Applicant party.
- **Panel:** The officers and judges of the Court that regulate proceedings and form a verdict make up the Panel.

Each party in a case consists of three advocates who present their arguments and evidence as well as question witnesses in order to justify their position. All participants in the Court must swear in before the court proceedings begin.

Modes of Address

Though the ICJ does not require third-person modes of address, all members of the Court must be addressed with proper formality. A judge should be addressed as “Judge Surname”, “Your Honor” or simply “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” or by the modes of address for judges. 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.



Roles and Responsibilities

The President

The President of the International Court of Justice remains on duty until the closing of proceedings. The President is responsible for the implementation of the Rules of Procedure prepared for the International Court of Justice. This moderation duty is the same as a Director's in any other Committee. The president also has one vote in procedural voting. Although the President shall dictate the implementation of the Rules of Procedure in the Court, they do not have authority over the other judges' decisions unless a certain Judge's opinion is clearly biased.

The Deputy President

The chair is the president's main assistant who assumes the responsibilities and roles of the president when the latter is absent. They also aid in maintaining organization and order in the court.

The Registrar

The rapporteur oversees the documentation of the court and is responsible for swearing in the justices, advocates, and witnesses at the start of the conference. The rapporteur is also a judge and therefore follows all procedures and obligations that judges follow and have.

The Advocates

The Advocates are divided into two groups, Applicants and Respondents. The six advocates are divided equally among the two respectively. The Applicants represent the Member State that submitted the complaint, in this case, The Republic of Nicaragua. The Respondent is the defendant, representing the Member State that has been taken to court, in this case, The Republic of Colombia.

The groundwork required of the advocates before the ICJ must be extensive, and it is essential to the program. We suggest that no later than one week before the trial, the advocates will be fully prepared. They will have read all the materials thoroughly, working regularly with their co-counsel and fully discussing and preparing the case with him or her. They will have devised a plan, a strategy, that best presents their case and divides the responsibilities between them. During the preparation stage, each team of advocates must talk with opposing counsel, which should be done weekly from the beginning. Talking with the co-counsel several times a week and with opposing counsel weekly saves enormous amounts of time. It prevents wasting time on most issues, such as those which may be stipulated, or, which may turn out to be non-issues. All documents, see preparation document, must be forwarded to the Presidency at least **one week** before the court convenes.

Often, it is not the brightest advocate who "wins" a case, but the one who is the best prepared. Said another way, a thoroughly prepared advocate never "loses" a case. Advocates: do not take a verdict personally. If you did your best, that is all a client can expect. Of course, you cannot be successful in every case!



LMUNA

Lorentz Lyceum
Model United Nations
Arnhem



The Judges

A solemn declaration shall be made by each Judge individually before the trial; “I, Judge “Surname”, solemnly declare that I will perform my duties and exercise my powers as a Judge honourably, faithfully, impartially and conscientiously.” Judges are responsible for determining the rules of international law on a specific case and reaching a final Judgment. The Court’s final Judgment is written by the members of the Court and announced by the President. Each Judge has one vote in procedural and substantive voting procedures. The judge’s decisions and actions must be unbiased. If they fail to meet this criterion, the President may give them an official warning. Judges may ask the Advocates or Witnesses questions in the designated phases of the trial proceedings.

Being a judge of the ICJ is not like being a member of a delegation. All chance of compromise has seemingly ended at the time a case is heard. Judges do not represent a particular delegation or a country. Uniform general principles of law must be followed. Judges cannot bend the rules so that each party leaves “with a little something”. Judges are bound to follow the law, whatever the outcome.

Judges must also take care to take extensive notes when the Advocates are presenting their evidence. When later on in the proceedings the Judges are allowed to ask the Advocates questions about the evidence, it must be regarding something the Advocate has said.

