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Please Note:

It is essential for the smooth functioning of the committee that all members be well acquainted above all with the sections on Procedure and Preparation.
INTRODUCTORY LETTER FROM THE ICJ COORDINATOR

Honourable Chairs and Distinguished Delegates,

Welcome to MEDMUN 2019, hosted at Sciences Po’s campus de Menton. On March 29th, you will be gathering in this idyllic setting on the French Riviera in order to partake in a highly accurate simulation of the actualities of the United Nations and their affiliate organisations. It will be my personal honour to extend my greetings and welcome each of you to this conference as Judges and Advocates of the French and English simulations of the International Court of Justice.

The International Court of Justice (ICJ) is the principle judicial body of the United Nations. Since its establishment in 1945, the ICJ has overseen an array of judicial activity on the international stage, acting as both an advisory opinion to UN organs, and as an arbitrator of legal disputes submitted to the jurisdiction of the Court by consenting states. Residing permanently at the Peace Palace in The Hague, Netherlands, the Court acts in accordance with the principles of international law to deliver verdicts on such cases, and to render its advice to those specialised organs of the United Nations authorised to request judicial opinion. As is the case in the ICJ itself, MEDMUN 2019 will host ICJ simulations in both the official languages of English and French, although for the purposes of clarity these simulations are split between francophone and anglophone committee rooms, composed of two Chambers (restricted bench hearings) each containing 5 Judges. The exact details of the Chamber system is elaborated on later.

Although the ICJ committees are considered examples of Model United Nations simulations in name, both form and practice in these committees are remarkably different from those common to MUN simulations. Delegates and Chairs give way to Advocates and Judges, and the rules and regulations that guide preparation for, and performance during, the simulation are specified to be as close as possible to the official International Court of Justice. For this reason, it is our hope that the enclosed booklet is of some help to your preparations, either as Judges or Advocates.

For this year’s edition of MEDMUN, we have selected 4 distinct ICJ cases, two for the French and English Chambers respectively. It is our hope that these cases will provide an introduction into the processes of the Court and the practicalities of each case, while still proving challenging enough to merit its inclusion in each Chamber’s Docket.

Included herein Judges and Advocates will find an introduction to the history and structure of the ICJ, as well as a full description of the adapted structure, procedure, and regulations that will be followed by the english language ICJ at the MEDMUN 2019 simulation. Additionally, participants will find introductory information on each of the cases chosen for this year’s conference.

Jade Mouton

MEDMUN 2019 English ICJ Coordinator
INTRODUCTION TO THE INTERNATIONAL COURT OF JUSTICE

History of the ICJ

Although only established by the UN Charter in June 1945, the history of the International Court of Justice is the product of a longer story of development in international arbitration, one that ran parallel to the gradual growth of international law. Its immediate history, fraught with failures of the international legal system, began most clearly with the First and Second Hague Peace Conferences of 1899 and 1907, and the concurrent foundation of the Permanent Court of Arbitration in 1900.1 The groundwork of an internationally recognised court of law was subsequently consolidated in the aftermath of the First World War, after Article 14 of the Covenant of the League of Nations promoted the establishment of the Permanent Court of International Justice (PCIJ) — ratified by a majority of Members of the League in September 1921.2

For various reasons, not least the Court’s inability to ensure the pacific settlement of international conflict, the PCIJ was ineffective. However, in the immediate period following the Second World War, the founding Member States of the United Nations voted to adopt measures for the creation of a new International Court of Justice to replace the PCIJ, taking up its former residence at the Peace Palace in The Hague. In April 1946 the PCIJ was officially dissolved, followed by the election of President Judge José Gustavo Guerrero of El Salvador by the ICJ Judges.3

Following an inaugural public sitting on 18 April 1946, the ICJ received its first case in May 1947, concerning incidents in the Corfu Channel between Albania and the United Kingdom.4 It has presided over matters pertaining to international arbitration and international law ever since.

Structure of the Court

The International Court of Justice is composed of 15 Judges, each elected by absolute majority for a nine-year term by the United Nations General Assembly and Security Council. Continuity is ensured by elections of one third of the Bench being held every three years, and stated provisions guarantee that the Court reflects the principal legal systems of the world. Secret ballot by Members of the Court determines the positions of President and Vice President.

