



Lastly updated on 2017.11.21.
Copyright 2013 – 2018 © Korea Model United Nations 2018 Secretariat. All rights reserved.

Chapter I

The Members of the Court

The KMUN 2018 International Court of Justice shall consist of Presidents, Justices, and advocates.

Article 1 *President*

1. The President of the International Court of Justice shall be responsible for the implementation of the Rules of Court.
2. This moderation duty will be the same as that of other student officers in KMUN 2018.
3. For matters not specified in the following Rules of Court, the KMUN 2018 Rules of Procedure will precede.

Article 2 *Justice*

1. Justices are responsible for determining the rules of international law on the specific case, questioning the advocates of each party and deliberating based on their arguments, and reaching a final verdict.
2. Each Justice shall have one vote in procedural and substantive voting procedures.
3. Justice's decisions and actions must be unbiased.
 - a. Failure to meet this criterion may be a viable reason for issuing a Point of Notice in addition to the causes outlined in Article 7, Chapter III.

Article 3 *Advocate*

1. Advocates will present and defend the stance of their States, with methods of proof including the presentation of evidence and the questioning of the witnesses.
2. Each advocate shall have one vote only in procedural voting procedures.
3. Advocates of the Applicant party shall possess the right to speak first, and shall carry the burden of proof.
 - a. Burden of proof can only be reversed in cases of extraordinary claims by the Respondent party.

Chapter II

Proceedings before the Court

Article 1 *Written Proceedings*

1. The written proceedings before the court shall consist of Memorandums, to be submitted by Justices, and Briefs, to be submitted by Advocates.
 - a. A Memorandum shall contain the relevant facts, and legal issues, including the arguments for each party;
 - b. A Memorial Brief shall contain table of authorities, questions presented, statement of the facts, pleadings, and the prayer for relief.

Chapter III

Proceedings of the Court

Article 1 *Opening of the Court*

1. At the time scheduled for the opening of the court session, the President shall declare the session open. (“Court, please come to order. We are now in session.”)
2. The following declaration is to be made by every Justice at the first public sitting: “I solemnly declare that I will perform my duties and exercise my powers as Justice honourably, faithfully, impartially and conscientiously.”

Article 2 *Written Proceedings*

1. Advocates will be recognized to read out their Memorial Briefs and elaborate on the content of the brief for 20 minutes, if not appointed otherwise by the President.
 - a. The Applicant party will introduce his Memorial Brief first;
 - b. Once the Applicant has introduced the brief, he will be open to Points of Clarification;
 - c. The Respondent party will introduce his Memorial Brief;
 - d. The Respondent will be open to Points of Clarification.
2. After the introduction of Memorial Briefs, the President will call out the names of Justices in order, and the Justices should approach the President and hand in their Memorandums.
3. Once all the Justices are seated, the Advocates will be asked to leave the Court for 20 minutes, if not appointed otherwise by the President.
 - a. The administrative staff will seal the chambers, and the Advocates will be taken to a separate room where they will be given both Memorial Briefs;
 - b. No direct contact between Advocates is allowed at this time;
 - c. Advocates may use this time to prepare their oral presentations or study the Brief of the opposing party;
 - d. Justices are to create a written document listing five Points of Information each for the Applicant and Respondent.
4. Advocates will be brought back to the Court, escorted by the Administrative staffs.
 - a. The document created by *Article 2, Clause 3, sub-clause c* will be photocopied and distributed;
 - b. Advocates are to answer the Points of Information in the form of Reply and Rejoinder.
5. The Reply and Rejoinder will be conducted in the same manner as the introduction of Memorial Briefs.
6. Evidence shall be submitted as part of the written proceedings.
 - a. The Court will allow up to two presentations of evidence for each party;
 - i. Evidence is any object submitted to the Court in relevance with the hearings. It can be newspaper articles, international agreements, multilateral or bilateral treaties, reports, resolutions or anything that in essence helps the Advocates to prove their arguments;

- ii. Prior to the conference, a list of available evidence shall be provided by the Secretariat;
- b. Advocates will make oral presentations regarding the evidence, not lasting longer than 10 minutes, on the relevance of the object submitted and how it supports the case of the corresponding party;
- c. After the presentation of evidence, the Justices and naturally the Presidents shall have the floor to question the Advocates.
 - i. The questions of the Judges shall not be limited by the scope of the presentation;
 - ii. There shall be no certain time limitation for the questioning of the Advocates, and the Presidents may at any time decree to end the questioning;
 - iii. This decision of the President is subject to appeal.