For example, what evidence is admissible (documents, tangible evidence or testimony) is a question of law. The advocates present evidence to the judges. When an advocate **objects** to the attempted presentation of certain evidence, i.e., “I object, your honour, Hearsay,” usually, the advocate is objecting to the admissibility of the evidence. If the objection is sustained, the judge(s) agree with the advocate objecting, and the statement, document, etc. cannot be heard/seen, or “admitted into evidence”. If the objection is overruled, the judges refuse the objection, and the statement, document, etc., can be heard/seen, thus considered as evidence by the “finders of fact” (again, in our case, the judges themselves). In some jurisdictions, the legal issues, determined by the judges, are presented to the jury at the end of a case in the form of written instructions, which the jury must consider. Also, the degree to which the evidence can be considered is often discussed in jury instructions, and it is referred to as the “weight” given to the evidence, sometimes a lot, sometimes only in relation to other factors and, therefore, just a little. Since there is no jury in the ICJ, the judges are the triers of law and the finders of fact, the arbiters of both roles. Note that in our circumstances, the president or co-presidents will rule on objections, although the other judges should be consulted on complex matters. Presidents have the last word in all rulings.

Also, please note that judges may ask limited questions of any witness in the proceedings, whether on direct or cross-examination. The questioning of witnesses and advocates by the judges is discussed later in this brief. Judges, a general preparation of the facts and issues should be sufficient. The major burden is on the Advocates.

Normally, it is improper for judges to substitute themselves for advocates. Judges **do not** investigate cases on their own. They only accept the evidence that is presented to them by the advocates. Our ICJ works a bit differently. It allows judges some latitude in the investigation during the case. Therefore, I believe some limited preparation beforehand is appropriate, if for no other reason than to give you something to do before the program. You should read any material sent to you by the ICJ program (judges are always allowed to read the filed original



LMUNA

Lorentz Lyceum
Model United Nations
Arnhem



pleadings, although they are NOT evidence). Also, judges may do some extended reading regarding the issues on their own. Under no circumstances should judges discuss this matter with, or read any material submitted to you by, the advocates until the cases are formally presented at the program; nor should you speak to any prospective witness. Put yourselves in the shoes of the advocates and think of all of the possible relevant issues and questions that pertain to each of the cases. At the same time, you must remain as objective and unbiased as possible. NEVER pre-judge! No case can be properly determined until ALL of the evidence is presented, i.e. after BOTH sides have presented their respective cases. Also, judges should not discuss the case with other judges until the deliberation phase of the trial.



Presentation of Evidence

A crucial element of the court's proceedings is the presentation of tangible evidence by both sets of advocates. Any physical object related to the case is considered real evidence. This includes newspaper articles, interviews, or any other physical items.

Once the advocates present their evidence, the justices must determine whether the evidence is credible, reliable, and a valid source of information. It is important to note that **the statements of advocates themselves are NOT considered evidence**. Advocates present evidence in the form of tangible items (e.g., documents) and elicit statements from witnesses. These are the only forms of evidence that a judge may consider.

Advocates must not lie, misinform, or misrepresent their evidence. Their goal is to educate and persuade the judges about their position, though there may be some bias as they represent their principals. Judges must carefully listen and review the evidence to discern the truth and relevance of what is presented by both sets of advocates.

Following their research, each pair of advocates will submit a short written Memorandum of Points and Authorities, also known as a **Memorandum**, to opposing counsel, the judges, and the Presidency (lmuna@lorentzlyceum.nl) **one week before** the convening of the court. The Memorandum should outline a party's view of the pertinent facts and legal principles as advocated by its representatives. While it need not reveal trial strategies, it should present the party's position, relevant facts, and points of law (citations may be included). It may also counterpoints anticipated to be raised by the opposing party. Each Memorandum should be clear and succinct, ideally 2-3 pages long, using a "12" font for comfortable reading.

On the same date, both sets of advocates will also submit one set of **Stipulations**. Stipulations are significant facts of the case agreed upon by the parties, thus requiring no proof or dispute. Opposing counsel must discuss and agree on these relevant issues of fact and law **before** the case is presented. Once agreed upon, these stipulated facts become real evidence, saving advocates and the judges (the Court) significant time. Following the presentation of the Opening Argument by the Applicant, the President of the Court will ask for Stipulations, which should be in writing and agreed to by both sides. The document should state: "The parties stipulate that: (1)..., (2)..., etc." Stipulations are considered evidence by the judges and should be submitted to all judges and the Presidency simultaneously with the Memorandum. Importantly, Stipulations are unbiased facts, agreed upon by both the Applicant and Respondent. For example, 'South Africa is a sovereign country. It has three capitals: Pretoria, Cape Town, and Bloemfontein.' Such statements are factual and without bias. Stipulations should be consistent in this manner.

