



II TECMUN en línea

International Court of Justice

Official Protocol

This committee represents the International Court of Justice (hereinafter referred to as ICJ or the Court), the principal judicial body of the United Nations; whose role is to settle, in accordance with international law, legal disputes submitted to it by States and to give advisory opinions on legal questions referred to it by authorized United Nations organs and specialized agencies. Said committee is composed by the Presidency, the Judicial Division.

The Presidency and the Registry that will be composed by members of the committee's Chair. In total, the maximum capacity of the committee will be of 19 delegates distributed in the aforementioned divisions. Its members may speak in first person as they represent legal physical persons. This committee simulates the Trial Chamber of the Court and deals with affairs, instead of topics, that are under current investigation of the Court.

1. Judicial Division

It is composed by 15 judges from across the globe represented by delegates upon individual application. The members of the Court do not represent the government of your country or any other authority since they are independent magistrates¹ whose first act is to declare solemnly and in public before the court that they will exercise their powers impartially.

1.1 Presidency and Registry

The Presidency will be composed by the Presiding Judge, which is represented by the President of the committee as well as by a member of the Chair that will represent the Vice-President. The other members of the Chair will represent the Registry, counting with one Registrar and Deputy Registrars. In an extraordinary case, the President can admit another

¹ **magistrates:** a civil officer or lay judge who administers the law, especially one who conducts a court that deals with minor offenses or holds preliminary hearings (Merriam-Webster Dictionary).

member into the Presidency, being there, the Presiding Judge, First Vice-President and Second Vice-President.

Presidency

The Presiding Judge will have a full understanding of the rules of procedure concerned by the Court, as its Statute and Regulations, together with the Procedure and Evidence procedures and the Elements of Crime. Furthermore, the Presiding Judge will be responsible for the procedural functions of the committee and will serve in any question regarding the affairs. The Presiding Judge does not play a part in the debate nor vote, as its title is only representative of the International Court of Justice.

In like manner, the Presidency will be also composed by the Vice-President who will represent the current Vice-President of the actual Court, -or by the First and Second Vice-Presidents if given the case-; the Vice-President will have the same understanding on legal procedures as the Presiding Judge, and will support him in any of his regular functions, under the terms of the II TECMUN en línea Official Protocol;

Registry

The Registry will be composed as well by the other members of the Chair; one of them representing the Registrar, who will assist the Presidency in administrative and servicing matters, and may take other duties assigned by the Presiding Judge. There will only be one Registrar since the other members of the Chair will represent the Deputy Registrars and will attend the same faculties that the Registrar; and will assist in the duties of the Registry based on what is determined by the Presidency, not the Registrar.

1.2 Judges Ad Hoc

A *judge ad hoc* is a magistrate appointed by a special procedure for a specific affair, or period only; in contrast to a regular judge within the Court. Under Article 31(2)(3), of the Statute of the Court, a State Member to an affair submitted to the International Court of Justice which does not have a judge of its nationality on the Bench may choose a person to serve as *judge ad hoc* in that only affair, in accordance to the conditions laid down in Articles 35 to 37 of the Rules of Court. Judges ad Hoc do not necessarily have to be, and often do not, nationals of the State that designates them;

1.3 Agents²

At that, these are composed by the Agent Plaintiff and the Agent Defense from each State represented in the current affair of the Court. These will be represented by two delegates each upon individual application and may act independently of the Court, this means they are not part of the judicial body that presents a verdict³, and therefore they cannot vote at the indicated motions.

A delegate who represents an Agent, must present an Indictment, in case of the Agent Plaintiff, or a Position 1 Paper, in case of the Agent Defense. This paper must include a statement of facts which is a context and facts of the case, a statement on applicable law based on the Charter of the United Nations and a conclusion; the work must include its respective references and shall be delivered to the Chair before the first session is opened.

Agent Plaintiff

The Agent Plaintiff happens to be a delegate who files a lawsuit because the defendant, or the other party defending the lawsuit, has failed to properly fulfil what is referred to in the Charter of the United Nations. Thenceforth, the Agent Plaintiff begins the lawsuit by filing a complaint before the International Court of Justice;

Agent Defense

Alike, Agent Defense happens to be the delegate who represents the Defendant State, who has failed to fulfil what is stated in the Charter of the United Nations; thenceforth, the Agent Defense is submitted to a trial before the International Court of Justice that has been begun by the Agent Plaintiff.

² For practical purposes of the court, delegates who represent either agents or judges and hoc, will change the country represented according to the Affair that opens at the time of starting the session, so they must be prepared to play both roles.

³ **verdict:** a decision made and written in a document after judging the facts that are given, especially one made at the end of a trial (Cambridge Dictionary, n.d.)

2. Debate initiation

The session can only open if a member of the Presidency. During the roll call, the other offices will only respond as “present” but not voting, as they are not part of the judicial body of the Court; otherwise, judges will respond as “present and voting”.

