International Court of Justice

Mexico Model United Nations MEXMUN 2025

Case: Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)

Rules of Procedure

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President's letter

Good morning judges and agencies and welcome to the 33rd edition of Mexico Model United Nations, MEXMUN 2025. For the Court is a pleasure to have you all here in this committee. We have high expectations, therefore absolute formality in respect of diplomatic procedures is expected.

The chosen case is a case where you will be able to put into practice the different laws and procedures that the International Court of Justice involves, but also where you can demonstrate and apply your best abilities. In this edition we will be discussing the following case: Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America). On the other hand, I would like to introduce you to the Court: As your Registrar, Valeria Zayas; as your Vice-president, Kassandra Quiñonez and as your President, Hanna Ordoñez.

The Court encourages you all to be prepared and give the best of yourselves, hoping that this model gives each of you a perspective of the functions of the International Court of Justice. Moreover, we expect this edition will let you reach a new level and experience different points of view. Feel free to contact us in case you have any questions or suggestions, as we will try to make this an enjoyable and challenging experience for you all. Bearing this in mind, the Court wishes you the best of luck and hope to achieve a fruitful debate.

Sincerely,

Hanna Caridad Ordoñez Durán.
Kassandra Quiñónez Castillo.
Valeria Zayas Sierra.

Introduction

The establishment of the Permanent Court of International Justice (PCIJ) is the predecessor of the ICJ. It was created to bring about, by peaceful means, the adjustment or settlement of international disputes or situations which might lead to a breach of peace. It was established in June 1945 during the San Francisco Conference and began work in April 1946. The PCIJ was brought into existence by the League of Nations but was never part of the League. Between 1922 and 1940, the PCIJ worked on 29 contentious cases and issued 27 advisory opinions. In 1939, the outbreak of the Second World War had serious consequences for the PCIJ which had experienced a decline in its level of activity. In February 1940, the Court dealt with no further judicial business and there were no elections for new judges. After the war, there was the need to establish or reestablish a court. The International Court of Justice was then created at the same time as the dissolution of the PCIJ with the ICJ being largely based on its predecessor.

The International Court of Justice has 15 judges elected by the United Nations. It has four main functions which are dispute settlement, compliance assessment, enforcement, and providing legal advice. The ICJ rules upon international treaties and/or conventions, judicial decisions, international customs, and general principles of law. To measure the effectiveness, and make a decision, the Court has to first make a special agreement, then take into account all matters provided for in treaties and conventions, then there is an interpretation of a judgment and a revision of it. The ICJ is located at the Peace Palace in The Hague, Netherlands. The Court rules upon international law and is in charge of advising other bodies of the organization.

The authority of the committee is divided in three, it consists of the president, vice president, and the registrar. The members of the Court do not represent their governments. The Court is integrated by 15 judges elected every nine years by the General Assembly and the Security Council. The current judges are

- Nagendra Singh (India)
- Guy Ladreit de Lacharriére (France)
- Manfred Lachs (Poland)
- José María Ruda (Argentina)
- Taslim Olawale Elias (Nigeria)
- Robert Jennings (United Kingdom)
- Roberto Ago (Italy)
- Shigeru Oda (Japan)
- Mohamed Bedjaoui (Algeria)
- Bertil Evensen (Norway)
- Kéba Mbaye (Senegal)
- Ni Zhengyu (China)

- Stephen M. Schwebe (United States of America)
- Claude-Álbert Colliard (Nicaragua)
- José Sette-Camara (Brazil)

ICJ judges are elected based on their character and qualities; they need to have a solid moral character and certain attributes reflective of their respective countries. The Court may not include more than one national of the same State. Members of the Court are not representatives of the government of their countries, they are independent judges that exercise their powers impartially and conscientiously.

Only Member States of the United Nations are permitted to present cases to the International Court of Justice

First Title

Chapter I

About the present Rules of Procedure

Article 1

1. The rules for all committees are self-sufficient, except for modifications provided by the General Secretariat, which shall be considered and notified in advance before the sessions. No other rules of procedure are applicable.

Article 2

1. The official language is English.
2. The official language for each committee may not be modified by any reason or motion.

Chapter II

About the attributions of the General Secretariat

Article 3

1. The Secretariat will have the final say within the Model. It will interpret the Rules of Procedure and will decide on the issues not hereby comprehended.