Although the Court generally undertakes its duties as a full Court (a quorum of nine judges meeting that requirement), the Court may also meet on individual issues through permanent or temporary Chambers. These can take three forms, with the form used at MEDMUN 2019 referred to as a Chamber of Summary Procedure. Chambers remain exceptional, however they have at times been used to adjudicate on contentious cases between nations, as well as to provide advisory proceedings for legal questions of those UN organs and specialised agencies with that right.6

Notable Cases

For the interest of delegates, a brief and by no means exhaustive list of notable cases and verdicts by the ICJ since 1945 is included below:

• United States Diplomatic and Consular Staff in Tehran

• LaGrand Case between Germany and the USA

• Case Concerning the Arrest Warrant of 11 April 2000 (Democratic Republic of Congo v Belgium) [2002]

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3 ibid.
## Procedure of the International Court of Justice at MEDMUN 2019

### Relevant Judicial Terms

The following are terms that should and will be used during court proceedings by Advocates, Judges and the President:

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicants</td>
<td>The members of the advocate team of the prosecution</td>
</tr>
<tr>
<td>Respondents</td>
<td>The members of the advocate team of the defense</td>
</tr>
<tr>
<td>Pleading</td>
<td>Short speeches concerning the case from each side’s point of view of approximately 10 minutes in length</td>
</tr>
<tr>
<td>Hearsay</td>
<td>Evidence in the form of a witness recounting another person’s statements. Such evidence is not admissible in the court</td>
</tr>
<tr>
<td>Deliberation</td>
<td>Time taken by judges to consider whether the applicant’s case has met the burden of proof.</td>
</tr>
<tr>
<td>Verdict</td>
<td>The decision made by the judges at the end of the case</td>
</tr>
<tr>
<td>Stipulations</td>
<td>Facts and figures concerning the case that are agreed upon as true and cannot be questioned in trial, including any information contained in this report.</td>
</tr>
<tr>
<td>Burden of Proof</td>
<td>The Burden of Proof is shouldered by the “applicants” or “prosecution” and defines that they must “prove beyond a reasonable doubt that the relevant party is guilty of the charges being alleged.” This is to be achieved by the applicants by means of evidence and argumentation.</td>
</tr>
<tr>
<td>Objection</td>
<td>A plea made by an advocate disagreeing with the procedures or evidence of the opposing party. Generally, objections are made to question the admissibility of evidence (whether the evidence can be used in court).</td>
</tr>
<tr>
<td>Sustained</td>
<td>Statement by the President to entertain an objection</td>
</tr>
<tr>
<td>Over-ruled</td>
<td>Statement by the President to disregard an objection</td>
</tr>
<tr>
<td>Testimony</td>
<td>Evidence which comes from a witness</td>
</tr>
<tr>
<td>Admission of Evidence</td>
<td>Advocates are required to ask the President to admit each piece of evidence prior to the conference. The procedure for doing so is outlined in the “Procedure” section of this guide. The President can object to the evidence being admitted on grounds of authenticity, reliability, accuracy, and/or relevance. A president who feels that either he or a judges would give certain evidence undue weight or would be greatly prejudiced by seeing it or hearing it would not allow that evidence to be presented.</td>
</tr>
<tr>
<td>Authentication of Evidence</td>
<td>The duty of the advocates to establish the origins and credibility of a given piece of evidence.</td>
</tr>
<tr>
<td><strong>Direct Examination</strong></td>
<td>Questioning of your own witness</td>
</tr>
<tr>
<td>------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td><strong>Cross Examination</strong></td>
<td>Questioning of the opposition's witness</td>
</tr>
<tr>
<td><strong>Rebuttal</strong></td>
<td>Counter arguments made by each side after examination of evidence.</td>
</tr>
<tr>
<td><strong>Statement of Prayer</strong></td>
<td>The specific requests or damages which a side is asking the court to approve and are presented during the closing arguments. This is similar to writing a “resolution” to your case, as in, what a party believes would solve the issue and what must be done about it.</td>
</tr>
<tr>
<td><strong>Separate, But Concurring Opinion</strong></td>
<td>A situation in which all judges agree with the decision but some may disagree on its reasoning</td>
</tr>
</tbody>
</table>

**Structure**

The English language chamber at MEDMUN 2019 International Court of Justice simulation will be comprised of three judges, one registrar, and two teams of advocates as well as a President and a Vice-President who also act as judges. Each advocate team will include two advocates respectively, please note that only one advocate will be allowed to have the floor for the advocacy at a time.

