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# 1. ROLES

## 1.1 National representatives

The countries related to the case have some representatives with the aim of supporting and preserving the national priorities (corroborating the innocence of their nation or supporting the guilt of another State, as the case may be). Dividing these roles into the following:

### ➤ **Agents**

The agents play the role of defending the interests of each country, being a diplomat of their country, as the minister of foreign affairs or the ambassador of the Netherlands, having each State one agent.

### ➤ **Advocates**

The advocates (one per country) work hand in hand with the agents, with the preparation of allegations and their presentation.

## 1.2 Judges

The court is composed of 15 judges. For the court to be constituted there shall be a minimum quorum of 9 judges.

- Their most vital role is to maintain impartiality during the whole session, except at the moment of drafting the judgment. While drafting it, each judge can be in favor of the majority, or can have a different opinion.
- While reading the case, they must avoid taking the decision of which side to favor. The judges must listen to the arguments from the agents and advocates, and the evidence presented in court. The final decision of each judge must be explained to the court and can only be based on the evidence presented.
- The judges must know to perfection the procedure, as well as the Chair.
- The judges cannot speak with the agents and advocates about the case in any moment. The Secretary General must dispose of people available to communicate to them any case of agents and/or advocates bribing judges. The judges can be reported among them, yet the report must be justified.
- During the presentation of the evidence, there must be note-taking, this will provide them help to take a conscious decision about each piece of evidence.

### **1.3 Chair**

The Chair in the ICJ (International Court of Justice) consists of a President and Vice-president, but in VMUN we will work with two presidents.

- They are the ones that control the session and declare the hearing closed after the agents and advocates have completed the presentation of the case.
- If there is a tie when it comes to voting during deliberation, the presidents shall have a casting vote.

### **1.4 Secretary**

The secretary of the Court is a role based on the information of the case, having functions such as the submission of pleadings or the indication of the initiation of a case specifically related to some request.

In the VMUN protocol, the General Secretaries of the model have this role.

## **2. PROCEDURE**

### **2.1 Motions**

The motions can only be proposed by the judges of the Court.

#### **❖ ROLL CALL**

The judges will be called in alphabetical order, and they must answer as “present”. (“present and voting” does not make part of the procedure of the ICJ).

#### **❖ MOTION TO START SESSION**

This motion is used to start formally the working session.

#### **❖ MOTION TO ESTABLISH AGENDA**

After starting the session, a motion to establish agenda must be proposed with the objective of determining the case that will be treated in the session.

### ❖ OATH

Before proceeding with the hearing, the agents and advocates from each party must perform the following oath, which the Chair will read. (It is important to clarify that witnesses brought to the Court must make the oath too).

*“I solemnly swear on my honor and consciousness to say the truth, the whole truth, and nothing more than the truth”.*

### ❖ MOTION TO PROCEED WITH THE INITIAL HEARING

This motion is used with the objective of the agents and advocates to introduce their case to the court. Each party will count with 5 minutes (it can be considered as an opening speech).

### ❖ MOTION TO PROCEED WITH THE EVIDENTIARY HEARING

Each party proceeds to expose each evidence that it possesses, and the reasons why they are relevant to the case. The judge that proposes the motions must establish the time estimated for each interval, nevertheless, the Chair recommends 30 minutes.

Moreover, after each party exposes the evidence, there will be a time for the questions to the agents and advocates, with the purpose of leading the case.

### ❖ MOTION TO PROCEED WITH A SESSION OF QUESTIONS

It is used to start the time destined to the questions for the agents and advocates from the judges about the evidence presented, and with that, determine which evidence will be admitted or rejected.

After the questions from the judges, the agents and advocates may make questions to each other. Each party will have 10 minutes to answer the questions, achieving a total of 20 minutes, however, the time for this session will be assigned by the judges, yet the Chair recommends 30 minutes.

**NOTE:** *If any of the parties bring a witness as evidence, it will have to answer questions immediately, before the session of questions begins. The order is: first the judges, and after the agents and advocates from the counterparty. If agents and advocates have more evidence material, they will proceed to present it, otherwise, the motion for a session of questions will be carried out.*

#### ❖ MOTION TO PROCEED WITH THE CLOSING ALLEGATIONS

It is made with the purpose of hearing the agents and advocates of all the parties to perform a summary of the topics and aspects that were discussed with the judges, with the objective of persuading them to make the judgment in their favor. Subsequently, they will withdraw from the Court, so the judges can act in the deliberation of the case.

#### ❖ MOTION TO PROCEED WITH THE DELIBERATION OF THE COURT

This motion will provide a debate time (formal or informal), in which the judges must discuss every evidence proposed by the agents and advocates of both parties (the presidents can also intervene in the debate if needed).

