

# MUNEA'26



# Handbook ICJ

Agenda Item: The Territorial and Maritime  
Dispute (Nicaragua v. Colombia)

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# INTERNATIONAL COURT OF JUSTICE RULES OF COURT

## SECTION A.

### JUDGES AND ASSESSORS

#### Article 1

In the following Rules, the term “Member of the Court” denotes any judge or assessors.

#### Article 2

The Members of the Court, in the exercise of their functions, are of equal status except for differences established in these rules.

#### Article 3

1. The declaration to be made by every Member of the Court in accordance with Article 20 of the Statute shall be  
as follows: “I solemnly declare that I will perform my duties as a judge honorably, impartially, and conscientiously, and that I will faithfully observe all the provisions of the Statute and of the Rules of the Court.”
2. This declaration shall be made at the first public sitting at which the Member of the Court is present.

#### Article 4

1. The Court may, *proprio motu*, decide, for the purpose of a contentious case or a request for an advisory opinion,  
to appoint assessors to sit with it without the right to vote.

2. Before entering upon their duties, assessors shall make the following declaration at a public sitting: “I solemnly declare that I will perform my duties as an assessor honorably, impartially, and conscientiously, and that I will faithfully observe all the provisions of the Statute and of the Rules of the Court.”

## SECTION B.

### INTERNAL FUNCTIONING OF THE COURT

#### Article 5

The internal judicial practice of the Court shall, subject to the provisions of the Statute and these Rules, be governed

by any resolutions on the subject adopted by the Court.

#### Article 6

1. The quorum specified by Article 25, paragraph 3, of the Statute applies to all meetings of the Court, which establishes that “a quorum of nine judges shall suffice to constitute the Court”.
2. The obligation of the Members of the Court under Article 23, paragraph 3, of the Statute, to hold themselves permanently at the disposal of the Court, entails attendance at all such meetings, unless they are prevented from attending by illness or for other serious reasons duly explained to the Registrar of the Court, who shall inform the Court.
3. In case of urgency, the Registrar may convene the Court at any time.

#### Article 7

1. The deliberations of the Court shall take place in private and remain secret.
2. Only judges take part in the Court's judicial deliberations. The Registrar, or his/her deputy, and other members of the staff of the Registry, or any other person so designated by the Registrar, as may be required shall be present. No other person shall be present except by permission of the Registrar.

## SECTION C. THE REGISTRY

### Article 8

1. Before taking up his/her duties, the Registrar shall make the following declaration at a meeting of the Court: "I solemnly declare that I will perform the duties incumbent upon me as Registrar 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."
2. The Deputy-Registrar shall make a similar declaration at a meeting of the Court before taking up his/her duties.

### Article 9

1. The staff members of the Registry, including the Deputy-Registrar, shall be appointed by the Registrar.
2. Before taking up his/her duties, every staff member shall make the following declaration before the Registrar of the Court, 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. Representatives of the Registrar, or anyone that he/she may designate, may make oral as well as written statements to the Court concerning any question under

consideration.

## Article 10

1. The Registrar, in the discharge of his/her functions, shall:
  - (a) be the regular channel of communications to and from the Court, and in particular shall effect all communications, notifications and transmission of documents required by the Statute or by these Rules and ensure that the date of dispatch and receipt thereof may be readily verified;
  - (b) keep 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;
  - (c) transmit to the parties copies of all pleadings and documents annexed upon receipt thereof in the Registry;
  - (d) be present, in person or by his/her deputy, at meetings of the Court, and be responsible for the preparation and conduct of such meetings;
  - (e) sign all judgments, advisory opinions and orders of the Court, referred to in subparagraph (f);
  - (f) be responsible for the printing and publication of the Court's judgments, advisory opinions and orders, the pleadings and statements, and of such other documents as the Court may direct to be published;
  - (g) be responsible for all administrative work in accordance with the United Nations;
  - (h) deal with enquiries concerning the Court and its work;
  - (i) assist in maintaining relations between the Court and other organs of the United Nations, the

specialized agencies, and international bodies and conferences concerned with the codification and

progressive development of international law;

(j) ensure that information concerning the Court and its activities is made accessible;

(k) 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.

