Procedural Guide for the International Court of Justice

4th Edition

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29/6/2014

(2nd) Edition adapted and edited by Avi Anurag, Deputy President of the International Court of Justice, DAIMUN 2016
5/15/2016

(3rd) Edition adapted and edited by the presiding members of the International Courts, DAIMUN 2017
27/9/2017

(4th) Edition adapted and edited by Insha Lakhani, Neel Maheshwari and Arav Dalwani of the International Court of Justice, DAIMUN 2020
5/09/2020

Contents

Welcome to the International Courts at DAIMUN. As the International Courts do not function like other committees at Model United Nations, this guide will serve as an introduction to the procedure that will be followed in the IC at DAIMUN. Please bear in mind that **all** the parts of this document are important for both Judges and Advocates. Do not simply skim over parts of the document that you feel are not pertinent to you as this may result in you hampering the smooth flow of debate.
In this guide, we will first look at the procedure for the **International Court of Justice (ICJ)**, which will then be followed by the deviations practiced in the **International Criminal Court (ICC)**.

International Court of Justice

Introduction

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations (UN). It was established in June 1945 by the Charter of the United Nations and began work in April 1946.

The Court's 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 authorised United Nations organs and specialised agencies.

The procedures followed at DAIMUN are based upon the Rules of the Court adopted and entered into force in 1978 by the International Court of Justice.

Members of the Court

Applicant: The party who chooses to file an application before the International Court of Justice to institute a case between itself and another nation (the Respondent) in order to settle a dispute. The applicant also carries the burden of proof which states that in order to be victorious in the judgment the Applicant must provide significant evidence that proves that a law has been broken or a crime has taken place.

Respondent: The respondent party is responsible for defending itself from the claim of the applicant party.

It should be noted that a party need not necessarily constitute only one nation – in the case of a special mutual agreement between two states, a party can constitute more than one nation.

Panel: This is constituted of the presidents, who oversee and moderate court proceedings, and and odd number of judges, who deliberate upon the evidence and legal arguments presented to them and arrive at a verdict.

Modes of Address

Although the International Court of Justice does not require the usage of third-person pronouns when referring to oneself, there is a requisite degree of formality required when addressing other members of the Court.

Judges are to be addressed by advocates as “Your Honour”, while the presidents are to be referred to as “Mr./Madam President” or “President” by all members of the Court. When addressing specific advocates of either party, the phrasing “Advocate” or “Counsel” is mandatory, although when referring to a specific party, usage of the specific country name or the words “Applicants/Respondents” is necessary.

While **no direct conversation between parties will be permitted when court is in session**, any questions or objections may be raised to the President or the Deputy Presidents. Any witness appearing before the court is to be solely addressed by their appropriate title and surname, while witnesses themselves may use first-person modes of address.

Documents

Documents play an integral role in the proceedings of the Court: they primarily assist advocates in building their legal arguments and are later utilized by judges during deliberation. There are three types of documents that will be used at DAIMUN – and all three must be submitted **before** the start of the conference – namely, Memorandum of Points and Authorities, Stipulations, Evidence packets and Judgements

Memorandum of Points and Authorities

This is presented by each advocacy to opposing counsel, the judges, and to the Presidents. The Memorandum should be a party's view of the pertinent facts and legal principles as espoused by its advocates. It need not and should not give away trial strategies; however, it should present a party's position, the facts and points of law (citations may be included) to be applied. It may contradict points that are anticipated to be raised by the opposing party. Each Memorandum should be written clearly and succinctly, with a suggested word count of about 500-1000 words. This must be submitted to the Presidents **prior** to the start of the conference.

Stipulations

A type of *agreement* between the two parties, Stipulations consist of a list of general facts that both parties agree upon which is signed prior to the conference. The stipulation will be in the format of bullet points and will only consist of facts mutually understood by both parties, such as:

- Definitions of key terms in the case
- Important historical events
- Activities by both countries
- Relevant treaties and agreements between the two parties

Stipulation Process

Stipulations will be written by each advocacy and then combined between both the advocacies before the conference begins to make efficient use of time. The stipulations have to be submitted to the Presidents **2 days** before the conference. Both advocacies will communicate with each other before the conference begins by any medium suitable to both parties and agree on a stipulation document (in the format provided in the appendix).

