

ICJ PARLIAMENTARY PROCEDURE



Basic Guidelines

- Remember that, during the session, it is not permitted to eat, or use electronic devices out of an unmoderated debate, nor direct communication between delegates.
- If a delegate wishes to ask permission to go to the restroom or any other discomfort, it is preferable that they request it on a piece of paper to send to the chair.
- Every motion must be made by a delegate, seconded by another, and must go through a majority in favor, voting to pass.
- The delegate's conduct must be at all times diplomatic since this is a serious model.

Composition of the court

Avocates

Prosecutor: The Applicant party, consist in a certain number of advocates that represent a state which is instituting proceeding against another state who failed to meet its obligations under the international law. They has to meet the burden of proof (legal term that defines the obligation the party have, in order to prove through evidence that their allegations against the respondent are valid). If they fail, they would loose the case. The points will have determined in their memorandum and prayer of relief.

Defender

1st SESSION:

- Presentation and welcome to attorneys and judges by the undersecretary.
- Roll call.
- Explanation about the guidelines and resolve possible doubts of the delegates
- Opening statements
- The chair welcomes attorneys and judges and introduces the case(s).
- Attorneys convene separately to discuss their strategies and prepare Opening statements.

2nd SESSION:

- Roll call
- "Motion to open session"
- Opening statements, and declaration of intent.
 - Attorneys present opening statements outlining their positions.
 - Attorneys inform the president of any testimony/witness they will require for sessions 3-4.
 - Judges have the opportunity to ask clarifying questions.
- "Motion to adjourn the session".

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3rd-4th SESSION:

- Roll call
- Presentations & Evidence
 - Attorneys present their cases, including evidence and witness testimonies.
 - Opposing attorneys have the opportunity to cross-examine witnesses and challenge arguments.
 - Judges(jury) ask questions and take notes throughout the presentations.
- “Motion to adjourn the session”.

5th SESSION:

- Roll call
- “Motion to open session”
- Attorney Prep Break
 - Attorneys convene separately to discuss their strategies and prepare closing arguments.
- “Motion to adjourn the session”.

6th SESSION:

- Roll call
- “Motion to open session”
- Closing Arguments & Deliberation
 - Attorneys deliver their closing arguments, summarizing their cases and urging the judges to rule in their favor.
 - Judges deliberate in private to reach a verdict.
- “Motion to adjourn the session”.

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Additional Procedures:

Motions: Attorneys and judges can raise points of order, procedural motions, and amendments throughout the sessions. Motions must be seconded by other attorneys or judges and approved by a majority vote.

Speaking Time: Each attorney and judge has a set time limit for speeches and questions, determined by the President.

Decorum: Attorneys (Prosecution & Defense) and Judges (Jury) are expected to maintain respectful and professional conduct throughout the sessions.

Technology: Laptops and tablets are allowed for research and note-taking, but phones and social media are not permitted during sessions.

Jury Decision and Resolution Paper:

The jury (judges) should present a comprehensive verdict, outlining the legal basis for their decision and addressing all key arguments presented by the attorneys.

The resolution paper should be drafted by the judges and approved by the Secretariat. It should reflect the verdict and outline any recommendations or actions for the international community.

Additional Tips:

Encourage delegates to research their assigned countries and relevant international law.

Legal principles and procedures specific to the case

The legal principles surrounding the January 8th, 2020 attack on US soldiers at Al Asad Air Base are complex and multifaceted, spanning international law, national law, and military protocols. Here's a breakdown of some key principles:

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International Law:

- **Use of Force:** The fundamental principle that states must refrain from the threat or use of force against the territorial integrity or political independence of any other state. The attack could be argued to violate this principle, depending on the justification Iran provides.
- **Targeted Attacks:** Under the principle of distinction, attacks must distinguish between combatants and civilians and avoid unnecessary harm to civilians. Determining the legality of the attack would require analysis of whether US soldiers were considered legitimate targets under the circumstances.
- **Proportionality:** Even if an attack is lawful, it must be conducted with due regard for proportionality, meaning the force used must be proportional to the legitimate military objective. Assessing proportionality would involve evaluating the nature of the attack, the number of casualties, and the military necessity.
- **Accountability:** States are responsible for the acts of their armed forces and have an obligation to investigate and prosecute violations of international law. Whether Iran has fulfilled its duty under this principle would be a crucial aspect of the legal analysis.

