



*Deutsche Schule Thessaloniki
Model United Nations*

International Court of Justice Manual

2024 Revised version

TABLE OF CONTENTS

1. What is the International Court of Justice?
2. Positions at Court
 - 2.1 President
 - 2.2 Vice-President
 - 2.3 Registrar
 - 2.4 Advocates
 - 2.5 Judges
3. Procedure
4. Terminology
5. Contents of the memorandum
6. Contents of the evidence list
7. Contents of the verdict
8. Grounds for objections
 - 8.1 Objections on evidence
 - 8.2 Objections during the witness testimonies
9. Points and Motions
10. Closing remarks
- Annex I: Sample verdict

1. WHAT IS THE INTERNATIONAL COURT OF JUSTICE?

“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 its operations in April 1946.

The Court’s role is to settle, in accordance with international law, legal disputes submitted to it by States and to give advisory opinions on legal questions referred to it by authorized United Nations organs and specialized agencies.

The Court is composed of 15 judges, who are elected for terms of office of nine years by the United Nations General Assembly and the Security Council. It is assisted by a Registry, its administrative organ. Its official languages are English and French.”¹

2. POSITIONS AT COURT

The ICJ consists of a President, a Vice-President, a Registrar, 15 Judges and 4 advocates, in equal pairs of two that represent each side, namely each one of the countries in the juridical dispute, in the trial.

2.1 President

The President of the ICJ is the equivalent of the Chair in other committees. The President is responsible for the application of the Rules of Procedure and the coordination of the Court. Apart from that, the President is also a judge and has the right to vote. The President has a casting vote (also known as tie-breaker vote) which means that if there is a tie in the final voting for the verdict their vote counts double. The President has the right and the obligation to kindly warn judges and advocates who don't comply with the rules of the Court. In case a judge is proven to be biased, the President reserves the right to overrule their vote.

2.2 Vice-President

The duties of the Vice-President and the President are similar. The Vice-President substitutes for the President when they are absent and at that time holds the duties and the privileges of the President. The Vice-President is also a judge.

2.3 Registrar

¹ *The Court | International Court of Justice, www.icj-cij.org/en/court.*

The main responsibility of the Court's Registrar is to keep notes of everything that is stated during the court proceedings. The Registrar also has the duty of putting the witnesses under oath before their testimony. The oath is the following: I solemnly swear to tell the truth, the whole truth and nothing but the truth, so help me God. A non religious witness can choose the following affirmation: I solemnly affirm to tell the truth, the whole truth and nothing but the truth.

2.4 Advocates

The role of the advocates is easily the most demanding one since they have to build their case and support their arguments with the help of evidence that is to be collected prior to the trial. The three main documents that the advocates have to put together and submit to the Presidency before the trial are the memorandum, the evidence list, the witness list and the stipulations list, in this order. The one pair of the advocates represent the Applicant and the other one the Respondent Party. The Applicant Party is the country that brought the case to the Court. The burden of proof (onus probandi) lies with them, which means that the provided evidence must correctly prove their claims and convince the simple majority of the judges. It is therefore important for the procedure of the trial that the advocates of the Applicant Party are very specific on what they seek and expect from the verdict in their memoranda. On the other hand, the Respondent Party aims to question the accusations of the Applicant Party through evidence that supports this aim. Since the Respondent Party does not have the burden of proof they try to question the pieces of evidence presented by the Applicant Party while also providing pieces of evidence that make the accusations against them invalid and plant a seed of doubt in the Judges. What all members of the Court have to keep in mind is that the advocates are paid lawyers supporting their client.

2.5 Judges

While the advocates are the ones that present the case and the evidence to the Court, it is the 15 Judges that in the end make the final decision. While doing so they act under the presumption of innocence (i.e. "innocent until proven guilty"). To do so they must carefully and actively listen to the advocates, keep notes of their arguments and examine the evidence thoroughly. They must also read the memoranda that will be provided to them prior to the conference to acquire an understanding of the case. Judges are obligated to remain impartial and unbiased at all times. What judges should not do is research about the case prior to the conference and learn the details of the real case in the real ICJ, as this could lead to prejudice.

