



International Court of Justice

PASMUN 2024

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Hsinchu , Taiwan

Student Officers

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Applicants

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Respondents

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Introduction

The International Court of Justice is the principal judicial organ of the United Nations (UN). It settles legal disputes between member states and gives advisory opinions to authorized UN organs and specialized agencies.

Today, you take on the roles of either an advocate or a judge in order to settle international disputes between the two member states in accordance with international law.

In ICJ, you will experience the kind of debate level that will be more extensive than regular MUN committees, as you prepare and argue with evidence as well as international law. We hope that throughout this debate, you will be able to learn more critical thinking skills problem-solving skills as you learn the difficulty with international arbitration.

For all **advocates**, please read the guide to have a better understanding of your tasks and responsibilities. For all **judges**, please also read through the guide, specifically the **court proceedings**.

Flow of Events

Preparatory Meeting (15 min)
Opening Speech (20 min)
Stipulation
Evidence List
Judge Evaluation

Witnesses Examination <ul style="list-style-type: none">• Direct• Cross• Judge
Cross-fire Evaluation <ul style="list-style-type: none">• Applicant• Respondent• Judge
Judge Questioning
Closing Speech (20 min)
Judge Deliberation

Positions of the Court

President:

The President acts similarly as a chair in a standard MUN conference. The President controls the flow of the debate and leads all participants during the conference. When there is any confusion or situation regarding the trial, the president should guide and facilitate the trial accordingly. In the ICJ, the President is to be addressed as “President (Last Name).”

Vice President:

The Vice President acts similarly as a co-chair in a standard MUN conference. The Vice President also controls the debate and facilitates the trials. If the President is absent, the Vice President shall assume the duties and powers of the President. In the ICJ, the Vice President is to be addressed as “Vice President (Last Name).”

Advocates:

The Advocates serve as lawyers in the courtroom who represent either the applicant or the defendant country. Each team is comprised of 2 advocates representing a country. As Advocates, you ought to fulfill the responsibilities of submitting the prepared documents on time and find

witnesses (2-3) that would accurately testify for your case. In the ICJ, Advocates are to be addressed as either Applicants / Defendants, Advocate (Last Name), or Advocates of (Country).

Judges:

The Judges are a group of people responsible for evaluating the credibility of each evidence and argument presented from both sides of advocates. By the end, each judge will come to a verdict that determines which side of the advocates has a more substantial ground on the case. Based on each judge's response, there will then be a final verdict by majority vote that decides which country wins the case. In the ICJ, each Judge is to be addressed as "Judge (Last Name) or Your Honor."

Documents

Preparation

There are four documents you **must** have prior to the conference: the **Memorandum**, the **Stipulations**, the **Evidence List**, the **Witness List**, and the **Opening Speech**.

Memorandum

The Memorandum will provide an **organized background to your case**. There are five sections: the Statement of Jurisdiction, the Statement of Law, the Statement of Facts, the Arguments, and the Summary and Prayer of Relief. For the Statement of Jurisdiction, list out according to what international law does the court have **"jurisdiction"**, or why the court should take place. In the Statement of Law, list out **relevant laws** applicable to your case. Within the Statement of Facts, list out **relevant facts** of your case. The Arguments section is imperative to handle correctly. You will be listing out **your main arguments**, but not in detail. Although the opposing advocate

counsel needs to know your arguments, make sure not to spill significant details (how and with what evidence you will use to argue). For **applicants**, please note that you bear **the burden of proof**, which obligates you to provide evidence for each of your claims. As for respondents, you do not bear the burden of proof and will only have to reject your opposition's claims. At last, the last section, the Summary and Prayer of Relief, each side should summarize very briefly your arguments, request the court to vote in favor of you, and list out what you wish the verdict should include.

Stipulations

Stipulations are **facts of the case** that are agreed upon by both sides before the conference. The stipulation will be listed in bullet points and can only consist of solid facts that **both sides have mutually agree upon**. It can include relevant treaties or agreements, definitions of key terms, or any other facts related to the case. **No more than 15 stipulations are allowed.**

Evidence List

This is the most important document. Typically **fifteen maximum and ten minimum**, you will have to list out pieces of evidence to support your arguments, and you must include: a short, descriptive **title**, the **date**, the **author**, the **relevant sections** of the evidence, and the online link to the piece of evidence. Keep in mind, the judges will **"weigh"** your evidence, so always try to find evidence from reliable sources, like the UN. In addition, note that almost **all arguments must be backed by evidence** or the judges will deem it irrelevant. Certain arguments regarding logic and reasoning may not need it, but it is literally impossible to win on that alone. Please

keep in mind that **no ICJ-affiliated documents** on this case can be used in this list.

Witness List

This is simply a list **documenting the information of the witnesses** you will be bringing to court. You should include his/her name, contact information (email), role in the conference, and role as the witness. Since witnesses play an important role in ICJ proceedings, **you are expected to prepare the witnesses** so that they are ready to answer questions in direct examination and cross-examination. In direct examination, you will ask questions which lead the witnesses to answer in a way that helps your case, and in cross-examination, the opposition will ask questions to your witnesses in order to find loopholes in your case. Judges will also have a chance to question witnesses in the case that the judges find anything unclear in the answers during each examination. Thus, **witnesses must be able to respond to these questions in a way that is favorable**, so make sure you prepare them accordingly.

Court Proceeding

Opening Speech (Max 20 min)

The opening speech is a **summary of each team's memorandum**. In your presentation, you should include your country's jurisdiction of the case, arguments, and prayer of relief. Your presentations are meant for the judges, so please be aware of the flow of your speech to make sure the judges understand your points. **The applicants will go first and the**

respondents will go last.