**The President**

The President is the guiding force of the court and as such is responsible for administering Court procedure as well as overseeing the Registry. During the trial, the President’s primary role is to act as the head judge. All “final says” will be made by the President and they will assist in guiding judges through their deliberations, weighing of evidences, and questioning periods. In essence, the President acts as “the foreman of the jury” in the following ways:

- **Head arbitrator of the court:** The president of the court acts as the head judge in every case put before them. This means that questions asked, or objections raised during court proceeding must be addressed through the president.

- **Oath of witnesses:** The president will conduct the oath for all witnesses in court. The oath exists as follows: “I solemnly affirm that the evidence I am about to give shall be the whole truth as best I know it.”

In the event that the President is absent, the Vice-President assumes all duties of the President.

**Judges**

Five judges preside over the Chamber, including the President and Vice President, and collectively decide on the outcome of each case. They are all expected to be familiar with the case and the procedure of the Court.

The chief responsibility of the judges requires a sense of fairness, responsibility, intuition, an understanding or willingness to learn about the topic being addressed in court, and diligence in learning courtroom procedures and terminology. Judges sit through the case, inquire during pleadings, and weigh the evidences presented by the advocates. The judges are also responsible for making the final verdict for the case, detailing the final solution to the court president. Judges responsibilities include:

- Assessing the validity of presented evidence
- Questioning both advocacies to better understand arguments being made
- Objecting to the admittance of evidence believed to be invalid in accordance with the list of admissible objections in Appendix A
Advocates

Advocates are the members of either the prosecution or the defense. They work within their team (advocacy) to prove their case by presenting evidence and making substantiated arguments. 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. Within each advocacy, both advocates must address the court at some point during each case. It is imperative that Advocates communicate in advance of the conference, and work together to formulate arguments, and prepare the necessary pre-conference Memoranda and Stipulations required of both teams. The two Advocacies are known as:

- The Applicant - The party which brought the case to the ICJ. They are trying to prove a breach of international law on the part of the Respondent country, and hope to get something out of the court ruling in their favour, such as reparations or demands that the other party comply with the law.
- The Respondent - The party which stands accused of a breach of international law and is brought to the ICJ by the Applicant party. They are trying to prove their innocence, and hope that the court ruling will find no breach of law and as such will not force them to change anything.

The “Burden of Proof” is on the Applicant party. This means that the party which accuses the other and asks for a court ruling which would change the situation must convince the jury sufficiently that they are right and the other side is wrong for the court to rule in their favour. Essentially, if a judge finds themselves equally convinced by both sides of the case, they must cast their vote for the Respondent party as the burden of proof is on the Applicant.

Witnesses

Witnesses are Individuals related to the case that can be called upon and questioned as a form of evidence. If an Advocacy wishes to call upon a witness as one of their pieces of evidence, they must prior to the conference provide the President with a 1 page description of the witness with all relevant information regarding their connection to the case. The President will convey this document to an individual that will act as the witness at the conference.

The Registrar:

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 source 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 staff.
Procedure

**Please Note:** This procedure is timed for a duration of approximately 7 hours and 50 minutes per case. While this is open to change depending on conditions at the conference, timing is very important to the smooth running of the conference, and when necessary, advocates and judges will be held to the timings in this guide by the President of the court. Furthermore it should be noted that:

- This procedure is repeated for each case
- The applicants will be first in all proceedings

1. **Prior to the conference:**
   1.1. 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 contrast their respective arguments and positions on the case. They include a very brief summary of the evidence that will be provided.
   1.2. Advocacies will draw up lists of proposed stipulations and submit these to the President, who will compile them and prepare their discussion at the conference.
   1.3. Advocacies will provide the President with the evidence and witnesses they plan to present during the trial.
      1.3.1. The applicants will label their pieces of evidence and witnesses using letters (A,B,C… etc.)
      1.3.2. The respondents will label their pieces of evidence and witnesses using numbers (1,2,3… etc.)