Evidence Packet

The most important document in any ICJ case, an evidence packet is essentially a compilation of all the evidence the advocacy wishes to use to support its legal arguments. In a **well formatted** document containing all the pieces of evidence, the evidence packet must contain a table of contents and must have every page numbered. Each piece of evidence **must** mention

the following: Title, Author, Medium (Website/Book etc.), Date

Evidence without these citations will be **struck out** by the Presidents, and not be considered by Judges – thus it is essential that advocates stick to this format while submitting evidence. It is also essential to keep evidence in its original format. Evidence generally consists of objects of any kind relevant to the case, such as papers, documents or books. Remember that the Evidence Packet can make or break a case. A poorly cited piece of Evidence is likely to be weighed as having 'low credibility'(details of this will be explained under 'Weighing of Evidence'), resulting in that piece of evidence not being considered by the Judges.

An excerpt from a sample Evidence Packet has been provided in the Appendix.

Judgements

Judgements are to be written by Judges at the end of each case as a formal court ruling and declaration of their final opinion. Opinions are of five main types and judgements will be categorised accordingly:

1. **Majority opinion:**
   The majority of judges vote on the same grounds in favour of the same party. A majority judgement outlines the court stipulations and the court decree.
2. **Separate opinion:**
   a. Separate but concurring
      The separate but concurring opinion agrees with the vote of the majority but disagrees on the grounds on which the judgement has been made. The separate but concurring opinion will elaborate solely on the grounds on which it disagrees
   b. Separate but dissenting
      The separate but dissenting opinion agrees with the vote of the dissenting majority but disagrees on the grounds on which the judgement has been made.
3. **Dissenting opinion:**
   The dissenting opinion disagrees with the judgement. It outlines the main grounds for disagreement, justifying the judgement.

Court Proceedings

Structure of Debate:

The International Courts at DAIMUN will be spread across 4 days, with the structure of debate given below (please note that this is merely a tentative schedule, and may be altered). A more detailed schedule will be provided closer to the actual conference.

First Day:

- Introduction/Briefing by the Presidents
- Introduction to Procedure
- First Case begins

Second Day:

- Opening Ceremony
- First Case continues
- First Case Concludes

Third Day:

- Second Case begins

Fourth Day:

- Second Case Concludes
- Closing Ceremony

Order of Proceedings:

The order of proceedings in the case is as follows:

1. Opening Speeches
2. Presentation of Stipulations
3. Presentation of Evidence
4. Weighing of Evidence- Judges only
5. Witness Examinations
6. Closing Statements
7. Deliberation- Judges only
8. Judgment

1. Opening Speeches

Each Opening Speech will be a combined speech by both advocates of a party. It will consist of the general arguments of each party and the response of the country to the claims of the opposing party, while possibly also touching upon the stipulations and their role in the case. Opening speeches will have a 15-minute time limit (this may be extended at the discretion of the chair). The first speech will be by the applicant party, followed by that of the respondent party.

2. Presentation of Stipulations:

The stipulations will be read out by the Presidents, or one of the Advocates.. While the stipulations are read out by the opposing advocacy, advocates will respond to each stipulations in either of two ways: (i) “So stipulated”: recognising that the information conveyed in the stipulation may be used as facts of the case or (ii) “Not stipulated”: leaving the information conveyed in the stipulation up to the Panel’s interpretation.

3. Presentation of Evidence:

The aim of presentation of evidence is largely to ensure that each member of the court is familiar with the evidence provided by both parties.

The party presenting the evidence packet will read out each piece of evidence, taking care to mention the title, author, medium and date of the piece of evidence. This may be followed by a brief description of the significance of the piece of evidence in question.

The opposing advocates can then either agree with the piece of evidence or can object to it on one or more of the following grounds:

- Authenticity
- Undue bias
- Relevance
- Reliability
- Accuracy

These objections will be noted and taken into account during deliberation – however, advocates are advised to object on a particular ground only when necessary, and thus should note that excessive and invalid objections to evidence will be frowned upon.

4. Weighing of Evidence:

Once both parties have finished presenting evidence, the court will enter a closed session in which only the Presidents and the judges remain. Each judge will be allotted pieces of evidence and will be given time to further examine said pieces of evidence. Each judge will then present their piece of evidence before the court, briefly summarizing and evaluating the evidence and its relation to the casen in a 1 to 3 minute speech. After the presentation, discussion will be opened for all judges to comment on the evidence as a whole, following which the evidence will be weighted on a point scale, depending on the credibility, relevance and bias of the evidence – this process will be repeated for each piece of evidence. This process will be vital during the final deliberation and for the passage of a fair judgment.