Article 4

1. The Secretariat will ensure that these rules are duly enforced. It will impose the needed disciplinary measures in the case of non-compliance with the rules of behavior.

Article 5

1. The Secretariat may, at any time, address either oral or written statements to the different committees in session.

Article 6

1. Powers of the Secretary General, Under Secretaries Attachés:
   I. To officially declare the opening and closure of this Model of United Nations Conference;
   II. to moderate the various bodies of the Model when considered necessary;
   III. to maintain the needed communication in executive matters between committees;
   IV. to intervene as a mediator in any committee when considered appropriate;
   V. to integrate the Chair of Approval during the resolution process;
   VI. to be able to yield his/her attributions totally or partially to any other authority within the Model;
   VII. to grant access and accompany special observers to the conference's various committees.

Chapter III

About the attributions of the authorities and positions of the committee

Article 7

1. The court shall represent the maximum authority inside the committee and shall be composed as follows:
   I. President
   II. Vice-President

   Attributions of the President:
   I. The President shall take precedence before all other Members of the court;

II. declare the opening and closure of each session;
III. have the final word on any conflict or procedure;
IV. moderate discussions during the sessions as well as organize the procedure of the trial;
V. monitor the fulfillment of the rules of procedure and rules of court;
VI. announce the sessions and decide about the rights of reply;
VII. supervise the administration and assistance of the members of the court;
VIII. be part of the Chair of Approval.

2. The president will propose or decide directly on the following procedures.
   I. At the closing of the debate;
   II. the suspension of the session;
   III. the suspension of diplomatic notes;
   IV. the President has a casting vote in the event of votes being equally tied.

3. Attributions of the Vice-President:
   I. The Vice-President shall take precedence before all other Members of the court;
   II. in the event of the absence of the President, his functions are to be exercised by the Vice-President;
   III. be part of the Chair of Approval.

4. Attributions of the Court:
   I. The Court may decide upon the dissolution of a Chamber, but without the prejudice to the duty of the Chamber concerned to finish any cases pending before it;
   II. if a Chamber when formed includes the President or Vice-President of the Court, or both of them, the President or Vice-President, as the case may be, shall preside over that Chamber;
   III. the Court may at any time entrust additional functions to the Registrar;
   IV. the Court may, at the request of the party concerned, extend any time limit, or decide that any step taken after the expiration of the fixed time limit therefore shall be considered as valid, if it is satisfied that there is adequate justification for the request. In either case the other party shall be given an opportunity to state its views;
   V. the Court may authorize or direct that there shall be a Reply by the applicant and a Rejoinder by the respondent if the parties are so agreed, or if the Court decides, *proprio motu* or at the request of one of the parties, that these pleadings are necessary;
   VI. the Court may at any time direct that the proceedings in two or more cases be joined;
   VII. the Court may at any time direct that the proceedings in two or more cases be joined. It may also direct that the written or oral proceedings, including the calling of witnesses, be in common;

or the Court may, without effecting any formal joinder, direct common action in any of these respects.

Article 8

1. The function of the Chamber is to arrange and present the case that the court will be discussing throughout the sessions.

   The Chamber of the committee shall be composed of three parts:

   I. The President
   II. The Vice-President
   III. Members of each Agency

Article 9

1. Agencies are the sides of the case.
2. Agents will represent States during the proceedings. These agents must deliver a Memorial to the Court before the first session. The Memorial submitted must include the facts that originated the dispute, a brief explanation of the Law involved and arguments on the legal issue. The conclusion of this Memorial must be a list of petitions made to the court, also known as a prayer for relief (further explained in Second Title, Chapter I: Proceedings before the Court).

Article 10

1. The Registry is the permanent administrative organ of the Court. The head of this administrative organ is the Registrar who is responsible for helping in the administration of justice and acting as an international secretariat.

