



SOFIMUN
Sofia International Model United Nations

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RULES OF PROCEDURE

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Rules of Procedure for the SOFIMUN International Court of Justice

These Rules are based upon the official "Rules of Court" as adopted on the 14th of April 1978 and tailored, where needed, to the context of a Model United Nations conference.

I. SOFIMUN RULES

RULE 1 - Rules of Procedure

1. The Rules of Procedure for the SOFIMUN International Court of Justice are not subject to change and shall be considered adopted in advance by the Secretariat.
2. The Court acts in accordance with the Statute and the Charter of the United Nations.

RULE 2 - *Languages*

- a. English shall be the official working language of the Court.

II. SECRETARIAT

RULE 3 – *Composition of the Secretariat*

The Secretariat consists of the Secretary-General and the Chairpersons.

RULE 4 – *Secretary-General*

1. The Secretary-General shall have the rights described hereinafter. The Secretary-General may nominate a deputy to act in his place.
2. The Secretary-General's interpretation of the SOFIMUN Rules for the International Court of Justice shall prevail. The Secretary-General shall, in his interpretation, take into consideration equality of treatment and the good functioning of the Court. The Secretary-General is entitled to adopt measures not stated herein, if he considers it necessary.

RULE 5 - *Chairpersons*

1. The Chairpersons shall preside over the procedural matters of the Court.
2. The Chairperson, in the discharge of his or her functions, shall:
 1. conduct all voting and other procedural practices of the Court;
 2. chair the moderated caucuses;
 3. transmit to the parties copies of all pleadings and documents;
 4. be present, in person or by deputy, at meetings of the Court;
 5. be a consultant on all procedural questions of Agents, Representatives and Judges;
 6. sign all judgements, advisory opinions and orders of the Court



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7. be responsible for the printing and publication of the Court's judgements, advisory opinions and of such other documents as the Court may direct to be published;
8. be responsible for all administrative work;
3. The Chairperson acts in an equitable and objective manner, observes the SOFIMUN Rules and shall have complete control of the proceedings in the Court and of the maintenance of order at the meetings.
4. The Chairperson has the right to rule out points and motions put forward by Member of the Court, unless otherwise provided in the SOFIMUN Rules. The Chairperson may advise the members of the Court as well as the Agents and Representatives on substantive and procedural matters in order to enable the good functioning of the Court.
5. The Chairperson has the right to suspend the meetings of the Court for a limited time, which he/she must indicate beforehand. This right is not subject to appeal.
6. The Chairperson's interpretation of the SOFIMUN Rules shall prevail. Rule 4, paragraph 2 is reserved.

III. THE COURT

RULE 6 – *Composition of the Court*

1. The Court consists of the Judges and the President.
2. The Members of the Court, in the exercise of their functions, are of equal status.

RULE 7 – *The President*

1. The President of the Court shall be elected by the Chairpersons before the opening of oral proceedings for every case/advisory opinion.
2. The President participates as a Judge and additionally, in the discharge of his or her functions, shall:
 - a. be in charge of the unmoderated caucuses of the Court;
 - b. have priority questioning rights during oral hearings;
 - c. sign all the judgements, advisory opinions and orders of the Court;
3. In the case of a vacancy in the presidency or of the inability of the President to exercise the functions of the presidency, the Chairperson shall exercise these.

RULE 8 – *Judges*

Judges are fully independent on substantive matters.



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IV. CONDUCT OF BUSINESS IN CONTENTIOUS CASES

RULE 9 – *Institution of Proceedings in Contentious Cases*

1. When proceedings before the Court are instituted by means of an application addressed as specified in Article 40, paragraph 1, of the Statute, the application shall indicate the party making it, the State against which the claim is brought, and the subject of the dispute.
2. Representatives of the party making the application are referred to as 'Agents' or 'Agents of the applicant'.
3. Representatives of the party against which the claim is brought are referred to as 'Agents' or 'Agents of the respondent'.

WRITTEN PROCEEDINGS

RULE 10 - *Judicial Opinion*

Judges write a judicial opinion prior to the sessions of the Court and submit it to the Chairpersons.