2. **Opening Remarks and Memoranda (40 min)**
   2.1. PRESIDENT calls the court to order
   2.2. Attendance is taken
   2.3. PRESIDENT delivers short opening remarks (3 min)
   2.4. ADVOCATES Present their memorandums (30 min)
      2.4.1. The applicants, followed by the respondents will be expected to give 10 minute presentations of the memoranda they have prepared. The Memoranda will be read in full and will serve to establish the positions of both sides of the case prior to the opening of judicial proceedings. They can be considered equivalent to the opening speeches or position papers of traditional MUN delegates.
      2.4.1.1. After each presentation, Judges will be given the opportunity to ask questions, in order to clarify the contents of the memorandum presented. No arguments, but only clarifications may be made in the advocates replies. (5 min)

3. **Stipulations (20 min)**
3.1. A list of compiled proposed stipulations will be presented, and the President will preside over a process by which the advocacies will agree upon a final set of confirmed stipulations.

4. **Presentation of Evidence, Witnesses and Pleadings (5 hours)** Pieces of evidence and witnesses will be presented in an alternating fashion between the opposing parties with a maximum of 30 minutes allotted for each piece of evidence or witness. Each advocacy is expected to provide no less than 4 and no more than 5 pieces of evidence. The procedure followed for this will be as follows:

4.1. **For material evidence:**

Evidence that consists of material objects in any form (such as treaties, 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.

4.1.1. **Advocates present a piece of evidence (5 min)**

4.1.1.1. If the applicant is presenting: “Your honor the applicant would like to present source (A...)”

4.1.1.2. If the respondent is presenting: “Your honor the respondent would like to present source (1...)”

4.1.1.3. The applicant will then present and might choose to do so by reading the document or text, stating the author, date of publishment and the such. The presentation of the evidence is not a pleading.

4.1.1.4. ADVOCATE’S pleading: The advocate then explains their interpretation of the credibility and importance of the evidence presented. The pleading is similar to an MUN “For” speech for the evidence you are presenting.

4.1.1.5. At the end of the presentation of each piece of evidence, the ADVOCATE rises and asks the court to ADMIT the material evidence they have used.

4.1.1.5.1. ADVOCATE: “Your honor, the advocacy requests that the court admit evidence A”

4.1.1.5.2. Unless the evidence is missing or not labeled, the President will declare that the evidence presented is in order, and if there are no objections by the Judges, admit it.

4.1.2. **Pleading with regards to the piece of evidence (5 min)**

4.1.2.1. After the ADVOCATE has finished presenting each piece of evidence, they may now present their argument based on the piece of evidence.

4.1.3. **Questioning by Judges (10 min)**

4.1.3.1. The PRESIDENT will open the floor to 10 minutes of questions to the advocacy presenting the evidence by the Judges.

4.1.4. **Rebuttals (10 min)**
4.1.4.1. ADVOCATES have the opposing side are given an opportunity to counter the evidence presented the purpose of this is to:

4.1.4.1.1. Discredit the witnesses or real evidence presented by the opposing ADVOCATES by focusing on its limitations

4.1.4.1.2. Provide counter-arguments to the arguments presented by the respondents

4.1.4.1.3. No new evidence for their case can be brought up.

4.2. For Witnesses

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 before the conference as instructed. Once a witness is admitted by the president to the proceeding, the advocacy may provide a 1 page document as a guide to the person who will portray this witness in court. This guide will be given to the person through the president. 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 leading questions (a question that is strongly suggestive of a particular response due to its syntactic form). All witness testimonies and related questions by other parties are recorded by the Registrar.

4.2.1. Advocates question and present the Witness (10 min)

4.2.1.1. ADVOCATES: “Your honor we would like to call ______ as a witness”

4.2.1.2. The ADVOCATE then DIRECTLY question the witness with the purpose of:

4.2.1.2.1. Establishing the credibility of the witness

4.2.1.2.2. Getting the witness to provide evidence to support the argument they are making.

4.2.1.3. While questioning the witness, advocates may make pleadings based on the witnesses statements to the court

4.2.1.4. Upon completion please state “No further questions, your Honor”

4.2.2. Opposing advocates cross-examine the witness (10 min) 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. Leading questions are permitted during cross-examination, but only to reaffirm the previous statements of the witness in direct interrogation

4.2.2.1. The primary purpose of this is to call into question the credibility of the witness

4.2.2.2. While cross-examining the witness, advocates may make rebuttals to the pleadings made by the opposing advocacy regarding the witness at hand.