3. PROCEDURE

- 1) **Roll call:** The Board (i.e. the Presidency) begins every new session with a roll call to acknowledge the number of judges and advocates that are present in the courtroom. The court is in session only when at least 8 out of 15 judges including the President and the Vice-President are present. For the voting procedure 10 out of the 15 judges need to be present including the Board.
- 2) **Stipulations:** They are points (sentences) written in bullet points that both Parties agree upon. If one Party disagrees it may object to it and the point is not stipulated. Everything that is stipulated counts as indisputable truth for the duration of the case and cannot be doubted during the proceedings. Any arguments that dispute the facts stated in the stipulations are to be disregarded. Each pair of advocates should prepare up to 10 sentences that they wish to stipulate, prior to the conference.
- 3) **Opening speeches:** Both parties deliver their opening speeches that are approximately 30 minutes long. The Applicant Party is the first to deliver it and the Respondent may afterwards deliver theirs. The opening speeches may include the main arguments of the advocates, their legal basis and their prayer for relief. The Applicant party has the right to split their time in half if they wish to.
- 4) **Presentation of evidence:** Each Party can bring 7 to 10 pieces of evidence. The Applicant Party presents their evidence list first, which is marked with the numbers 1-10. Then, the Respondent Party presents their own evidence list which is marked with the capital letters A-J. The other Party can object on the pieces of evidence brought to the court and these objections are noted, and taken into consideration by the judges during deliberation. The advocates are obligated to cite their evidence properly, as pieces of evidence without citations will be disregarded since they cannot be accessed and examined. The evidence brought to the Court can be treaties, conventions, articles, media and generally means that justify the Party's arguments.
- 5) **Deliberation on evidence:** During deliberation the advocates, guests and press members leave the room for this proceeding, as it is confidential (in camera). Only members of the Secretariat reserve the right to enter during deliberation. The judges deliberate on the pieces of evidence brought to the Court and decide the consideration that they will give to each piece of evidence separately. Judges are assigned one or sometimes two pieces of evidence to examine and later present. The evidence can be voted for Minimum, Medium and Maximum

consideration. During this time the advocates are advised to start with the preparation of their witnesses.

- 6) **Questioning of the advocates on the pieces of evidence:** The judges must at this point ask the advocates questions that have arisen regarding the pieces of evidence brought by both Parties during deliberation. To do so, the judges wishing to pose questions need to raise their placards and be recognised by the Presidency.
- 7) **Witness testimonies:** The Applicant Party presents their first witness. They start with the examination by asking them questions that they have already prepared and that the witnesses can read of a script which should last 10 minutes. During this time the opposing Party keeps track of the witness' statements and comes up with questions to pose during the cross-examination that follows which lasts 10 minutes as well. After the cross-examination by the advocates there is the cross-examination by the judges which lasts 10 minutes. The judges ask their own questions to the witness and no objections are in order. Lastly, the party that brought the witness proceeds with a re-direct examination which lasts 5 minutes. Then, the Respondent party presents their first witness. The same procedure is followed for the rest of the witnesses. During the examination of the witnesses and during cross-examination objections from the advocates are allowed and will be considered during deliberation. Note that the witnesses must be real persons, alive at the time of the trial and qualified enough to act as witnesses. They could be expert witnesses (lawyers, diplomats, professors, etc.) or eye witnesses. Though the latter may not be as credible.
- 8) **Deliberation on witnesses:** After the conclusion of the witness testimonies, they and the advocates leave the room and the judges examine and discuss about each witness, giving them considerations similar to the deliberation on pieces of evidence.
- 9) **Questioning of the advocates on the witnesses:** The judges ask the advocates questions similar to the questioning on the pieces of evidence.
- 10) **Presentation of rebuttals:** The rebuttals are the most important pieces of evidence through which the Party may counter claims made by their opponent during the case. They do not need to be submitted prior to the conference, but only a day before they are presented so that the advocates can work on them as long as possible. With rebuttal evidence a case is often decided. During the rebuttal session three to five new pieces of evidence are presented.

