

## **I. MEMBERS OF THE COURT**

### **Article 1: Presidents and vice-presidents**

1. The BratMUN conference shall have two Presidents of the Court and one Vice-president.
2. Presidents and vice-president of the International Court of Justice shall be appointed by the Secretariat prior to the conference and they shall remain in duty until the closing of proceedings unless otherwise is decided by the Secretariat.
3. The Presidents shall be responsible for the implementation of the Rules of Procedure prepared for the International Court of Justice. This moderation duty will be the same as a Chair's in another Committee.
4. The Presidents and Vice-presidents also act as Judges. They shall have an equal vote and say with other Judges in all matters relating to the case before the Court. Presidents shall also have one vote in procedural voting.
6. The Presidents are obliged to follow the instructions given by the Secretariat. In case of any disagreement or ambiguity relating to the application of a certain article or provision of these Rules of Procedure to a specific situation, the decision of the Secretariat shall be final.
7. Although the Presidents shall dictate the implementation of the Rules of Procedure in the Court, s/he shall not have authority over the decision of the other Judges unless certain Judge's opinion is obviously biased in which case the concerned Judge shall be given an official warning by the Presidents or the Secretariat.

### **Article 2: Judges.**

1. The Judges shall be appointed by the Secretariat amongst the applicants prior to the conference and shall remain in duty until the closing of proceedings unless otherwise decided by the Secretariat.
2. A solemn declaration shall be made by each Judge individually prior to the trial; "I, Judge ~Surname~, solemnly declare that I will perform my duties and exercise my powers as a Judge honourably, faithfully, impartially and conscientiously."
3. Judges are responsible to determine the rules of international law on the specific case and reach a final Judgment. The final Judgment of the Court shall be written by the members of the Court and announced by the President.
4. Each Judge shall have one vote in procedural and substantive voting procedures.
5. Judge's decisions and actions must be unbiased. If they fail to meet this criterion they may be given an official warning by the Presidents or the Secretariat.

6. Judges may ask the Agents or Witnesses questions in the designated phases of the trial proceedings.

### **Article 3: Agents.**

1. Agents shall be divided by the Secretariat prior to the conference amongst the Applicant's and Respondent's party. They shall remain in duty unless otherwise is decided by the Secretariat.

2. Agents represent state parties in the case as two for the Applicant and two for the Respondent and they are obliged to act in the best interest of their clients. The written memorandums, presentation of evidence, questioning of the Witnesses, rebuttal.

3. Agents, as any other member of the Court, are obliged to abide by the whole Rules of Procedure and final decisions of the Presidents.

4. Agents will be required to write a memorandum prior to the conference and send it to the Presidents. Deadlines for the memorial will be notified to Agents by the Presidents.

5. Agents do not have the right to vote in substantive or procedural voting. However, they may raise some motions following the rules in Section II of BratMUN ICJ Rules of Procedure.

6. Agents may also raise a Point of Order, Point of Parliamentary Inquiry or Point of Personal Privilege. However, they cannot raise a Point of Information.

### **Article 4: Memorandum.**

1. At least 7 days prior to the conference, both of the parties (Applicant and the Office of prosecutors, Respondent and the Defense council) are required to submit a memorandum consisting of the views of the party.

2. Facts and citations, supporting the claims of the party shall be included in the memorandum, as it is an important document to reveal your position to the opponent as well as to all of the judges.

3. The memorandum shall be based upon legal principles of international law, stating the claims of a party clearly and by facts.

4. The maximum length will be specified later, with the detailed guideline you will receive.

5. It is very important to have a united position as a party, so do not dismiss the opportunity to communicate when writing the memorandum.

6. All of the contact information will be distributed within the parties.

## **II. PHASES OF TRIAL**

### **Article 5: Opening Statements.**

1. Opening statements are brief speeches which can be considered as the re-statement of the memorandum. The parties intend to show what they will try to prove during the trial.
2. The time allocated for each party is set by the Presidents and it can be amended by the Agents or Judges before the trial phase begins. Once it begins, it cannot be amended.
3. Prior to the opening statements, the Presidents shall have the Agents take their oaths. An Agent refusing to take the oath will not be able to continue counselling.
4. The Applicant shall have the first opening statement and after the Applicant completes the opening statement, the Respondents shall proceed. The time allocated for the opening statements shall be divided between both of the Agents representing one party.

