

Rules of Procedure and Evidence

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MODEL UNITED NATIONS INTERNATIONAL SCHOOLS CONSORTIUM



International Court of Justice

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CHAPTER 1. GENERAL PROVISIONS

RULE 1. USE OF TERMS

English is the official language in the court. Any other languages are prohibited during the trial.

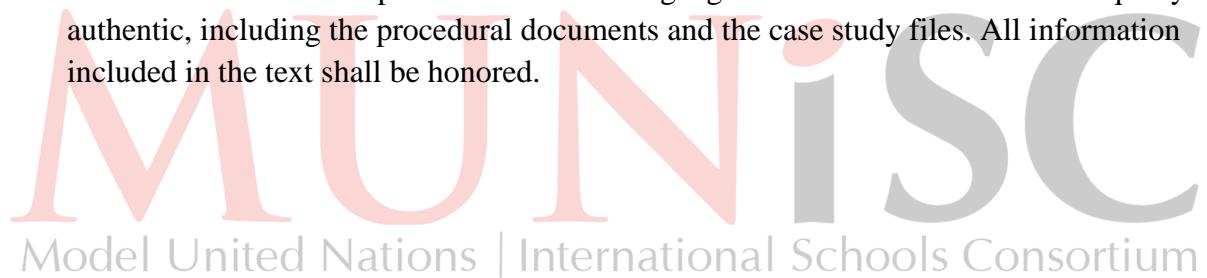
There should be no use of personal pronouns in the court. The lawyers must refer to themselves according to their positions, for example, ‘the lawyer’, ‘the prosecution’ or ‘the defense.’

The members of the court shall always maintain formal manner. No informal languages or abbreviations are permitted during the trial. The only accepted abbreviation is ICJ, International Court of Justice.

Every member of the court must respect the judge by referring to him/her as “Your honor.”

RULE 2. AUTHENTIC TEXT

The rules have been adopted in the official languages of the Court. All texts are equally authentic, including the procedural documents and the case study files. All information included in the text shall be honored.



CHAPTER 2. COMPOSITION AND ADMINISTRATION OF THE COURT

SECTION I. GENERAL PROVISIONS REGARDING COMPOSITION AND ADMINISTRATION OF THE COURT

RULE 3. PRESIDENCY

The Presidency Position includes the President of the International Court of Justice and the Deputy President of the International Court of Justice. The Presidency Position shall be honored throughout the trial and any inappropriate actions toward the Presidents may be regarded as an act of misconduct.

SECTION II. PROSECUTION

RULE 4. COMPOSITION OF PROSECUTION

The Prosecution is composed of Leading Lawyer, Examining Lawyers, and witnesses.

RULE 5. FUNCTION OF PROSECUTION

The Leading Lawyer for the Prosecution represents the Prosecution as a whole. The Leading Lawyer will assign tasks to the Examining Lawyers and schedule the debate for the Prosecution. The Leading Lawyer for the Prosecution works with the Leading Lawyer for the Defense to approve the evidence prior to the trial. The Leading Lawyer is obligated to make an opening speech in the beginning of the trial, presenting the general case to the judge from the side of the Prosecution.

All lawyers may make objections if the action of the Defense is inappropriate.

The witnesses for the Prosecution will stand on the Prosecution's side and will answer the questions of the Examining Lawyers. The witnesses are obligated to tell the truth during the trial.

SECTION III. DEFENSE

RULE 6. COMPOSITION OF DEFENSE

The Defense side will be composed of Leading Lawyer, Examining Lawyer, and witnesses.

RULE 7. FUNCTION OF DEFENSE

The Leading Lawyer for the Defense represents the Defense as a whole. The Leading Lawyer will assign tasks to the Examining Lawyers and schedule the debate for the Prosecution. The Leading Lawyer for the Prosecution works with the Leading Lawyer

for the Defense to approve the evidence prior to the trial. The Leading Lawyer is obligated to make a closing speech in the end of the trial, presenting the general case to the judge in the side of the Defense.