- 11) **Deliberation on rebuttals:** The procedure is the same as the deliberation on evidence and witnesses.
- 12) **Final questioning of the advocates:** This is the judges last chance to pose questions to the advocates regarding everything that has been presented and said during the case.
- 13) **Closing speeches:** This speech lasts approximately 30 minutes and can be divided into two halves for the Applicant Party, if the advocates wish to. In this case the proceeding would be as follows: the Applicant Party speaks for 15 minutes and leaves the floor to the Respondent to speak for 30 minutes and then continues with the remaining 15 minutes. The Presidency will remind the Applicant party when the 15 minutes are over. During this speech both parties should ask from the Court to reach a judgment and summarize their main arguments once again.
- 14) **Final deliberation:** After the advocates leave the room, a discussion between the judges takes place, where every aspect of the case and the arguments raised by both Parties are talked upon separately. Every judge states their opinion on who they believed won the case and why.
- 15) **Voting:** The judges vote on whether they believe the Applicant Party has met the burden of proof or not. If they did, they won the case; if not the Respondent won.
- 16) **Verdict:** The Registrar is responsible for the writing of the verdict, though it is composed in cooperation with the judges during final deliberation. It includes the Court's ruling which is the result of the voting. The verdict will be presented at the closing ceremony by the Registrar.

4. TERMINOLOGY

- 1) **Applicant Party:** The country that brought the case to Court. The burden of proof lies with them.
- 2) **Respondent Party:** The country that is being sued by the Applicant Party and tried in court.

- 3) **Stipulations:** The stipulations are a list of predetermined facts that both parties have discussed and agreed upon. These facts are considered as indisputable during the trial.
- 4) **Opening speeches:** The case is introduced to the Court through the opening speeches of the advocates. They are short speeches that present the case from each side's point of view and last approximately 30 minutes per speech.
- 5) **Memorandum:** The memorandum is the document with all the information about the case that each pair of advocates prepares prior to the trial. It contains the case introduction, the historical background of the issue, the legal grounds, the arguments and the prayer for relief.
- 6) **Evidence:** Pieces of evidence presented to the Court can be in the form of a document, a medium or it could be oral in the form of a testimony. The evidence can be treaties, news articles, scientific articles, etc.
- 7) **Direct examination:** The examination of the witness by the Party that brought them to the court.
- 8) **Cross-examination:** The examination of the witness by the opposing Party and judges.
- 9) **Burden of proof:** "In a legal dispute, one party has the burden of proof to show that they are correct, while the other party has no such burden and is presumed to be correct. The burden of proof requires a party to produce evidence to establish the truth of facts needed to satisfy all the required legal elements of the dispute."²

5. CONTENTS OF THE MEMORANDUM

- 1) **Case introduction:** A brief (approximately 1-2 page long) general introduction of the case.
- 2) **Historical background:** The advocates present in detail the historic events that relate to the case that is being examined.

² *Burden of Proof (law)* | Wikipedia, [https://en.wikipedia.org/wiki/Burden_of_proof_\(law\)](https://en.wikipedia.org/wiki/Burden_of_proof_(law)).

- 3) **Legal grounds:** Specific legal information (i.e. conventions, contracts, treaties, etc.) that supports the arguments of each Party. In this section the advocates should mention the legal piece and briefly elaborate on its contents.
- 4) **Arguments:** A detailed analysis of how the legal grounds provided above supports the position of the advocates.
- 5) **Prayer for relief:** The specific decisions that each Party requests the Court to make in the verdict.

6. CONTENTS OF THE EVIDENCE LIST

As previously mentioned the evidence list is a document, consisting of 7-10 pieces of evidence. Each piece of evidence may be a written document, article, etc. or any other medium (i.e. maps, videos, etc.). The advocates should shortly elaborate on each piece of evidence and must include each of the points below. Note that the evidence list and rebuttal list follow the same format.

