



**OPOMUN**  
**INTERNATIONAL COURT OF JUSTICE GUIDE**



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## 1. WHAT IS THE ICJ?

The International Court of Justice (ICJ) is one of the six principal organs of the UN and is its principal judiciary organ, which makes decisions on matters of international law.

Since the ICJ functions as a court, its structure is different from that of the rest of the MUN.

There are no Chairs and Typists in the ICJ, there are instead the President, Vice President, and the Registrar. There are also no Delegates, there are instead Advocates and Judges.

Additionally, the ICJ does not debate clauses. Instead, memorials are presented, which are documents that expound on the main claims of each party and why they think they are right in the dispute.

Regardless, ICJ members should still read the OPOMUN Guide which can be found on the website as many procedures, such as the points and motions, also apply to the ICJ.

In OPOMUN, the dates stated by the President are to be considered the present, therefore all real-life occurrences that happened after that date cannot be taken into account.

## 2. THE STRUCTURE

OPOMUN's ICJ consists of a total of 10 Advocates and 10 Judges.

### **2.1 Advocates**

There are two advocate parties:

1. **Applicant** (prosecutors): advocates that represent a state which is instituting proceedings against another state, claiming that it failed to meet its obligations under international law

- The applicant party has to meet the **burden of proof**: legal term that defines the obligation of the applicant party to prove through evidence that their allegations against the respondent party are valid.

2. **Respondent** (defender): advocates that represent the state that is being accused of having allegedly failed to meet its obligations under international law

- The Respondent party is not obliged to meet a burden of proof, it only has to demonstrate how the applicant party lacks arguments, pieces of evidence and valid proof.



Each party will consist of five people, therefore, Advocates will be working in teams for the duration of the conference:

- Five will be **Applicant** advocates
- Five will be **Response** advocates

Advocates have been assigned to either **Group A** or **Group B**.

- Group A will be Applicants for the first issue and Respondents for the second issue.
- Group B will be Respondents for the first issue and Applicants for the second issue.

Before the conference, applicant advocates should prepare a **memorial**, while response advocates should prepare a **counter-memorial** for each issue. Then, during Lobbying on the first day of conference, team members should work together to merge their drafted memorials.

The objective of the Advocates is to present a memorial, pieces of evidence, oral arguments and call in witnesses in order to sway the Judges towards taking a final verdict that aligns with their goal.

## 2.2 Judges

- There will be 10 Judges in OPOMUN's ICJ.
- The Judges' role in the ICJ is to examine, analyse and evaluate the real and testimony evidence during the deliberations, in order to have a clear view on the facts of the case and to be able to judge if the applicant has met their burden of proof.
- Judges are the decision-makers of the outcome of the trial. This is because at the end of each issue, the Judges will come together and prepare a final verdict with the guidance of the Presidency.

## 3. ORDER OF PROCEDURES

Firstly, the Applicant group will present their memorial. Then, the Response group will present their counter-memorial.

After both have been presented, debate ensues. The debate alternates between the floor being given to the applicants and to the respondents.

Advocates can take one of three actions: **present an oral argument**, **present a piece of evidence**, or **call in a witness**. After each action is presented, Points of Information can be asked by both the Advocates and the Judges.

Judges are encouraged to ask as many points as possible, as it helps in the final decision-making process.



### 3.1 Witness Procedure

Delegates from other committees can be called into the ICJ to serve as witnesses. During coffee breaks or free time, Advocates should try to communicate with delegates from other committees in order for them to agree to serve as a witness, and advocates should try to prepare that person in order for them to know what side they are on while being examined. When an Advocate wishes to call in a witness, they must tell the Presidency their committee and country, and a staff member will go get the witness.

There are **five** rounds of interrogation when a witness is called in:

1. **Direct examination:** conducted by the party who called in the witness
2. **Cross examination:** conducted by the opposite party
3. **Re-examination:** conducted by the party who called in the witness
4. **Re-cross examination:** conducted by the opposite party
5. **Points of Information:** conducted by the judges

### 3.2 Oral Arguments

An oral argument is essentially a speech, just like in other committees, where Advocates should present arguments that aim to defend their side of the debate.

When preparing for the conference, advocates should keep in mind that they have to prepare at least a couple of good points beforehand, as their team will have to talk nonstop about the issue. For example, advocates could try and find laws that the other side has broken and evidence supporting those claims.