   The Registrar, in the discharge of his functions, shall:

   I. Be the regular channel of communications to and from the Court, and in particular shall affect all communications, notifications and transmission of documents required by the General Secretariat or by these Rules;
   II. ensure that the date of despatch/verdict and receipt thereof may be readily verified;
   III. keep, under the supervision of the President, and in such form as may be laid down by the Court, a General List of all cases, entered and numbered in the order in which the documents instituting proceedings or requesting an advisory opinion are received in the Registry;
   IV. transmit to all the members of the committee in addition to the General Secretariat, copies of all pleadings and documents annexed upon receipt thereof in the Registry;
   V. be present, in person or by his deputy, at meetings of the Court and be responsible for the preparation of minutes of such meetings;

VI. sign all judgments, advisory opinions and orders of the Court, and the minutes referred to in paragraph;

VII. deal with enquiries concerning the Court and its work;

VIII. have custody of the seals and stamps of the Court, of the archives of the Court, and of such other archives as may be entrusted to the Court;

IX. be part of the Chair of Approval.

Chapter IV

About the Judges and the Quorum

Article 11

1. Each judge should be integrated by at least one Faculty Advisor and as many judges as they have decided to register in the Model. The Faculty Advisor will be the student, teacher or person heading the judge or judges' group. He/she/they should be present throughout the days the Model will be taking place yet may not participate in the debate or have contact with the judges during sessions. The Faculty may communicate with the Court exclusively through written messages when the session is open.

Article 12

1. The Members of the Court are the judges; for the purposes of a particular case, the Court may also include upon the Bench one or more persons to sit as judges ad hoc.
2. Judges ad hoc do not participate in deliberations.
3. The judges are independent lawyers, they «obey» the International Law, whatever the outcome and their country's policy is. During the conference, Judges must remain as objective as possible and they must never prejudge until the final deliberation.
4. The Members of the Court, in the exercise of their functions, are of equal status.

Article 13

1. The declaration to be made by every Member of the Court shall be as follows:
   "I solemnly declare that I will perform my duties and exercise my powers as judge honorably, faithfully, impartially and conscientiously."
   This declaration shall be presented in the judicial note before the first session begins.

2. Before taking up his duties, every staff member shall make the following declaration before the President, the Registrar being present:
   "I solemnly declare that I will perform the duties incumbent upon me as an official 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."
3. Any Judge that fails to say the declaration shall be considered as a Judge ad hoc and will not be taken into consideration for the final verdict.

Article 14

1. The President may declare a committee able to develop its duties and allow the debate to proceed when all the members of the Agencies are present and at least two-thirds of the Judges thereof are present. The presence of an absolute majority of Members shall be required to vote on any substantial matter.

Chapter V

About important ICJ basic terminology

Article 15

1. In order to be familiarized with the International Court of Justice Committee, several concepts will be explained.
2. The term "Member of the Court" denotes any elected judge.
3. The term "judge", as well as "justice", denotes any Member of the Court and any judge *ad hoc*.
4. The term "The Court" denotes the President and Vice-President.
5. The term "Registry" denotes a branch of the court in charge of the distribution and acceptance of the cases and documents. The Registrar is the one entitled to organize and have control over the Registry.
6. The term "pleading" refers to the petitions made by the Agency towards the Court; it is included in the Memorial.
7. The terms "Reply" and "Rejoinder" shall be addressed during the mandatory round of questions.

Article 16

1. Evidences

I. Evidence can be divided into two categories, the real evidence and the testimony. Real evidence is any material object, e.g. documents, articles, and conventions. Testimony is the statements made by a witness who is under oath/vow.

Article 17

1. Witnesses
   I. The witnesses must swear testimony must go as follows:
   "I solemnly swear that the evidence to be given by me shall be the truth, the whole truth, and nothing but the truth."
2. Experts
   I. Every expert shall make the following declaration before making any statement:
   "I solemnly declare upon my honour and conscience that I will speak the truth, the whole truth and nothing but the truth, and that my statement will be in accordance with my sincere belief."

Chapter VI

About the Rules of Behaviour and vestment

Article 18

1. All participants are permanently required to visibly wear/show their badge or identification.

Article 19

1. The treatment among delegates/judges, members of the Organizing Committee, ushers, teachers, Faculties, and other authorities within the Conference shall be strictly formal and respectful.
2. All attendants of the Conference must respect the indications regarding attire, formality, and security determined by the Organizing Committee.
3. The schedule established by the Organizing Committee shall be respected, except in case the Court has introduced modifications to it.

Article 20

1. Judges must address the forum speaking respectfully, and they shall speak in first person since the judges are not State Representatives.

Article 21

1. It will be permitted to establish direct contact between the Judges during the sessions within a forum. Judges will be able to communicate between themselves and with the Agencies via diplomatic notes, with the limitations provided by these rules.
2. The diplomatic notes can be supervised by the Court to ensure that Judges are respectful with each other and that the matters discussed within the messages are only concerning the discussion held in the debate of the committee.