- 1) **Title:** The title of the piece of evidence.
- 2) **Publication date:** When the piece of evidence was published. The date must precede the date of the submission of the case at hand to the Court to be taken into consideration.
- 3) **Author:** The name of the author (or creator in general) of the piece of evidence.
- 4) **Source:** The source (website, forum, journal, etc.) on which the piece of evidence was published.
- 5) **Specification:** This point is only required for lengthy pieces of evidence. Here the advocates should specify the extract of the piece of evidence they want the judges to take into consideration, e.g. pages 245-249 of a publication and not the whole document. They may also directly include the extract in *italics*, or the map, figures, etc.
- 6) **Summary:** This is the most important part as the advocates must summarize what the piece of evidence states and specify how this supports their arguments and proves their claims.

- 7) **Reference:** Here the advocates must provide the citation to their piece of evidence. It is important they include the link, so that the judges can then examine the piece of evidence themselves via the provided link.

7. CONTENTS OF THE VERDICT

After the final deliberation and voting of the Court, the President will provide the judges with a document in which they will collectively compose the verdict. The Presidency will already have filled out some parts, but the judges must compose, either alone or in pairs, the findings of the Court, also known as the “Whereas” part.

At DSTMUN the formatting of the verdict closely follows the format of real-life ICJ verdicts. It should be composed in Arial font, size 12. The punctuation, **bold**, underlined and *italic* parts, etc. should be exactly the same as in the sample verdict in the verdict provided in Annex I. The content of the verdict is as follows:

- 1) The names of the **Presidency** and both present and absent **judges**.
- 2) The name of the **case** and the names of the **advocates** and the Party they represented.
- 3) A short **summary** of the trial, i.e. the claims brought forward by the Parties, the witnesses, etc.
- 4) The **stipulations**.
- 5) The **findings** of the Court and the reasoning behind them.
- 6) The result of the **voting**.
- 7) The **ruling** of the Court. Namely the decisions the winning Party asks the Court to make in its memorandum’s Prayer for relief.
- 8) The names of the **judges who agreed and/or disagreed** with the final ruling.
- 9) The **signatures** of the President and the Registrar.

8. GROUNDS FOR OBJECTIONS

The advocates are the only ones with a right to object. They may do so during the presentation of the stipulations, the presentation of the evidence, the witness testimonies and the presentation of rebuttals. An objection needs to either be sustained or overruled by the Presidency before the proceedings continue accordingly. Note that

during the presentation of the stipulations they need not provide a ground for their objections. If they object the point is not stipulated but discarded from the list.

For the questioning of the witnesses, despite the advocates not being able to object on questions by the judges, judges are still strongly encouraged to refrain from asking questions that would fall under that category. In such cases, the Presidency should overrule the question and urge the judge to rephrase it in a way that does not provide grounds for objections.

8.1 Objections on evidence

- 1) **Reliability:** This objection is used to raise concern about the reliability of the author of a piece of evidence, if the Party believes that they could be biased.
- 2) **Relevance:** This objection is used in case the Party believes that the piece of evidence is irrelevant to the case.
- 3) **Authenticity:** This objection is used to raise concern about a potential alteration of the piece of evidence by the advocates.

8.2 Objections on witness testimonies

- 1) **Leading question:** It is used when a question is posed by an advocate in a way that contains or suggests the answer. "Yes or no" questions also fall within this category. However, leading questions are allowed during cross-examination.
- 2) **Hearsay:** It can be raised when a witness is being asked about something that they have not witnessed but have only heard of and thus act as a secondary source.
- 3) **Badgering:** This objection is used when a question is posed by the advocate in a way that intimidates the witness.
- 4) **Speculation:** It can be raised in case the advocates believe that the witness tries to predict the possible outcome of an event without actual proof to back up their statements.
- 5) **Lack of competence:** An advocate may raise this objection when they believe that the witness is faced with a question that does not relate to their field of expertise.
- 6) **Non-responsive answer:** This objection refers to the answer to a question provided by the witness. It occurs when the answer the witness provides does not directly answer the advocate's question.

