

## **Rules of Court Adopted for the AISMUN 2010**

### **International Court of Justice**

#### **ICJ**

#### **PART I:**

#### **THE JUDGES AND ASSESORS**

##### **Article 1:**

- i. The Members of the Court are the judges elected in accordance with Articles 2 to 15 of the Statute.
- ii. In the following Rules, the term “Member of the Court” denotes any elected judge; the term “judge” denotes any Member of the Court.

##### **Article 2:**

- i. Every Judge must have to take the swear statement of his/her appliance according to Article 4, second paragraph.

##### **Article 3:**

- i. The Members of the Court, in the exercise of their functions, are of equal status, irrespective of age, priority of election or length of service.
- ii. The President and the Vice-President of the Court, while holding these offices, shall take precedence before all other Members of the Court.

##### **Article 4:**

- i. The declaration to be made by every Member of the Court in accordance with Article 2 of the Statute shall be as follows:

“I solemnly declare that I will perform my duties and exercise my powers as judge honourably, faithfully, impartially and conscientiously.”

- ii. This declaration shall be made at the first public sitting at which the Member of the Court is present. Such sitting shall be held as soon as practicable after his term of office begins and, if necessary, a special sitting shall be held for the purpose.

#### **Article 5:**

- i. A Member of the Court deciding to resign shall communicate his decision to the President, and the resignation shall take effect as provided in Article 13, paragraph 4, of the Statute.
- ii. If the Member of the Court deciding to resign from the Court is the President, he shall communicate his decision to the Court, and the resignation shall take effect as provided in Article 13, paragraph 4, of the Statute.

#### **Article 6:**

- i. In any case in which the application of Article 7 paragraph 2 of the Statute is under consideration, the Member of the Court concerned shall be so informed by the President or, if the circumstances so require, by the Vice-President, in a written statement which shall include the grounds therefore and any relevant evidence. He shall subsequently, at a private meeting of the Court specially convened for the purpose, be afforded an opportunity of making a statement, of furnishing any information or explanations he wishes to give, and of supplying answers, orally or in writing, to any questions put to him. At a further private meeting, at which the Member of the Court concerned shall not be present, the matter shall be discussed; each Member of the Court shall state his opinion, and if requested a vote shall be taken.

#### **Article 7:**

- i. The members of the Court, shall be elected by a special committee, as well the final decision of the self representation of the judges will be given by the Secretary General and their advisors.
- ii. Any judge can use the property of their functions to ask in written to the Chair for the relevance, reliability or questioning any evidence shown by the Prosecutor or the Defense attorney.

#### **Article 8:**

- i. There shall be a regular and special sessions in the court, until the judges conclude with their deliberation, for then release a final report with the respective decisions of the case.

#### **Article 9:**

- i. When the Court so decides, the Chair shall take steps to obtain all the information relevant to the choice of the assessors.
- ii. The assessors shall be appointed by secret ballot and by a majority of the votes of the judges composing the Court for the case.
- iii. Before entering upon their duties, assessors shall make the following declaration at a public sitting:

“I solemnly declare that I will perform my duties as an assessor honourably, impartially and conscientiously, and that I will faithfully observe all the provisions of the Statute and of the Rules of the Court.”

#### **Part II:**

**THE PRESIDENCY/SUPREME DEPUTY**

**Article 10:**

- i. The International Court of Justice shall have one chair.
- ii. There will be one President and one vice President in the committee.

**Article 11:**

- i. In the case that the President isn't available to assist the committee, the vice President will replace him/her in his/her duties.

**Article 12:**

- i. The President shall preside at all meetings of the Court; he shall direct the work and supervise the administration of the Court.

**Article 13:**

- i. In the event of a vacancy in the presidency or of the inability of the President to exercise the functions of the presidency, these shall be exercised by the Vice-President, or failing him, by the senior judge.
- ii. When the President is precluded by a provision of the Statute or of these Rules either from sitting or from presiding in a particular case, he shall continue to exercise the functions of the presidency for all purposes save in respect of that case.
- iii. The President shall take the measures necessary in order to ensure the continuous exercise of the functions of the presidency at the seat of the Court. In the event of his absence, he may, so far as is compatible with the Statute and these Rules, arrange for these functions to be exercised by the Vice-President, or failing him, by the senior judge.