### **Article 6: Presentation of Evidence.**

1. Evidence is any piece of tangible information decided to be reliable by the Court. It can be newspaper articles, multilateral or bilateral treaties, reports, resolutions or anything that in essence helps the Agents prove their arguments.
2. The procedure related to the time allocated for the opening speeches shall be applied to the presentation of evidence.
3. The President may decide that evidence is unacceptable. This decision must be announced and it can be appealed by one of the Judges or the Agents. In event of an appeal, the Judges vote on whether the evidence should be considered acceptable.
4. If the decision of the Presidents is successfully appealed, the evidence will stand as valid. If no appeal takes place or if the decision of the Presidents stands after the appeal process, that piece of evidence cannot be referred to during the presentation.
5. The Applicant party shall present their evidence and establish its relation to the case first. They will be followed by the Respondent.

### **Article 7: Questioning of the Agents by the Judges Following the Presentation of Evidence.**

1. The Judges may question any side they prefer; however, they may only pose one question at a time.

2. There shall be no certain time limitation for the questioning of the Agents; nevertheless, the Presidents may at any time determine to end the questioning. This decision of the Presidents is subject to appeal. In event of an appeal, the Judges vote on the President's decision.

3. The questions of the Judges shall not be limited by the scope of the presentation.

4. One Agent from each side shall answer the question of a Judge. Intervention from the other Agents will not be allowed. However, the parties are free to decide which Agent will answer any given question.

5. The Presidents may at any time rule a question or answer out of order and this decision cannot be appealed.

### **Article 8: Testimony of the Witnesses.**

1. Prior to the conference the Applicant and Respondent parties must specify the identity of one Witness each, their positions and relation to the case. The Secretariat shall afterwards provide the Agents with the Witnesses and their contact information, so that the Witnesses can be prepared by the Agents before the trial.

2. These Witnesses shall be called upon by the Presidents. After they take their oaths the Court may proceed with the testimony of the Witnesses.

3. There shall be no certain time limitation for the testimony of Witnesses. However, the Presidents may warn the Agents or Judges should the testimony needlessly exceed a reasonable amount of time.

4. The testimony of Witnesses shall consist of two main parts; direct examination and cross examination.

5. During direct examination, the sides shall be questioning their own Witnesses. The side that is examining directly is not allowed to ask leading questions. Such questions are subject to objection of the other party. The Presidents are also able to rule the question out of order.

6. Examining the opposition's Witness is called a cross examination. During the cross examination the side questioning the Witness may only ask questions related to what the Witness has said during the direct examination. Any other questions shall be ruled out of order by the Presidents or objected by the opposing party.

7. Hearsay questions are not in order. Such questions are subject to the other party's objection. The Presidents shall also be able to rule the question out of order.

8. Questions to the Witnesses shall be related to the Witnesses' own experience only. It must be possible for the source of the information to be examined directly during the cross-examination.

9. Applicant shall be the first to present the Witness. After the direct examination by the Applicant, the Respondent shall have an opportunity to cross-examine the Witness. Finally, the Witness shall be questioned by the Judges. However, the Judges' questions are not limited by the Witness' statements during the direct examination. The same procedure will apply to the Witness of the Respondent.

#### **Article 9: Rebuttal.**

1. During the rebuttal the introduction of new evidence shall be strictly forbidden. However, the Agents will ask the Judges to admit previously presented documents and Witnesses into evidence.

2. During rebuttal, the parties shall try to determine where their argument was lacking and try to compensate. The rebuttal shall be delivered by only one Agent for each party.

3. The time allocated for rebuttal is set by the President and it can be amended by the Agent or Judges before the trial phase begins. Once it begins, it cannot be amended.

4. After each party finishes their rebuttal, the Judges will have the opportunity to question the sides. Questioning of a certain side starts immediately after they have delivered their rebuttal.

#### **Article 10: Judges' Deliberation.**

1. After the conclusion of the rebuttal phase, the Agents are asked to leave the Courtroom for Judges' Deliberation. The Judges discuss the case in private.

2. During the deliberation the methods of open debate, moderated caucus and unmoderated caucus will be adopted. However, the Judges are not required to stand up or go up to the podium while making speeches.

3. Length of the Judges' deliberation will be determined and announced by the Presidents. The Presidents may extend the time if needed; however, his or her final decision is not a subject to appeal.

#### **Article 11: Closing Statements.**

1. Closing statements shall be given by the Agents for each party to the case. During closing statements, the Agents shall try to present what they have proven through their evidence, legal elements and Witnesses. The time allocated for the closing statements shall be determined by the President.