5. Witness Examination:

The human counterpart to documents of evidence in the field of law, witnesses add the key element of human experience to the process and their examination allows judges to delve into matters which are otherwise not readily available. The witness is first administered an oath. Witness examination has four parts: witness testimony, direct examination, where the party that has introduced the witness questions the witness, cross examination, where the opposing party will question the witness, and judge examination, where both the judges and the Presidents will be allowed to question the witnesses.

Choosing Witnesses:

Each advocacy may have a maximum of three witnesses. Before the conference, advocacies will be assigned to three people who will act as their witnesses (these will usually be members of the Executive Board of DAIMUN). Advocates are advised to get in touch with them as soon as possible, to begin preparing them.

Preparing Witnesses:

The first step in preparing your witness, is to assign them an actual role, or person. It is important to remember that the witness cannot be "made-up", i.e.- the witness's identity must exist in real life, and any witnesses whose identities are found to be fraudulent in nature will not be allowed to testify. Advocates are advised to "coach" their witnesses well – witnesses should know what they will say during the witness testimony, what they will be asked on direct examination, and what answers are expected, so long as they are truthful. Witnesses should also be prepared for cross examination, where the other party will aim to create a dispute over the witness's statements and will also aim to place the witness's credibility into question. Thus, it is important that even witnesses are well versed in the matter they are concerned with, and it is the advocacy's job to ensure that they are.

Also note, that witness' can be of two types, Expert Witnesses, and regular witnesses. An Expert Witness is someone who is a qualified expert in the field their testimony is regarding. The Expert Witness is expected to be very well prepared, as the judges and the opposing counsel may ask them questions about their field and their background information, to establish their credibility as expert witnesses. A few other key differences between the two kinds of witnesses are explained in the following sections.

Witness Testimony

Immediately after the oath has been administered, the witness will have around 1-2 minutes to simply talk about his/her role in the case, and mention the key evidence or facts they wish to bring forward. They should take care to be as accurate as possible, as the opposing counsel may try to find faults in the witness' testimony during cross examination. In case they are an expert witness, they may also talk about what qualifies them to be testifying as an expert witness. During the testimony, judges and the opposing counsel are advised to take down notes.

Objections

During direct or cross examination (described below)- the advocacy not examining the witness at the time may object to certain questions or to testimony of a witness on the following grounds:

- Hearsay
- Leading Question
- Speculation
- Irrelevance
- Badgering
- Competence

Each type of objection is discussed below – depending on the objection made, the Presidents will decide whether to accept the objection or not. If the objection is held as valid, the counsel questioning the witness will have to ask a different question or rephrase their

question (in the case of objections to portions of testimony, judges will be asked not to take the portion of the testimony into consideration). However, the decision of the Presidents regarding an objection will be final, and there will be no further discussion or protest on the matter of the objection. If an important objection is not brought up by the concerned Advocacy, the Presidents themselves may bring up this objection.

Hearsay: This objection can be raised if the advocate questioning the witness has asked a hearsay question- that is to say, a witness cannot be asked about an out of court statement or act allegedly made by someone other than the witness in question. The exception to this, is if the person who made the statement is also a witness – however, given the fact that advocates usually try to bring in varied perspectives through each witness, the probability of this situation is remote.

Leading Question: This objection can be raised if the advocate questioning the witness has asked a leading question. Leading questions are defined as questions which suggest the answer by the very nature of the question, a simple example being "You saw him, didn't you?" This is valid during direct examination and if the witness is not an expert witness. Leading questions may be asked by the Respondent to the Applicant's witness, but may not be asked by the Applicant to the Respondent's witnesses.

Speculation: If the witness attempts to predict the possible outcome of an event during his/her testimony, the advocates not questioning the witness may object to this portion of the witness's testimony.

Irrelevance: If the advocates not questioning the witness at the time feel that a portion of the witness's testimony is irrelevant to the case at hand, said advocates may object to this portion of the witness's testimony.

Badgering: If the advocates not questioning the witness at the time feel that the witness is being unduly intimidated by the questions being asked or by the manner in which they are asked, they may object to such questions.

Competence: If the advocates not questioning the witness at the time feel that the witness is asserting a fact that he/she is not qualified to make, said advocates may object to the statement made by the witness.

Direct Examination

Direct examination is the examination of a witness by the party who has introduced the witness. The fundamental rule of direct examination is that leading questions (defined above) cannot be asked. An exception to this rule is if the witness is an expert witness – however, if a party wishes to introduce a witness as an expert witness in a field relevant to the case, the witness will be subject to *a voir dire* examination by the judges, who will ask the witness several questions regarding his/her expertise in the field, such as years of practice, publications, etc. The judges will then decide whether to admit the witness as an expert or not.

