

International Court of Justice RULES OF PROCEDURE

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PART I. THE COURT

ARTICLE 1

1. The Members of the International Court of Justice (hereinafter - “the Court”) are the judges elected in accordance with the rules of the MSUMUN 2019 Application process.

2. Judges are fully independent. They are by no means subject to instructions by the Government of their respective country of origin.

3. The Court may also include upon the Bench one or more persons to sit as judges ad hoc. They shall participate in the case on terms of complete equality with the other judges on the Bench.

4. The declaration to be made by every Member of the Court shall be as follows:

“I solemnly declare that I will perform my duties and exercise my powers as judge honorably, faithfully, impartially and conscientiously.”

This declaration shall be made at the first public sitting at which the Member of the Court is present.

ARTICLE 2

1. The President and the Vice-President of the Court, while holding these offices, shall take precedence before all other Members of the Court.

2. The President or the Vice-President in the discharge of his or her functions, shall:

a. regulate the communication to and from the Court, and in particular shall effect communications, notifications and transmission of documents required by the Statute of the Court or by these Rules and ensure that the date of dispatch and receipt thereof may be readily verified;

b. conduct all voting and other procedural practices of the Court;

c. be present, in person or by deputy, at meetings of the Court;

d. be a consultant on the procedural questions of the Agents and the Judges;

e. sign all judgments, advisory opinions and orders of the Court.

3. lead the process according to these Rules.

ARTICLE 3

1. The President and the Vice-President of the Court shall elect its Registrar among candidates proposed by the Presidium of the MSUMUN 2019.

2. Before taking up his duties, the Registrar shall make the following declaration at a meeting of the Court: “I solemnly declare that I will perform the duties incumbent upon me as Registrar of the International Court of Justice in all loyalty, discretion and good conscience, and that I will faithfully observe all the provisions of the Statute and of the Rules of the Court.”

3. The Registrar, in the discharge of his functions, shall:

a. be present, in person, at meetings of the Court;

- b. transmit to the parties copies of all pleadings and documents annexed upon receipt thereof in the Registry;
 - c. sign all judgments, advisory opinions and orders of the Court;
 - d. be responsible for the printing and publication of the Court's judgments and of such other documents as the Court may direct to be published;
 - e. be responsible for all administrative work;
 - f. assist in maintaining relations between the Court and other organs of the MSUMUN 2019.
4. The Court may at any time entrust additional functions to the Registrar.
 5. In the discharge of his functions the Registrar shall be responsible to the Court.

PART II. PROCEEDINGS BEFORE THE COURT

ARTICLE 4

The hearing of the Court shall start when at least nine of the Judges (quorum) are present which will be verified through a Roll Call, carried out by the President. The Judges arriving during or after the roll call are required to send a note to the President

ARTICLE 5

1. The Agents of each country will plead their oral statements at the beginning of the hearings.
2. The oral statements made on behalf of each party shall be as succinct as possible within the limits of what is requisite for the adequate presentation of that party's contentions at the hearing. Accordingly, they shall be directed to the issues that still divide the parties, and shall not go over the whole ground covered by the pleadings or merely repeat the facts and arguments these contain.
3. The time-limit for the oral statement shall be fixed by the President.

ARTICLE 6

1. The Judges of the Court may at the end of the oral statement indicate any points or issues to which they would like the Agent specially to address them, or on which they consider that there has not been sufficient argument. The Judges may put questions to the Agent and may ask him or her for explanations.
2. Before exercising the right stated in paragraph 1 of this Article, the Judge should make his or her intention known to the President by raising his or her placard.
3. The agents may answer either immediately or within a time-limit fixed by the President.

ARTICLE 7

1. After each party presents the oral statement and answers questions raised by the Judges, the Agent of the Applicant shall present his or her arguments in rebuttal. These arguments shall respond to the statement submitted by the Agent of the Respondent.

2. After the Agent of the Applicant presents the arguments in rebuttal he or she shall be subject to cross examination according to the procedure indicated in Article 5 of these Rules.

ARTICLE 8

1. After the Agent of the Applicant has submitted his or her rebuttal evidence and has answered questions raised by the Judges, the Agent of the Respondent shall present his or her arguments in surrebuttal. These arguments shall respond to the evidence submitted by the Agent of the Applicant in rebuttal. 2. After the Agent of the Respondent presents the arguments in surrebuttal he or she shall be subject to cross examination according to the procedure indicated in Article 5 of these Rules.

ARTICLE 9

The Court may, at the request of the party concerned, extend any time-limit, or decide that any step taken after the expiration of the time-limit fixed therefore shall be considered as valid, if it is satisfied that there is adequate justification for the request. In either case the other party shall be given an opportunity to state its views.

PART III. DELIBERATIONS

ARTICLE 10

1. The deliberations of the Court shall take place in private and remain secret.
2. Only judges take part in the Court's judicial deliberations. The Registrar and other members of the MSUMUN Secretariat as may be required shall be present. No other person shall be present except by permission of the Court.
3. The deliberation process of the Court shall start when at least nine of the Judges (quorum) are present which will be verified through a Roll Call, carried out by the President. The Judges arriving during or after the roll call are required to send a note to the President stating their presence in the Court.

