



Ensemble Scolaire Massillon – Ecole Bilingue Internationale

Official Rules of Procedure

International Court of Justice

Table of Contents

Preamble

1. The International Court of Justice and its Role
2. The Charter of the United Nations and the Statute of the Court

Chapter I: Roles and Functions

1. Lawyers
 - 1.1 Lawyers for the Prosecution
 - 1.2 Lawyers for the Defense
2. Judges
3. Stenographers
4. The Chair

Chapter II: Documents

1. Memorandum
2. Stipulations
3. Evidence

Chapter III: Debate Procedures

Preamble

1. The International Court of Justice and its role

The International Court of Justice was created in 1945 through the Charter of the United Nations. It is the main judicial organ of the United Nations. Its seat is at the Peace Palace in The Hague, the Netherlands. Its official languages are English and French. The Court has a twofold role: it settles, in accordance with international law, legal disputes submitted to it by States (contentious cases) and it gives advisory opinions (advisory procedures) on legal questions referred to it by duly authorized United Nations organs and specialized agencies.

2. The Charter of the United Nations and the Statute of the Court

The Charter of the United Nations is the founding document of the International Court of Justice. The Charter deals with the Court in Article 7, paragraph 1, and Article 36, paragraph 3, as well as in Chapter XIV (Articles 92-96). The objective of the Statute of the Court is to organize the composition as well as the functioning of the Court. This Statute is an annex of the United Nations Charter, as an integral part.

Chapter I: Roles and Functions

1. Lawyers

Article 1: There are two types of lawyers: lawyers for the prosecution and lawyers for the defense.

1.1 Lawyers for the Prosecution

Article 2: Lawyers for the prosecution have the task of proving the guilt of the accused, considering that the Court obeys the principle of presumption of innocence. In order to do this, their evidence must convince an absolute majority (more than 50%) of the judges.

1.2 Lawyers for the Defense

Article 3: Lawyers for the defense have the benefit of the doubt. They thus have the task of establishing doubt with respect to the arguments and the evidence of the opposite party. In order to do so, they will present evidence and arguments which contradict those of the lawyers for the prosecution.

2. Judges

Article 4: A judge must always remain impartial and objective.

Article 5: A judge must be addressed as “Your Honor”, or as “Judge” followed by their last name.

Article 6: It is necessary that judges take notes during the debate in order to be able to judge the arguments in an objective and accurate fashion. These notes will be useful for them during the deliberation phase and the writing of the verdict.

Article 7: The judges have the responsibility to verify the validity of the evidence by analyzing them thoroughly.

3. Stenographers

Article 8: Stenographers are responsible for the creation of a precise record of all the statements made in the Court. In case of any disagreement over a statement which may have been made in the Court, their dossier prevails as factual.

4. The Chair

Article 9: The Chair of the Court is responsible for managing the process of debate and guarantees the respect of the present Rules of Procedure.

Chapitre II: Documents

1. Memorandum

Article 10: A memorandum is a document written by each party in order to enunciate their point of view. It must be based on relevant facts and judicial principles. A memorandum must include a summary of the conflict and political context, as well as a description of the facts, the type of accusation, and the sentence required.

Article 11: Each memorandum must be submitted to the Chair prior to the conference.

2. Stipulations

Article 12: Stipulations are a list of facts on which the two parties have come to agreement prior to the conference. Their validity is therefore not disputed during the debate.

Article 13: All stipulations must be handed to the Chair prior to the conference.

3. Evidence

Article 14: Each party must present at least six and at most fifteen pieces of evidence to the Court.

Chapter III: Debate Procedures

Article 15: The Chair will decide the division of the debate into its various steps. At the beginning of each step, the Chair will announce the time allotted for that step.

Article 16: The debate will begin with opening speeches by the lawyers. Each party will give a presentation of the case in a speech.

Article 17: Following the opening speeches, the presentation of material evidence will occur. Each party will present at least six pieces of material evidence. Material evidence are documents which may be of varied nature. Their validity will be determined by the judges.

Article 18: Once the lawyers have presented the evidence, this evidence will be examined by the judges.

Article 19: Following the examination of the material evidence by the judges, the lawyers will call upon witnesses. There will be an interrogation followed by a counter-interrogation and so on until all witnesses have been heard.

Article 20: A leading question is defined as a question which is not neutral or which presupposes, favors or tends toward a certain answer rather than a different one. Lawyers are forbidden from asking leading questions at any point during the interrogation. Leading questions are permitted during the counter-interrogation. During the interrogation and counter-interrogation, it is forbidden to ask questions which are irrelevant or which may be qualified as harassment. If one of the lawyers considers that another lawyer has broken these rules, they may declare an objection. The Chair will then decide whether or not the question is authorized.

Article 21: A set time for rebuttals will be given to each party in order to present exclusively evidence which directly opposes the arguments of the other party.

Article 22: Witnesses and rebuttals will be followed by a set time for deliberation by the judges.

Article 23: Following the time of deliberation, the judges will ask questions to the lawyers in order to clarify any uncertainties. Judges may ask leading questions if they consider it useful to the pursuit of a fair verdict.

Article 24: The judges having finished the interrogation of the lawyers, each party will be allowed to give a closing speech. During this speech, each lawyer will summarize the case and make some final comments on it.

Article 25: The closing speeches will be followed by a time of deliberation in order to establish the verdict. The session will end when the verdict has been established by the judges.