Article 22

1. Judges may not abandon the forum during a formal session. If necessary, the judge will be able to leave momentarily. Informing the Registry, the reason for his/her/their doing via diplomatic note and requesting the appropriate permission to the Court.

Article 23

1. Judges must maintain diplomatic behavior during the debate. A respectful attitude towards the forum must be observed as well as an appropriate vocabulary and adequate presence for an international forum.

Article 24

1. Electronic devices other than the one being used for the conference will only be allowed under the Chair's consideration.

Article 25

1. Judges will not be able to drink, eat or smoke during sessions, unless it is clear water..

Article 26

1. The dress code to access the committees must be formal. For men, a suit jacket and tie will be considered appropriate. For women, a suit, skirt, dress (not above 5 cm above the knee) or formal pants. The use of Capri pants, miniskirts, nightgown dresses, shorts, T-shirts, heels above 8 centimeters, tennis shoes or caps are not allowed during sessions.
2. In the case where a judge does not count with the formal dressing, she/he/they will be allowed to wear her/his/their school uniform.

Chapter VII

About plagiarism and warnings

Article 27

1. Plagiarism is considered as any action that involves passing off ideas of another person as your own in the writing of the Draft resolution.

Article 28

1. Warnings are the sanctions imposed by the Organizing Committee to draw attention to behaviors which are inappropriate for a Model of the United Nations. Violating the rules of courtesy, behavior, dress code, plagiarism, interrupting the debate unnecessarily, having disrespectful attitudes and arriving late to a session are examples of behaviors that will generate a warning.
2. If a judge accumulates two warnings within the same session, she/he/they shall leave this session and will not be allowed to be present again until the next session.
3. The participation of a Judge in MEXMUN shall be canceled when three warnings are accumulated.

Second title

Chapter I

Proceedings before the Court

Article 1

1. The pleadings in a case begun by means of an application shall consist in the following order: a Memorial by the applicant; a Counter-Memorial by the respondent.
2. The Court may authorize or direct that there shall be a Reply by the applicant and a Rejoinder by the respondent if the parties are so agreed, or if the Court decides, *proprio motu* or at the request of one of the parties, that these pleadings are necessary.

Article 2

1. A Memorial shall contain a statement of the relevant facts, a statement of law, and the submissions.

2. A Counter-Memorial shall contain: an admission or denial of the facts stated in the Memorial; any additional facts, if necessary; observations concerning the statement of law in the Memorial; a statement of law in answer thereto; and the submissions.
3. The Reply and Rejoinder, whenever authorized by the Court, shall not merely repeat the parties' contentions, but shall be directed to bringing out the issues that still divide them.
4. Every pleading shall set out the party's submissions at the relevant stage of the case, distinctly from the arguments presented, or shall confirm the submissions previously made.

Article 3

1. All pleadings shall have all the documents relevant adding support of the contentions contained in the pleading.
2. A list of all documents annexed to a pleading shall be furnished at the time the pleading is filed.

Article 4

1. All pleadings shall be dated. When a pleading must be filed by a certain date, it is the date of the receipt of the pleading in the Registry which will be regarded by the Court as the material date.
2. The correction of a slip or error in any document which has been filed may be made at any time with the consent of the other party or by leave of the President.
3. Any correction so affected shall be notified to the other party in the same manner as the pleading to which it relates.

Chapter II

About motions and majority procedures

Article 5

1. Judges and Agents will be able to raise motions to the floor with the aim of informing the Chair of a situation or asking for a proposal to be considered during sessions. The judge must specify and express the kind of motion required.