Cross Examination

Cross examination, following direct examination, is the examination of a witness by the other party in the case. The main aim of cross-examination is to make the witness seem not credible and to create a dispute over the witness' statements. The fundamental rule in the case of cross examination is that questions must only pertain to the testimony offered by the witness during direct examination – that is to say, an advocate cannot ask the witness about events outside of those described during cross examination. However, advocates conducting cross examination of a witness are allowed to ask leading questions –in fact, it is advised that advocates use the tool of leading questions to the fullest. During the cross examination of an expert witness, leading questions specific to the content of the testimony and the witness' area of expertise are permitted, provided they are all relevant to the case at hand.

Judge Examination

After both direct and cross examination have been completed, the judges are then free to ask any questions of the witnesses in order to gather information relevant to the case – however, given time constraints, judges are advised to wisely select the most important questions as there may not always be enough time to ask every question possible. Judges are allowed to ask leading questions, but are not permitted to ask hearsay questions (as previously defined – questions which ask a witness about an out of court statement or an act allegedly made by someone other than the witness). However, it is to be noted that judges are not limited by the testimony of the witness during direct examination – indeed, they may ask any relevant question in order to establish the credibility or bias of the witness.

5. Judges' Questions:

In order to make the best use of time at DAIMUN ICJ and ICC, the Judges' Questions regarding Opening Speeches, Witness Examinations and Evidence Packets - that are specifically aimed towards the advocates - will be staggered and asked right before the Closing Statements.

6. Closing Statements:

After the entire witness examination process has been completed, advocates will be given some to time to prepare, after which each advocacy will have
15 minutes to make their concluding remarks, where they should:

Address each contention made by the opposing party
Re-state their legal arguments and support them with the evidence introduced
Bring up any new legal arguments if need be
Talk about their 'prayer of judgement', that is, the judgment which they desire from the Court. This may include specific information about damages or reparations involved.

7. Deliberation:

Once closing statements are complete, advocacies will exit the room and court will enter a closed session known as deliberation with only the judges and the Presidents present. Judges will discuss each aspect of the case: the legal arguments presented by both parties, the evidence available and a solution to the dispute at hand.

The format for deliberation is as follows:

1. A round table discussion will ensue. Each judge will rise and state a maximum of 3 questions that have been assessed by them as most relevant to the case at hand.
2. Judges will then vote on questions that have been noted by the executive board. An order of priority for these questions will be established, and they will be discussed in this order.
3. The time set for the discussion of each question, hereinafter called a 'Motion' will be decided by the discretion of the Executive board in regards to the order of priority.

Judges will vote on the case and announce the Motions that they are in agreement with. These will be used to determine the Majority, Separate but concurring, Separate but dissenting and Dissenting opinion.

8. Judgment:

Once deliberation has finished, judges will proceed to write a verdict together in a specified format- as mentioned in the Appendix. It is usually customary in DAIMUN to deliver both verdicts together, just prior to the closing ceremony.

International Criminal Court
Introduction

The Court

On 17 July 1998, 120 States adopted a statute in Rome - known as the Rome Statute of the International Criminal Court ("the Rome Statute") - establishing the International Criminal Court. For the first time in the history of humankind, States decided to accept the jurisdiction of a permanent international criminal court for the prosecution of the perpetrators of the most serious crimes committed in their territories or by their nationals after the entry into force of the Rome Statute on 1 July 2002.

The International Criminal Court is not a substitute for national courts. According to the Rome Statute, it is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes. The International Criminal Court can only intervene where a State is unable or unwilling to genuinely carry out the investigation and prosecute the perpetrators.

The primary mission of the International Criminal Court is to help put an end to impunity for the perpetrators of the most serious crimes of concern to the international community as a whole, and thus to contribute to the prevention of such crimes.

Structure of the International Criminal Court

Judges: Judges will be assigned by their school to represent their delegation on the court. During the simulation, the Judges will hear the cases presented before them and will deliberate to reach a decision on each case at hand. Judges need to evaluate all aspects of a given case objectively and in an impartial manner. The Judges will write preliminary opinions prior to the simulation in place of position papers (please refer to the memorials/ preliminary opinions' section for more details).

