



Deutsche Schule Thessaloniki

Model United Nations

**International
Court of Justice
(ICJ)
Manual**

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 work 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

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.

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 deliver to the Presidency before the trial are a memorandum, their stipulations and a witness list. It is important to state that the each pair of advocates represents the Applicant and the Respondent Party. The Applicant Party is the one that has to convince the Court that their accusations against the Respondent Party have a reason of existence. They also have the burden of proof, which means that while the judges are deliberating the provided evidence must convince the simple majority of them. 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. On the other hand the Respondent Party has the aim of making the Judges question the accusations of the Applicant Party. Since the Respondent Party doesn’t have the burden of proof they try to question the pieces of evidence brought in by the Applicant Party and in a second phase to provide their own 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 that are professionals that try to support their client.

While the advocates are the ones that present the case and the evidence to the Court, it is the Judges that in the end make the final decision. While doing so they act under the principal of “innocent until proven guilty”. The case is being examined on a

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

legal basis and the judgment is based on articles and terms of legal documents written by legal instruments. Such documents can be Protocols, Conventions, Treaties etc. All pieces of evidence and all witness testimonies must be sorted into three categories of consideration: Minimum, Medium and Maximum. This process is in the Judges' discretion. For the Judges to be able to follow what the advocates present them with during the three days of the trial and to be able to form a verdict based on specific evidence they must actively listen and at the same time keep notes. There will also be time specifically allocated for the Judges to ask questions to the witnesses during the testimonies and to both the advocates of the Applicant and the Respondent Party during deliberation. It is important to underline that the Judges should always be unbiased.

The Procedure

- The Stipulations and the Memoranda are being handed to the Judges prior to the trial.
- Opening speeches: both Parties deliver their opening speeches that are 30 minutes long. The Applicant Party is the first to deliver such as speech and the Respondent may afterwards deliver theirs, if they wish to.
- Evidence: each Party is required to present their evidence and is allowed no more than 15 pieces each. The evidence has to be moved, meaning that every piece has to be approved by the opposite party. The evidence moved by the applicant will be marked with number and those moved by the respondent will be marked with capital letters.
- Deliberation: the Judges deliberate upon the presented evidence in which they discuss among them and sort them in the three categories of consideration. During this time the advocates have to leave the Court but can be called back at any time in order to clarify any issue that may arise.
- Witness testimony: the applicant calls upon their witnesses and the respondent follows. Each Party usually calls upon three witnesses.
 - Examination: the Party asks questions to the witness they have called upon. At this point no leading questions, namely questions that contain the answer within, can be asked. Hearsay questions are also out of order.
 - Cross-examination: the opposite Party can ask questions. Again hearsay questions are out of order.
 - Questions by the Judges: Judges can ask factual questions to the witnesses. These questions have to be about something the witness has already mentioned

- Rebuttal: the advocates have 30 minutes to counter the claims of the other Party. During the rebuttal new pieces of evidence may be moved if deemed important.
- Closing speeches: the advocates deliver their closing speeches. This speech can be divided into two parts. The division is up to the applicant and can look like the following: the applicant decides to speak for 15 minutes then leave the floor to the respondent to speak for 30 minutes and then continue with the rest 15. During this speech both Parties should ask from the Court to reach upon a judgement.
- 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.
- Verdict: the Judges write the verdict.

Terminology

i. Stipulations

It is a list of predetermined facts that both Parties have discussed and agreed upon. These facts are considered as unchangeable during the trial.

ii. Pleadings

The case is introduced to the Court through the pleadings, short speeches that present the case from each side's point of view and last approximately 10 minutes.

iii. Memorandum

The memorandum is the document with all the information about the case that each side prepares prior to the trial. It contains the historical background of the issue and the legal basis as well as a section called "Judgement Requested".

iv. Evidence

Pieces of evidence presented to the Court can be in 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.

Grounds for objections and points

Objections:

- Leading Question: when the question contains the answer within and the witness cannot express themselves freely
- Hearsay: when the witness hasn't witnessed an incident personally but has only heard of it and thus functions as a secondary source
- Badgering: when the question is intimidating the witness
- Speculation: when a witness tries to predict the result of an answer or the possible outcome of an event

Points:

- Point of Personal Privilege
- Point of Parliamentary Inquiry

Schedule

Day 1

- Roll Call and Introduction by the Presidency
- Opening Statements
- Presentation of Evidence by both parties
- Judges Deliberation on the Evidence
- Questioning of Advocates by the Judges

Day 2

- Roll Call
- Presentation and Testimony of Witnesses
- Cross Examination
- Interrogation of Witnesses by the Judges
- Judges Deliberation on Witnesses
- Questioning of Advocates by the Judges

Day 3

- Presentation of Rebuttals
- Deliberation on Rebuttals
- Final Questioning of Advocates by the Judges
- Final Deliberation
- Verdict Composition