9. POINTS AND MOTIONS

At DSTMUN the ICJ uses a variety, but not all Points and Motions, regular committees use. Namely, the Points and Motions advocates and judges may raise are as follows:

- 1) **Point of Personal Privilege:** This point is related to the comfort and well-being of the judges and advocates. For example, it may be used when one wishes to visit the restroom, but cannot interrupt a speaker. The only case when it may interrupt the speaker is, if it is raised due to audibility.
- 2) **Point of Parliamentary Inquiry:** It can be raised when there are questions related to the rules of procedure and conduct of the Court.
- 3) **Point of Order:** Refers to the procedural matters and is used when a judge/advocate feels that the Presidency has made an error that ought to be corrected.
- 4) **Point of Information to the Presidency:** A question directed to the Presidency through which the judge/advocate may ask for a statement or a clarification on a specific matter that does not fall under the categories of points 1), 2) or 3).
- 5) **Motion to approach the Bench:** It can be raised when an advocate or judge wishes to approach the Presidency to discuss with them in private. In some cases the Presidency itself may ask the advocates to approach the Bench, in which case such a motion is not required.

10. CLOSING REMARKS

The International Court of Justice is a very special committee at MUN, suitable especially for students with a strong interest in international law. Judges must always remember their obligation to remain unbiased as they get to make decisions that shift international laws as well as relations that affect common people on a daily basis. Advocates must also bear in mind the importance of their duty to represent an entire country and thus work diligently, despite the admittedly heavy workload. We hope that this Manual has provided you with the essential information needed to participate in this committee.

**ANNEX I: Sample verdict (Verdict of the ICJ during 6th DSTMUN conference 2023.
Names indicated as X for personal data protection reasons.)**

ORDER OF THE INTERNATIONAL COURT OF JUSTICE

Present: X, X, ... **[Surnames of present justices (judges), including the President and Vice-President]**

Absent: X, X, ... **[Surname of absent justices (judges), including the President and Vice-President]**

President: X **[Surname of the President]**

Vice-President: X **[Surname of the Vice-President]**

Registrar: X **[Surname of the Registrar]**

Judges: X, X, ... **[Surnames of all judges (excluding the President and Vice-President)]**

* * *

THE INTERNATIONAL COURT OF JUSTICE,

In the case concerning certain phosphate lands in Nauru, between,

the Republic of Nauru, represented by

Mr./Ms. X **[Surname of first advocate of the Applicant Party in alphabetical order]** and

Mr./Ms. X **[Surname of second advocate of the Applicant Party in alphabetical order]**, as counsels and advocates,

and the Commonwealth of Australia, represented by

Mr./Ms. X **[Surname of first advocate of the Respondent Party in alphabetical order]** and

Mr./Ms. X **[Surname of second advocate of the Respondent Party in alphabetical order]**, as counsels and advocates;

* * *

After the presentation of the Parties' main arguments and claims,

After the presentation of hard evidence by the Parties' counsels,

After hearings at which the Court heard the oral arguments and replies
of:

Mr. David Sive,

Mr. Peter Kenen,

Mr. David Kennedy [i.e. Names and surnames of the witnesses of the
Applicant Party], for Nauru, and

Mr. Carlos Salamanca,

Mr. Bernhard Graefrath

Mr. Robert Trumbull [i.e. the Names and surnames of the witnesses of the
Respondent Party], for Australia,

After due deliberation,

Regarding the application submitted by the Republic of Nauru, which refers to Nauru's claims that Australia had breached the trusteeship obligations it had accepted under Article 76 of the Charter of the United Nations and under the Trusteeship Agreement for Nauru of 1 November 1947. Nauru further claimed that Australia had breached certain obligations towards Nauru under general international law, more particularly with regard to the implementation of the principle of self-determination and of permanent sovereignty over natural wealth and resources. **[Short summary of the trial]**

* * *

WHEREAS the parties stipulated the following facts:

1. The International Court of Justice has jurisdiction over the case.
2. The Republic of Nauru is currently not a member state of the United Nations.
3. Both Parties accept the UN Charter's sections XI and XII, as they are the only ones that apply to trust territories.
4. Both Australia and Nauru recognize the Trusteeship Agreement over the territory of Nauru.
5. The market price of phosphate significantly increased after World War II due to its usage as a fertilizer in the agricultural sector

6. Australia had obligations as the Administering Authority of Nauru under the International Trusteeship System of the United Nations.