Article 3 Oral Proceedings

1. The Applicant and Respondent will make their introductory presentations for 10 minutes, if not appointed otherwise by the President.
 - a. The content of this speech shall be directed to the issues that still divide the parties, and shall not go over the whole ground covered in the Brief or merely repeat the facts and arguments already presented;
2. The Justices and Advocates may, at any time during the oral proceedings, raise their placard to a Point of Information, Point of Clarification, or Comment and proceed when recognized by the President. This rule does not apply to the last 3 minutes of introductory presentations by Advocates.
3. After introductory presentations by the Advocates, the Justices will engage in deliberations for 30 minutes, if not appointed otherwise by the President.
 - a. The administrative staff will seal the chambers, and the Advocates will be taken to a separate room;
 - b. No direct contact between Advocates is allowed at this time;
 - c. The Applicant and Respondent will use this time to prepare for direct examination of their witnesses.
4. Witnesses shall be summoned as part of the oral proceedings.
 - a. The Court will allow up to two witnesses for each party for direct and cross examination.
 - b. Prior to the conference, a list of available evidence shall be provided by the Secretariat. Advocates will be informed of the names and contact information so that the witnesses may be prepared in advance;
 - c. The Advocates will request the summoning of witnesses by saying, “Your honor, the advocate calls upon witness _____ to the stand”;
 - d. The following declaration is to be made by each witness: “I solemnly declare upon my honor and conscience that I will speak the truth, the whole truth and nothing but the truth”;
 - e. The testimony of a witness shall consist of direct and cross examination;

- f. During the direct examination, each side will question their own witnesses. Leading questions are not allowed during direct examination;
- g. 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. Leading questions are allowed during cross examination;
- h. The examination of a witness shall observe the following procedure:
 - i. The Applicant shall be the first to present witnesses;
 - ii. The Applicant will finish the direct examination by saying, “No further questions, your honor”;
 - iii. The Respondent will finish the cross examination in the same manner;
 - iv. Justices and Presidents shall question the witness, and at this point, their questions are not limited by the witness’ statements during the direct examination;
 - v. The Respondent shall present witnesses in the same manner.
5. In between presentation of evidence or testimony, the Justices may choose to engage in deliberations. The time limit will be set by the President.
 - a. The deliberation may take place in forms of general debate, moderated debate and unmoderated caucus, as regulated by the KMUN 2018 Rules of Procedures;
 - b. However, Justices shall never be required to go up to the podium while making speeches.
6. When all appointed witnesses have testified, Advocates will be asked to give closing presentations.
7. After comments and questions to the advocate are exhausted, the court will move to final deliberations, during a time limit set by the President.
8. Once the Justices believe there has been thorough discussion, a *Motion to Close the Chambers* will be raised.
 - a. If the motion passes, the administrative staff will seal the chambers, and the Advocates will be taken to a separate room;
 - b. Justices will be given 30 minutes, if not appointed otherwise by the President, to write a verdict.
 - c. When this time elapses, the Court will move into a substantive voting procedure:
 - i. Justices will be called in alphabetical order;
 - ii. Justices will vote “Aye” in favor of the Applicant, “Nay” in favor of the respondent, or abstain;
 - iii. The first round of voting will be non-binding, which is rendered unofficial and obsolete;
 - iv. The second round of voting will be the one and only binding vote;
 - v. After the second round of voting, the President shall announce the voting count, and present the Opinion of the Court;
9. Advocates will be called back to the Court. The case is concluded with a formal announcement of the final verdict in open Court.

Points

Article 4 Point of Personal Privilege

1. If at any time a Member of the Court experiences personal discomforts which impair his ability to participate in the proceedings, or notes a situation that may endanger the committee, he may rise on a Point of Personal Privilege.
2. A Point of Personal Privilege may interrupt a speech only when the discomfort is in regards to audibility. Members of the Court are cautioned to use this point with extreme discretion.