4.2.2.3. Upon completion please state “No further questions, your Honor”

4.2.3. Judges question the witness (10 min)

4.2.3.1. Judges are each given a few minutes to question the witness
5. **Judges preliminary deliberation (20 min)** 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.

6. **Judge’s Questions (20 min)** 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.

7. **Closing Arguments (20 min)**
   7.1. The PRESIDENT invites the ADVOCATES to begin their closing arguments (3 min each):
   7.2. Applicants then present their closing Arguments in which they should summarize the charges, their main arguments and evidence
   7.2.1. Closing arguments should further include the presentation of the “prayer” – what the applicants would like out of the case, this is the time for the applicants to outline the amount of damages they wish for and why.
   7.2.2. Closing arguments should end with the phrase “We rest our case!”
   7.3. Respondents then present their closing arguments, in which they should summarise their case for the dismissal of the allegations.
   7.3.1. Closing arguments should end with the phrase “We rest our case!”
   7.4. The Applicant party may make a second closing speech after the Respondent party’s conclusive remarks, but this is expected to be short and only to qualify claims made by the Respondent Party in their final statements.

8. **Deliberation (45 min)**
   8.1. JUDGES enter an unmoderated discussion and have 45 minutes to decide on a verdict and summarize this verdict in written form. If the majority of judges agrees with a verdict it is considered binding and a document detailing the verdict must be submitted to the Registrar. However, if a minority group judges does not agree they may present their verdict as a separate minority verdict to the Registrar as well, and the disagreement will be mentioned.

9. **Presentation of Verdict (5 min)**
   9.1. On the last day of the conference, if applicable the minority verdict is read out by the president, followed by the binding majority verdict.
General Rules and Regulations

The following articles elaborate on the rules and regulations established to guide the ICJ simulation at MEDMUN 2019. Right to interpretation of these rules is reserved President of the court.

SECTION A. JUDGES

Article 1

In the following Rules, the term “Member of the Court” denotes any judges.

Article 2

The Members of the Court, in the exercise of their functions, are of equal status except for differences established in these rules.

Article 3

I. Before the Court, an oath to be made by every Judge shall read as follows: “I solemnly swear to perform my judicial duties honourably and impartially, and to observe all the provisions of the Rules of the Court.”

SECTION B. THE REGISTRAR

Article 5

I. Also before the Court, the Registrar shall make the an oath read as follows: “I solemnly swear that I will perform the duties charged to me as Registrar of the International Court of Justice loyally, with discretion, and in good conscience, and that I will observe all the provisions of the Rules of the Court.”

Article 6

I. The Registrar, in the performance of his/her functions, shall:

i) act as the channel of communications for the Court, and in particular all communications and transmission of documents among participants of the ICJ;

ii) keep account of the schedule of those cases registered in the docket for MEDMUN 2019;

iii) co-sign all judgments, advisory opinions and orders of the Court;

iv) serve as the formal channel of communications to the other committees of MEDMUN 2019;

v) ensure that information concerning the Court and its activities is made accessible to both Advocate Parties;

vi) assist the President in rulings on any procedural or substantive matter before the Court.

II. The Registrar shall be responsible to the Secretary-General and the ICJ Coordinator.

III. The deliberations on judgements of the Court shall take place in private. Only judges take part in the Court’s judicial deliberations.

IV. The Registrar shall be present. No other person shall be present except by permission of the Registrar.

SECTION C. PROCEEDINGS AND COMMUNICATIONS TO THE COURT
Article 7

All communications to the Court must be shared with both the Registrar and MEDMUN 2019 ICJ Coordinator, unless otherwise stated. Requests by respective Advocate parties shall also be made in this manner, except those requests made directly in Court.

Article 8

The obligation of the Members of the Court to hold themselves permanently at the disposal of the Court, entails attendance at all scheduled meetings, unless they are prevented from attending by illness or for other serious reasons duly explained to the Registrar of the Court, who shall inform the Court.

SECTION D. COURT PROCEDURE

Article 10

The Registrar shall transmit copies, to Judges and both Advocate Parties, of any and all documents considered pertinent to the case.