7. The two parties should cooperate with equality and mutual respect under General International Law. **[Stipulations of the case]**

* * *

THE COURT makes the following findings of fact and/or law,

WHEREAS, the report of the United Nations Visiting Mission to the Trust Territories of Nauru and New Guinea in 1962 provides sufficient evidence that prove the progress in the sectors of education and health, which means that there is no violation of the 76th Article of the United Nations Charter and the Trusteeship Agreement

WHEREAS, the UN visiting mission to the Trust Territories of Nauru, New Guinea, and the Pacific Island refers to the Economic Advancement in Nauru, proving once again no violation of the 76th Article of the United Nations Charter and the Trusteeship Agreement

WHEREAS, the second Witness of the Respondent party, who was a member of the UN mission (1962) to Nauru, refers to the social, economic, and living improvement in the Territory of Nauru, thus showing no violation of the Trusteeship agreement and of the International Trusteeship System.

WHEREAS, the 2nd witness of the Applicant Party provided the court with the percentage of profits that the phosphate exports contributed gradually to the People of Nauru, resulting in the conclusion that no violation of the Trusteeship Agreement is to be found,

WHEREAS, during the testimony of the first witness of the respondent party, it was established that Australia was acting within its rights and the authority to use its administrative power in order to ensure the economic growth of the island, thus abiding by the trusteeship agreement and article 76 of the UN Charter,

WHEREAS, based on the report of the Commonwealth of Australia on the administration of the territory of Nauru for the period 1 July 1950 to 30 June 1951, the Commonwealth of Australia fostered the social advancement of the citizens of Nauru and thus did not breach Article 76b of the UN Charter and Article 5(2b) of the Trusteeship Agreement,

WHEREAS, there has not been a violation of Article 3 of the Trusteeship Agreement

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by the Commonwealth of Australia because the Applicant Party did not provide substantial evidence to support that the Respondent Party did not administer the territory in accordance with the provisions of the UN Charter,

WHEREAS, based on the report of the United Nations Visiting Mission to the Trust Territories of Nauru and New Guinea in 1962, the Respondent Party did indeed increase the royalties of the Nauru people and did not violate any obligations and principles under International Law as claimed by the Applicant Party,

WHEREAS, based on the UN Charter articles that were provided by the Respondent Party, there has not been a breach of Articles 76(b), (c), Article 78, and Article 80 Australia had indeed jurisdiction over the island of Nauru. Thus, their operations were justified,

WHEREAS, even if there was environmental degradation caused by phosphate mining, this does not constitute a violation of article 76 of the UN Charter as there were no negative consequences on the economic, social, and political development of Nauru. **["Whereas" parts, i.e. the parts the judges compose, each one based on another piece of evidence/witness/rebuttal and how it contributed to the findings of the Court]**

THEREFORE, the International Court of Justice orders, adjudges, and decrees *By 12 votes to 2* **[Number of votes in favour and against of the following decision]**

That:

1. There was neither a violation of Article 76 of the United Nations Charter nor of the Trusteeship Agreement for Nauru, and therefore, the applicant party does **NOT** meet the burden of proof, and thus, the case is dismissed from the court. **[Ruling of the Court. Prayer for relief of the winning Party's memorandum. "1." must always include whether or not the Applicant Party met the Burden of proof.]**

Concurring Justices: X, X, ... **[Surnames of justices (judges), including the President and Vice-President who agreed with the above ruling]**

Dissenting Justices: X, X, ... **[Surnames of justices (judges), including the President and Vice-President who disagreed with the above ruling]**

Absent Justices: X, X, ... [Surnames of absent justices (judges), including the President and Vice-President]

[Signature of the President]

x X [Name of the President in Sentence Case and surname in UPPER CASE],
President.

[Signature of the Registrar]

x X [Name of the President in Sentence Case and surname in UPPER CASE],
Registrar.