(l) make rulings on any procedural or substantive matter before the Court.

2. The Court may at any time entrust additional functions to the Registrar.
3. The Registrar may, at any time, amend the Rules of the Court in order to maintain order and the progressive work of the Court.
4. In the discharge of his/her functions, the Registrar shall be responsible to the Secretary-General and/or his/her designates.

#### Article 11

1. The Registry shall comprise the Registrar and such other staff as the Registrar shall require for the efficient discharge of his/her functions.
2. Instructions for the Registry shall be drawn up by the Registrar.
3. The staff of the Registry shall be subject to Staff Regulations drawn up by the Registrar, so far as possible in conformity with the United Nations Staff Regulations and Staff Rules.

#### SECTION D. PROCEEDINGS AND COMMUNICATIONS TO THE COURT

## Article 12

All communications to the Court under these Rules shall be addressed to the Registrar unless otherwise stated. Any

request made by a party shall likewise be addressed to the Registrar unless made in open court in the course of the oral proceedings.

## SECTION E. THE COMPOSITION OF THE COURT

### Article 13

1. In contentious cases, if a Member of the Court having the nationality of one of the parties is or becomes unable to sit in any phase of a case, that party shall thereupon become entitled to choose a judge ad hoc within a time-limit to

be fixed by the Court, or by the Registrar if the Court is not sitting.

2. In advisory opinions, if the question presented to the court relates directly to an issue particular to a country and if a Member of the Court having the nationality of this country is or becomes unable to sit in any phase of a case, that party shall thereupon become entitled to choose a judge ad hoc within a time-limit to be fixed by the Court, or by the Registrar if the Court is not sitting

## SECTION F. PROCEEDINGS BEFORE THE COURT

### *Subsection 1. Institution of Proceedings*

### Article 14

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. The application shall specify as far as possible the legal grounds upon which the jurisdiction of the Court is said to be based; it shall also specify the precise nature of the claim, together with a succinct statement of the facts and grounds on which the claim is based.
3. The original of the application shall be signed either by the agent of the party submitting it, or by the diplomatic representative of that party in the country in which the Court has its seat, or by some other duly authorized person. If the application bears the signature of someone other than such diplomatic representative, the signature must be authenticated by the latter or by the competent authority of the applicant's foreign ministry.
4. The Registrar shall forthwith transmit to the respondent a certified copy of the application.
5. When the Applicant State proposes to found the jurisdiction of the Court upon consent thereto yet to be given or manifested by the State against which such application is made, the application shall be transmitted to that State. It shall not however be entered in the General List, nor any action be taken in the proceedings, unless and until the State against which such application is made consents to the Court's jurisdiction for the purposes of the case.

#### Article 15

1. When proceedings are brought before the Court by the notification of a special agreement, in conformity with Article 40, paragraph 1, of the Statute, the notification may be effected by the parties

jointly or by any one or more of them. If the notification is not a joint one, a certified copy of it shall forthwith be communicated by the Registrar to the other party.

2. In each case, the notification shall be accompanied by an original or certified copy of the special agreement. The notification shall also, in so far as this is not already apparent from the agreement, indicate the precise subject of the dispute and identify the parties to it.

#### Article 17

The Registrar shall transmit copies of any application or notification of a special agreement instituting proceedings

before the Court to: (a) the Secretary-General of the United Nations; (b) the Members of the United Nations; (c) other States entitled to appear before the Court.

