



AUS MODEL UNITED NATIONS

MMXXIV



ICJ GUIDE

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AUSMUN 2024

ICJ Rules of Procedure + Committee Flow

What does the ICJ consist of?

- 15 judges.
 - o VP & President included
- 1 registrar.
- 4 advocates.

The Court is comprised of 15 Judges and representatives of both the Applicant and the Respondent. Judges in the ICJ have the task of listening to the presentation of both parties. They have to remain neutral until the end of the public proceedings. They are allowed to ask questions to both parties, but they cannot investigate themselves. Ultimately, the judges “just” have to answer the questions the Applicant asked in the application. Having listened to the arguments presented and the evidence submitted, they determine what the law says by applying international law to the case at hand. It is important to note, that the ICJ does not have the power to create law – it will, however, determine what the law says.

The Counsel for the Applicant presents the legal views of the country that brought the case to the Court. Consequently, the representatives for the Respondent presents the views of the state that has been accused of the wrongdoing.

Rules of Procedure:

1. Proceedings start with the president and vice-president calling the applicant (legal representation of the state that brought the case forth in the first place) to present their case.
2. The respondent (legal representation of the state that has been accused of a breach of international law) will argue why their actions have in fact not been a violation of international law.
3. Both parties will usually have the opportunity to submit evidence – either in written form, such as treaties, correspondence, or advice given by legal experts or they can choose to call witnesses.
 - However, witnesses are not supposed to give an account of what has happened (as they do in a criminal court), but rather they give specialized and expert advice.

Objections in ICJ:

1. Badgering: when a question is used to intimidate the witness.

2. Hearsay: when the witness does not work as a primary source but as a secondary during their interrogation.
3. Speculation: when the advocate or witness predicts something that is not capable of being confirmed as a fact.
4. Leading Question: when the advocate asks the witness a question that can be answered in a “yes or no” manner or it is asked in a way that the witness is not allowed to express their own personal opinion.
5. Prejudicial: when the question asked insults or hurts the integrity of the witness.
6. Competence: when the question asked requires knowledge of something that the witness cannot possess.

Motions:

1. Motion to Extend: made only by the judges.
2. Motion to Approach the Board: made only by the advocates.

Points: (same as normal MUN committee)

1. Point of Personal Privilege.
2. Point of Parliamentary Inquiry.

Flow of Committee Sessions:

DAY ONE

- Roll call.
- Opening statements (usually include a statement of facts, an account of what happened according to their position, and most importantly, legal arguments as to why they are in the right. It will sum up their position and will reference what they will later on argue).
- Evidence presented by both parties.
- Judges deliberation.
- Questioning of advocates by the judges.

DAY TWO

- Roll call.
- Debate.
- Presentation of witnesses.
- Cross-examination.
- Interrogation of witnesses by the judges.
- Judges deliberation.
- Questioning of the advocates by the judges.



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DAY THREE

- Roll call.
- Rebuttal.
- Questioning of the advocates by the judges.
- Deliberation.
- Verdict.



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