Article 11

I. A list of evidence and witnesses for each side shall be communicated to the President no later than 3 days prior to the conference.

II. The President will make these lists available to both parties prior to the start of the deliberations.

III. Attendance at the ICJ MEDMUN 2019 is contingent upon the submission of all required materials by participants prior to the conference. These deadlines, primarily for Memoranda, Stipulations and Evidence submissions are final, and will be enforced by both the ICJ coordinator and the Office of the Registrar.

Article 12

I. English shall be the official and working language of the Chamber.

II. A document submitted to the Court but not in one of the official languages must be accompanied by a translation into the official language of the Chamber in question, certified by the party submitting it as accurate. The Registrar is then obliged to verify the accuracy of this translation, and if necessary may require a more extensive or a complete translation to be furnished.

Article 13

I. After the closure of the written proceedings, no further documents may be submitted to the Court by either party except with the consent of the other party. The other party shall be held to have given its consent if it does not lodge an objection to the production of the document.

II. In the absence of consent, the Registrar, after hearing the parties, may, if it considers the document necessary, authorize its production.

Article 14

I. Parties should present their arguments with reference to previously submitted memoranda and evidence.

II. The timing allocated to each stage of deliberations in Court will be determined and officiated by the President of the Court.

III. The Registrar may, at the request of the party concerned and with the consent of the President, 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.
Article 15

I. The oral statements made on behalf of each party shall be within the time limits established and enforced by the Registrar. Moreover, they shall be directed to the issues that still divide the parties, and must not go over the whole ground covered by the pleadings, or simply repeat the facts and arguments covered already. If needed, the Registrar will order the party to advance with their argument.

Article 16

I. The Court may at any time during the hearing indicate any points or issues to which it would like the parties specifically to address, or on which it considers that there has been sufficient argument.

II. The Court may also put questions to the advocates, and may ask them for explanations.

III. Judges seeking to make such requests should make their intentions known to the Registrar by signalling with their placard beforehand.

IV. The advocates may answer either immediately or within a time-limited Reply set by the Registrar.

Article 17

Any party or Member of the Court may motion to adjourn the meeting. The motion must be accepted as pertinent by the Registrar and subsequently confirmed by a majority vote of all those present in the Court.

Article 18

All witnesses shall make the following declaration before giving any evidence: “I solemnly declare upon my honour and conscience that I will speak the truth, the whole truth and nothing but the truth.”

Article 19

Witnesses and experts shall be examined by the advocates of the parties under the control of the Court. During direct interrogation, leading questions (those that allude to a predetermined answer) are forbidden. 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. Leading questions are permitted during cross-examination, but only to reaffirm the previous statements of the witness in direct interrogation. Questions may also be put to witnesses by the judges, with any intention to question signalled to the Registrar by the requesting Judge. Before testifying, witnesses shall remain out of court.

SECTION E. JUDGMENTS

Article 20

I. Judgements of the Court may only take into account those facts and arguments presented to the court. Although the ICJ verdicts of historical cases are available, Judges are discouraged from reading these, as any effort to corroborate the actual verdict of the ICJ is contrary to the spirit of the MEDMUN simulation.

II. Judgments must indicate the substantive result of the case before the Court and outline the rights and duties of the parties to the case under international law. A majority of the Court may reach a judgment and adopt one opinion addressing that judgment. A majority of the Court may reach a judgment but not agree on a single opinion, in which case, the majority of the Court must draft an opinion that reflects the opinions of the majority.

III. Members of the Court disagreeing with a judgment may file dissenting opinions in which they outline their specific disagreements with the judgment.

IV. Opinions are a vital element of a judgment, and the Court must issue an explanation as to why they decide to reach a specific judgment.
V. If the drafting judges agree to the adoption of a proposed amendment, the proposal shall be modified accordingly and no vote shall be taken on the proposed amendment. A document modified in this manner shall be considered as the proposal pending before the Court for all purposes, including subsequent amendments. No opinion may be amended without the express consent of its authors, although a member of the Court may concur with any judgment or opinion.

VI. Upon completion of its deliberations and adoption of a judgment, the advocate parties shall be informed.

VII. The judgment shall be read at an open sitting of the Court. This judgement shall subsequently bind the parties henceforth.