Office of the Prosecutor: Two delegates who are chosen upon individual application make up the Office of the Prosecutor. During the simulation, the Prosecutors will deliver arguments and present evidence to establish the criminal liability of the Accused. Prosecutors are also required to deliver opening and closing statements. Both Prosecutors are equally responsible for preparing arguments that they will deliver in Court prior to the Conference. The Prosecutors will submit one indictment in place of position papers (please refer to the memorials/preliminary opinions' section for more details). Cooperation between the two Prosecutors during the preparation for the simulation is therefore crucial.

Defense Counsel: Two delegates who are chosen upon individual application act as Defense Counsel. During the simulation, the Defense Counsel will deliver arguments and present evidence to defend the Accused and secure the Accused's right to a fair and impartial trial. Defense Counsel are also required to deliver opening and closing statements. Both Counsels are equally responsible for preparing arguments that they will deliver in Court prior to the Conference. The Defense Counsel will submit one legal brief in place of position papers (please refer to the memorials/preliminary opinions' section for more details). Cooperation between the two Counsels during the preparation for the simulation is therefore crucial.

Victims' Representatives: Two delegates who are chosen upon individual application will form the team of Victims' Representatives. Delegates acting as victims' representatives must bear in mind that they do so in a legal capacity and that they are not impersonating actual victims. During the simulation, the Victims' Representatives will deliver arguments and present evidence to establish that the represented victims have sustained damage, loss and injury. They may also present any argument that they deem to be of interest to the case at hand, even if such argument is not directly related to victims' rights. Victims' representatives are also required to deliver.

opening and closing statements. Both Victims' Representatives are equally responsible for preparing arguments that they will deliver in Court prior to the Conference. The Victims' Representatives will submit one legal brief in place of position papers (please refer to the memorials/preliminary opinions' section for more details). Cooperation between the two Prosecutors during the preparation for the simulation is therefore crucial.

Documents

Preliminary Opinions (Judges only)

Preliminary Opinions should reflect the Judge's own objective opinion based on their reading, research, and assessment of the issues presented in each case. It should identify what the facts and issues are for each case as well as what possible legal standards should be applied; describe how the standards should be applied to the particular facts; and conclude how the various issues should be resolved. It should be written with the utmost objectivity and reflect on a preliminary finding of fact and law.

The Judges' Preliminary Opinions should reflect:

- A statement of facts: what are the facts of the case? Judges are required to work with the facts provided in

the Background Guide and should be aware that they will be presented with evidence during the simulation.

This section should end with a formulation of the most pertinent issues to the case;

- A statement of the applicable law and assessment of jurisdiction: which provisions of the Rome Statute and (secondarily) any other treaties or international laws are applicable to the case at hand?

Which precedents inform the applicable provisions and their interpretation? Judges should also consult the ICC's Elements of Crime.

- An application of the law to the facts: how does the law view the situation?
- A conclusion

Indictment and legal briefs *(in place of memorandums)*

The Prosecutors will submit an **indictment**; Defense Counsel and Victims' Representatives submit **legal briefs**. The indictment and the legal briefs will outline the arguments/positions for each side and should reflect the following, in this order:

- A statement of facts: what are the facts of the case, as viewed in the light most favorable to your position?
- A statement of the applicable law: which provisions of the Rome Statute are applicable to the case at hand?

Which precedents inform the applicable provisions and their interpretation? (Choose cases that support the interpretation most favorable to your position)

- A detailed argument section, which discusses how the law and facts apply to the particular case as well as a counter-argument to the anticipated arguments (how do the laws and facts support *your* case?);

Prosecutors (overview of indictment)

- An application of the law to the facts (How does the law view the situation?)
- A summary and request for the court (what do you want the Court to do?).

Aside from the aforementioned details, the flow of debate and requirements (Stipulations, Evidence Packets, Witness preparation etc.) remain the same in the ICC.

Miscellaneous Advice

While Judges are usually allowed to refer to electronic devices to check facts, most of the time, the Advocates will not be allowed to do so and should thus keep as much of their research as possible on paper.

Advocates must do **EXTENSIVE** research. This point cannot be stressed enough. An advocacy that keeps its research limited to a few documents in addition to the Study Guide will find it extremely difficult to fill up their evidence packets or have impactful opening and closing remarks.

Advocates should try to think outside the box. For example, if an advocate finds it difficult to look for evidence to counter the claims made by opposing counsel regarding a particular treaty; instead of directly looking for arguments, they could go through the Vienna Convention on the Law of Treaties (VCLT), and possibly show how the treaty may not be applicable in the way that the opposing advocate has used it. Once again, something like this would not be possible without extensive research.

