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I. GENERAL RULES

Article 1: Scope

1. These rules apply to the International Court of Justice of BIMUN 2017 and will be considered adopted in advance of the session.
2. In case of doubt or conflict between these Rules of Procedure and any other procedural regulation laid down in either the Charter of the United Nations, or the Statute of the International Court of Justice, these Rules shall prevail. The Secretariat shall have the final word in every case.

Article 2: Language

1. English will be the official and working language of the conference.

Article 3: Courtesy and Disciplinary Rules

1. All members of the Court and the Advocates hold the responsibility to show utmost respect to each other and shall act accordingly.
2. One to one discussions during the sessions are strictly prohibited, with the exception of communication through the note passing.
3. The President of the Court will immediately call to order any member of the Court who fails to comply with this rule.

Article 4: Communication through Note Passing and Electronic Devices

1. Written notes are the only means of communication between the members of the Court not recognized to speak.
2. Notes are distributed by the Administrative Staff present in the Court.
3. All notes must be in English and the content of the notes shall not be irrelevant or abusive, otherwise, the Administrative Staff may take the note to the President for investigation and the President may decide not to pass the note if the language or the content is found to be appropriate. The President may warn the member(s) who send(s) the note.
4. Communication through note passing between a Judge and an Advocate is strictly prohibited.
5. No cell phones may be used in the Courtroom.





6. Computers may be used outside the Courtroom at any time or in the Courtroom during the opening statements, questioning of the Advocates by the Judges, testimony of the Witnesses, rebuttal, closing statements, presentation of evidence and Judges' Deliberation at the discretion of the President.

Article 5: Statements by the Secretariat and Organization Team

1. The Secretary-General or a member of the BIMUN's team whom s/he appoints may at any time make either written or oral statements to the Court.

Article 6: Quorum

1. The participants are expected to attend on time (three minutes before the session starts) and not to skip any sessions unless there is an urgent health issue at stake or the situation was previously discussed with the President.

2. The quorum is met if at least two-thirds of the registered Judges are present.

3. Verification of quorum shall take place at the beginning of every session by a roll call conducted by the President.

4. When a member of the Court is late for the roll call of the session, a note should be sent to the President with a request for being noticed.

5. A quorum will be assumed to be present during sessions, unless specifically challenged and shown to be absent by a roll call or deemed as such by the President.

6. Decisions taken during the Judges' Deliberation sessions shall be taken by the referred majority of the Judges present.

II. MEMBERS OF THE COURT

Article 7: President

1. BIMUN 2017 shall have one President of the Court.

2. President of the International Court of Justice shall be appointed by the Secretariat prior to the conference and s/he shall remain in duty until the closing of proceedings unless otherwise is decided by the Secretariat.

3. The President shall be responsible for the implementation of the Rules of Procedure prepared for the International Court of Justice. This moderation duty will be the same as a Moderator's in another Committee.

4. The President also acts as a Judge. S/he shall have an equal vote and say with other Judges in all matters relating to the case before the Court and his/her duty shall be to be informed about the case.

5. President shall also have one vote in procedural voting.

6. The President is obliged to follow the instructions given by the Secretariat. In case of any disagreement or ambiguity relating to the application of a certain article or provision of these Rules of Procedure to a specific situation, the decision of the Secretariat shall be final.

7. Although the President shall dictate the implementation of the Rules of Procedure in the Court, s/he shall not have authority over the decision of the other Judges unless certain





Judge's opinion is obviously biased in which case the concerned Judge shall be given an official warning by the President or the Secretariat.

Article 8: Rapporteur

1. The Rapporteur of the International Court of Justice shall be appointed by the Secretariat prior to the conference and s/he shall remain in duty until the closing of proceedings.
2. The Rapporteur shall not possess the right to participate in decision-making process; s/he does not have the right to vote in procedural and substantive matters.
3. The Rapporteur will take the oaths of the Advocates and Witnesses before the opening statements of the Advocates or the testimony of the Witnesses.
4. The Oath shall be declared as: "I solemnly declare upon my honor and conscience that I will speak the truth, the whole truth and nothing but the truth".

