

#MUNLAWS18

Faculty of Law, University of Ljubljana
October 26th – 28th 2018

COURT COMMITTEES MANUAL



International Court of Justice

October 2018

Introduction

You can join the MUNLawS Court Committee as an Advocate (Agent, hereinafter Advocate) or a Judge (Arbitrator, hereinafter Judge). The working procedure of the committee will be led by the President of the Court, who is one of the Judges and has also prepared the Study Guide that is published on the MUNLawS website.

There shall be four Advocates in teams of two in the Court committees. One pair shall act on behalf of the Applicant and the other on behalf of the Respondent while presenting the case before the Court. Each pair shall prepare a written Memorandum prior to the Conference and submit it to the Secretariat by **October 14th**. The Advocates for the Respondent will NOT be able to read the Memorial of the Applicant before submitting their own Memorial. Both have to be submitted by the deadline. Negative points will be awarded for delayed submission. The Memorandum will be reviewed by the MUNLawS Academic team and shall represent 1/3 of the final score of the Advocates, based on which the Best Advocate title will be awarded. The presentation before the Court, scored by the Judges, shall represent remaining 2/3 of the final score.

The Judges shall read the Memorandums of the Applicant and the Respondent prior to the Conference. They shall then closely attend to the presentations of both parties, ask the Advocates questions with regard to their presentations and express their opinion during Judges' deliberation. At the end of the presentation, the Judges shall vote on the pleadings made by the Advocates and write a Judgment based on the outcome of the vote. Based on their performance during the sessions, the Judges' work shall be scored by the President and Vice-president.

Rules Governing the Written Memorandum

Article 1: Submission of the Memorandums.

1. Each team of Advocates for the Applicant and the Respondent participating in the MUNLawS Conference must prepare an Applicant or a Respondent Memorandum, based on their designated allocation.
2. Each team must submit its Memorandum to the MUNLawS Academic team by Sunday, 14th October 2018 via e-mail. The Memorandums need to be sent to papers@munlaws.com and must contain the name of the Court Committee and the Delegation in the subject. Memorials received by the MUNLawS Academic team after the earlier deadline will be subject to penalties. 10 points out of overall 100 will be deducted for every day after the deadline, until the submission.
3. Teams may resubmit their Memorandums without penalty until the Memorandum deadline has expired.
4. Equipment failure, technical or other problems will not be considered an excuse for improper formatting or late submission of the Memorandum.

Article 2: Memorial Formatting.

1. File Type: All parts of each Memorial must be contained in a single file. Memorials must be in Microsoft Word format and have a .doc or .docx file extension. Memorials that do not conform to this rule, such as memorials in PDF formats or memorials using a different file extension (e.g. .dat), will not be accepted. If a team submits its memorials in an unaccepted format, it may resubmit conforming Memorials but will be subject to resubmission penalties (25 points).

2. Paper Size/ Margins: All pages of the Memorial must be A4 format, size 21.0 x 29.7 cm, with equal margins of 2.5 cm on all four sides. The MUNLawS Academic team may reformat a Memorial that does not comply with this rule. Teams are advised that such reformatting may result in changes to pagination and layout and the Memorials will be subject to resubmission penalties (25 points).
3. Font and Font Size: The font and size of all parts of the Memorial must be Times New Roman, size 12. Footnotes must be in size 10.
4. Line Spacing: The text of all parts of the Memorial must be 1,5 spaced, except for the Cover Page, Table of Contents, Index of Authorities, headings, and footnotes which should be single spaced.

Article 3: Advanced Features of Microsoft Word.

1. Teams that take advantage of advanced features of Microsoft Word – including Track Changes and Comments – are responsible for understanding how those advanced features work. A Memorandum with tracked changes that have not been properly accepted or comments that have not been properly removed prior to submission will be assessed up to a five (5) point penalty, and the Academic team shall accept any tracked changes and remove any comments found in an affected Memorandum before submitting it to Judges.

Article 4: Memorandum Content.

1. The Memorandum must contain the following parts:
 - a) Cover Page;
 - b) Table of Contents;
 - c) Index of Authorities;
 - d) Statement of Jurisdiction;
 - e) Statement of Facts;

- f) Summary of Pleadings; and
 - g) Pleadings (including Conclusion/ Prayer for Relief)
2. Parts not enumerated in paragraph 1 are prohibited.