- iv. If the President decides to resign the presidency, he shall communicate his decision in writing to the Court through the Vice-President, or failing him, the senior judge. If the Vice-President decides to resign his office, he shall communicate his decision to the President, after the Court knows the communication, then will be notice to the Secretary General of the UN that will take immediate action in the case.

#### **Article 14:**

- i. The Chair of the Court may:
  - i. Open and close each session at his/her discretion.
  - ii. Propose any motion listed under these Rules of Procedure.
  - iii. Rule upon matters procederes.
  - iv. Distribute Materials.
  - v. Censure Judges and exercise all other Powers necessary to enforce these Rules of Procedure, as it is provided in Article 15 paragraph 2.
- ii. The Chair's Powers are exercised at his/her discretion and his/her decision is final.

#### **Article 15:**

- i. The Chair shall endeavour to ensure that all Judges are accorded fair and reasonable opportunities to speak.
- ii. The Chair may censure any Judge he or she reasonably believes is knowingly acting in disregard of these rules of procedure or otherwise acting against the best interests of the Conference and Court.

#### **PART III:**

## **EFFECTS OF CENSURE**

### **Article 16:**

- i. Obscene or frivolous behaviour may result in a warning.
- ii. The warnings are contiguous power of the Chair.

### **Article 17:**

- i. Each censure shall amount to one warning, and the effect of each censure shall be determined by the number of prior warnings in that session.
  - i. **First Warning:** no penalty.
  - ii. **Second Warning:** the judge loses his/her speaking rights in the session (by consideration of the chair).
  - iii. **Third Warning:** the judge must be expelled of the Court for the remainder of the session.
  - iv. **Four or more Warnings:** the Regional Council may issue further actions.

## **PART IV:**

## **THE CHAMBER**

### **Article 18:**

- i. The Chamber location will be decided by decision of the Secretary General.
- ii. The Chamber must have at least 19 seats for:
  - a. 15 Judges.

- b.** 02 Attorneys.
- c.** 01 President.
- d.** 01 Registrar.

**Article 19:**

- i.** The Court may decide upon the dissolution of a Chamber, but without prejudice to the duty of the Chamber concerned to finish any cases pending before it.

**Article 20:**

- i.** The president of a Chamber shall exercise, in relation to cases being dealt with by that Chamber, all the functions of the President of the Court in relation to cases before the Court.
- ii.** If the president of a Chamber is prevented from sitting or from acting as president, the functions of the presidency shall be assumed by the member of the Chamber who is the vice president that is the senior in precedence and also able to act.

**PART V:**

**INTERNAL FUNCTIONING OF THE COURT**

**Article 21:**

- i.** The internal judicial practice of the Court shall, subject to the provisions of the Statute and these Rules, be governed by any resolutions on the subject adopted by the Court.
- ii.** In case of urgency the President may convene the Court at any time.

**Article 22:**

- i. The deliberations of the Court shall take place in private and remain secret. The Court may however at any time decide in respect of its deliberations on other than judicial matters to publish or allow publication of any part of them.
- ii. Only judges, and the assessors, if any, take part in the Court's judicial deliberations. The Registrar, or his deputy, and other members of the staff of the Registry as may be required shall be present. No other person shall be present except by permission of the Court.
- iii. The minutes of the Court's judicial deliberations shall record only the title or nature of the subjects or matters discussed, and the results of any vote taken. They shall not record any details of the discussions nor the views expressed, provided however that any judge is entitled to require that a statement made by him be inserted in the minutes.

## **PART VI:**

### **THE REGISTRY**

#### **Article 23:**

- i. The Court shall accept a Registrar by order of the Secretary General of the United Nations by content as well of the Article 25, item 2.

#### **Article 24:**



- i. Before taking up his duties, the Registrar shall make the following declaration at a meeting of the Court:

“I solemnly declare that I will perform the duties incumbent upon me as Registrar of the International Court of Justice in all loyalty, discretion and good conscience, and that I will faithfully observe all the provisions of the Statute and of the Rules of the Court.”

## **Article 25:**

- i. The Registrar functions in the court, acts by the followings:
  - a. Register the assistance of the juries as the President calling.
  - b. Register all fact as there is stated by the attorneys.
  - c. Register all comments of the jury if he/she ask for it.
  - d. Register the votes of the juries as the President calling.
  - e. Dismiss a Register if the President ask it after an attorney ask for it to the President.
  - f. Register all warnings when the President gave it.
- ii. The Register might be aswell the Vice President or even the President itself if it orders the Secretary General of the United Nations.