Article 9: Judges

1. The Judges shall be appointed by the Secretariat amongst the applicants prior to the conference and shall remain in duty until the closing of proceedings unless otherwise decided by the Secretariat.
2. A solemn declaration shall be made by each Judge individually prior to the trial; "I solemnly declare that I will perform my duties and exercise my powers as a Judge honorably, faithfully, impartially and ethically."
3. Judges are responsible to determine the rules of international law on the specific case and reach a final Judgment. The final Judgment of the Court shall be written by the members of the Court and announced by the President.
4. Each Judge shall have one vote in procedural and substantive voting procedures.
5. Judge's decisions and actions must be unbiased. If they fail to meet this criterion they may be given an official warning by the President or the Secretariat as stated by Article 7, paragraph 7.
6. Judges may ask the Advocates or Witnesses questions in the designated phases of the trial proceedings. The rules from Article 13, paragraph 3-7 apply for the Questioning of the Judges.

Article 10: Advocates

1. Advocates shall be divided by the Secretariat prior to the conference amongst the Applicant's and Respondent's party. They shall remain in duty unless otherwise is decided by the Secretariat.
2. Advocates represent state parties in the case as two for the Applicant and two for the Respondent and they are obliged to act in the best interest of their clients. The written memorials, presentation of evidence, questioning of the Witnesses, rebuttal and sub rebuttal of their counter-party statements and evidences, and other methods of proof shall constitute their instruments while carrying out their duty.
3. Advocates, as any other member of the Court, are obliged to abide by the whole Rules of Procedure and final decisions of the President. The official warning procedure for the Judges in Article 7, paragraph 7, also applies to the Advocates.





4. The Advocates will be required to write a memorial prior to the conference and send it to the Secretariat. Deadlines for the memorial are communicated to each advocate by the President.
5. Advocates do not have the right to vote in substantive or procedural voting. However, they may raise some motions following the rules in Section III of BIMUN's ICJ Rules of Procedure.
6. Advocates may also raise a Point of Order, Point of Parliamentary Inquiry or Point of Personal Privilege following the rules in Section IV of BIMUN's Rules of Procedure. However, they cannot raise a Point of Information.

III. PHASES OF TRIAL

Article 11: Opening Statements

1. Opening statements are brief speeches which can be considered as the re-statement of the memorial. The parties intend to show what they will try to prove during the trial.
2. The time allocated for each party is set by the President and it can be amended by the Advocates or Judges before the trial phase begins. Once it begins, it cannot be amended.
3. Prior to the opening statements, the Rapporteur shall have the Advocates take their oaths as stated by Article 8, paragraph 4. An Advocate refusing to take the oath will not be able to continue counselling.
4. The Applicant shall have the first opening statement and after the Applicant completes the opening statement, the Respondent shall proceed. The time allocated for the opening statements shall be divided between both of the Advocates representing one party.
5. Questioning of the Advocates by the Judges will not be possible until both sides conclude the presentation of their evidence.

Article 12: Presentation of Evidence

1. Evidence is any piece of tangible information decided to be reliable by the Court. It can be newspaper articles, multilateral or bilateral treaties, reports, resolutions or anything that in essence helps the Advocates prove their arguments. It must be handed in to the President of the court in advance, otherwise it will not be presented during the trial.
2. The procedure related to the time allocated for the opening speeches shall be applied to the presentation of evidence *mutatis mutandis*.
3. The President may *ex officio* decide that evidence is unacceptable. This decision must be announced and it can be appealed by one of the Judges or the Advocates. In event of an appeal, the Judges vote on whether the evidence should be considered acceptable.
4. If the decision of the President is successfully appealed, the evidence will stand as valid. If no appeal takes place or if the decision of the President stands after the appeal process, that piece of evidence cannot be referred to during the presentation.
5. The Applicant party shall present their evidence and establish its relation to the case first. They will be followed by the Respondent.
6. Other evidence may be presented to sustain the evidence presented before. The President must be informed in advance with a note.





7. Evidence released after the actual Judgment may be presented as long as it does not mention the resolution.

8. It is the Advocate's responsibility to be prepared to present the evidence at the moment it is requested.

Article 13: Questioning of the Advocates by the Judges Following the Presentation of Evidence

1. After finishing the presentation of evidence, the Judges shall have the floor to question the Advocates. In order to ask questions, the Judges shall be recognized by the President first.