- Each evidence must be individually discussed, and the Chair has the authority to decide the time of debate of each of them. Likewise, it should be noted that every judge must express their stance about the evidence, convincing the other judges to consider it valid or not.
- After the evidence is discussed, the court will proceed automatically to informal voting process. Each piece of evidence passes through simple majority (half plus one).

#### ❖ MOTION FOR A LOBBY TIME/ UNMODERATED CAUCUS IN ORDER TO ESTABLISH A JUDGEMENT

It is used to access an unmoderated caucus, where judges can debate in an informal way. It can also be used to draft and discuss the judgment.

#### ❖ MOTION TO PROCEED WITH THE VOTING OF THE JUDGEMENT

After reading the judgment the chair will proceed with the voting. It passes by one-half of the committee plus one.

#### ❖ MOTION TO PROCEED WITH THE READING OF THE JUDGEMENT

The objective of this motion is to put an end to the case, the agents and advocates are called back to the Court, and the session implements the reading of the Judgment. In the first place, the discrepancies will be read, and after that, the verdict. The agents and advocates must ask the Chair a brief session for questions, which the Chair shall automatically proceed to, for the purpose of clarifying any doubts about the Judgment.

#### ❖ MOTION TO SUSPEND THE SESSION

This motion can be proposed by any member of the Court, and it must be approved by the Chair.

#### ❖ MOTION TO RESUME THE SESSION

Immediately after coffee break or lunch, and after the roll call, the session must resume to be able to continue with the allegations, deliberation, or Judgment.

#### ❖ MOTION TO ADD TO THE REGISTRY

When any member of the Court wants to add to the registry any phrase from another member made in an intervention, this motion will be in order. However, it must be sent to the Chair via floor messaging and voted inside the Court (it requires simple majority for it to pass).

#### ❖ MOTION OF ENOUGH ILLUSTRATION

When the debate about evidence becomes monotonous, a judge can make this motion. Most of the committee must be present to proceed with the voting. If the motion passes, the court shall automatically pass to the voting process of the evidence (the Chair can consider this motion out of order).

## 2.2 Evidence presentation

- The agents must present minimum of 2 pieces of evidence, a maximum 12 (Chair recommends 7 or 8 pieces of evidence). These must be sent to the Chair in advance to be fully approved. If evidence is presented in the Court, and it was not sent to the Chair in advance, it will be automatically ruled out.
- There can be multiple kinds of evidence: photos, documents, conventions, treaties, videos, and witnesses.
- If a witness is going to be brought up to the Court as evidence, it is necessary to contact the Chair, so the Model disposes someone to be the witness. The Secretary-General will assign as many witnesses as it may need, yet the agents and advocates are the ones that will prepare the witness to explain their stories within the Court. **Consider that the agents and advocates from the opposing party may ask questions, and the witness must be prepared to answer them.**

The agents and advocates must always answer the questions that judges, and the agents and advocates from the opposing party make, in one way or another.

- There will be spies during coffee breaks and lunch, and the Chair must be aware of any kind of conversation that can be bribery. These can be reported but must be substantiated.

## 3. REQUESTS AND APPEAL POINTS.

### 3.1 Points

The points to be used within the committee are the same as those set out in the VMUN's Handbook, which are as follows:

#### ❖ POINT OF ORDER.



A judge, advocate, or agent may use the point of order to report inappropriate conduct by a person present in the courtroom (including any member of the presidency). This point is at the discretion of the Presidency members, who may also declare the point out of order if they consider it inappropriate and/or irrelevant. If necessary, it can be used as a point of order on a point of order. **This point is interruptible.**

#### ❖ POINT OF PERSONAL PRIVILEGE.

A judge, advocate or agent may ask the chair for a point of personal privilege when the atmosphere of the committee affects him or her as a person. It is considered to complain about the inability to hear the speaker, excessive heat or cold, lack of light, etc. Going to the toilet will not be considered a point of personal privilege and a delegate who does so will be warned. The chair may consider a point of personal privilege out of order at any time. **This point is interruptible.**

#### ❖ POINT OF INFORMATION TO THE CHAIR.

It will be used by judges, advocates or agents to ask a clarifying question to the Presidency members regarding previous interventions, the agenda, the procedure and for approaching the chair. **This point is NOT interruptible.**

#### ❖ POINT OF INFORMATION TO THE SPEAKER.

It is taken when a judge wants to ask an important question to another judge about his or her previous intervention. It is not interruptible, and its validity is at the chair's discretion. However, delegations may take this point aloud at the end of the speech of the delegate who has the floor, asking firstly the speaker if they want to open to points of information, and if he/she agrees to this, he/she will have to answer the question.