Article 5: Cover Page.

1. The front cover of each Memorandum must have the following information:
 - a) The name of the Delegation in the upper right corner followed by “A” if an Applicant Memorandum or “R” if a Respondent Memorandum (e.g., Team Austria would put “Austria A” in the top right-hand corner of the front cover of its Applicant memorandum);
 - b) The name of the court (i.e., “International Court of Justice”);
 - c) The year of the Conference (the year during which the Conference takes place);
 - d) The name of the case; and
 - e) The title of the document (i.e., "Memorandum for Respondent" or "Memorandum for Applicant").

Article 6: Index of Authorities.

1. The Index of Authorities must list all legal authorities cited in any part of the Memorandum and must indicate the page number(s) of the Memorandum on which each authority is cited.
2. The Authorities need to be divided into the following groups:
 - a) Treaties and Conventions
 - b) United Nations Resolutions and other documents
 - c) International cases and arbitral decisions
 - d) Municipal cases and laws
 - e) Treatises and other books
 - f) Journal articles

Article 7: Statement of Facts.

1. Teams are advised that Judges will take the following into account in evaluating the Statement of Facts. The Statement of Facts should not include unsupported facts, distortions of stated facts, argumentative statements, or legal conclusions. Participants will be judged on their ability to conform the facts to their arguments without creating new facts or drawing unreasonable inferences from the Study Guide.

Article 8: Summary of Pleadings.

1. A well-formed Summary of the Pleadings should consist of a substantive summary of the Pleadings of the Memorandum, rather than a simple reproduction of the headings contained in the Pleadings.

Article 9: Legal Argument Limited to Pleadings.

1. Substantive, affirmative legal argument or legal interpretation of the facts of the Study Guide may only be presented in the "Pleadings" part of the Memorandum. Summaries of such arguments may be included in the Summary of Pleadings.

Article 10: Length.

1. The word count shall be conducted using the standard "Word Count" feature in Microsoft Word.
2. The word count shall be conducted using the standard "Word Count" feature in Microsoft Word.
3. The total length of the Memorandum shall not exceed 4000 words.

4. Any manipulation of the word count is prohibited and will be subject to appropriate penalties (20 points).

Article 11: Citation.

1. Footnotes must be used to identify the source of statements or propositions made in the body of the Memorandum. Endnotes are not permitted. Footnotes may include substantive pleadings in addition to the text of the citation itself. Footnotes are included in the word limit in the previous Article. For further instructions on Citation, see Chapter 3 of this Manual.

Citation

3.1. Footnotes

Placed at the bottom of the respective page. Font type: Times New Roman, font size: 10.

Line spacing: single.

Text Alignment: on both sides (justify).

Please finish each footnote with a full stop/period.

3.1.1. Treaties, Resolutions, Declarations, other International Documents

Title of the Treaty, where published, UN Doc number, if applicable (entry into force), number of the relevant article. – see example below:

United Nations Framework Convention on Climate Change, 1771 UNTS 107, UN Doc.A/AC.237/18 (Part II)/Add.1 (entry into force 21.3.1994) art. 1.

3.1.2. Case law

Name of case (between which States) where published, number of first page (year of case), page number/paragraph number. – see example below:

Corfu Channel Case (UK v Albania) Merits, ICJ Rep 1 (1949) p. 22.

3.1.3. Books

Name and Last Name of Author, *Title of the book* (publisher and year published), page number. – see examples below:

Alexandre Kiss and Dinah Shelton, *Guide to International Environmental Law*, Martinus Nijhoff Publishers 2007, p. 9.

Philippe Sands, *Principles of International Environmental Law*, 2nd edn, Cambridge University Press 2003, pp. 14Z16.

3.1.4. Articles in Books

Name and Last Name of Author, *Title of the article*, in Name and Last name of the Editor (ed), *Name of the book* (publisher and year published), page number. – see example below:

Günther Handl, *Transboundary Impacts*, in Daniel Bodansky, Jutta Brunnee and Ellen Hay (eds), *The Oxford Handbook on International Environmental Law*, Oxford University Press 2007, p. 534.

3.1.5. Articles in Journals

Name and Last Name of Author, 'Title of the article', volume (number) of the journal, name of the journal, first page of the article in the journal (year published in the journal) page number. – see example below:

Jutta Brunnee, 'COPing with Consent: Lawmaking under Multilateral Environmental Agreements', 15(1) *Leiden Journal of International Law* 1 (2002) pp. 4V5.