### 3.3 Evidence

Evidence can also be presented in multiple forms, including documents, photos, videos or quotes from a credible source, however, evidence must first be shown by the Presidency in order to make sure it is appropriate.

### 3.4 Judges' Verdict

After the end of all debate on the issue, the judges will meet and make their final decision on the case. This will be in the form of clauses, therefore, to save time, judges should use committee time to prepare the clause and merge ideas during the meeting. A judge spokesperson will then present the decision to the Advocates. This decision does not necessarily need to be one-sided, it can be a compromise.



## **4. GENERAL GUIDELINES**

Advocates must make their cases based on international law, not on the whims of the nation they represent or of their person. Likewise, judges must make their decision based on international law and not based on their personal views.

Preliminary objections are discussions on whether the ICJ has jurisdiction over the case, and if they are to be entertained, they must be entertained before anything else, including the memorials. For OPOMUN purposes, the Presidency decides whether preliminary objections will be entertained and for which issues they will be entertained.

### **4.1 Objections**

Advocates can make objections if they believe other participants are proceeding incorrectly.

Objections can be raised in situations such as the following:

- An advocate asks questions designed to lead a witness to say what the questioning advocate wants: “Objection, **leading the witness.**”
- The questioning advocate is hostile toward the witness to push them into a mental state where they are unfit to provide testimony: “Objection, **badgering the witness.**”
- A witness provides information based on what someone else said, rather than their own knowledge: “Objection, **hearsay.**”
- A witness provides testimony about what they *think* someone else might have done or thought, rather than stating facts: “Objection, **speculation.**”
- An advocate introduces evidence without proper foundation: “Objection, **lack of foundation.**”
- An advocate interrupts or disrupts the proceedings in a way that hinders fairness: “Objection, **improper conduct.**”
- An advocate presents an argument that contains an assumption that has not been established as fact: “Objection, **assumes facts not in evidence.**”
- An advocate introduces testimony or evidence that is irrelevant to the matter being debated: “Objection, **relevance.**”

In any case, the Presidency can decide whether to **sustain** (uphold) or **overrule** (ignore) the objection.

Keep in mind that **misuse of objections may result in a warning** from the Presidency, as it can disrupt the flow of the proceedings.



## **5. WRITTEN DOCUMENTS**

### **5.1 Memorials**

Here are the sections that memorials should contain:

#### **A) Introduction and Background:**

- Main claims and allegations or the main counterclaims
- Why the case was brought to court
- Description of the facts and events that led to the dispute and to the application of the case
- Applicant party should also briefly mention how the jurisdiction of the court can be proven

#### **B) Legal Grounds:**

- All legal documents that work as the basis of the argumentation of each party should be listed in this section
- These documents can be any binding legal piece of law, such as international conventions, treaties, Security Council resolutions or other legal documents that can back up one's claims

#### **C) Prayer of Relief:**

- List the decisions that the party would want the court to adjudge and declare in their final verdict
- The Prayer of Relief may change during the Conference and the advocates will have to include it in their opening and closing statements

Below is an example of a memorial written for OPOMUN 2023 related to the Russia v. Ukraine conflict, from the applicant side (Ukraine).

### **Memorial – Ukraine blaming Russia for Genocide**

- On the 24<sup>th</sup> of February, the Russian federation launched a military offence, violating Ukraine's territorial integrity and sovereignty to Ukraine;
- On the 28<sup>th</sup> of February, the persecutor of the International Criminal Court launched an investigation for war crimes and crimes against humanity in Russia, which was later found as valid;
- By the first of February this year, The Russian federation had been found committing over 65,000 registered war crimes;



- D) And the report done by the Organization of Security and Cooperation in Europe states that the pattern of violent actions the Russian military has done has met the qualification for crimes against humanity;
- E) In April last year, 400 civilian bodies were found in Kyiv, in September, 450 bodies, mostly civilians, and over 7,000 civilian casualties, of which 428 were children. And over 11,600 injured civilians;
- F) The Russian government has put thousands of Ukrainian children into re-education facilities aimed at Russifying the children with a pro-Moscow lens into Russian culture, history, and society;
- G) The boys from the program are also taught military training and how to use firearms;
- H) These children are held by force away from their parents in Magadan at least 3,900 miles (about 6276.44 km) away from their parents;
- I) In Bucha, Ukrainian officials and witnesses found evidence of Russian troops carrying out summary executions of dozens of men in civilian clothes, some with hands tied behind their backs and gunshot wounds to their heads;
- J) In the southern city of Mariupol, Russian forces targeted and destroyed a maternity hospital;
- K) basement beneath a campground in Bucha as a torture chamber. Many bodies were found mutilated and burnt, and girls as young as fourteen reported being raped by Russian soldiers.