All lawyers may make objections if the action of the Prosecution is inappropriate.

The witnesses for the Defense will stand on the Defense's side and will be answer the questions of the Examining Lawyers. The witnesses are obligated to tell the truth during the trial.

SECTION IV. THE OFFICE OF JUDGE

RULE 8. FUNCTION OF JUDGE

The Judge gives recommendation in the end of the trial, convicting crimes of the Defendant. The Judge will give the recommendation based on the trial and *Rule 16*. The Judge has the power to ask questions to both the Prosecution and the Defense, and all the members of the court is obligated to answer the Judge's questions. The Judge has the freedom to give explanation for the recommendation.



CHAPTER 3. PROVISIONS RELATING TO VARIOUS STAGES OF PROCEEDINGS

SECTION I. EVIDENCE

RULE 9. ACCEPTED EVIDENCE TYPES

Any evidence submitted by the Prosecution or the Defense must satisfy the following conditions:

- a. Evidence shows a graph, a table, or a picture
- b. Evidence is derived from witnesses' testimony
- c. Evidence is from a primary source related to the case
- d. Evidence from an international law
- e. Evidence is printed prior to the trial

Only evidence approved during the approval session between the two Leading Lawyers may be presented during the court. After the approval session is over, the Lawyers should get final approval from the presidents.

RULE 10. SUBMISSION OF EVIDENCE

The Examining lawyers may ask the Judge to submit evidence during the examination/cross-examination session. The Examining Lawyer should briefly describe the evidence and present it to the Judge for approval. After the Judge approves by saying, "proceed," the lawyer may present the evidence to the court and use it for examination/cross-examinations.

RULE 11. TESTIMONY OF WITNESSES

The testimony of the witnesses can never be retracted and remain a main evidence during the trial.

RULE 12. EXCEPTIONS TO WITNESSES TESTIMONY

The approved exceptions to *Rule 10* are the following:

- a. The evidence may be presented by means of audio or video only when the witness is unable to attend the court due to personal conditions.
- b. Any evidence relating to sexual crime or violence shall be consented with the victim before submitting the evidence.

SECTION II. WITNESSES

RULE 13. ROLE OF WITNESSES

The witnesses must be present during the trial. The witnesses are obligated to tell the truth during the trial and follow their testimony file. The witnesses must remain in a

formal manner throughout the court, showing respect to the Judge and to the administration of the Court.

Prior to the trial, the witnesses from each Prosecution and Defense shall work with the Examining lawyers from their side and discuss the examination questions beforehand.



CHAPTER 4. TRIAL PROCEDURE

SECTION I. PROCEDURES

RULE 14. PROCEDURES OF THE COURT

a. Prior to the trial:

Lawyers, Witnesses, and Presidents must wait inside the court room until the Judge enters. When the Judge enters, everyone in the court must stand up to show respect to the Judge. Once the Judge is seated, the rest of the court members may sit down.

b. During the trial:

1. The Leading Lawyer for the Prosecution delivers an opening speech to the Judge.
2. The Examining Lawyer for the Prosecution calls one of the witness from the Prosecution's side and examine the witness.
3. The Examining Lawyer for the Defense calls on the same witnesses for cross-examination.
4. The Examining Lawyer for the Defense calls one of the witness from the Defense's side and examine the witness.
5. The Examining Lawyer for the Prosecution calls on the same witness for cross-examination.
6. The Leading Lawyer for the Defense delivers a closing speech to the Judge.

c. After the procedures:

The Judge asks questions to the Prosecution and the Defense regarding the clauses they have to prove.

The Judge pronounces the recommendation in public in the presence of the accused, Prosecution, Defense, and victims.

RULE 15. MOTIONS

The Presidents, on their own decision or at the request from the Prosecution or the Defense, may table a motion on an issue. All the request of motions from either the Prosecution or the Defense shall be in written form, submitted to the Presidents.