Article 21

I. Judicial interpretation of treaties shall rest upon three approaches that Judges may invoke when interpreting treaty obligations and provisions:

(a) Textual Approach: Interpretation may be derived by the objective meaning of the text.

(b) Subjective Approach: Interpretation may be derived by the ascertaining the intentions of the treaty drafters — usually with reference to draft records of the treaty, or discussions that led to its final creation beyond the literal letter of the law.

(c) Teleological Approach: Interpretation may be applied in the form that best gives effect to the purposes or stated intentions of the treaty and its provisions. This approach is particularly important when dealing with older treaties that may need interpreting in light of new facts and circumstances.

Article 22

I. The judgment, which shall state whether it is given by the Court or by a chamber, shall follow the preordained structure encouraged by the Court. (See Document Samples)

II. Any judge may, if he or she so desires, attach his/her individual opinion to the judgment, whether he dissents from the majority or not; a judge who wishes to record his/her concurrence or dissent without stating his/her reasons may do so in the form of a declaration.

III. One copy of the judgment duly signed, shall be transmitted to each of the parties. Copies shall be sent by the Registrar to: (a) the Secretary-General of MEDMUN 2019 and (b) the ICJ Coordinator.

IV. Once opinions for each case on the Court’s docket have been issued, the Registrar will adjourn the Court session.
CASE BACKGROUND INFORMATION

In this section participants will find introductory information on each case scheduled in the MEDMUN 2019 ICJ English Chamber Docket. The basic facts and relevant legal considerations enclosed herein will define the context and scope of the cases as we will examine them in our ICJ. A more complete look at the facts of the dispute according each side of it will be presented in the Memoranda by each Advocate team for both cases.

Relocation of the United States Embassy to Jerusalem

(Palestine v. United States of America)

On May 14th, 2018, following an announcement by the President of the United States of America on May 6th of the previous year, the US Embassy in Israel was relocated from Tel Aviv to Jerusalem. On the 28th of September, 2018, Palestine instituted proceedings against the USA in the ICJ, alleging that in the relocation of this embassy the US has breached the Vienna Convention on Diplomatic Relations of 18 April 1961.

In its application, Palestine argues that according to the Vienna Convention, a diplomatic mission must be based on the territory of the receiving state, and that due to the “special status” of Jerusalem, a diplomatic mission to Israel can not legally be established in Jerusalem.

The Applicant justifies the Court’s jurisdiction regarding an alleged breach of the Vienna Convention with Article 1 of the Optional Protocol to the Vienna Convention, Security Council Resolution 9 (1946) and Article 35 (2) of the Statute of the Court.

The Applicant “requests the Court to declare that the relocation, to the Holy City of Jerusalem, of the United States embassy in Israel is in breach of the Vienna Convention” and requests that the Court “order the United States of America to withdraw the diplomatic mission from the Holy City of Jerusalem and to conform to the international obligations flowing from the Vienna Convention”.

Maritime zone dispute

(Cyprus vs Turkey)

The case of Cyprus vs Turkey is not from the official ICJ docket, but rather an imagined ICJ case based on a real legal dispute which we will treat as an ICJ case. The dispute regards the overlap between Cyprus’ claimed maritime Exclusive Economic Zone (EEZ) with Turkey’s continental shelf.

Due to the nature of the case as a territory dispute, both sides present a case against the other in roles usually reserved to the Applicant party. As we are framing this case in an ICJ context, Cyprus will procedurally represent the Applicant, however, the burden of proof is on both parties to prove the other wrong. If neither is able to do so, the Court may reach a judgement determining a procedure by which clear and binding borders are to be drawn as equitably as possible by a third body.

The UN Convention on the Law of the Sea sets the legal guidelines on maritime boundaries. Among the zones it includes in a country’s maritime territory are the continental shelves (up to 200 nautical miles or 350 in certain circumstances), and the EEZ(up to 200 nautical miles).

Turkey’s continental shelf and Cyprus’ EEZ overlap in a zone Cyprus currently wants to explore and exploit for natural gas, making the resolution of this conflict urgent as tension mount on both sides).