Another interesting approach which advocates may choose to follow, is the 'kitchen sink approach', as suggested by Robert Stern in his ICJ Guide. It suggests that if you are the Applicant, you must be specific in what you want and how you present it. You should be both clear and concise; stay focused and not allow the other side to get you muddled. However, if you are the Respondent, you must throw in everything you can, (like pots and pans in a kitchen sink.) Muddy the waters, confuse the issues, prevent the moving party from being clear, concise, and focused. Each of these two tactics requires great skill, and demands **appropriate behaviour** and proper legal presentation.

Judges should make it a habit to take down a lot of notes during proceedings. This will ensure that Deliberations are quicker and more fruitful.

Overall, each member of the IC at DAIMUN should keep in mind that they are enjoying a unique MUN experience- vastly different than the other Committees at DAIMUN. Keep in mind that the freedoms offered to you by virtue of you being a member of the IC must not be **misused.** Spend your time at DAIMUN wisely, and enjoy yourself!

Conclusion

In conclusion, the International Courts operate on a vastly different procedure than most other committees, and thus advocates and judges are advised to peruse this guide as many times as needed prior to the conference. For additional reading, one may go through the Statute of the International Court of Justice but for all intents and purposes, this procedure guide should suffice. Any questions regarding procedure will be addressed on the first day during the introduction. We hope you enjoy the International Courts at DAIMUN!

Appendix

I] Sample Stipulation

International Court of Justice

Beijing Model United Nations 2007

Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge

(Malaysia vs Singapore)

Advocates of Singapore: Richard Yeung, Emily Cho

Advocates of Malaysia: Philip Mar, Henry Sackville-Hamilton,

A. A treaty between the Sultan of Johor and the British was signed on Feb. 6th 1819, acknowledging British rule over Singapore.
B. Both the British and Dutch held joint occupation of the Malay region (including Malaysia, Singapore, and Indonesia) until the Anglo-Dutch treaty was signed in 1824 in which the Dutch withdrew all objections to British rule over Singapore.
C. Thus Singapore and the 10 nautical miles of sea around it were lawfully given to the British East India Company
D. Malaysia and Singapore were under Japanese rule in the earlier 1940's during war, until the British rule resumed in 1945.
E. The Rendel Constitution, introduced in 1955, granted Singapore self-independent governance.
F. The Malaysia Agreement was signed in 1963, establishing the Federation of Malaya, which included Sabah, Sarawak, and Singapore.
G. The Republic of Singapore Independence Act of 1965, the Constitution of Singapore Act, and the Constitution of Malaysia Act finalized the full independence of Singapore.
H. The Separation Agreement between Singapore and Malaysia, in 1965, did not address the issue of sovereignty over Pedra Branca.
I. The construction of the Horsburgh Lighthouse on Pedra Branca was rightfully granted by the Sultan of Johor in 1844, and established in 1851.
J. Malaysia began publishing maps that indicated Pedra Branca as Malaysian territory in 1979.
K. Malaysian maps in 1974 indicated Pedra Branca as Singaporean territory.
L. Radar communication facility and helipad were built on the island in 1989 and 1991 respectively.
M. On Feb. 6th 2003 Malaysia signed "the Special Agreement for Submission to the International Court of Justice of the Dispute between Malaysia and Singapore Concerning Sovereignty over Pedra Branca/Pulau Batu Puteh,
Middle Rocks and South Ledge" in Putrajaya, Malaysia
N. Both Singapore and Malaysia have agreed to conditions set forth by the International Convention on the Law of the Sea.
O. The use of the names Pedra Branca/Pulau Batu Puteh or vice versa, or the

use of only one or the other by any party will not have any bearing on the judgment or argument of either party or judge before, during or after the Court session.

P. Sovereignty will be defined as a nation's right to full independent control of a specific area
Q. Status Quo will be defined as the existing state of affairs
R. Pedra Branca also known as Pulau Batu Puteh in Malaysia, is a small island located where the Straits of Johor and South China Sea meet, Latitude 1° 19' 48" and Longitude 104° 24' 28", and has the area of 2,000 m².
S. The Johor Sultanate gave permission to the British to construct a lighthouse in 1844.
T. Singapore was given administration over the Horsburgh Lighthouse on Pedra Branca/Pulau Batu Puteh by the British Straits Settlement.
U. Singapore, Malacca and Penang, became the British Straits Settlements in 1826, under the jurisdiction of British India, and a Crown Colony in 1867.
V. On 16 September 1963, Malaysia was formed, made up of the Federation of Malaya, Singapore, Sarawak and North Borneo.
W. Both governments have signed unto the Special Agreement and recognize the articles within.
X. Any previous actions by either Malaysia or Singapore were taken in the belief that it was exercising its sovereign right in its own territory.