Each set of advocates must provide opposing counsel and the judges with a **list of their real evidence** at the same time they submit their **Memorandum, Stipulations, and Witness List**. This list should include the title of the document, its author, the date, and the source (web citation). Additionally, advocates must bring three copies of their real evidence to the trial (one for the court, one for opposing counsel, and one for themselves). **This is mandatory.**



Each set of advocates, both Applicants and Respondents, must submit a **Witness List**. This list will identify whom each set of advocates intends to call as witnesses. These documents, along with the Memoranda and Stipulations, should be submitted to the President, who will then distribute them to everyone on the List Serve well in advance of the trial.

The witness lists should be exchanged between advocates on the same date as the submission of the Memoranda and Stipulations, with copies sent to the President, Co-President (if applicable), and myself. This will provide opposing counsel with a few weeks to interview the other side's witnesses if desired. Witnesses are not obligated to speak to opposing counsel if they choose not to; however, the judges may consider this when evaluating the weight and credibility of their evidence.

Always maintain professionalism. Never take anything personally, and never resort to underhanded tactics. This includes punctuality for every session of the programme. **Lateness is unacceptable.**

The burden of proof in ICJ cases, which are civil rather than criminal matters, typically revolves around two general issues: liability (responsibility) and damages (if any). The Applicant or Moving Party bears the ultimate burden of proof. Unlike criminal cases, which require proof beyond a reasonable doubt, or administrative hearings, which require clear and convincing evidence, the standard here is **the Preponderance of the Evidence**. This is the lowest burden of proof, meaning the Applicant must persuade a simple majority of the judges—50.001%—that its position is more likely than not.

Each piece of evidence presented can be evaluated based on whether it meets this 50.1% threshold. At the end of the case, the totality of evidence is weighed in the same manner. While some evidence may be given more weight than others, the overall burden remains the preponderance of the evidence. If the moving party meets this burden, it is successful; if not, it is unsuccessful.

Experts may have differing opinions, but a recurring principle is worth considering. If you are the moving party (Applicant), be specific and clear in your presentation. Clarity and conciseness are paramount; stay focused and avoid being muddled by the other side. If you are the responding party (Respondent), employ a broader strategy—introduce as much as possible to muddy the waters and confuse the issues, preventing the moving party from maintaining clarity and focus. Both strategies require great skill and demand appropriate behaviour and proper legal presentation.



Rules of Procedure

Formalities

Roll Call

Oath

“I solemnly declare that I will perform my duties and exercise my powers as Judge/Applicant/Defendant honourably, faithfully, impartially and conscientiously.”

Introductory Presentation of the Case

Stipulations

(optional)

The previously prepared document of stipulations will be read aloud.

There can be objections at this point but after this is sealed, the stipulations cannot be changed or violated within the course of this case.

Opening Statements

(10-20 minutes) per party

The applicant party followed by the defendant party will be called to give opening statements. This gives the jury a first impression of the case.

Note: Ideally Only 1 person from each party will be doing this part.

All members of the court must attentively consider all content mentioned from this part forward as anything said by advocates verbally can be referred to later in the case.

Note: The Respondent Party may not make references to anything said in the applicant’s opening statement.

Evidence

Presentation

(15 mins per piece of evidence) for presentation and questioning

All real evidence is presented one by one. Each one is described in detail mentioning its relevance and support to the case. This is the time for advocates to convince the court of their innocence using each piece of evidence while keeping to factual content only.

The opposing council may object on relevant grounds during this (in the verbal form of “objection grounds”).



LMUNA

Lorentz Lyceum
Model United Nations
Arnhem





LMUNA

Lorentz Lyceum
Model United Nations
Arnhem



The grounds for objections are:

Authenticity- this can be objected to if there is a question of the reliability of the source from which the opposing council found the evidence. Alternatively, it can also be used if there is a question of interference of an unauthorised third party into the evidence presented.