### **III. OBJECTIONS**

#### **Article 12: General Provisions Governing Objections.**

1. Where one of the parties' action or statement is considered as falling under the scope of any objection set forth in this Section, the other party has a right to raise an objection.

2. The final decision on the objection shall be made by the Presidents and this decision shall not be subject to an appeal with the exception of an immaterial objection.

3. The Presidents shall announce the decision on the objection as "granted" or "overruled".

4. Objections may interrupt the speaker.

### **Article 13: Hearsay.**

1. Hearsay is a testimony that is given by a Witness who speaks about not what s/he knows personally, but what others have said, which therefore depends on the credibility of someone other than the Witness. Such testimony is inadmissible under the rules of evidence.

2. Questions to the Witness shall be related to the Witness' own experience only. It must be possible for the source of the information to be examined directly during cross-examination.

3. If one of the parties to the case asks hearsay questions to a Witness, the other party has the right to raise an objection.

4. The final decision on the objection shall be made by the Presidents and this decision shall not be subject to appeal.

### **Article 14: Leading Question.**

1. Leading question is a question that suggests the answer to the person being interrogated; especially a question that may be answered by a mere "yes" or "no."

2. In case of a leading question during the examination, the other party has the right to object. The final decision on the objection shall be made by the Presidents and this decision shall not be subject to appeal.

### **Article 15: Speculation.**

1. Speculation is the act or practice of theorizing about matters over which there is no certain knowledge.

2. This objection shall be raised if a Witness tries to predict the result of an answer or possible outcome of an event.

3. In case of speculation the other party has the right to object. The final decision on the objection shall be made by the Presidents and this decision shall not be subject to appeal.

#### **Article 16: Irrelevant.**

1. All assertions by the parties shall be relevant to the case at hand.
2. If the assertion made is irrelevant to the case the other party shall have the right to object. The final decision on the objection shall be made by the Presidents and this decision shall not be subject to appeal.

#### **Article 17: Badgering.**

1. During the examination of the Witnesses, Agents have the responsibility to refrain from intimidation and distressing methods.
2. If one of the parties fails to meet this criterion, the other party shall have the right to raise an objection. The final decision on the objection shall be made by the Presidents and this decision shall not be subject to appeal.

#### **Article 18: Immaterial.**

1. Immaterial evidence tends to prove some fact that is not proper or is lacking logical connection with the consequential facts.
2. Assertion of law by the parties must be in accordance with the Article 38 of the Statute of the International Court of Justice. Furthermore, the assertion of facts must be certified under oath.
3. If one of the parties fails to abide by this rule, the other party shall have right to object. The decision on the objection by the Presidents may be subject to an appeal. In the event of an appeal the final decision shall be made by the Judges' vote.

#### **Article 19: Prejudicial.**

1. All assertions of law and facts shall respect the personal integrity of the Agents, Judges, Witnesses and others present in the Courtroom.
2. If an assertion by one of the parties harms the personal integrity of a person, an objection may be raised by any of the persons mentioned above. The final decision on the objection shall be made by the Presidents and this decision shall not be subject to appeal.

#### **Article 20: Competence.**

1.This objection shall be raised when a speaker asserts to a technical detail which cannot be assessed by the mentioned speaker.

2. The objection shall only be raised by the other party. The final decision on the objection shall be made by the Presidents and this decision shall not be subject to appeal.

#### **IV. JUDGMENT**

##### **Article 21: General Provisions Governing Judgment.**

1. The simple majority vote of the Judges will be required for deciding on claims and writing of the Judgment.

2. Each Judge shall have one vote. In the event of an equality of votes, the Presidents or the Judge who acts in his place shall have a casting vote.

3. The Judgment shall include the following aspects:

- a) The date of Judgment
- b) The names and signatures of the Judges authorizing the Judgment
- c) Names of the parties and Agents
- d) Summary of the trial
- e) Statement of the facts
- f) Legal ground
- g) The Merits of Each Claim
  - i. The Position of the Parties
  - ii. The Tribunal's Assessments
- h) Decision
  - i. Dissenting and concurring opinions

4.Dissenting opinion can be written and added to the Judgment by Judges who oppose the Judgment of the Court.

5.Separate opinion can be written and added to the final Judgment by Judges who agree with the final Judgment despite having different legal basis.