Article 5 Point of Order

1. If at any time a Member of the Court feels that parliamentary procedure is not being followed properly, he may rise to a Point of Order. The President shall immediately decide upon Points of Order according to these rules of procedure. The President may rule out of order those Points that are dilatory or improper.
2. A Point of Order may interrupt a speaker only when the speech itself is not following proper parliamentary procedure. Members of the Court are urged to exercise this ability with extreme discretion.
3. Both Members of the Court and administrative staff will accept corrections to procedural errors eagerly when offered in a Point of Order with graciousness.

Article 6 Point of Inquiry

1. A Member of the Court may rise on a Point of Inquiry to ask the President to clarify his confusion or misunderstanding of correct Parliamentary procedures, when the floor is open. The President will answer the question immediately.
2. This point may never interrupt a speaker.
3. This point may not be used to ask a question of a factual or substantive nature.

Article 7 Point of Notice

1. The President may intervene at any point and issue a Point of Notice, either in writing or during the debate, to a member who is clearly and persistently out of order.
2. A Point of Notice serves as a warning to a Member of the Court. Continued offense should be reported to the Deputy Secretary-General in charge.

Article 8 Point of Clarification

1. Immediately after the conclusion of any speech, a Member of the Court may rise on a Point of Clarification in order to ask a question to the person who has just spoken.
2. A Point of Clarification is strictly for clarification, and is allowed as a means for Members of the Court to rectify confusion at the speech resulting from mishearing, microphone malfunctions, lack of vocal clarity, use of vague or ambiguous wording and such.

- a. Members of the Court asking Points of Clarification of an argumentative nature shall be immediately called to order.
3. The Member of the Court being asked a Point of Clarification has the right to decline to answer or to give clarification.

Article 9 *Point of Information*

1. Point of Information can be entertained as one of the four ways of yielding in a speech in a General Debate, or as designated otherwise in the Rules of Court.
2. This Point should always be in question form.
3. Only the time taken to answer the Point is deducted from the remaining time.
4. One follow-up is allowed, but a follow-up to a follow-up is out of order.
5. The Member of the Court being asked a Point of Information has the right to decline to answer any questions asked.

Motions

Article 10 *Motion for a Roll Call*

1. A Member of the Court may raise a *Motion for a Roll Call* when the floor is open, if he wishes the President to take a roll call.
2. The motion may be ruled out by the President's discretion.
3. This Motion requires a second.
4. Upon hearing a second from another Member of the Court, the President directly takes a roll call.
5. If the Motion fails, the President does not take a roll call and resumes the committee proceeding that was taking place before the motion was raised.

Article 11 *Motion to Set the Speaking Time*

1. A Member of the Court may propose a *Motion to Set the Speaking Time* in cases such as but not limited to:
 - a. When there has not been a specific speaking time set;
 - b. When the President has not set the speaking time by discretion;
 - c. When a Member of the Court feels a need to change the current speaking time.
2. The motion shall be immediately put to a vote, and requires a simple majority to pass.

Article 12 *Motion to move into a Moderated Debate*

1. A Member of the Court may propose a *Motion for a Moderated Debate*, specifying in the proposal the time of the Moderated Debate, individual speaking time, and the purpose.
2. The motion shall be immediately put to a vote, and requires a simple majority to pass.
3. The President may change the time limit.
4. The President may rule the motion out of order.

5. Once in Moderated Debate, the President, at discretion, will give the floor to Members of the Court who wish to speak.
6. There are no yields in speeches in a Moderated Debate.
7. There is no motion to end the Moderated Debate before its prescribed time; the time allotted to a Moderated Debate must fully elapse in order for the committee to return to the Speakers' List.
8. The maximum time allotted for Moderated Debate is 15 minutes.

Article 13 Motion to move into an Unmoderated Caucus

1. A Member of the Court may propose a *Motion for an Unmoderated Caucus*, specifying in the proposal the time of the Unmoderated Caucus and the purpose of it.
2. The motion shall be immediately put to a vote, and requires a simple majority to pass.
3. The President may change the time limit.
4. The President may rule the motion out of order.
5. Once in Unmoderated Caucus, the committee will have an informal session, and Members of the Court are free to move around, speak, etc. Members of the Court may not, however, use a microphone or a similar device to deliver a speech.
6. The maximum time allotted for Unmoderated Caucus is 30 minutes.