RULE 11 – *Memorial and Counter-Memorial*

1. The pleadings consist, in the following order, of: a Memorial by the applicant; a Counter-Memorial by the respondent.
2. The Memorial as well as the Counter-Memorial shall contain a statement of the relevant facts, a statement of law, and the submissions.
3. The Memorial as well as the Counter-Memorial shall be submitted to the Chairpersons prior to the sessions of the Court.
4. The pleadings will be presented to the Judges before the beginning of the oral proceedings.

ORAL PROCEEDINGS

RULE 12 – *Beginning of Oral Proceedings*

1. Upon the closure of the written proceedings, the case is ready for hearing.
2. The hearing in Court shall be public, unless the Court shall decide otherwise, or unless the parties demand that the public shall not be admitted. Such a decision or demand may concern either the whole or part of the hearing, and may be made at any time.
3. A Judge can raise a motion demanding the public not to be admitted. The Chairpersons have to entertain this request immediately and undertake a vote which requires a full majority.



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RULE 13 - *Presentation of the Case*

1. The Chairperson shall present the case to the Court.
2. The session of the Court will be formally opened by the Chairperson after the presentation.

RULE 14 – *No jurisdictional hearing*

No jurisdictional hearing will be deemed necessary, and the Court's jurisdiction shall not be questioned. Both the admissibility as well as the merits will be discussed in the same phase of the procedure. There will be no preliminary hearing.

RULE 15 - *Preliminary Discussion*

1. Only Judges are present during preliminary discussions.
2. All the Judges, called upon by the Chairperson as a rule in alphabetical order by name, must declare their views.
3. Judges will discuss the relevant legal issues, and bring to the notice of the Court any point in regard to which they consider it may be necessary to call for explanations.
4. Time for the Preliminary Discussion is set by the Chairpersons.

RULE 16 – *Submission of documents*

After the closure of the written proceedings, no further documents may be submitted to the Court by either party except with authorisation of the Chairpersons.

RULE 17 – *Oral Statements*

1. The Agents of each country will plead their oral statements (opening statements) at the beginning of the hearings. The time is set by the Chairpersons.
2. The oral statements made on behalf of each party shall be as succinct as possible within the limits of what is requisite for the adequate presentation of that party's contentions at the hearing. Accordingly, they shall be directed to the issues that still divide the parties, and shall not go over the whole ground covered by the pleadings, or merely repeat the facts and arguments these contain.
3. At the conclusion of the questioning the Agents of the parties may make a final statement.

RULE 18 – *Questioning of Agents, Witnesses and experts*

1. The Court may at any time prior to or during the hearing indicate any points or issues to which it would like the parties specially to address themselves, or on which it considers that there has been sufficient argument.
2. The Court may, during the hearing, put questions to the Agents and may ask them for explanations.
3. Each Judge has a similar right to put questions, but before exercising it he/she should make his/her intention known to the Chairperson. The President enjoys priority questioning rights.
4. The Agents may answer either immediately or within a time-limit fixed by the President.



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5. The Agents may put forward questions to opposing Agents, Witnesses and Experts. They must be recognised by the Chairperson.

RULE 19 – *Witnesses or experts*

1. The Court may, if necessary, arrange for the attendance of a Witness or Expert to give evidence in the proceedings.
2. Before testifying, Witnesses shall remain outside the courtroom.

DELIBERATIONS AND JUDGEMENT

RULE 20 – *Deliberations*

1. After the hearings have been completed, Judges will go into deliberations.
2. Deliberations are held according to the rules for formal and informal debate.
3. Only Judges take part in the Court's judicial deliberations.
4. Presence of the Agents/ Representatives is under the discretion of the Chairpersons.

RULE 21 – *Judgement*

1. The judgement given by the Court shall contain:
 - a. the date on which it is read;
 - b. the names of the Judges participating in it;
 - c. the names of the parties;
 - d. the names of the Agents of the parties;
 - e. a summary of the proceedings;
 - f. the submissions of the parties;
 - g. a statement of the facts;
 - h. the reasons in point of law;
 - i. the operative provisions of the judgement;
 - j. the number and names of the Judges constituting the majority;
 - k. signatures of the President and the Chairpersons.
2. Any Judge may, if he/ she so desires, attach his individual opinion to the judgement, whether he dissents from the majority or not.
3. A Judge who wishes to record his concurrence or dissent without stating his reasons may do so in the form of a declaration.
4. When the Court has adopted its judgement, the parties shall be notified of the date on which it will be read.
5. The judgement shall be read at a public sitting of the Court and shall become binding on the parties on the day of the reading.



