

# MODUS OPERANDI

# 1. Organization of the Court

In the debate, the proceedings will be led by ICJ judges, who act as neutral moderators. These judges listen to both parties, ask clarifying questions, and apply international law to evaluate the case. Key positions include Counsel for the Applicant, who represents the country that brought the case and presents its legal arguments, and Counsel for the Respondent, who defends the accused state and presents its legal counterarguments.

### 2. BAMUNICI

In BAMUN, the ICJ is similar to a moot court, a simulation of a **legal court** rather than a typical UN committee. ICJ's role is one of a **legal** body instead of a **political** one.

### a. The Two Scenarios

- i. **Legal Dispute Between Two States**: A case where two countries are in a legal dispute. This scenario leads to a full judgement by the ICJ.
- ii. **Advisory Opinion**: The judges are asked to provide non-binding legal advice, known as an advisory opinion, to UN institutions.



### b. Advisory Opinion vs Judgment

The ICJ delivers a binding judgement. In an advisory opinion, the Court gives legal advice, but it is not legally binding. Regardless of the scenario, involved states present their arguments through Advocates.

### c. What Happens in an Advisory Opinion

States with a stake in the issue will be invited to speak their views. The difference is that the outcome serves as advice instead of a legal decision.

### **ICJ Procedure:**

The International Court of Justice (ICJ) involves a legal dispute between two states, with delegates playing the roles of legal representatives, or "Advocates," for both the Applicant (the state bringing the case) and the Respondent (the state being accused). Judges will decide the case based on the legal arguments presented. DUring the judgement, advocates will have a voice, but the final decision will be made by judges.

# a. Opening Proceedings

At the beginning of the session, the chair officially opened the proceedings. The Chair usually starts by calling the Applicant's Counsel to present their case.



# b. Applicant's Role and Responsibilities

The Applicant refers to the legal representatives (Counsel) of the state that brought the case before the court. They present legal arguments and provide evidence, such as treaties or expert opinions, to support their case.

The Applicant's job is to make a clear legal argument that the Respondent (the state being accused) has violated international law. They do this by relying on legal sources like treaties, international law precedents, or expert testimonies.

# c. Respondent's Role and Responsibilities

The Respondent represents the state that is being accused of breaching international law.

Like the Applicant, the Respondent's Counsel must provide legal arguments and evidence showing why their actions were not illegal. The Respondent's role is to refute the claims made by the Applicant and provide alternative interpretations of the law or the facts.

### d. Presentation of Evidence and Witnesses

Both the Applicant and Respondent have the opportunity to submit evidence, such as treaties, legal opinions, or correspondence.

# e. Opening Statements

The Applicant begins by delivering their opening statement (1:30 minutes). The opening statement gives a brief overview of the facts of the case from the Applicant's perspective and introduces the legal arguments they will develop throughout the proceedings. Once the Applicant finishes, the judges can ask questions. Afterward, the Respondent will deliver their opening statement, following the same structure. Both parties must outline the key points of their argument and mention the evidence or witnesses they intend to present.

# f. Rebuttals (Case)

After both opening statements, the rebuttal stage begins, where both parties respond to the arguments made by their opponent. The rebuttal is the most detailed part of the oral proceedings, allowing both sides to present their full legal analysis and challenge the other side's arguments. The **Applicant** goes first, presenting a well-organised rebuttal that builds on their initial arguments while pointing out the flaws in the **Respondent's** case. This phase also includes the introduction of **evidence** and **expert testimonies**, which must be linked to the legal arguments. After the Applicant's rebuttal, the **Respondent** presents their own, following a similar structure.

Both parties may question witnesses and make statements about submitted evidence. For example, if the Applicant calls a witness, the Respondent will have a

chance to question that witness, and vice versa.

# Role of the Judges

Although judges ask questions throughout the proceedings, their most significant role comes after the rebuttals. Following both sides' presentations, judges are given a break to compile their final questions for both parties. These questions address any unresolved issues or seek clarification on complex legal matters.

### **Closing Statements**

After the questioning period, both the Applicant and Respondent deliver their closing statements. These statements are brief (typically lasting 5-10 minutes) and must summarise all the arguments made throughout the proceedings without introducing any new points. The goal is to leave a lasting impression on the judges by tying together the key points of the case.

# Resolution and Judgment

Once the closing statements are delivered, the oral proceedings are complete. The judges then deliberate on the case. During resolution, the judges must decide

whether the Applicant has proven their case based on the legal arguments and evidence presented. The judgment answers the specific legal questions posed by the Applicant when they brought the case to the court.