National Law:

- **Domestic Self-Defense:** Each nation has the right to self-defense under international law, but claims of self-defense must be based on an imminent threat. Iran would need to demonstrate such a threat to justify the attack.
- **Rules of Engagement:** National militaries have rules of engagement (ROE) that dictate their use of force in specific situations. The legality of the attack would depend on whether it complied with the US ROE at the time.

Military Protocols:

- **Geneva Conventions:** These conventions set forth standards for the humane treatment of prisoners of war and civilians during armed conflict. Determining whether the attack violated any provisions of the Geneva Conventions would require analysis of the specific circumstances and casualties.
- **Customary International Humanitarian Law:** Certain unwritten rules, established through consistent state practice, also bind nations during armed conflict. Analyzing whether the attack complied with customary law would involve assessing its adherence to principles like distinction, proportionality, and unnecessary suffering.

Determining Legality:

- Ultimately, determining the legality of the attack would require a comprehensive legal analysis considering all these principles and the specific facts of the case. This analysis would be conducted by relevant judicial bodies based on the legal framework applicable to the situation.

We are holding an informal session or briefing before the first session to familiarize delegates with the committee procedures.

-Before Opening ceremony, during registration.

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Points, Motions and Objections

Objections



During the presentation of evidence

The parties should be provided with the final evidence list of the other party before the beginning of the conference. The list cannot be changed after it has been sent.

Point	May Use	The Advocate
Personal Privilege	Whenever the advocate does not feel comfortable, they may ask for a change to correct this	May interrupt (using it with extreme discretion)
Of Order	If there has been a procedural mistake	May not interrupt the panel
Of Judiciary/ Judicial Inquiry	To ask a question related to the procedure	May not interrupt the panel
Inquiry / Information to the Presidency	To ask how to translate a word into the language being used or clarification on an issue related to the topic	May not interrupt the panel

Motions

Motion	May Use
Approach the Board	To discuss a personal matter
Follow Up	For questioning the advocates (only during the examination of the witnesses)

CASE WHEN IT'S NEEDED	OBJECTION
(when during the interrogation of the witness, the witness doesn't work as a primary source but as a secondary)	Hearsay
(when the questions made by the advocate providing the witness to the same witness can be answered in a yes or no manner or it is posed in a way that the witness doesn't express their opinion)	Leading Question
(when the witness or an advocate tries to predict a <u>certain</u> outcome that is not capable of being confirmed)	Speculation
(when a question hurts the integrity of the panel or the witness)	Prejudicial
(when a question requires knowledge that the witness cannot possibly possess ex. a question with technical details)	Competence
(when a question is intimidating to the witness)	Badgering

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Situations That Warrant a Warning

The warning process consists of three main steps. An initial warning is given to a delegate for their first misbehavior. If they commit another one, the moderator may apply a second warning with a harsher intonation and threats of expulsion if the lack of proper conduct continues. If the disobedience persists, the delegate will be given a third and final warning, which will consequently result in their expulsion from the model for the rest of that session.

- When a delegate does not behave diplomatically,
- When a delegate is chewing gum or eating,
- When a delegate makes direct eye contact,
- When a delegate uses Wi-Fi incorrectly, (Netflix, WhatsApp, Facebook...)
- When a delegate does not follow the dress code,
- When a delegate arrives after the roll call,
- When a delegate keeps on playing with his or her placard,
- When a delegate uses personal pronouns,
- When a delegate openly disrespects the chair/moderator,
- When delegates send notes between themselves without the chair's approval,
- When a delegate uses prohibited words such as Third World country, war, kill, poor country, black, army, or money.

If the misbehavior persists, deserving a fourth and final warning, the delegate will be asked to leave the committee, and the undersecretary will be forced to talk to the corresponding advisor.

It is important to remember that these situations only warrant a warning when the subtle reminders of the chair and moderator are ignored by the delegate and repeated by them.