II] Format of Judgment

Majority Judgement

The International Court of Justice,

Regarding the case of [subject of dispute] between the [Applicant] and the [Respondent]

We have found the following statements of fact:

(Here, clauses and statements from pieces of evidence will be directly quoted and cited as follows)

Clause [X] of the [Treaty of Y] states:

"[Quote clause here]"

Hence, we, the majority opinion judges, find that:

(Here, the Court would state and evaluate the arguments of the advocates in several numbered clauses, stating what arguments they determined valid and what they did not consider valid pertaining to this case)

For these reasons, we believe that:

(Here, the Court will state its conclusion and conditions in several numbered clauses)

Separate but concurring opinion

SEPARATE BUT CONCURRING OPINION BY JUSTICE LAKHANI

REGARDING the application by the Republic of Guatemala in the proceedings of Guatemala v Belize concerning Guatemala's territorial, insular and maritime claim,

IN ACCORDANCE with the majority opinion, I find in favour of Belize,

I AGREE that Article 7 of the Treaty of 1859 has been maintained considering that a time limit for the provisions mentioned, in specificity the building of infrastructure to facilitate communication between Guatemala and Belize,

I BELIEVE that the principle of Self Determination, a cardinal principle of International Law applies in this circumstance. "The History of British Honduras" has suggested a consistent struggle for freedom by the Belizean settlement which speaks to the Belizeans need to determine their own political status and exercise their right of choice,

HOWEVER unlike the majority,

I DO NOT AGREE WITH with the idea of Uti Posseditis Juris in favour of the Respondent, as I believe that this idea is a double edged sword. If the principle is taken into consideration for the territory of British Honduras by considering the sovereignty of the British over this area then by extension this applies for territorial limits of Guatemala as defined under Spanish colonialism as well. In this situation, proof of territorial transfer would be the ideal way to solve the dispute at hand and since this has not been provided, it is difficult to discern a side without being favourable towards one or the other.

I DO NOT CONCUR the idea that the Battle of St.George's Quay confirmed a transfer of sovereignty to the British due to extensive evidence under "The History of British Honduras" suggesting that despite maintaining colonial control the British in the area continued to respect the Spanish as sovereign in that area,

I BELIEVE that laches does apply considering the lack of any action take by Guatemala pertaining to the issue at hand after the Exchange of Notes between Great Britain and Guatemala dated 1931. After Guatemala announced that the treaty was void in the Treaty in 1940, there was no further deliberation on the matter until the decision to take this case to the International Court.

I BELIEVE the court should not take into consideration the application of UNCLOS as its irrelevance in the case is clear considering that if the territorial dispute is settled, the issue of Guatemala's access to the sea can be easily determined as well. The Applicant has not fulfilled its burden of proof on its claim of how Guatemala has been geographically disadvantaged, and therefore it would be unfair to consider the case on this note.

I HAVE hereby rendered my opinion, JUSTICE LAKHANI

III] Sample Evidence Packet (Please note that this is simply an example of a well formatted evidence packet. There is no prescribed format, and your evidence packet may have an entirely different appearance. Also note that only part of the document has been provided here- Points 4 through 14 have been removed.)

Evidence Packet (DAIMUN ICJ '18)

CASE: Obligation to Negotiate Access to the Sea *(Chile vs Bolivia)*

ADVOCACY: Chile

ADVOCATES: Arav Dalwani, Devajna Gopal

No.	Evidence	Author	Type	Date
1.	1874 Treaty of Limits	Bolivia and Chile	Treaty	6 August, 1874
2.	The 1896 exchange of notes	Adolfo Guerrero & Heriberto Gutierrez	Diplomatic Exchange	29 April, 1896
3.	The 1904 Treaty	Bolivia and Chile	Treaty	20 Oct, 1904
4.	The Penultimate Clause of the 1920 Minutes	Minister of Chile and the Minister of Foreign Affairs Of Bolivia	Clause	10 Jan, 1920
5.	Frontier Dispute Case (Burkina Faso vs Mali)	Burkina Faso/Republic of Mali	Verdict	22 Dec 1986
6.	The New York Convention on Transit Trade of Landlocked States	The New York Convention	Convention	8th July 1965
7.	Note from the Minister of Foreign Affairs of Chile to the Bolivian Ambassador to Chile	Minister of Foreign Affairs of Chile	Note	20th June 1950
8.	Assessment of the 1904 Treaty by Bolivian diplomat Alberto Gutiérrez	Bolivian Diplomat	Assessment	2012