**Legal grounds:**

1. Article 6 of the Rome statute of the International criminal court expressing genocide as means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group. More information believed to be suitable for this case are subsections (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part. (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group;





2. Section 1091 titled “Genocide” of the Department of Justice section title 18 stating Genocide is defined in § 1091 and includes violent attacks with the specific intent to destroy, in whole or in part, a national, ethnic, racial, or religious group.

### **Prayer for relief:**

- 1) The Russian federation must remove all firearms and military from the Ukrainian land;
- 2) All the responsible people in the government and in the military should be punished accordingly to the amount of genocide they committed;
- 3) Immediate suspension of the military operations commenced on 24 February 2022 with the objective of prevention and punishment of a claimed genocide in the Luhansk and Donetsk;
- 4) Full reparation for all damage caused by the Russian Federation as a consequence of any actions taken based on the Russian federation’s false claim of genocide;
- 5) The Russian Federation shall refrain from any action and shall provide assurances that no action is taken that may aggravate or extend the dispute that is the subject of this Application or render this dispute more difficult to resolve;
- 6) Many Russian soldiers will be imprisoned in accordance with how many crimes they have committed and their degree of severity.

## **5.2 Clauses (Judges’ Verdict)**

Below is an example of a judgement made based on the example memorial above:

The Court, having examined the evidence, oral arguments, witness examinations and considered the legal grounds and prayers for relief presented, renders the following judgment:

1. **Recognizes** and orders the cessation of violations of sovereignty and territorial integrity, based on the following fact:
  - A) the Russian Federation’s military offensive initiated on 24 February 2022 constitutes a direct and unlawful violation of Ukraine’s sovereignty and territorial integrity, contrary to the principles of the UN Charter and customary international law, therefore the Russian Federation must:
    - i. immediately cease all military operations within Ukraine's borders and withdraw all armed forces and associated personnel to pre-conflict positions;
    - ii. not conduct any further military incursions or threats of force against Ukraine or any other sovereign state.



2. **Convicts** the Russian Federation for Crimes Against Humanity and Genocide, as outlined in Article 6 of the Rome Statute, based on the following actions committed:

- A) Summary executions of civilians, including evidence from Bucha;
- B) The enforced deportation and re-education of Ukrainian children;
- C) The deliberate targeting of civilian infrastructure, including hospitals and residential areas;
- D) Acts of torture, sexual violence, and other inhumane treatment.

3. **Reprimands** the Russian Federation, ensuring that individuals responsible for the planning, authorisation, and execution of crimes against humanity and genocide are identified, prosecuted, and held accountable before a competent tribunal, and encourages the establishment of a special international tribunal to ensure transparent and impartial prosecution if domestic judicial systems are deemed inadequate.

4. **Demands** full reparation and restitution from the Russian Federation to the Ukrainian government, including:

- A) Financial compensation for the destruction of infrastructure, property, and economic losses;
- B) Reparations to victims and their families for loss of life, injuries, and emotional suffering;
- C) The costs associated with relocating and reintegrating forcibly displaced persons, particularly children.

**This judgment is final, binding, and non-appealable.**

## 5.3 Evidence

When presenting evidence, advocates should send to the President the following information:

1. Link to the document (or attachment)
2. Title of the Document (Specifically: If the evidence is a legal document, then the advocates should also include the articles, paragraphs or clauses that the judges should focus on)
3. Source: e.g. the United Nations Archives, the New York Times, the World Health Organization
4. Author: If the document is an article or a text written by a specific person or group of authors then they should be named here. Some background information about their country of origin, their studies, prior and current workplaces, important life events and most importantly their expertise on the matter should be listed. This will help to prove the reliability of the piece of evidence.
5. Publication date: The exact publication date of the last time the document was edited.