Article 14 Motion to Dismiss a Witness or Evidence

1. A Member of the Court may propose a *Motion to Dismiss a Witness or Evidence*, if he finds that a testimony or presented evidence is false, questionable, or irrelevant.
2. The President shall open a Limited Speakers' List on this motion, allowing 1 speaker in favor and 1 speaker against, each allotted 1 minute.
3. After the Limited Speakers' List is exhausted, the motion will be put to an immediate procedural vote.
4. This motion requires a two-thirds majority to pass.

Article 15 Motion to Request a Witness or Evidence

1. A Member of the Court may propose a *Motion to Dismiss a Witness or Evidence*, if he wishes to bring back a witness or evidence for additional questioning.
2. This motion requires a simple majority to pass.
3. If a witness is brought back, questions will be asked only by Justices.
4. If evidence is brought back, Justices may use it simply to refer, or to ask questions to the Advocates.

Article 16 Motion to Close the Chambers

1. A Member of the Court may propose a *Motion to Close the Chambers*, to limit the chamber only to Justices and Presidents.

2. Closure of the Chambers is debatable to the extent of two speakers against the motion; no speaker in favor shall be recognized.
3. If this motion passes, Advocates and observers will be asked to leave the room.
4. When the designated time of 30 minutes elapses, the Court will move into substantive voting procedures.

Article 17 *Motion to Adjourn the Meeting*

1. When there are less than 30 minutes remaining in the session, a Member of the Court may move to adjourn the meeting.
 - a. The *Motion to Adjourn the Meeting* must specify at which point in time the meeting will be resumed, except for the last session on the last day of the conference.
2. The President may rule this motion out of order.
3. This motion shall be put to an immediate procedural vote, and requires a simple majority to pass.

Article 18 *Motion to Suspend the Rules*

1. In case of unforeseen circumstances in which adherence to the rules of procedure render the proceedings impractical, a Member of the Court may propose a *Motion to Suspend the Rules*, specifying which rule should be suspended, for what purpose, and for what duration of time.
2. This motion is in order at any time the floor is open, and shall be put to an immediate vote, and requires a two-thirds majority to pass.
3. This motion must be approved by the Deputy Secretary-General in charge before it is implemented.

Provision of rights

Article 19 *Right of Reply*

1. A Justice whose personal integrity, or an Advocate whose personal or national integrity has been seriously impugned by the speech of another person, may request a Right of Reply by sending a note to the President.
2. The President may choose to grant the Right at sole discretion, allowing the Member of the Court to respond by giving a speech to the committee, not exceeding 45 seconds.
3. The decision of the President is binding and cannot be appealed.
4. A right of reply to a right of reply is out of order.

Article 20 *Objections*

1. The President shall announce whether the objection is “granted” or “overruled”. This decision is final and subject to appeal. If the objection is granted by the presidents, parties shall refrain from referring to the assertion subject to objection.

2. Hearsay; Questions to the witnesses shall be related to the witness' own experience only. If one of the parties to the case asks hearsay questions to a witness, the opposing party shall have the right to object.
 - a. Hearsay objection may interrupt the speaker.
3. Leading Question; Leading questions may only be asked by the side that is cross-examining. There shall be no leading questions asked during the direct examination of a witness. In case of a leading question during the direct examination the opposing side shall have the right to object.
4. Speculation; This objection shall be raised if a witness tries to predict the result of an answer or possible outcome of an event. In case of speculation the opposing party shall have the right to object.
5. Irrelevant; All assertions by the parties shall be relevant to the case at hand. If the assertion made is irrelevant to the case the opposing party shall have the right to object.
6. Badgering; During the examination of the witnesses, parties have the responsibility to refrain from intimidation and distressing methods. If one of the parties fails to meet this criterion, the opposing party shall have the right to object.
7. Immaterial; Assertion of law by the parties must be in accordance with the Article 38 of the Statute of International Court of Justice. Furthermore, the assertion of facts must be certified under oath. If one of the parties fails to abide by this rule, the opposition shall have the right to object.
8. Prejudicial; All assertions of law and facts shall respect the personal integrity of the Advocates, Justices or Presidents. If an assertion by one of the parties harms the personal integrity of a Court member, an objection may be raised by any of the above-mentioned persons.
9. Competence; This objection shall be raised when a speaker asserts to a technical detail which cannot be assessed by the mentioned speaker. The objection shall only be raised by the opposing party.