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PREPARATION

All Participants

All participants are expected to be familiar with the cases included in the docket for their Chamber. Moreover, participants should be familiar with the functioning of the court, the relevant procedure included in this document, and the formal requirements of MEDMUN 2019, including dress-code, formalities of debate, and general expectations on delegates. Of course, case knowledge should include not only the basic background on cases, but more importantly familiarity with the facts, arguments, and evidence folders for each case, which will be made available to participants by the President.

Depending on their role, participants should prepare as follows:

Judges

Judges are not required to formulate preparatory documents for MEDMUN 2019, but are expected prior to the conference to:

- Review the backgrounds to each of their two cases
- Read and prepare questions regarding Memoranda, Stipulations, and Evidence brought forward by both Advocate Parties. (These will be provided to them by the President after they have been admitted)
- Familiarize themselves with the procedure of the Court, as well as the expectation placed upon them during Court hours and most importantly, the expectations and limits of judicial power at the Court. They will of course be responsible for the drafting of the Final Verdict for both cases adjudicated upon.

Advocates

Before the conference advocate teams will be expected to:

- Submit a list of proposed stipulations for the case to the president by March 25th
- Submit all pieces of the Evidence and Witnesses they plan to use by March 25th
  - each piece of evidence/witness should be in a separate document, and for witnesses a (up to) one page description and guide to the character should be submitted.
  - please be prepared for the possibility that the President may reject a piece of evidence you wish to use, and you may need to find a new one to replace it.
- Submit written Memorandums by March 25th

For the Conference after having been provided the opposing side’s evidence advocate teams are expected to:

- prepare opening statements
- prepare arguments to be made concerning evidence they will use
- prepare for cross examination of the opposing side’s evidence and witnesses
- Bring printed copies off all important documents:
  - memorandum
  - speeches
  - evidence and witness papers

Registrar

As previously mentioned, the Registrar is responsible (with guidance from the MEDMUN ICJ Coordinator) for aiding the President in the reception, and subsequent delivery to the remainder of the Court, of all necessary documents, in a timely manner following submission by the Advocate Parties. In order to do so, the registrar should contact the President of the court as well as the MEDMUN ICJ Coordinator for relevant instructions.
BIBLIOGRAPHY

For ICJ Information:


For General MEDMUN Preparation:


For Case Preparation:


For further information on any of the Palestine v. United States of America case, please see the ICJ File Archive on Contentious Cases, which provides full records of all public material submitted to the Court, including for the cases selected for MEDMUN 2018:

# Appendix A: Admissible Objections

<table>
<thead>
<tr>
<th>Objection Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ambiguous/vague</td>
<td>When a statement or question is unclear, unspecific, and requires explanation and facts.</td>
</tr>
<tr>
<td>Answer Exceeds</td>
<td>When an answer to a question exceeds the concern and scope of the question itself.</td>
</tr>
<tr>
<td>Argumentative</td>
<td>When questions do not elude facts and are prejudicial.</td>
</tr>
<tr>
<td>Assumes facts not in evidence</td>
<td>Witnesses have to testify on facts and evidence included in the evidence packet.</td>
</tr>
<tr>
<td>Badgering the Witness/advocate</td>
<td>When questionnaires are quarrelling with, displeasing, provoking, and harassing the witnesses or advocates on the stand.</td>
</tr>
<tr>
<td>Continued Objecting</td>
<td>When objections against as a side are continuous, and impair the participation and presentation of arguments by the side.</td>
</tr>
<tr>
<td>Hearsay</td>
<td>When information stated by a third party, outside the court’s presence. When testimony a witness provides that is not based on personal knowledge but is a repetition of what someone else said. Usually such information is not admissible because it is impossible to test its truthfulness under cross-examination. Difficult to define. Many exceptions are possible.</td>
</tr>
<tr>
<td>Improper argument</td>
<td>When a team states false information that can be proven untrue and incorrect.</td>
</tr>
<tr>
<td>Leading Question</td>
<td>When a question is asked suggesting what exactly is the witness supposed to answer. (Allowed in the case of expert witnesses.)</td>
</tr>
<tr>
<td>Relevancy</td>
<td>When a question asked is irrelevant or is questioned for its relevance along with the testimony presented to the court.</td>
</tr>
<tr>
<td>Speculation</td>
<td>When a guess, conjecture, supposition, or assumption is presented on a discussion, case, or evidence.</td>
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</tbody>
</table>