Article 6

1. There are four types of motions used for the debate's well-functioning and development and these are classified into the following categories.
    I. Motions which may interrupt a speaker.
        a. Motion of Personal Privilege

   b. Motion of Order
II. Motions which are allowed when the floor is open.
   a. Motion of Parliamentary Inquiry
   b. Motion of Procedure

Article 7

1. The Motion of Procedure can be used to propose an option on procedure during the normal course of the debate. These motions of procedure will be in order when wanting to make an extraordinary session of questions, open a moderated caucus or a simple caucus, validate or invalidate an evidence, close the session, submit a working paper, submit a Possible Draft Resolution, close the deliberation, among others. (All of these motions will be explained in Chapter III: About the debate's procedures).
2. In order for the Court to consider this motion, a Judge has to propose the motion and another Judge will have to second it.
   I. The Judge who proposed cannot be the one that seconds it.
3. Motions of Procedure cannot interrupt a Judge nor the Court when they are addressing the floor or when a certain procedure is already in process. Therefore, this motion can only be introduced while the floor is open.
4. The Court may deny, accept, or vote on the proposal given in the Motion. In case of voting it, abstentions will not be allowed, except when voting an extraordinary session of questions.
   I. The Motion will pass with the existence of an absolute majority of the Judges in favor.

Article 8

1. The Motion of Personal Privilege can be introduced whenever a Judge experiences personal discomfort, which impairs hers/his/their ability to participate in the debate. These motions can also be introduced when making a brief preamble before the extraordinary session of questions.
2. Motions of personal privilege cannot be denied until they have been heard.
3. They may interrupt Judges and the Court.
4. These motions must be used with the utmost discretion; moreover, it is preferred to send this motion to the Court by a written message (non-applicable to the motion of a brief preamble)

Article 9

1. Motions of Order shall interrupt a speaker, this motion calls on the inappropriate application of the Rules of Procedure. The Court shall immediately decide upon the motion.

2. No motion of order shall be denied without being heard first. Nonetheless, the Court may overrule Motions of Order whenever these are inappropriate, disrespectful, or dilatory; such decision is not refutable.

Article 10

1. Motions of Parliamentary Inquiry may never interrupt a speaker. Therefore, these motions shall only be raised when the floor is open with the purpose of asking the Court a question regarding the Rules of Procedure.
2. Motions of Information do not exist. Judges or Agents wishing to ask substantial questions should do so during a Caucus or by written form.

Article 11

1. If a Judge has offended you personally, you may request a Right of Reply. If the Court agrees that a Right of Reply would be in order, the Judge that committed the fault must apologize publicly and will be granted a warning.

Chapter III

About the debate's procedures

Article 12

1. Moderated caucus
    I. A moderated caucus may be granted by requesting it with a motion of procedure. Matters regarding any deliberation can be discussed during a moderated caucus. Direct contact is strictly forbidden in this court's modality of debate. The word will be given by the chair to any member of the court that wishes to make a statement.
2. Simple caucus
    I. A simple caucus may be granted by requesting it with a motion of procedure. Matters regarding any deliberation can be discussed during a caucus. Direct contact is allowed in this court's modality of debate.

Article 13

1. After a Memorial, evidence, or testimony, both the agencies and judges will have to pass through a mandatory round of questions with the purpose of clarifying any doubts the members of the court may have.
2. After the mandatory round of questions, there will be an optional round of questions. Judges are encouraged to participate, though it is optional.
3. Follow-up questions may be allowed only if the previous question was not answered with a monosyllabic and if the Court allows it.

Article 14

1. To accept any evidence or testimony, a round of voting will be held in the following order:
   I. First round of voting. Judges can vote in favour, against or abstention with or without a right of explanation.
   II. Second round of voting. Judges can vote in favour, against or abstention with or without a right of explanation.
   III. Third round of voting. Judges can only vote in favour or against.
2. Right of explanations refers to a statement proposed by a judge to approve or disprove evidence with the purpose of convincing other judges to vote in favour, or in its contrary, against.

Article 15

1. In the event of any objection or doubt, the matter shall be decided by the Court, if necessary, after hearing the parties.
2. The preliminary objection shall set out the facts and the law on which the objection is based, the submissions and a list of the documents in support; it shall include any evidence on which the party relies. Copies of the supporting documents shall be attached.
3. The Court, whenever necessary, may request the parties to argue all questions of law and fact, and to adduce all evidence, which bear on the preliminary questions or objections.
4. After hearing the parties, the Court shall decide upon a preliminary question or uphold or reject a preliminary objection. The Court may however declare that, in the circumstances of the case, a question or objection does not possess an exclusively preliminary character.