#### *Subsection 2. The Written Proceedings*

#### Article 18

1. The Registrar shall make the necessary orders to determine, inter alia, the number and the order of filing of the pleadings and the time limits within which they must be filed.
2. In making an order under paragraph 1 of this Article, any agreement between the parties, which does not cause unjustified delay, shall be taken into account.
3. The Registrar may, at the request of the party concerned, extend any time limit, or decide that any step taken after the expiration of the time limit fixed 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.

#### Article 19

The Registrar 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 affecting any formal joinder, direct common action in any of these respects.

#### Article 20

1. English shall be the official and working language of the Court.
2. When a document submitted to the Court is not in the official language of the Court, it shall be accompanied by a translation into the official language certified by the party submitting it as accurate. The translation may be confined to part of an annex, or to extracts there from. In this case, the document must be accompanied by an explanatory note indicating what passages are translated. The Registrar may however require a more extensive or a complete translation to be furnished.

#### Subsection 3. The Oral Proceedings

#### Article 21

1. Upon the closure of the written proceedings, the case is ready for hearing. The date for the opening of the oral proceedings shall be fixed by the Registrar, which may also decide, if occasion should arise, that the opening or the continuance of the oral proceedings be postponed.
2. A list of evidence and witnesses for each side shall be communicated to the parties prior to the start of the deliberations. The hearings for advisory opinion will contain a common docket of

evidence and witnesses to be communicated to all parties interested in taking part prior to the start of considerations of the question of law presented.

3. A motion must be made by one of the Members of the Court to set the docket of the Court. The motion must be approved by a majority of the Members of the Court.

#### Article 22

1. After the closure of the written proceedings, no further documents may be submitted to the Court by either party except with the consent of the other party or as provided in paragraph 2 of this Article. The party desiring to produce a new document shall file the original or a certified copy thereof, together with the number of copies required by the Registry, which shall be responsible for communicating it to the other party and shall inform the Court. The other party shall be held to have given its consent if it does not lodge an objection to the production of the document.
2. In the absence of consent, the Registrar, after hearing the parties, may, if it considers the document necessary, authorize its production.
3. If a new document is produced under paragraph 1 or paragraph 2 of this Article, the other party shall have an opportunity of commenting upon it and of submitting documents in support of its comments.
4. No reference may be made during the oral proceedings to the contents of any document, which has not been produced in accordance with Article 43 of the Statute or this Article, unless the document is part of a publication readily available.
5. The application of the provisions of this Article shall not in itself constitute a ground for delaying the opening or the course of the oral proceedings.

#### Article 23

1. The Registrar shall determine whether the parties should present their arguments before or after the production of the evidence; the parties shall, however, retain the right to comment on the evidence given.
2. The order in which the parties will be heard, the method of handling the evidence and of examining any witnesses and experts, and the number of counsel and advocates to be heard on behalf of the parties taking part of the proceedings, shall be settled by the Registrar.

#### Article 24

The hearing in Court shall be public, unless the Court shall decide otherwise, or unless the parties demand that the

public be not admitted. Such a decision or demand may concern either the whole or part of the hearing, and may be made at any time. Such a decision is subject to the approval of the Registrar in conjunction with the Secretary and Director-General.

#### Article 25

1. The oral statements made on behalf of each party shall be as succinct as possible within the time limits established by the Registrar for 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. If needed, the Registrar will point out to the parties that they presentation is not following the indicated rule. In the oral statements for advisory opinions, the parties should direct the statements towards answering the question of law presented in front of the court, and shall cover the aspects of law that have not been yet illuminated.

2. For purposes of this educational exercise, the court will follow at all times an interpretation that the nature of oral statements in contentious cases is litigious between two parties, while the nature of the oral statements in an advisory opinion must follow an informative and collaborative structure between the various interested parties.

#### Article 26

1. The Court may at any time during the hearing indicate any points or issues to which it would like the parties specifically to address, or on which it considers that there has been sufficient argument.
2. The Court may, during the hearing, put questions to the agents, counsel and advocates, and may ask them for explanations.
3. Each judge has a similar right to put questions, but before exercising it, he should make his/her intention known to the Registrar.
4. The agents, counsel, and advocates may answer either immediately or within a time limit fixed by the Registrar to be known as Reply.