3.1.6. Web Sources

Title, publisher <web address> accessed date. – see example below: Please ensure that the hyperlink is removed from the web address.

About UNFF, United Nations Forum in Forest Secretariat
<<http://www.un.org/esa/forests/about.html>> accessed 27.5.2013.

3.1.7. Other Sources

Please place other sources that do not fall in any of the above categories in this category. There are no specific rules on their citation. Please try to follow the above rules as much as possible considering that enough of information is available for the readers to find the source after reading the paper.

3.1.8. CrossV Referencing

Once a reference has been already cited, please do not cite the whole reference again, but crossV reference it.

For books:

Last name of the author (n number of the footnote, where it is cited the first time), page number. – see example below:

Beyerlin and Marauhn (n 31) p. 270.

For articles:

Last name of the author, 'Title of the article' (n number of the footnote, where it is cited the first time), page number. – see example below:

Brunnee, 'COPing with Consent: Lawmaking under Multilateral Environmental Agreements' (n 102) p. 5.

For other references:

Title (n number of the footnote, where it is cited the first time), page number. – see example below:

About UNFF (n 75) p. 7.

3.1.1. Ibid

From Latin *ibidem* "in the same place". This repeats the previous author and title and whatever else is identical and was mentioned beforehand. Where possible, please use *ibid*.

3.2. Index of Authorities

1. Same rules apply as for citing footnotes.
2. The Authorities should be divided into the following categories: Treaties and Conventions, United Nations Resolutions and other documents, International cases and arbitral decisions, Municipal cases and laws, Treatises and other books and Journal articles, as defined in Article 6 of this Manual.
3. Within a specific category, the references should be in alphabetical order, according to the last names of authors.
4. All the sources of the pictures in the Memorandum need to be included in a specific category named *Images* of the Index of Authorities chapter.

Presentation in Court

The oral presentation before the Court shall be divided into 5 phases; the Opening Statements, the Presentation of Evidence, the Testimony of the Witnesses, the Rebuttal/Surebuttal, and Closing Statements. See also the appropriate MUNLawS Rules of Procedure available on the website. During the oral rounds, the Advocates are not bound by the statements made in the Memorandum.

Firstly, in Opening Statements, the Advocates shall briefly present their claims and the main arguments. This presentation should last approximately 20 minutes. The Opening Statement does not need to be delivered by only one member of the team, so the two Advocates may each present a part of their claims. No electronic devices may be used during this phase.

Secondly, during the Presentation of Evidence, the Advocates shall present their case in depth. Each of the claims the Advocates make should be supported by evidence, such as newspaper articles, multilateral or bilateral treaties, reports, maps, charts, resolutions or anything that in essence helps the Advocates prove their arguments. During this phase the use of electronic devices shall be permitted. After the Advocates are finished with their presentation, the Judges will be given time to ask them questions.

Already during the phase of research and writing the memorandum, the teams should consider who they wish to call to the stand as their Witness. Prior to the conference, each pair will have to come up with a name of a real person (a scientist, legal expert, politician...) and prepare a series of questions for them. They will also be given the contact information of the person that will represent the Witness during trial, so that they can prepare them for the testimony.

During the Rebuttal, the Applicant will try to stress their main point and potentially try to compensate where their argument was lacking. The Rebuttal will be followed by the Respondent's Surebuttal. No new evidence or information may be introduced during this phase of the procedure and the speech must be delivered by only one member of the team. Finally, the Advocates will present their concluding thoughts during the Closing Statements.

Judge's Deliberation

Apart from the Advocates, the Judges also play a crucial role in the Court's procedure. Before the Conference, the Judges will receive a copy of the Memorials from the Academic team. They shall read the Memorials in order to get a general idea of the direction of the debate. Since during their presentation, the Advocates are not bound by the statements in the Memorial, the Judges need to listen carefully to their presentation. It is also advisable that they take notes of the stated, as this will facilitate their work during the Deliberation. If they come across something unclear or they wish the Advocates elaborate more on a specific subject, they can pose questions during the time allocated. During the Deliberation stage of the procedure, the Judges will discuss all the claims the Advocates made, their evidence, and finally, vote. After the voting, they will prepare a written Judgement based on the outcome of the vote, as well as Separate and Dissenting Opinions.