## **PART VII:**

### **JUDGEDMENT, INTERPRATION AND REVISION**

#### **- Subsection 1. Judgments -**

## **Article 26:**

- i. When the Court has completed its deliberations and adopted its judgment, the parties shall be notified of the date on which it will be read.
- ii. The judgment shall be read at a public sitting of the Court and shall become binding on the parties on the day of the reading.

**Article 27:**

- i. The judgment, which shall state whether it is given by the Court or by a Chamber, shall contain the following:
  - a. the date on which it is read;
  - b. the names of the judges participating in it;
  - c. the names of the parties;
  - d. the names of the agents, counsel and advocates of the parties;
  - e. a summary of the proceedings;
  - f. the submissions of the parties;
  - g. a statement of the facts;
  - h. the reasons in point of law;
  - i. the operative provisions of the judgment;
  - j. the decision, if any, in regard to costs;
  - k. the number and names of the judges constituting the majority;
  - l. a statement as to the text of the judgment which is authoritative.
- ii. Any judge may, if he so desires, attach his individual opinion to the judgment, whether he dissents from the majority or not; a judge who wishes to record his concurrence or dissent without stating his reasons may do so in the form of a declaration. The same shall also apply to orders made by the Court.
- iii. One copy of the judgment duly signed and sealed, shall be placed in the archives of the Court and another shall be transmitted to each of the parties. Copies shall be sent by the Registrar to:
  - a. the Secretary-General of the United Nations;
  - b. the Members of the United Nations;
  - c. other States entitled to appear before the Court.

**- Subsection 2. Requests for the Interpretation or Revision of a Judgment -**

**Article 28:**

- i.** In the event of dispute as to the meaning or scope of a judgment any party may make a request for its interpretation, whether the original proceedings were begun by an application or by the notification of a special agreement.
- ii.** A request for the interpretation of a judgment may be made either by an application or by the notification of a special agreement to that effect between the parties; the precise point or points in dispute as to the meaning or scope of the judgment shall be indicated.
- iii.** . If the request for interpretation is made by an application, the requesting party's contentions shall be set out therein, and the other party shall be entitled to file written observations thereon within a time-limit fixed by the Court, or by the President if the Court is not sitting.
- iv.** Whether the request is made by an application or by notification of a special agreement, the Court may, if necessary, afford the parties the opportunity of furnishing further written or oral explanations.

**Article 29:**

- i.** The other party shall be entitled to file written observations on the admissibility of the application within a time-limit fixed by the Court, or by the President if the Court is not sitting. These observations shall be communicated to the party making the application.
- ii.** The Court, before giving its judgment on the admissibility of the application may afford the parties a further opportunity of presenting their views.

- iii. If the Court finds that the application is admissible it shall fix time-limits for such further proceedings on the merits of the application as, after ascertaining the views of the parties, it considers necessary.
- iv. If the Court decides to make the admission of the proceedings in revision conditional on previous compliance with the judgment, it shall make an order accordingly.

## **PART VIII:**

### **ADVISORY PROCEEDINGS**

#### **Article 30:**

- i. The Court shall also be guided by the provisions of the Statute and of these Rules which apply in contentious cases to the extent to which it recognizes them to be applicable. For this purpose, it shall above all consider whether the request for the advisory opinion relates to a legal question actually pending between two or more States.
- ii. When the body authorized by or in accordance with the Charter of the United Nations to request an advisory opinion informs the Court that its request necessitates an urgent answer, or the Court finds that an early answer would be desirable, the Court shall take all necessary steps to accelerate the procedure, and it shall convene as early as possible for the purpose of proceeding to a hearing and deliberation on the request.

#### **Article 31:**

- i. All requests for advisory opinions shall be transmitted to the Court by the Secretary-General of the United Nations or, as the case may be, the chief administrative officer of the body authorized to make the request.

- ii. Written statements submitted to the Court shall be communicated by the Registrar to any States and organizations which have submitted such statements.