ARTICLE 11

1. After closure of the oral proceedings, a 40-minute preliminary deliberation is held at which the Judges exchange views concerning the case, and bring to the notice of the Court any question in regard to which they consider it may be necessary to call attention.
2. The preliminary deliberation is held in accordance with the provisions of Article 13 of these Rules.

ARTICLE 12

1. After the Judges have had an opportunity to exchange views, the Court moves on to formal deliberations, in the course of which all the Judges, called upon by the President as a rule in alphabetical order by name, must declare their views and

their general legal opinions on the case. Any Judge may address comments to or ask further explanations from the Judge concerning his or her view.

2. During formal deliberations any Judge may raise an additional question or a reformulation of a question already brought to notice.

3. After all the Judges have presented their legal opinions on the case the President shall open the List of Speakers. The right to speak shall be granted by the President to the Judge at his or her request.

ARTICLE 13

1. A Judge or the President may at any time, when the floor is open but not during speeches or voting, introduce a Motion for Unmoderated Caucus. The Judge shall rise when called by the President to explain the purpose of the Motion and propose the time for the Caucus (the time for the Caucus shall not exceed 30 minutes). This Motion should be put to a vote immediately by the President.

2. Unmoderated Caucus is used for preliminary deliberation, negotiations and consultations without observing the present Rules.

ARTICLE 14

1. During the deliberations a Judge may raise a Motion to introduce a Draft Judgement. This Motion shall be immediately put to vote. The deadline for submitting a Draft Judgement shall be fixed by the President.

2. After the Draft Judgement has been registered and distributed among the Judges by the Registrar, the Court moves on to discussion of the Judgement.

3. Any clause of the Draft Judgement can be amended by raising a Motion.

ARTICLE 15

1. An Amendment is a Motion that adds to, deletes from or modifies any part of the Draft Judgement.

2. An Amendment can be introduced orally or submitted to the President in writing during the course of discussing the initial clause of the Draft Judgment but before the voting on the latter has commenced.

3. When the list of amendments is exhausted, the Court shall vote on the Draft Judgement including all the amendments incorporated in it.

4. Before the voting procedure the Registrar shall supply the Court with the final text of the Draft Judgement.

ARTICLE 16

A Judge may propose a Motion to adjourn the Meeting in order to suspend all Court's activities until the next scheduled meeting. The motion shall be immediately put to vote by the President.

ARTICLE 17

1. A Judge may at any time introduce a Point of Personal Privilege in order to remove a personal discomfort, which impairs his ability to participate in the

proceedings. The judge shall rise when called by the President and explain the grievance.

2. The Judge who raised a Point of Personal Privilege is not allowed to talk on the matter in question form.

ARTICLE 18

1. A Judge may at any time introduce a Point of Order to complain about improper judiciary procedure. The motion shall be immediately put to vote by the President.

2. A Judge may not, in raising the Point of Order, speak on the substance of the matter under discussion.

ARTICLE 19

A Judge may at any time when the floor is open, but not during speeches, introduce a Point of Judiciary Inquiry in order to clarify a technical point regarding the Rules. The President shall respond to the Judge's concern and attempt to clarify the matter.

ARTICLE 20

Every voting on a procedural motion, conducted by the President, requires a simple majority. In case of a tied vote the motion fails.

ARTICLE 21

1. After the deliberations procedure has been completed, the President calls upon the Judges to give their final vote on the judgement in alphabetical order by name, and in the manner provided for by paragraph 2 of this Article.

2. Every Judge, when called upon by the President to record his vote in any phase of the proceedings shall do so only by means of an affirmative or negative or vote with rights.

3. If the Judge decides to choose to vote affirmative or negative with rights, at the end of the voting procedure will be allotted time to explain the reason of his vote.

4. The judgement is taken by a simple majority vote among the Judges, the President having a casting vote in the event of a tied vote.

PART IV. JUDGMENT

ARTICLE 22

When the Court has completed its deliberations and adopted its judgment, the parties shall be notified and the judgments shall be read at a public sitting of the Court, and shall become binding on the parties as of that day.

ARTICLE 23

The judgment shall state that it is given by the Court and shall contain:

- a. the names of the Judges participating;
- b. the name of the case;
- c. the names of the parties;

- d. a brief summary of the proceedings;
- e. a brief statement of the facts;
- f. the reasons in point of law;
- g. the number and names of the Judges constituting the majority;
- h. the number and names of the Judges constituting the minority;
- i. the date on which it is read;
- j. signatures of the President;
- k. the list of attached separate opinions, dissenting opinions and declarations.

ARTICLE 24

1. Any Judge may attach his or her separate opinion to the judgment, whether he or she agrees with the majority or not.
2. A Judge that disagrees with the majority may write a dissenting opinion.
3. A Judge who wishes to record his or her concurrence or dissent without stating reasons may do so in the form of a declaration.