9.	Court Ruling on Poland vs Lithuania Case	ICJ	Verdict	15 October 1931
10.	Article 125 of UNCLOS	Multilateral	Treaty	10 Dec 1982

1. The 1874 Treaty of Limits. It was violated by Bolivia less than four years after it had been signed. An extract taken in relevance to the case, Article 4 of that treaty provided as follows:

   https://www.icj-cij.org/files/case-related/153/153-20160713-WRI-01-00-EN.pdf

   a. "Export duties over minerals taken from the area referred to in the preceding articles shall not exceed the amount currently in force and individuals, industries and Chilean capitals shall not be subject to any contributions other than those currently in place, regardless of their nature. The provisions in this article shall last for twenty-five years."

   b. In breach of this agreement, in February 1878 Bolivia introduced new taxes on minerals exported by a Chilean company (the Chilean Nitrate Company) that had been granted the right to export nitrate through the port of Antofagasta free of any export duties or other fiscal charges for a 15-year term.

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6. The New York Convention on Transit Trade of Landlocked States (8th July 1965)
   https://treaties.un.org/doc/Treaties/1967/06/19670609%2002-19%20AM/Ch_X_03p.pdf

   a. Principle IV

Principle IV

In order to promote fully the economic development of the land-locked countries, the said countries should be afforded by all States, on the basis of reciprocity, free and unrestricted transit, in such a manner that they have free access to regional and international trade in all circumstances and for every type of goods.

Goods in transit should not be subject to any customs duty.

Means of transport in transit should not be subject to special taxes or charges higher than those levied for the use of means of transport of the transit country.

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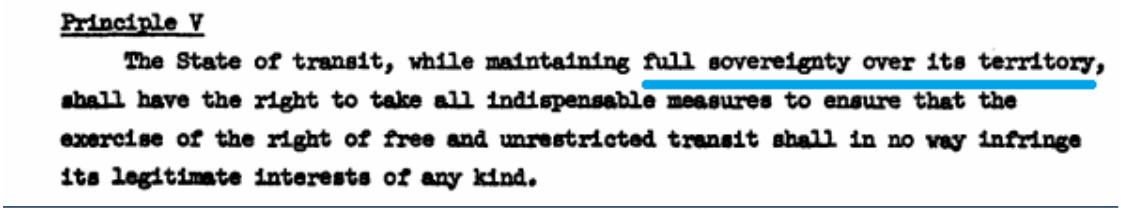
   b. Principle V



Principle V

The State of transit, while maintaining full sovereignty over its territory, shall have the right to take all indispensable measures to ensure that the exercise of the right of free and unrestricted transit shall in no way infringe its legitimate interests of any kind.

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10. Article 125 of the United Nations Convention on the Law of the Sea (10 December 1982)

http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

a. "Land-locked States shall have the right of access to and from the sea for the purpose of exercising the rights provided for in this Convention including those relating to the freedom of the high seas and the common heritage of mankind. To this end, land-locked States shall enjoy freedom of transit through the territory of transit States by all means of transport.

b. The terms for exercising freedom of transit shall be agreed between the land-locked States and transit States concerned through bilateral, subregional or regional agreements.

c. Transit States, in the exercise of their full sovereignty over their territory, shall have the right to take all measures necessary to ensure that the rights and facilities provided for in this Part for land-locked States shall in no way infringe their legitimate interests."

Citations:

1. "International Court of Justice." *The Court*. The International Court of Justice, 02 Apr. 1997. Web. 27 June 2014. http://www.icj-cij.org/court/index.php?p1=1

2. Shu, Timothy -. "THIMUN Online ICJ Handbook." *THIMUN O-MUN - Online Model United Nations*. THIMUN, 09 July 2012. Web. 29 June 2014. <http://onlinemodelunitednations.org/book-page/thimun-online-icj-handbook>.

3. Hung, Jessica – "Model ICJ Advocates Guide". *THIMUN Singapore IV. THIMUN, November 2008. Web.* 29 June 2014. *<repository.damun.org/international-court-of-justice-icj-/file-downloads>*

4. Stern, Robert. *Model International Court of Justice*. *THIMUN ICJ*. THIMUN, Oct. 2003. Web. 29 June 2014.