The Role call may proceed in the following order:

- 1) Agent Plaintiff
- 2) Agent Defense
- 3) Judge ad Hoc Plaintiff
- 4) Judge ad Hoc Defense
- 5) And, all the other judges in alphabetical order

Once the session has been opened, before taking up their respective duties, the judges, and all parts of the Court shall each make a solemn undertaking in open Court. In case of a judge, he/she must say before the Presiding Judge:

“I solemnly undertake that I will perform my duties and I will exercise my magistrate powers as a (role in the Court) of the International Court of Justice honorably, faithful and impartial and conscientious”.

3. Motions

Motion to Open Affair A or B

The procedures to open either Affair A or B will be as determined by the TECMUN Official Protocol, but Agents and Judges ad Hoc cannot speak in favour or against can't participate during the voting process.

Motion to set the time of the Speaker's List to x minutes

The Speaker's List of the Court already has an established order, so once the motion has been seconded and voted, it will proceed according to the committee's list regardless of who proposed and seconded the motion. The order of the Speaker's List will be in the following order:

- 1) Agent Plaintiff
- 2) Agent Defense
- 3) Judge ad Hoc Plaintiff 4) Judge ad Hoc Defense

5) All the other judges in alphabetic order

So the Agents will start with opening states previously examined which will present their position regarding the Affair; any agent shall then introduce evidence as stated hereinafter. In such case, judges will examine the presented evidence and continue deliberating the case based on what was stated before by the Agents.

Motion to Change the Working Language of the Court

This motion may apply at any moment and the Chair will decide if it is in order or not; in case the motion is accepted, it must be seconded and voted in favour by the majority of the committee; it must be accepted by the Chair in case it is proposed by the Agents “*Motion to Introduce Evidence*”, but it must be seconded and voted on by the rest of the committee. In case the Working Language of the Court has been changed, this motion must be proposed in such language in order to re-establish the Working Language of the committee.

The Presidency may authorise the use of any language in the introduction of evidence if it considers that it would facilitate the efficiency of the proceedings.

Motion to Introduce Evidence

This motion can only be introduced by the Agents in order to present evidence that supports their position before the committee. The evidence can be multimedia material (photography, video, audio), legal briefs (or other official documents) or a witness. The Chair can only pass the motion if the evidence has been presented and accepted accordingly before the session is opened; if evidence not accepted is presented, the will be granted a warning. In case it is a witness, it must be a person from outside the committee that has not been present in the debate as a hearer before, and can only speak in the elected working language of the committee. The witness may be introduced by the Agent that proposed the motion and can only speak for its Agent without mentioning other parts of the case; otherwise, or in case of inappropriate behaviour, the witness will be vetoed from the committee and the agent will be granted a warning.

After the evidence is presented, all delegates will be able to introduce a “*Motion to Open an Extraordinary Session of Unlimited Questions*”, then they shall question the delegates about their evidence, or the witness itself. Afterwards, the Agent that introduced the evidence,

and if given the case, the witness, must leave the room; consequently, judges must propose a *Moderated Caucus of 5 minutes* to deliberate if the evidence is either faithful or not and if it should be taken into consideration for the Court's verdict. The judges will vote In favour or Against with no abstentions and the result of the voting will be announced to the Agent when it reenters to the room.

Any point or motion different from the ones aforementioned will proceed as specified in the II TECMUN en línea Official Protocol.

4. Affairs

The Affairs will be determined beforehand by the administration from the Situations Under Investigation by the International Court of Justice, and from the Pending Affairs; who will be referred to as the Accused. Depending on the Affair, the Accused can be under trial of the Court, or under pre-trial, and can either be under custody of the Court or fugitive. If this last was the case, the Court will also have to determine what must be done in order to put the fugitive under custody of the Court. The committee will have to judge all accused that the case presents.

4.1 Trial

When the accused State or one of the accused is under trial, it means that the Court has already gathered enough evidence to proceed to pronounce a sentence; in this case the agents still can introduce evidence to reinforce their position. Judges will have to determine the sentence that corresponds according to the crimes the accused State is charged with.

4.2 Pre-trial

When the accused State or one of the accused is under pre-trial, it means that the Court has not gathered enough evidence to declare him culpable of one or more charges. In this case, the Agents may introduce evidence to defend or incriminate the accused State of charges

5. Verdict of the Court

The Court can only close an affair if it has reached a verdict; this last will have the same qualities as the resolutions, as specified in the II TECMUN en línea Official Protocol. The

verdict will be written up mainly by the judges of the Court, who can be helped by the Agents in specific aspects but not in entire dispositions, as the points within the verdict can only be agreed by the judges. The Verdict will contain the basic information about the accused State, the specific charges and the final deliberation of the Court: the sentence, and the terms under which the last steps of the trial will be taken. The content of the verdict may differ from an affair on stage of trial or pretrial as stated in paragraph 4.2.

The verdict will never be related to issues corresponding to other sectors than the application of justice on the accused State. In like manner, the voting process of the verdict will proceed just like a committee resolution as specified in the II TECMUN en línea Official Protocol, with the only exception that the Agents will not be able to partake in any round of the voting.

The reading of the verdict may be made by any member of the Court, either Agents or judges.