Third title

Chapter I

About the Judicial Note

Article 1

1. As a judge of the International Court of Justice, you are required to write a Judicial Note before the first session of the case.
2. The Judicial Note shall help you have a basic understanding of the case and it should also allow you to fully flesh out your ideas and positions on the issues before the court begins.
3. You may also bring documents regarding international law that may help you and your fellow judges better structure your Judicial Note and furthermore, your verdict. Remember that your preparation and participation are needed to make the committee a success.
4. Rather than including your country's position on a topic, as one would normally do in a position paper, your Judicial Note should be divided up into four sections and be 2-5 pages, not including the sources consulted:
    I. Historical Background of the Topic
        a. Judges should use the information given in the example Judicial Note.
        b. Judges can also add articles of the conventions mentioned to fund their questions and position, to keep them in mind for the debate.
    II. Initial Rulings
        a. Justices must outline their initial stance on how they will rule upon the question of Nicaragua and the United States with regard to the Military and Paramilitary activities on the territory of Nicaragua of 1984. However, this should serve as a starting point for the judges when they enter court rather than their end-all be-all decision for the case--these positions can and should be developed as case proceeds.
    III. Questions to Consider.
        a. Justices must start to develop questions about the case that shall be answered during the memorials of the agencies and during the moderated caucuses, in order to facilitate and encourage the participation of you during the debates and the session of questions.
        b. The number of questions shall be in consideration of each individual Judge, though, it is recommended to have at least five.
    IV. Declaration of impartiality.
        a. All judges must have the declaration stated on Title I, Article 13, paragraph 1, of this document at the beginning of their Judicial Note.

b. Any Justice that fails to comply with the writing of the declaration will be granted a warning.

Article 2

1. Submissions of the Judicial Note shall take place, at most, one day before the first session. They shall be sent in the following format:
   I. The paper size must be letter with 1-inch margins on all sides.
   II. The font should be Times New Roman size 12.
   III. The text must be constantly double-spaced, except for block citations, notes, and bibliography entries.
   IV. Judges may use APA or Chicago style.
2. On the upper left corner, the Judicial Note shall contain the following information:
   I. The Judge Name
   II. The Delegate Name
   III. Committee
   IV. Date of case (19 December 2005)
3. On the upper corners you should add the signature seal of the International Court of Justice and the seal of MEXMUN 2024.
4. At the end of your Judicial note you shall add your signature above your Judge name and his/her nationality.

Example of Judicial Note:

Judge: Carl-August Fleishchhauer

Your Name

International Court of Justice.

June 27, 1986

Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)

On 27 June 1986, the International Court of Justice (ICJ) found that a number of actions carried out by the United States in and against Nicaragua constituted violations of customary international law, including the prohibition on the use of force and the principle of non-intervention. Nicaragua brought the case before the Court on 9 April 1984, claiming that the U.S. had supported, trained, armed, and financed paramilitary forces—commonly referred to as the "contras"—engaged in military activities against the Nicaraguan government. Nicaragua also accused the U.S. of mining its ports, conducting aerial surveillance flights, and imposing economic measures to destabilize the country.

Although the U.S. initially participated in the proceedings, it later withdrew when the Court affirmed its jurisdiction over the case. Nevertheless, the Court proceeded under Article 53 of its Statute and determined that Nicaragua's claims were well-founded in both fact and law.

The Court concluded that the United States had violated Article 2 (paragraph 4) of the UN Charter, as well as several principles of international humanitarian and customary law. It found that the U.S. was responsible for the acts of the contras due to the level of support and control exercised over their operations, and had breached Nicaragua's sovereignty by engaging in coercive and aggressive actions.

As a result, the ICJ ordered the United States to cease all unlawful use of force and intervention in Nicaragua and ruled that reparations were owed for the damages caused—though the exact amount would be determined in a later phase.

Judges may copy and paste this part to their Judicial Note. This will count as the Historical Background of the Topic part.

Initial Rulings

[…]

Questions to Consider:

[…]

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

Carl-August Fleishchhauer

Germany

International Court of Justice

Chapter II

Reaching a Verdict

Article 3

1. After the case has been finalized and the evidence and testimonies have been voted, the judges will enter a simple caucus to begin with the deliberations.
2. The first paper they will have to make will be the Working Paper.
   I. A "Working Paper" is considered to be the precursor to a Draft Resolution. It is a document where Delegates initially formulate solutions with respect to their committee's topic and in accordance with their position and the pledges presented by the agencies.

