



# **SPECIAL RULES OF PROCEDURE INTERNATIONAL COURT OF JUSTICE**

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## **1. GENERAL DISPOSITIONS**

**1.1** The rules here presented are applied to all of the activities related to the International Court of Justice, being applied, in a subsidiary way, the General Rules of 13<sup>th</sup> AMUN and the ICJ's Statute Rules.

**1.2** The interpretation of these dispositions is up to the ICJ's Presidency and to the 13<sup>th</sup> AMUN's Secretariat, to whom is permitted its modifications, if necessary, and the unappealable determination of its contents.

**1.3** The official language at the sessions is English.

**1.4** The judges will have their seats in the Court following the order of seniority of admission and, in case of equal date of possession, following the order of age, from the right of the Presidency, starting the distribution by the Vice-President.

**1.5** To the judges and to the other involved in the sessions is required the use of appropriate clothing to the position at the Court and to the dignity of Justice, being vetoed the entrance of participants divergent of that precepts.

## **2. QUORUM**

**2.1** The minimum quorum to the opening of the sessions is 9 judges, regardless of the type of session in question.

**2.2** The same quorum is required to voting of substantial character.

### **3. RAPPORTEUR**

**3.1** At the start of each debate session will be elected, by simple majority, a reporter within the judges who are willing. It is up to the reporter to unite the forewords presented by the judges, to resume their positions and divergences and to identify the majority opinion concerning the points in debate, writing a draft of the arguments and of the more consensual decision at that moment.

**3.2** The election will be valid only for one session. The same reporter can only be elected again by a qualified majority.

### **4. OATH**

**4.1** Before the opening of the proceedings by the Chair, the judges will hold the oath set out in the article of the Statute of the ICJ, uttering the following words "I solemnly declare that I will perform my duties and exercise my powers as a judge honorably, impartially and consciously".

### **5. DEBATES**

#### **5.1 OPENING PROCEEDINGS**

**5.1.1** In the first session which will be closed, a brief initial time of speech will be delivered for each magistrate to expose their initial considerations about the case. After the pronouncement of all members of the session, the court will summon a Public Audience to start the oral proceedings.

#### **5.2 PUBLIC AUDIENCE**

**5.2.1** This procedure will be adopted in the need of the judges, at any time. It will be required the simple majority of the judges to approve the summoning of a Public Audience.

**5.2.2** The Public Audiences will be held in the presence of any interested on the matter, with the possibility of withdrawal of any present if required so by any judge.

**5.2.3** During the Public Audiences the Presidency of the Court will rule the procedures following the designated order of demands raised by the judges.

**5.2.4** The last session will necessarily be public, in the presence of the parties and the press. There the President will read the sentence collectively produced; at the end of reading, the judges should read their votes dissenting or concurring.

#### **5.3 ORAL PROCEEDINGS**

**5.3.1** Any oral proceedings will be taken in a Public Audience.

**5.3.2** During the oral proceedings, accusers and defenders shall proceed accordingly with the following:

**5.3.2.1** Firstly, the accusers will expose their positions, presenting the phatic and legal aspects of the case, by no longer than thirty minutes after which, the defenders will do the same, only by forty minutes. Each part will have twenty minutes to reply, followed by another round of rejoinders of ten minutes each. Accusers will reply first.

**5.3.2.2** After the initial hearings, accusers and defenders shall present the evidences and mark them. The accusation evidences will be marked with numbers and the defense evidences will be marked with letters.

**5.3.2.3** After marking and presenting the evidences, each part will have fifteen minutes to query the other part's evidences.

**5.3.3** In the event of a provisional measure, a public audience with oral proceedings will be held, in the same manner as hereby described, only to the appreciation of that measure.

#### **5.4 DELIBERATIVE SESSIONS**

**5.4.1** With the closure of the oral proceedings, the Court goes to secret deliberations in which are disallowed the participation of any subject non judge.

**5.4.1.1** However, at any time, the judges are allowed, and encouraged, to summon representatives of accusation and defense if necessary to the better comprehension and deliberation on the matter.

**5.4.2** The discussions will be considered to be in constant moderated caucus, valuing the Presidency for the equitable distribution of the word among the judges. Those wishing to speak should put their plates in hand on their tables, upright, and await the approval of the President to issue their speeches. There will be speaker's list and therefore no yielding of time.