## **Article 32:**

- i. When the Court has completed its deliberations and adopted its advisory opinion, the opinion shall be read at a public sitting of the Court.
- ii. The advisory opinion shall contain:
  - a. the date on which it is delivered;
  - b. the names of the judges participating;
  - c. a summary of the proceedings;
  - d. a statement of the facts;
  - e. the reasons in point of law;
  - f. the reply to the question put to the Court;
  - g. the number and names of the judges constituting the majority;
  - h. a statement as to the text of the opinion which is authoritative.
- iii. Any judge may, if he so desires, attach his individual opinion to the advisory opinion of the Court, whether he dissents from the majority or not; a judge who wishes to record his concurrence or dissent without stating his reasons may do so in the form of a declaration.

## **Article 33:**

- i. The Registrar shall inform the Secretary-General of the United Nations, and, where appropriate, the chief administrative officer of the body which requested the advisory opinion, as to the date and the hour fixed for the public sitting to be held for the reading of the opinion. He shall also inform the representatives of the Members of the United Nations and other States, specialized agencies and public international organizations immediately concerned.

**Article 34:**

- i. One copy of the advisory opinion, duly signed and sealed, shall be placed in the archives of the Court, another shall be sent to the Secretary-General of the United Nations and, where appropriate, a third to the chief administrative officer of the body which requested the opinion of the Court. Copies shall be sent by the Registrar to the Members of the United Nations and to any other States, specialized agencies and public international organizations immediately concerned.

**PART IX:**

**THE COMPOSITION OF THE COURT FOR PARTICULAR CASES**

**Article 35:**

- i. A copy of any notification relating to the choice of a judge shall be communicated by the Registrar to the other party, which shall be requested to furnish, within a time-limit to be fixed by the President, such observations as it may wish to make. If within the said time-limit no objection is raised by the other party, and if none appears to the Court itself, the parties shall be so informed.
- ii. In the event of any objection or doubt, the Court, if necessary shall decide the matter after hearing the parties.

**Article 36:**

- i. If the Court finds that two or more parties are in the same interest, and therefore are to be reckoned as one party only, and that there is no Member of the Court of the nationality of any one of those parties upon the Bench, the Court shall fix a time-limit within which they may jointly choose a judge *ad hoc*.
- ii. Should any party amongst those found by the Court to be in the same interest allege the existence of a separate

interest of its own, or put forward any other objection, the matter shall be decided by the Court, if necessary after hearing the parties.

**Article 37:**

- i. Parties in the same interest shall be deemed not to have a judge of one of their nationalities upon the Bench if the Member of the Court having one of their nationalities is or becomes unable to sit in any phase of the case.
- ii. If the Member of the Court having the nationality of a party becomes able to sit not later than the closure of the written proceedings in that phase of the case, that Member of the Court shall resume his seat on the Bench in the case.

**Article 38:**

- i. The application shall specify as far as possible the legal grounds upon which the jurisdiction of the Court is said to be based; it shall also specify the precise nature of the claim, together with a succinct statement of the facts and grounds on which the claim is based.
- ii. The original of the application shall be signed either by the agent of the party submitting it, or by the diplomatic representative of that party in the country in which the Court has its seat, or by some other duly authorized person. If the application bears the signature of someone other than such diplomatic representative, the signature must be authenticated by the latter or by the competent authority of the applicant's foreign ministry.
- iii. The Registrar shall forthwith transmit to the respondent a certified copy of the application.
- iv. When the applicant State proposes to found the jurisdiction of the Court upon a consent thereto yet to be given or manifested by the State against which such application is made, the application shall be transmitted to that State. It

shall not however be entered in the General List, nor any action be taken in the proceedings, unless and until the State against which such application is made consents to the Court's jurisdiction for the purposes of the case.

**Article 39:**

In each case the notification shall be accompanied by an original or certified copy of the special agreement. The notification shall also, in so far as this is not already apparent from the agreement, indicate the precise subject of the dispute and identify the parties to it.

**Article 40:**

- i. When proceedings are instituted by means of an application, the name of the agent for the applicant shall be stated. The respondent, upon receipt of the certified copy of the application, or as soon as possible thereafter, shall inform the Court of the name of its agent.
- ii. When proceedings are brought by notification of a special agreement, the party making the notification shall state the name of its agent. Any other party to the special agreement, upon receiving from the Registrar a certified copy of such notification, or as soon as possible thereafter, shall inform the Court of the name of its agent if it has not already done so.

**Andres Picalua**

**PRESIDENT**

**REGISTRAR**