Article 4

1. The Working Paper is primarily a solution-based document and will follow a structure akin to that of a resolution albeit it does not include Draft Pre-Ambulatory Clauses and will only contain Draft Operative Clauses.
2. Ideally, each individual Draft Operative Clause should be clear, succinct, address a single complete idea, and set forth action to be taken.

Example: [The Court] Urges member states to comply with the goals of the UN Department of Humanitarian Affairs to streamline efforts of humanitarian aid.

Article 5

1. From a Working Paper to a Verdict

   I: Working Paper.

      II: Approval by the Court

         III: Draft Resolution

            IV: Amendments

               V: Verdict

Article 6

1. Working Papers cannot be referred to the committee until they've been approved by the Court; The Secretariat (analysis of the content) and the Mun-Directors (language mistakes) will edit and return working papers until they feel the papers are ready to become Draft Resolutions.
2. It will then be introduced in the committee as a Draft Resolution. The Court will invite the main submitter up to the front to read the operative clauses. After a moderated caucus, the operative clauses are discussed separately, and amendments can be submitted.
3. Amendments may change, delete, or add clauses from a Draft Resolution. You can only change Draft Resolutions through Amendments which must have a certain amount of sponsors.

Example of Working Paper:

Sample Working Paper

Main Submitter (Judge) -

Committee – International Court of Justice

Case – Armed activities on the territory of Congo

1. Recommends that a three-level information interchange system be established on the National, Regional, and International levels to ameliorate the current problems of news flow imbalance, operating as follows:

a. Each region's member nations will report their national information and receive the information of other nations in their region from the regional level of this interchange system;

b. Nations will decide the character of the news flow media best suited to the need of their sovereign territory, be this printed, audio, or audio visual;

c. Regional News Gathering Agencies will serve to gather information from the nations in their region, and these boards will have no editorial discretion and will serve to forward all information to the International Board;

d. Each regional agency will be composed of representatives from every member nation of the region;

e. The primary function of the International Board will be to translate information accumulated from the regional news gathering agencies;

f. The secondary purpose will be to transmit all information gathered back to the member nations via the regional news gathering agencies;

g. In order to expedite the transfer of information from the international to regional level the International Board will utilize a UN frequency on an EEC (European Economic Community) satellite;

2. Urges the establishment of the University of International Communications, with main branch in Geneva, Switzerland, and additional branches located in each of the aforementioned regions, to pursue the following aims:

a. The University and branches will be established with the express purpose of bringing together world views and facilitating the transfer of technology;

b. All member nations of the United Nations will be equally represented at the University;

c. Incentives will be offered to students of journalism and communications at the University to return to their countries to teach upon completion of instruction;

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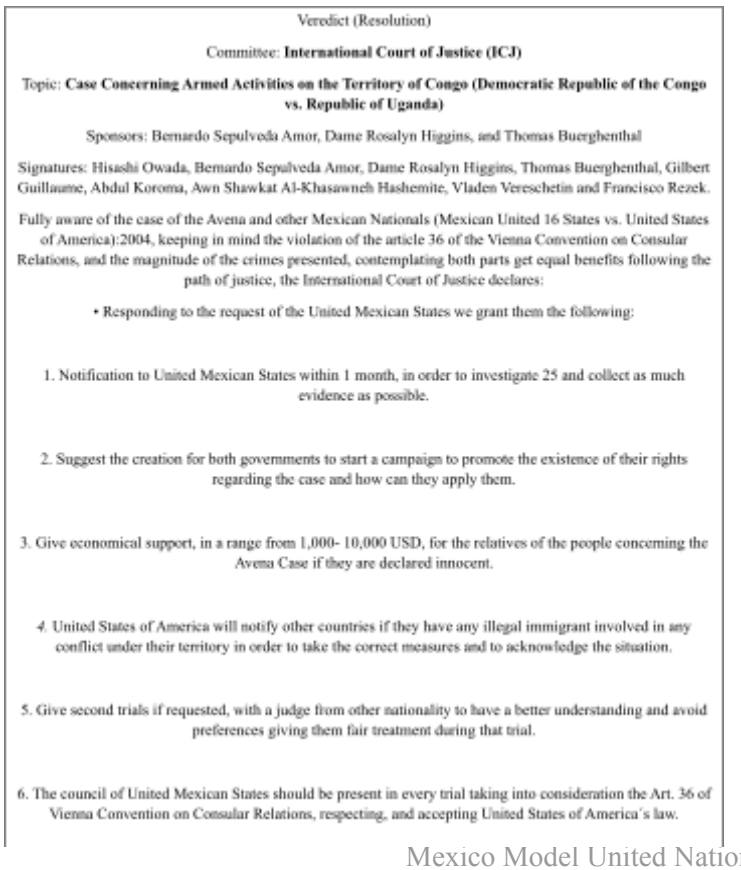
Article 7