**5.4.3** Between the speeches, the judges will be asked if there is any question or motion in order. Only then judges will present them, with the exception of the Question of Personal Privilege, which will be considered in order at any time.

### **6. POINTS**

In the ICJ are allowed Points of Personal Privilege, Points of Order and Points of Parliament Inquiry, in accordance with the 13<sup>th</sup> AMUN General Rules.

### **7. MOTIONS**

**7.1** Only the following motions are admitted to the ICJ, in order of priority:

#### **A) Adjournment of the Session**

With the approval of this motion, the works are postponed, and resumed the next day and time specified in the schedule. Requires a qualified majority (two thirds) vote for approval.

### **B) Introduction of Draft Sentence**

With this motion, the signatory judges of a Draft Sentence present it to their peers, validating their discussion. It requires the preliminary approval of the document in question by the presidency in accordance with the generally rules for the introduction of documents without prior approval of the Presidency.

### **C) Closure of Debate**

This motion ends the discussion on a particular Draft or Amendment, allowing the early voting procedures on them. This motion must be specific to document in question and requires a qualified majority for approval.

### **D) Unmoderated Caucus**

In unmoderated caucus, the judges can discuss freely, without any formal ruling by the Presidency, or help of the president. It requires a simple majority for approval.

### **E) Informal Vote**

A motion to allow informal poll, with the help of the presidency, the judges speak out in favor or against a particular theme. When proposing the motion it is necessary to present a question whose answer is given in a simple (yes or no) and a plausible justification for such an investigation. The vote is not binding in any way, serving only to survey the majority opinion.

## **8. DOCUMENTS**

**8.1** All documents produced by the delegates, without exception, must be sent to the Presidency for validation and copying.

**8.2** The documents permitted in the ICJ are Notes, Draft Sentences, Draft Amendments to the Sentence and the Concurring and Dissident votes.

**8.3** Draft Sentences and amendments can only be removed for discussion with the consent of all its signatories.

### **A. NOTES**

**A.1** The Notes are working documents of the Court. Through them, the judges can express their opinions, highlight important points of the case, clarify differences and discuss any issues considered relevant for a decision.

**A.2** Notes only require a signatory to be admitted.

### **B. DRAFT SENTENCE**

**B.1** Draft Sentence, properly formatted and with the minimum number of nine signatures will be accepted for approval by the Presidency at any time during the sessions.

**B.2** The signatories are not obliged to vote for all the points made in the Draft Sentence.

### **B.3 The Draft Sentence must necessarily contain:**

#### **I. At the Introduction:**

- i. The trial date
- ii. The name of the participating judges
- iii. The name of the parties and their agents of Defense
- iv. Brief summary of facts relevant to the trial
- v. The parties' submissions

#### **II. In part of Grounds**

- vi. The Court's explanation of the reasons for your decision

#### **In the operative part III**

- vii. The Court's response to each of the claims of the parties, without exceptions.

**B.4** Presented the Draft, one of the signatories will be invited to read it. Corrections of imprint and technical grammar will be accepted.

**B.5** Several drafts of a sentence may be submitted, but only one can be approved.

**B.6** The closure of discussions on a Draft must be approved by a qualified majority of magistrates.

**B.7** To be adopted as a sentence, a Draft should be adopted by simple majority of the judges.

### **C. DRAFT AMENDMENTS TO THE SENTENCE**

**C.1** Amendments to a Draft Sentence under discussion, properly formatted and with the minimum number of signatures of three judges will be accepted for approval by the Presidency at any time during the sessions. Amendments can add, modify or remove clauses in the Draft Sentence referred to.

**C.2** The amendment is adopted by simple majority.

### **D. CONCURRING AND DISSENTING VOTES**

**D.1** Any judge who dissents from the reasoning of the Court regarding the case, agreeing with the final result of the sentence, may write a concurring vote, explaining their differences and additions anticipated by him and that was not considered in the final sentence.

**D.2** A judge who disagrees with the operative part of the final sentence, dissenting from Court's decision regarding the case, may write a dissenting vote reasoned, explaining the reasons for this divergence.

**Defense and accusation may, at any time before the voting of the Draft Sentence, Present to the Presidency new evidences, documents, provisional measures or other information they considered to be relevant to the case.**