#### ❖ POINT OF FOLLOW UP.

After a point of information has been made, the same delegate who has used it may call on this point to ask a follow-up question. In VMUN the use of the point of follow-up will be limited and at the discretion of the chair.

### ❖ RIGHT OF REPLY.

A judge, advocate or agent can make use of the right of reply when he or she considers that in a speech or comment he or she has been directly offended or false accusations have been made against his or her person or country. The first right of reply is made orally and interrupted. The next time it is sent in a message through the message floor. If necessary, the Presidents allow one minute for the delegate to explain his or her right of reply to the committee. The accused delegate may speak for one minute if he/she wishes, to defend or reaffirm his/her position.

### ❖ POINT OF RELEVANCE.

A delegate may use this point if he/she considers that the topic under debate is outside the competence of the committee or does not correspond to what is scheduled on the agenda. The difference between this point and the motion of enough illustration is that the point must be used during the deliberation of the judges, and the motion while the evidence are shown within the Court. **This item is NOT interruptible.**

### ❖ POINT OF PARLAMENTARY INQUIRY.

It is used when a delegate needs to ask a question about a parliamentary process, either language or procedure.

## 3.2 Objections

At the time of the presentation of evidence, argument, or at any other point when advocates or agents intervene, if an advocate or agent considers that the opposite side is making a point that is based on speculation, irrelevant, erroneous, defamatory or disrespectful to the party involved and his or her advocates or agents, he or she may object to the intervention. To object, the advocates or agent may interrupt the other party who has the floor, and once this is recognized, the objecting advocate or agent will proceed to explain his or her position that the opposing party has committed one of the violations mentioned here.

The presidents shall decide on the objections and may at any time consult with the judges on the merits of the objections.

Objections to a question to a testifying party, to testimony, or to the admission of other evidence may be made on the following points, among others:

- **Ambiguity or vagueness:** All questions should be sufficiently precise to allow the evidence to be answered appropriately.
- **Assumption of facts:** The parties cannot assume a circumstance to be true if the Court has not been provided with sufficient evidence.
- **Requests speculation:** Parties may not ask testifiers to speculate about specific circumstances.
- **Composite question:** Only one question may be asked at a time and parties should avoid combining multiple questions.
- **Irrelevant:** The parties may only ask questions relevant to the case.
- **Baseless:** The sides cannot introduce or refer to a specific piece of evidence if it has already been declared inadmissible

#### **4. PORTFOLIO.**

- Judges should write a document based on the legal principles applicable to the cases, in addition to a brief contextualization of each case (it is advisable to be guided by the qarmas).
- The agents and advocates (together those from the same country) must make at least two explained evidence per case, in addition to the initial hearings exposing each case (maximum time of 5 minutes).

## 5. JUDGMENT.



**NAME OF THE CASE**  
**DATE**

**In representation of (name of the claimant party):**

Agent and advocate's name

**In representation of (name of the defendant party):**

Agent and advocate's name

**With the presence of the judges:**

Name of the judges

**And the presence of the Presidents:**

Name of the Presidents

## **EVIDENCE ANALYSIS**

The Court proceeds to explain its analysis of the evidence submitted from the claimants:

**1. 2.**

**3.**

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The Court proceeds to explain its analysis of the evidence submitted from the defendants:

**1. 2.**

**3.**

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*Having analyzed all the evidence presented by both parties, the International Court of Justice,  
regarding the case of (name of the case), declares in favor of*

### ***NAME OF THE FAVORED PARTY***

(Brief explanation of why the Court favors the party, having into account the aspects of international law and legal principles applicable in the case)

## **VOTING**

Judges in favor:

**1. 2.**

**3. 4.**

**5.**

Judges with dissenting opinion:

1. 2.
3. 4.
- 5.

### **DISSENTING OPINION**

(Insert here the dissenting opinions from the judges who have opposed. The format is as follows:

Opinion of the Judge (name):

(Considering the evidence presented, it is my opinion that...)

### **WORKING FOR CHANGE**

## **6. VOTING PROCESS**

The voting process is started by a motion that must be proposed after the Judgment has been read and discussed. It belongs to the Substantive Procedural Motion type; therefore, it passes with a two-thirds (2/3) vote of the committee. Each member is allowed one vote. Judges are called alphabetically to vote.

**NO JUDGE MAY ABSTAIN FROM VOTING.**

## **7. REFERENCES**

- Manual del Delegado **VMUN**
- Guía Corte Penal Internacional **VMUN 2020/2021**
- Guía Corte Internacional de Justicia **COSMUN 2015**
- Manual de Procedimiento **TEDH EAFITMUN VI**