2. The Judges may question any side they prefer; however, they may only pose one question at a time.

3. There shall be no certain time limitation for the questioning of the Advocates; nevertheless, the President may at any time determine to end the questioning. This decision of the President is subject to appeal. In event of an appeal, the Judges vote on the President's decision.

4. The questions of the Judges shall not be limited by the scope of the presentation.

5. One Advocate from each side shall answer the question of a Judge. Intervention from the other Advocate will not be allowed. However, the parties are free to decide which Advocate will answer any given question.

6. The Advocates shall answer the questions, stand upon the stand and seek for the permission directed by the President to leave the stage.

7. The President may at any time rule a question or answer out of order and this decision cannot be appealed.

Article 14: Testimony of the Witnesses

1. Prior to the conference the Applicant and Respondent parties must specify the name of one Witness each, their positions and relation to the case. The Secretariat shall afterwards provide the Advocates with the Witnesses and their contact information, so that the Witnesses can be prepared by the Advocates before the trial.

2. These Witnesses shall be called upon by the Rapporteur. After they take their oaths the Court may proceed with the testimony of the Witnesses.

3. There shall be no certain time limitation for the testimony of Witnesses. However, the President may warn the Advocates or Judges should the testimony needlessly exceed a reasonable amount of time.

4. The testimony of Witnesses shall consist of two main parts; direct examination and cross examination.

5. During direct examination, the sides shall be questioning their own Witnesses. The side that is examining directly is not allowed to ask leading questions. Such questions are subject to objection of the other party. The President is also able to rule the question out of order *ex officio*.

6. Examining the opposition's Witness is called a cross examination. During the cross examination the side questioning the Witness may only ask questions related to what the





Witness has said during the direct examination. Any other questions shall be ruled out of order by the President or objected by the opposing party.

7. Hearsay (gossip) questions are not in order. Such questions are subject to the other party's objection. The President shall also be able to rule the question out of order ex officio.

8. Questions to the Witnesses shall be related to the Witnesses' own experience only. It must be possible for the source of the information to be examined directly during the cross-examination.

9. Applicant shall be the first to present the Witness. After the direct examination by the Applicant, the Respondent shall have an opportunity to cross-examine the Witness. Finally, the Witness shall be questioned by the Judges. However, the Judges' questions are not limited by the Witness' statements during the direct examination. The same procedure will apply to the Witness of the Respondent.

Article 15: Rebuttal and Sub rebuttal

1. During the rebuttal and sub rebuttal the introduction of new evidence shall be strictly forbidden. However, the Advocates will ask the Judges to admit previously presented documents and Witnesses into evidence.

2. During rebuttal and sub rebuttal, the parties shall try to determine where their argument was lacking and try to compensate. The rebuttal and sub rebuttal shall be delivered by only one Advocate for each party.

3. The time allocated for rebuttal and sub rebuttal is set by the President and it can be amended by the Advocates or Judges before the trial phase begins. Once it begins, it cannot be amended.

4. After each party finishes their rebuttal and sub rebuttal, the Judges will have the opportunity to question the sides. Questioning of a certain side starts immediately after they have delivered their rebuttal and sub rebuttal. The rules from Article 13, Paragraph 3-7 apply for the Questioning of the Judges.

Article 16: Judges' Deliberation

1. After the conclusion of the rebuttal phase, the Advocates are asked to leave the Courtroom for Judges' Deliberation. The Judges discuss the case in private.

2. During the deliberation the methods of open debate, moderated caucus and unmoderated caucus, will be adopted. However, the Judges are not required to stand up or go up to the podium while making speeches.

3. Length of the Judges' deliberation will be determined and announced by the President. The President may extend the time if needed; however, his or her final decision is not a subject to appeal.

Article 17: Closing Statements

1. Closing statements shall be given by the Advocates for each party to the case.

2. During closing statements the Advocates shall try to present what they have proven through their evidence, legal elements and Witnesses and deliver their prayer for relief. The time





allocated for the closing statements shall be determined by the President. The procedure in Article 11, paragraph 2 will be applied mutatis mutandis.