#### Article 27

Any party or Member of the Court may motion to suspend the meeting. The motion must be accepted as pertinent by the Registrar and after being accepted by the Registrar, the motion is decided by a majority vote of all those present, including Members of the Court, parties to a case and assessors.

## Article 28

Unless on account of special circumstances where the Court decides on a different form of words, every witness

shall make the following declaration before giving any evidence: “I solemnly declare upon my honor and conscience that I will speak the truth, the whole truth and nothing but the truth”; every expert shall make the following declaration before making any statement: “I solemnly declare upon my honor 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.”

## Article 29

Witnesses and experts shall be examined by the agents, counsel, or advocates of the parties under the control of the

Court, with guidance from the Registrar. Questions may be put to them by the judges. Before testifying, witnesses shall remain out of court.

## SECTION G. JUDGMENTS Article 30

1. Judgments indicate the substantive result of the case before the Court and outline the rights and duties of the parties to the case under international law. Opinions are explanatory memoranda, which outline the legal position of a member or members of the Court regarding the judgment reached in the case. A majority of the Court may reach a judgment and adopt one opinion addressing that judgment. A majority of the Court may reach a judgment but not agree on a single opinion, in which case, the majority of the Court must draft an opinion that reflects the opinions of the majority.
2. Members of the Court disagreeing with a judgment may file dissenting opinions in which they outline their specific disagreements with the judgment.

3. Opinions are a mandatory element of a judgment, and the Court must issue an explanation as to why they decide to reach a specific judgment; opinions are desirable inasmuch as they provide guidance as to a particular rule of international law.
4. If the drafting judges agree to the adoption of a proposed amendment, the proposal shall be modified accordingly and no vote shall be taken on the proposed amendment. A document modified in this manner shall be considered as the proposal pending before the Court for all purposes, including subsequent amendments. No opinion may be amended without the express consent of its authors, although a member of the Court may concur with any judgment or opinion.
5. For the present educational exercise, authors refer to the drafting judges that have originally, directly and continuously worked in the judgment and not to the occasional participation on a specific time. This determination shall be made by the Registrar if a dispute arises as to determine the authors of a judgment. The decision of the Registrar shall be final.
6. Rules of procedure during deliberation can be considered by the Court, with the Registrars consent; or, if the Registrar so chooses, determine the rules which shall apply to the deliberation. At that time, the rules shall be considered adopted by the Court.
7. When the Court has completed its deliberations and adopted its judgment, the parties shall be notified of the date on which it will be read.
8. The judgment shall be read at a public sitting of the Court and shall become binding on the parties on the day of the reading.

#### Article 31

1. The judgment, which shall state whether it is given by the Court or by a chamber, shall contain:

a. the date on which it is read;  
the names of the judges participating in it;  
the names of the parties;  
the names of the agents, counsel and advocates of the parties;  
a summary of the proceedings;  
the submissions of the parties;  
a statement of the facts;  
the reasons in point of law;  
the operative provisions of the judgment;  
the decision, if any, in regard to costs;  
the number and names of the judges constituting the majority;  
a statement as to the text of the judgment which is authoritative.

2. Any judge may, if he so desires, attach his/her individual opinion to the judgment, whether he dissents from the majority or not; a judge who wishes to record his/her concurrence or dissent without stating his/her reasons may do so in the form of a declaration. The same shall also apply to orders made by the Court.
3. One copy of the judgment duly signed and sealed, shall be placed in the archives of the Court and another shall be transmitted to each of the parties. Copies shall be sent by the Registrar to: (a) the Secretary-General of the United Nations; (b) the Members of the United Nations; (c) other States entitled to appear before the Court.
4. Once opinions for each case on the Court's docket have been issued, the Registrar will adjourn the Court session.