Bias- The purpose with which the evidence has been made can be objected if it is in doubt to be favorable to opposing council

Relevance- This can be grounds for an objection to evidence that should not be considered because it exceeds the case in question at the ICJ. This can be debatable because the opposing council may link it to their argument however it is important to rightfully time the objection to ensure clarity is exposed to the jury.

Questioning

The opposing party will get a chance to question each piece of evidence presented. Between the two advocates, as many questions as time permits can be asked.

Following the advocates, the jury will question each piece of evidence. Between the whole jury, there should be an appropriate balance of questions challenging the evidence but also questions to which the answers are in favour of the presenting party clarifying and emphasizing facts. Again, this is limited to time rather than number of questions.

Deliberation (13-15 minutes)



Witness

Preparation

(3 witnesses per council)

Once all evidence has been presented and questioned, the advocates will leave the room while the judges deliberate each piece of evidence, and the president calls for a vote. Each piece of evidence needs half the panel of Jury to pass.

Each witness must be prepared within a given 10 minutes.

This part is undoubtedly one of the most essential to building the case.

Questioning

Here the anonymous witness must be explained their role: name, who they are in terms of individual or company, which side of the case they are on, what they must answer to some questions and most importantly how they should answer during the cross-examination.

Remember, if the opposing council asks a basic question and the witness is hesitant, confused, or contradictory, it is a drawback to your case

“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.”

The applicant party will call their first witness and introduce them with 1 or 2 simple questions like, “Who are you?” Followingly, well-constructed questions will be asked that the witness can answer such that their answer strengthens the case. Applicants can make brief remarks to segue towards the following question.



LMUNA

Lorentz Lyceum
Model United Nations
Arnhem



After cross-examination, the defendant party will call their first witness. They will



following the same procedure and the alternating will repeat until either witness entertainment time elapses or all witnesses have been called.

Cross-Examination

(10 minutes per witness)

Opposing council may **object** on relevant grounds during this (in the verbal form of “objection grounds”). (5 minutes per witness)

The grounds for objections are:

Leading Question- When the question is phrased such that, or followed by statements such that, the witness is limited from expressing their answer and rather guided to the advocate’s desired answer.

Hearsay- When the question mentions a person, organization, or state for whom the witness cannot speak. This is when the question is not directly about the witness’ knowledge and rather their uncertainty on a third party who is absent to defend themselves. This is also when the witness is asked to guess or predict what an absent body did or may have done.

Relevance- The question is irrelevant to the case discussed, it is wasting time, it is mockery, or it is bringing up vulnerability that is unrelated to this

During the cross, the opposing council must ask well-constructed questions to challenge the witness and expose anything that might be favorable to their own case or weakening to the other party.

very case.

Badgering- This is when the advocate(s) questioning has piled consecutive question without giving enough time for answers, adapted an aggressive or hostile manner towards the witness, or used volume or tone to cause the witness an overwhelming feeling to force an answer.

Ambiguous Question- When the question is too general, not clear enough for the witness to understand the context and answer. Also, for questions that are recognizably chosen to mislead the witness into confusion such the upcoming question will be answered with doubt or uncertainty. In such a case, the Presidency may sustain the object but ask for evidence to back up the line of questioning.

Competence- The question is beyond the witness’s position, specialty, or knowledge. In other words, a question that asks for an answer that the witness is not expected to be aware of.

The jury will question any unmentioned but

relevant aspects.



LMUNA

Lorentz Lyceum
Model United Nations
Arnhem



Concluding

Closing Remarks (20 minutes each)

Both parties will make closing remarks, concluding their case with summarized arguments of only the approved evidence and witnesses. This is not a moment to introduce anything entirely new to the courtroom. This time can be used to rearrange the presented case emphasizing the parts of the happened case that back up the respective party best.

Verdict Deliberation (15-20 minutes)

Advocates will leave the room for the final time while the jury decides on the verdict.

Announcement

The final verdict will be announced in the Closing Ceremony.¹

¹ Seth, A. (2024). ISHMUN ICJ Rules of Procedure. In *ISHMUN*.



LMUNA

Lorentz Lyceum
Model United Nations
Arnhem