IV. OBJECTIONS

Article 18: General Provisions Governing Objections

1. Where one of the parties' action or statement is considered as falling under the scope of any objection set forth in this Section, the other party has a right to raise an objection.
2. The final decision on the objection shall be made by the President and this decision shall not be subject to an appeal.
3. The President shall announce the decision on the objection as "granted" or "overruled".
4. This objections may interrupt the speaker.

Article 19: Hearsay

1. Hearsay is a testimony that is given by a Witness who speaks about not what s/he knows personally, but what others have said, which therefore depends on the credibility of someone other than the Witness. Such testimony is inadmissible under the rules of evidence.
2. Questions to the Witness shall be related to the Witness' own experience only. It must be possible for the source of the information to be examined directly during cross-examination.
3. If one of the parties to the case asks hearsay questions to a Witness, the other party has the right to raise an objection.
4. The final decision on the objection shall be made by the President and this decision shall not be subject to appeal.

Article 20: Leading Question

1. Leading question is a question that suggests the answer to the person being interrogated; especially a question that may be answered by a mere "yes" or "no."
2. In case of a leading question during the examination, the other party has the right to object. The final decision on the objection shall be made by the President and this decision shall not be subject to appeal.

Article 21: Speculation

1. Speculation is the act or practice of theorizing about matters over which there is no certain knowledge.
2. This objection shall be raised if a Witness or an advocate tries to predict the result of an answer or possible outcome of an event.
3. In case of speculation the other party has the right to object. The final decision on the objection shall be made by the President and this decision shall not be subject to appeal.

Article 22: Irrelevant

1. All assertions by the parties shall be relevant to the case at hand.





2. If the assertion made is irrelevant to the case the other party shall have the right to object. The final decision on the objection shall be made by the President and this decision shall not be subject to appeal.

Article 23: Badgering

1. During the examination of the Witnesses, Advocates have the responsibility to refrain from intimidation and distressing methods.

2. If one of the parties fails to meet this criterion, the other party shall have the right to raise an objection. The final decision on the objection shall be made by the President and this decision shall not be subject to appeal.

Article 24: Immaterial

1. Immaterial evidence tends to prove some fact that is not proper or is lacking logical connection with the consequential facts.

2. Assertion of law by the parties must be in accordance with the Article 38 of the Statute of the International Court of Justice. Furthermore, the assertion of facts must be certified under oath.

3. If one of the parties fails to abide by this rule, the other party shall have right to object. The decision on the objection by the President may be subject to an appeal. In the event of an appeal the final decision shall be made by the Judges' vote.

Article 25: Prejudicial

1. All assertions of law and facts shall respect the personal integrity of the Advocates, Judges, Witnesses and others present in the Courtroom.

2. If an assertion by one of the parties harms the personal integrity of a person, an objection may be raised by any of the persons mentioned above. The final decision on the objection shall be made by the President and this decision shall not be subject to appeal.

Article 26: Competence

1. This objection shall be raised when a speaker asserts to a technical detail which cannot be assessed by the mentioned speaker.

2. The objection shall only be raised by the other party. The final decision on the objection shall be made by the President and this decision shall not be subject to appeal.

V. JUDGMENT

Article 27: General Provisions Governing Judgment

1. The simple majority vote of the Judges will be required for deciding on claims and writing of the Judgment.

2. Each Judge shall have one vote. In the event of an equality of votes, the President or the Judge who acts in his place shall have a casting vote.

3. The Judgment will work as a resolution paper in another committee and shall include the following aspects:





- a) The date of Judgment
 - b) The names and signatures of the Judges authorizing the Judgment.
 - c) Names of the parties and Advocates
 - d) Summary of the trial
 - e) Statement of the facts
 - f) Legal ground
 - g) The Merits of Each Claim
 - i. The Position of the Parties
 - ii. The Tribunal's Assessments
 - h) Decision
 - i. Dissenting and concurring opinions
4. Dissenting opinion can be written and added to the Judgment by Judges who oppose the Judgment of the Court.
5. Separate opinion can be written and added to the final Judgment by Judges who agree with the final Judgment despite having different legal basis.

