



OPOMUN

DARE TO MAKE THE DIFFERENCE

INTERNATIONAL COURT OF JUSTICE *A GUIDE*

THE STRUCTURE

- Advocates will be working in teams of 4 throughout the whole duration of the conference.
- Four will be Applicant advocates (advocates that filed in the process to the International Court of Justice).
- Four will be Advocates of Response.
- Since there are two cases, in one case four people will be representing one country and that same group of people will be representing, once again together, another intervening country in case number 2.
- There will be nine judges in OPOMUN's ICJ.
- In order for a case to be debated in the ICJ, an application must be filed to the ICJ by the Applicant nation. This document contains the "statement of facts" - all facts regarding the case and the reasoning behind it being debated in the ICJ. It also includes the LEGAL GROUNDS on which the claim is based. Although extensive, it is an extremely useful source of information for both Applicant Advocates as well as Respondent Advocate to draw up their counter arguments.
- On the day of the conference, Applicant Advocates and Respondent Advocates must present a memorial and a counter memorial respectively.



OPOMUN

DARE TO MAKE THE DIFFERENCE

GENERAL ORDER OF PROCEDURES

EXAMPLE CASE

1. PRESIDENT OPENS SESSION

1 *Please be seated. The sitting is open. The Court meets from today to hear the Parties oral arguments on the preliminary objections raised by the United Kingdom in the case of Obligations concerning (...)*

2

2. PRESIDENT SUMMARISES CASE (PRESENTS A SUMMARY OF THE APPLICATION) AND RECALLS ALL DATES

1 *I shall now recall the principal steps of the procedure in the case. By an Application filed in the Registry of the Court on 24 April 2014, the Republic of the Marshall Islands instituted proceedings against the United Kingdom of Great Britain and Northern Ireland with regard, in particular, to alleged breaches of obligations borne by it by virtue of the 1968 Treaty on the Non-Proliferation of Nuclear Weapons and customary international law, "relating to cessation of the nuclear arms race at an early date and to nuclear disarmament".*

3. ACKNOWLEDGEMENT OF THE PRESENCE OF THE PARTIES BY THE PRESIDENT

1 *I note the presence at the hearing of the Agents, counsel and advocates of the two Parties.*

2

4. STRUCTURE AND TIME LIMIT OF HEARING ANNOUNCED BY PRESIDENT

1 *In accordance with the arrangements on the organization of the procedure decided by the Court, the hearings will comprise a first and second round of oral argument. Each Party will have one session of three hours for the first round and one session of one-and-a-half hours for the second round. These are of course maximum speaking times, which the Parties ought only to use as required.*

5. DATE AND TIME FOR ORAL OBSERVATIONS SET BY PRESIDENT

1 *The first round opens today and will close on Friday 11 March. The second round of oral argument will begin on Monday 14 March and conclude on Wednesday 16 March.*



OPOMUN

DARE TO MAKE THE DIFFERENCE

- 6.** President gives the floor to Advocate of the Respondent nation for preliminary objections hearing
- 7.** “The United Kingdom, which has raised preliminary objections in the case, will be heard first today.”
- 8.** President gives the floor to Advocate of the Applicant nation for preliminary objections hearing
- 9.** President gives the floor alternating between respondent and applicant advocates for merits hearing (presentation of their arguments).
- 10.** President closes hearing and sets date and time for Order on the case to be announced

In this proviso, I declare closed the oral proceedings on the preliminary objections raised by the United Kingdom in the present case. The Court will now retire for deliberation. The Parties will be advised by the Registrar in due course as to the date on which the Court will deliver its Judgment at public sitting. Thank you. The Court is adjourned.”



OPOMUN

DARE TO MAKE THE DIFFERENCE

HOW TO WRITE A MEMORIAL / COUNTER MEMORIAL

1. Background

Here the Advocates must state the most relevant and crucial facts regarding the case (using the statement of facts chapter of the application as their source) in a more concise manner.

“The brief facts of the case narrated in the application filed by (.....) before the Court are as follows:

a.”

1. Statement of law

Here Advocates state what treaties, customs or laws apply to the case. The “Legal grounds on which claim is based” chapter of the Application is extremely useful in outlining this section of the memorial. However, further and thorough research on international laws regarding the dispute is encouraged

1. A detailed argument section, which discusses how the law and facts apply to the merits of the case (how do the laws and facts aforementioned support your case)

1. Prayer for relief

Here Advocates specify in clause-like format what measures they wish for the court to take.

1.....

(a) ...

NOTE:

Even though Advocates will not see the opponent nation’s memorial, the Respondent’s memorial should seek to counter the anticipated arguments of the Applicant. Since Advocates representing the same country (and therefore will present a memorial together) are from different schools, lobbying time will be provided for Advocates to draw up a memorial.



OPOMUN

DARE TO MAKE THE DIFFERENCE

FUNCTIONS AND POSITIONS

Judges

Judges should review relevant treaties and applicable international common law as well as the application of the Applicant Nation.

It is encouraged that justices take notes during the oral arguments of Advocates as to use them as a reference in their deliberation.

Throughout the whole conference, Judges are more than encouraged to get involved in debate and stimulate debate by questioning the Advocates arguments whenever reasonable.

Advocates

Advocates must thoroughly research both the law and facts involved in the dispute from which their case arises. Advocates also will be responsible for the preparation of written memorials and the presentation of oral arguments regarding their positions in their case.

We strongly recommend that Advocates familiarise themselves with the following documents:

- A. Application
- B. Memorials
- C. Oral proceedings (official oral arguments of advocates that have discussed the case in the ICJ)



OPOMUN

DARE TO MAKE THE DIFFERENCE

ORAL ARGUMENTS

The following steps should be taken to prepare for oral arguments:

1. Identify the issues that are the critical, deciding factors in the case. You should try to have at least three critical points to your argument.
2. Examine your memorial. What are your best arguments regarding the critical issues?
3. Develop a theme which incorporates your best arguments on the critical issues. Keep it simple. Remember, you are just trying to tell the Justices a story a story about why your country has been wronged, or about what they can do to provide a fair and just solution.
4. Prepare an outline. The outline should include your theme, your best arguments on the critical issues, your answers to your opponent's best arguments, and ideas about answers to any other questions you think the Justices might ask. Try to make your memorial and oral argument outline consistent, so that the first issue addressed in the memorial is the first addressed in the oral argument.
5. Be sure your outline includes specific names of conventions, treaties, cases, etc. which you are using to support your answers.
6. Hammer home your theme again and again. Remember, your legal argument is what is going to convince the Justices to decide in favour of your state. The facts are the facts; what is going to be in contention is how international law views the dispute.