1. A Draft Resolution becomes a Verdict after passing the voting procedure.

Article 8

1. When the judges have completed its verdict and adopted its advisory opinion, the opinion and resolutions shall be read in front of the Court.
2. The advisory opinion shall contain:
   I. the date on which it is delivered;
   II. the names of the judges participating;
   III. a summary of the proceedings;
   IV. the resolutions;
   V. the number and names of the judges constituting the majority;
   VI. a statement as to the text of the opinion which is authoritative.
3. 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.

Example of Verdict:
(Note that it is missing the advisory opinion)



Veredict (Resolution)

Committee: **International Court of Justice (ICJ)**

Topic: **Case Concerning Armed Activities on the Territory of Congo (Democratic Republic of the Congo vs. Republic of Uganda)**

Sponsors: Bernardo Sepulveda Amor, Dame Rosalyn Higgins, and Thomas Buerghenthal

Signatures: Hisashi Owada, Bernardo Sepulveda Amor, Dame Rosalyn Higgins, Thomas Buerghenthal, Gilbert Guillaume, Abdul Koroma, Awn Shawkat Al-Khasawneh Hashemite, Vladen Vereschetin and Francisco Rezek.

Fully aware of the case of the Avena and other Mexican Nationals (Mexican United 16 States vs. United States of America):2004, keeping in mind the violation of the article 36 of the Vienna Convention on Consular Relations, and the magnitude of the crimes presented, contemplating both parts get equal benefits following the path of justice, the International Court of Justice declares:

• Responding to the request of the United Mexican States we grant them the following:

1. Notification to United Mexican States within 1 month, in order to investigate 25 and collect as much evidence as possible.

2. Suggest the creation for both governments to start a campaign to promote the existence of their rights regarding the case and how can they apply them.

3. Give economical support, in a range from 1,000- 10,000 USD, for the relatives of the people concerning the Avena Case if they are declared innocent.

4. United States of America will notify other countries if they have any illegal immigrant involved in any conflict under their territory in order to take the correct measures and to acknowledge the situation.

5. Give second trials if requested, with a judge from other nationality to have a better understanding and avoid preferences giving them fair treatment during that trial.

6. The council of United Mexican States should be present in every trial taking into consideration the Art. 36 of Vienna Convention on Consular Relations, respecting, and accepting United States of America´s law.

7. People with dual nationality will be under the jurisdiction of United States of 46 America in case the crime is committed in their territory.

8. United Mexican States should provide psychological and economical help to the affected relatives by the casualty of any crime. In case of being a dual citizen from United States of America and United Mexican States, both of them will reach an agreement in which both laws are respected and recognized.

9. Mexicans have the right to request the Draft Diplomatic Protection during the investigation regarding all charges the individual is accused for.

10. In case of dual nationality individual is found guilty after trial, he or she has the right to ask for *habeas corpus* and will be judged according to the laws of the country in which the crime was committed.

11. In case a Mexican citizen is found guilty of a crime committed inside United States of America, the death penalty will not apply due to United Mexican States´ law. *In lieu*, the respective judge will give an accordingly sentence with a lifetime in prison or working hours, referring to article 60 of *La Ley Federal del Trabajo* which states that diurnal shift is between 6 hours and 20 hours. Proclaims that the works given will be maintenance workers, cooks as well as manufactured producers, taking in mind the statement of wages and hours declared in *The Federal Governments Official Employment Laws* depending in the magnitude of the crime.

The International Court of Justice by prep accepts this resolution and is willing to make another assemblage if necessary, according to these terms.

Article 9

1. The advisory opinion and the verdict shall be sent to the Secretary-General and the Court for approval before its reading before the Court.

Article 10

1. After its acceptance and reading, 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.

Hanna Caridad Ordoñez Durán ,
President.

Kassandra Quiñónez Castillo,

Vice-President.

Valeria Zayas Sierra,
Registrar.