Before the commencement of the trial, the Presidents shall ask the Prosecution and the Defense for objections or observations concerning the conduct of the proceedings. Such objections or observations will not be raised again when the trial begins.

The motions that can be raised are:

- a. Motion to move into the _____ session
- b. Points of Clarification on the trial procedure

The Examining Lawyers from both parties may raise objections during the trial. The objections may be declared anytime during the examination/cross-examination session after standing up when necessary. The approved objections are the following:

- a. “The question is irrelevant.”: The question does not relate to the evidence or the witness
- b. “The question is a compound question.”: The question consists of two distinct questions
- c. “The witness should answer yes or no.”: The witness does not answer the lawyer’s question in a clear yes or no format
- d. “The witness is unreliable.”: The witness claims a false information
- e. “The lawyer made a statement, not a question.”: The lawyer’s question is not in question form during examination/cross-examination
- f. “The lawyer asked the same question twice.”: The lawyer repeats a question
- g. “The lawyer is badgering the witness.”: The lawyer intimidates the witness
- h. “The evidence was not shared before the trial.”: The evidence put forth was not shared with the opposite side.
- i. “Contempt of Court.”: A member of the court commits misconduct

If the objection is not accepted, the Judge will announce: “Objection overruled”

If the objection is accepted, the Judge will announce: “Objection sustained.”

CHAPTER 5. DECISION OF THE JUDGE

SECTION I. RECOMMENDATIONS OR DETERMINATIONS

RULE 16. RECOMMENDATION OF THE JUDGE

In the determination of the sentence, the Court shall:

- a. Bear in mind that the totality of any sentence and/or fine must reflect the culpability of the convicted person/nation
- b. Emphasize the clauses that the Prosecution and the Defense have proven
- c. Declare whether Defense is guilty in the recommendation



CHAPTER 6. APPEAL

SECTION I. APPEAL TO THE JUDGE

RULE 17. APPEALS AGAINST CONVICTIONS AND ORDERS

An appeal against the recommendation of conviction, sentence, or reparation may be submitted in paper form within 30 minutes after the Judge has delivered the recommendation.

The appeal shall be filed to the Presidents directly and after examination, the Presidents will announce the members of the court that an appeal has been made.

Any appeal may be retracted once a party submits a written notice of discontinuance of the appeal before the judge changes the recommendation. Then the President shall inform other participants that a discontinuance of an appeal has been made.

RULE 18. APPEAL TO THE TRIAL PROCEDURE

An appeal to the trial procedure may be submitted in paper form to the admin staff before the trial commences. This shall be transferred to the Presidents and will be examined. The Presidents shall inform the members of the Court if an appeal to the trial procedure has been implemented. If there are no such announcements made, then it would imply that the appeal has been denied.



CHAPTER 7. OFFENCES AND MISCONDUCT AGAINST THE COURT

SECTION I. CONTEMPT OF COURT

RULE 19. MISCONDUCT UNDER CONTEMPT OF COURT

Any members of the court who received more than three warnings from the Judge regarding Contempt of Court is obliged to leave the court room.

The following actions fall under Contempt of Court (not limited to the following):

- a. Use of electronic devices during the trial
- b. Refusing to be in a formal manner
- c. Causing disturbance in the court room
- d. Having direct conversation when having no authority to speak

SECTION II. OFFENSE AGAINST THE JURISDICTION

RULE 20. OFFENCE AGAINST THE RECOMMENDATION

Any party showing aggressive behavior to the Judge instead of filing an appeal shall be warned of Offence against the recommendation.

Any party showing provoking behavior to the other party after the trial shall be warned of Offence against the recommendation.

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SECTION III. RETARDATION

RULE 21. MISCONDUCT UNDER RETARDATION

Any members of the court shall be warned of Retardation when being late to the trial. If the member has been warned over three times, the member shall be deprived of the authority to participate in the trial for the current case being trialed upon.

The Lawyers who have submitted the evidence not within the time limit, which does not fall under Rule 12, shall be warned of Retardation.