

THE INTERNATIONAL COURT OF JUSTICE AT MEDMUN 2017

Structure

The MEDMUN 2017 International Court of Justice simulation will be organised on the basis of two independent chambers, each comprising of five judges, one registrar, and two teams of advocates. Among the judges, one will act as Chamber President, and another as Vice-President, while each advocate team will number one Senior Advocate and two Junior Advocates respectively. The President is charged with leading the proceeding of the Court, initiating each stage of the Court's procedure and ensuring that proper formalities are respected. In the event that the President is absent, the Vice-President assumes all duties of the President.

The Registrar is charged with carrying out the diplomatic and administrative requirements of each Chamber. As the permanent administrative body of the Court, the Registry (embodied in this instance by the single Registrar) is responsible for the written account of all court proceedings, including statements of the advocate teams, witness statements, and judicial remarks. Moreover, the Registrar must verify the accuracy and accurate sourcing of physical evidence submitted to the Chamber for consideration, and is responsible for the summoning of witnesses upon the request of the advocate teams. They will be assisted in these tasks by the ICJ Coordinator and his staff.

Advocate teams are assigned alternating positions as the Applicant and Respondent parties to each case, with both teams playing each part over the course of the two cases. Although the Senior Advocate of each team is expected to lead his or her team, Junior Advocates play a crucial role in the development, research, and execution of arguments in the Court. Moreover, the procedure of the simulation ensures that both the Senior Advocate and Junior Advocates address the court at some point during each case. It is imperative that advocate teams communicate in advance of the conference, and work together to formulate arguments, and the necessary pre-conference Memoranda and Stipulations required of both teams.

Procedure

Time restrictions will be established by prior to the conference based on the official conference schedule, and these limits will be enforced by the President to the best of his or her ability.

- I. Prior to the opening of proceedings on the first day of the conference, advocates of both teams must have prepared a brief summary of the facts and legal provisions relevant to the case, referred to as a Memorandum. These documents are used during the case for the respective parties to share and contrast their respective arguments and positions on the case.
- II. At the opening of the Court, the Applicant party shall lead in presenting their memorandum to the Court for the benefit of the Respondent party and the presiding Judges. The Respondent party shall then proceed to do the same. The Memoranda, read in full, serve to establish the positions of either side of the case prior to the opening of judicial proceedings, and can be considered equivalent to the opening speeches or position papers of traditional MUN delegates.
- III. Before judicial proceedings are officially opened by the President, the senior advocates of both parties must accept a series of facts considered by the Court to be of fundamental validity. These facts are referred to as *Stipulations*, and constitute facts that, once accepted, can no longer be contested while the Court is in session. These stipulations are drawn up by advocates of both parties, and are presented to the Chamber following their prior approval by the President.

- IV. Following the above formalities, the President of the Chamber shall open proceedings, inviting the Applicant party to make their case. The Applicant party members may rotate during this process, with different members contributing to the overall presentation of the case throughout the process. It is at the discretion of the Applicant party to select which member(s) of the team lead this address, with the condition that the remaining member(s) are selected at later stages in proceedings. When making their respective cases, advocates are encouraged to make as persuasive a case as possible, using the full resources available to them. To this end, advocates can substantiate their claims through the use of both material evidence and witness testimonials, explained below:
- a. **Material Evidence:** Evidence that consists of material objects in any form (such as documents, audio and visual recordings, news and NGO reports). Advocate teams must submit a minimum of six objects of material evidence, which must be supplied to the Registrar for authentication prior to the opening of proceedings. So that authentication is possible, all evidence must be supplied with the original author and source. In the event that evidence is presented in a foreign language, that evidence must be submitted with a verified translation. The Registrar will be responsible for the documenting of material evidence and record of its presentation. The validity and relevance of material evidence will be evaluated by the Judges in their final deliberation of the case, so it is imperative that this evidence is of value to the advocate team's case.
 - b. **Witness Testimonials:** Testimonials made by qualified and pre-prepared witnesses are an integral part of the ICJ proceedings. It is essential for advocates to prepare a list of witnesses and to send it to the President and Registrar prior to the conference. It will then be confirmed that these witnesses will be present at the MEDMUN conference, and they can subsequently be prepped and informed by the requesting advocate party of the questions they will be asked when summoned to the Court. Witnesses will be summoned to the Court by the Registrar, and will then be required affirm their sworn testimony before the Court. The requesting party may then proceed with questioning as needed, bearing in mind that direct interrogation pursued by the requesting advocate may not take the form of tendentious questions (a question that is strongly suggestive of a particular response due to its syntactic form — see Rules and Regulations). Following direct interrogation the witness shall be relieved of his or her summons and may return to their committee. However, the witness should be prepared to be recalled by the Court in the event that they are required during the Respondent party's rebuttal and cross-examination. During cross-examination, questions asked must be related to those asked by the Applicant advocate during direct interrogation, and the Respondent advocate must understand that the summoned witnesses are not infallible experts on the facts of the case. Tendentious questions are permitted during cross-examination, but only to reaffirm the previous statements of the witness in direct interrogation. At both the end of direct interrogation and cross-examination, Judges may put questions to the witness. All witness testimonies and related questions by other parties are recorded by the Registrar.
- V. Following the conclusion of the Applicant party's presentation of its case, the Respondent party is invited to make its case using the same principles of evidence to substantiate its claims. During the case presentations of both parties, the listening party may not interject, with the exception of points of clarification on the procedure of the Court or in instances of irrelevance or unverified evidence. The latter instance is of grave importance to the Court, and a failure to verify evidence will be taken into account during the Judges' deliberations.

- VI. Following the conclusion of the Respondent party's case, they are invited to begin any formal rebuttal or refutation of the case provided by the Applicant party's initial presentation. In doing so, they may call upon any witnesses called by the Applicant party for cross-examination, and submit material evidence that may be accepted as contradictory to the evidence provided by the Applicant party. However, they may not call new witnesses to the Court during this time. Following the Respondent party's rebuttal, the Applicant Party is invited to do that same under the same requirements and restrictions.
- VII. Following the conclusion of the Applicant party's rebuttal, both advocate parties are required to leave the Court, so that the Judges may discuss the evidence presented thus far and prepare follow-up questions for the advocate parties. Judges are permitted to analyse the evidence in the absence of the advocates, and are helped in this review by the Registrar.
- VIII. Having completed their discussion, the advocate parties are summoned back to the Court, at which time each Judge is given the opportunity to ask up to two questions they consider pertinent to the case.
- IX. Both Advocate parties are then invited to make their closing statements, starting with the Applicant party. They are expected to summarise their position and conclude any outlying matters. If they wish, the Applicant party may make a short second closing speech after the Respondent party's conclusive remarks, but this expected to be short and only for the purposes of qualifying claims made by the Respondent Party in their final statements.
- X. Finally, both Advocate Parties leave the Court in order to allow for the formal deliberation session of the Judges. During this period, the Judges of the Court may discuss freely among themselves and must collectively draft a final verdict of the decision of the Court. This verdict shall not be revealed before the closing session of the MEDMUN 2017 International Court of Justice simulation on the third day.