Presentation of Stipulations

During this stage of the debate, the chair will read out the stipulations, which the advocates have previously agreed upon and listed on a separate document. The President will read them out one by one and ask both sides if they agree. While advocates can either **accept or reject** the stipulations, **there should not be any objections** since the stipulations were previously agreed upon by both sides.

Presentation of Evidence List

At this stage of the debate, each team will present its list of evidence previously submitted to the Court. As per ICJ procedure, Applicants will go first and the Respondents will go last. Advocates should **read out the title, date of publication, source, and relevant sections of the pieces of evidence**, then **briefly outline their connection to the argument**. After reading one piece of the evidence, the other team will have the opportunity to accept or **object to the evidence on the grounds of bias, relevance, or authenticity**. Judges should take notes of the evidence in order for them to evaluate them in the next stage of the debate.

Judge Evaluation of Evidence

During this process, all **judges will be deciding the weight of each evidence** in their judgment of the case while the advocates should be outside of the courtroom preparing their witness for the upcoming witness examination. The Registrar will distribute all the evidence evenly between the judges and the chairs which we will read, summarize, and weigh for the Court.

Witness Examination

As mentioned previously, during witness proceedings, there will be **direct examinations, cross-examinations, and judge examinations**. Each

examination will last around 5 minutes, and there will be at least 3 rounds of examination. In direct examination, the country who proposed the witness will begin asking their questions, while in cross-examination, the opposing country will do so; the judges will also be able to ask questions during judge examination. For both direct examination and cross-examination, **advocates are allowed to raise objections** if the opposing advocate's question violates any of the terms in the objection list (see the bottom of the document); during direct examination, advocates are allowed to ask leading questions.

Cross-fire Examination

During this stage, advocates will have 10 rounds of 5 minutes **rapid questioning** sessions each, between the Applicants and the Respondents. Direct questioning is allowed and can be anything related to the case at hand. For judges, your primary job during this time is to take notes and think of questions both after each round and after all sessions to question both teams about anything related to the case.

Judge Questioning

For this stage of the debate, judges will have at least 5 rounds of 5 minutes **questioning for both the Applicant and the Respondent teams**. Judges are allowed to ask any questions related to the case for further clarification. For advocates, please use this time wisely to persuade the judges of your position and use the spare time to draft your closing remarks.

Closing Speech (Max 20 min)

The closing speech is each team's **summary of the debate**. In your presentation, you should go over **why your arguments are better** than your opponents' or **why your opponents do not spend**; each side is also required to **restate their prayer of relief**. Your presentations are **meant for the judges**, so please **be aware of the flow of your speech** to make sure the judges understand your points. Overall, **crystalize the round**, and **sum up in a way that is straightforward**, comprehensive, and understandable. The

respondents will go first and the applicants will go last.

Judges Deliberation

At this point, you will **leave the room** to allow the judges to discuss and make the final verdict. **Each judge will voice their opinions to the rest of the judges**, taking into consideration both sides’ Prayer of Reliefs, making sure that applicants have fulfilled their burden of proofs, and weighing the arguments made on both sides to see who made a more compelling case. This allows each **judge to consult the point of views of other judges** and ensures that nothing important is missed. After each judge has gone through this process, there will be a **final vote which decides the outcome** of the case.

List of Objections During Witness Examination

Objection	Explanation
<i>Ambiguous/ Vague</i>	When a statement or question is unclear, unspecific, and requires explanation and facts.
<i>Answer Exceeds</i>	When an answer to a question exceeds the concern and scope of the question itself.
<i>Argumentative</i>	When questions do not elude facts and are prejudicial (for example... <i>ad hominem</i> or attack on the individual)
<i>Argument Improper</i>	When the opposition’s argument is prejudicial, or has misquoted information, made up facts, and information you can oppose

<i>Asked and Answered</i>	When the witness is asked a question, it cannot be asked again. If the person questioning the witness finds information that contradicts the witnesses' answers, they have to take on a charge of impeachment, where a new question is asked regarding the contradictory evidence found
<i>Assumes facts not evidence</i>	Witnesses have to testify on facts and evidence included in the evidence packet.
<i>Badgering the Witness</i>	When questioners are quarreling with, displeasing, provoking, and harassing the witnesses on the stand.
<i>Calls for Conclusion</i>	When questions draw out conclusions and not facts, one that implies a hidden conclusion.
<i>Compound Question</i>	When the question asked is made up of two parts.
<i>Confusion of Issue(s)</i>	When discussing an issue, irrelevant to the issue discussed at hand.
<i>Continue Objecting</i>	When objections against a side are continuous and impair the participation and presentation of arguments by the side.
<i>Cumulative</i>	When a piece of information has been proven, additional proof would be considered as unnecessary and cumulative.
<i>Hearsay</i>	When information stated by a third party, outside the court's

	presence.
<i>Inconsistent</i>	When a team uses two arguments that are contradicting.
<i>Incorrect</i>	When a team states false information that can be proven untrue and incorrect
<i>Lack of Foundation</i>	When a question or a piece of information is asked or stated with no relevant timeframe, relevance, or importance to the arguments/case discussed at hand.
<i>Leading Question</i>	When a question is asked suggesting what exactly is the witness supposed to answer.
<i>Non-responsive Answer</i>	When an answer doesn't answer the questions asked.
<i>Relevancy</i>	When a question asked is irrelevant or is questioned for its relevancy along with the testimony presented to the court.
<i>Speculation</i>	When a guess, conjecture, supposition, or assumption is presented on a discussion, case, or evidence.
<i>Witness not competent</i>	When the witnesses knowledge is minimal and lacking, where the witness is unable to formulate a good convincing testimony.