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V. CONDUCT OF BUSINESS IN ADVISORY OPINIONS

RULE 22 – *Advisory proceedings*

1. In the exercise of its advisory functions under article 65 of the Statute, the Court shall apply, in addition to the provisions of article 96 of the Charter and Chapter IV of the Statute, the provisions of the Rules regarding contentious cases to the extent to which it recognizes them to be applicable.
2. In an advisory opinion representatives of all States are referred to as 'Representatives.'

RULE 23 – *Advisory Opinion*

1. When the Court has completed its deliberations and adopted its advisory opinion, the opinion shall be read at a public sitting of the Court.
2. The advisory opinion shall contain:
 - a. the name of the advisory opinion;
 - b. the name of the body requesting the advisory opinion;
 - c. the date on which it is delivered;
 - d. the names of the Judges participating;
 - e. a summary of the proceedings;
 - f. a statement of the facts;
 - g. the reasons in point of law;
 - h. the reply to the question put to the Court;
 - i. the number and names of the Judges constituting the majority;
 - j. a statement as to the text of the opinion which is authoritative;
 - k. signatures of the President and Chairperson.
3. Any Judge may, if he/ she so desires, attach his individual opinion to the advisory opinion of the Court, whether he dissents from the majority or not.
4. A Judge who wishes to record his concurrence or dissent without stating his reasons may do so in the form of a declaration.

VI. THE INTERNAL PRACTICE OF THE COURT

RULE 24 – *Election of the President*

Before the presentation of the case, the Chairperson shall, under the Rule 7 paragraph 1 of the Rules, conduct the procedure of electing the President.

RULE 25 – *Voting on Motions*

1. Each Judge will have one vote.



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2. All motions, unless determined otherwise by these Rules, require a simple majority to pass. In case of a tied vote the motion fails.
3. Abstentions on procedural matters are not in order.
4. After the Chairperson announces the beginning of voting procedure, no person shall interrupt the voting, except on a point of order in direct connection with the actual conduct of voting.

RULE 26 – *Requesting a caucus (unmoderated / moderated)*

Judges can ask for a caucus any time during deliberations. Proposals should be put to a vote immediately by the Chairperson and require a simple majority to pass.

RULE 27 - *Draft Judgements, amendments and separate or dissenting opinions*

1. A Judge may at any time during deliberations introduce a draft judgement.
2. Judges may submit amendments in writing.
3. Judges who wish to deliver separate or dissenting opinions shall make them available to the Court within a time-limit fixed by the Court.

RULE 28 – *Voting*

1. After the deliberations procedure has been completed, the Chairperson calls upon the Judges to give their final vote on the judgement in alphabetical order by name.
2. A Judge who is qualified to participate in the final vote must record his or her vote in person.

RULE 29 – *Point of Personal Privilege*

A Judge may at any time introduce a Point of Personal Privilege in order to remove a personal discomfort, which impairs his/ her ability to participate in the proceedings. The Chairperson may rule out a Point of Personal Privilege. The decision of the Chairperson is not subject to appeal.

RULE 30 – *Point of Order*

1. A Judge may at any time, except during the execution of another Point of Order, introduce a Point of Order to complain about improper parliamentary procedure. The Chairperson may rule out a Point of Order. The decision of the Chairs is not subject to appeal.
2. A Judge may not, in raising the Point of Order, speak on the substance of the matter under discussion.

RULE 31– *Point of Parliamentary Inquiry*

A Judge may at any time when the floor is open, but not during speeches, introduce a Point of Parliamentary Inquiry in order to clarify a technical point regarding the Rules. The Chairperson shall respond to the Judge's concern and attempt to clarify the matter.

RULE 32 – *Non-binding Poll*

Motions for non-binding polls of the Court will be accepted during deliberations at the discretion of the Chairperson. The votes do not bind the Judges to their opinion and are meant to make the Court aware of the progress.

RULE 33 – *Motion for Adjournment*



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Whenever the floor is open, a Judge may raise a motion of adjournment to suspend the meeting for the day. The Chairperson may rule such a motion out of order.

RULE 34 - Closure of Deliberation

Judges have at any time during deliberations the right to introduce a motion for Closure of Deliberations. This motion needs a two-third majority of votes. If the motion to Closure of deliberations passes the Court will proceed immediately with the Voting procedure.