

# **Rules and Procedures for the International Court of Justice Case Concerning the United States and Ecuador**

## **Article I- Authority**

Authority within and outside the proceeding before the Court shall be the President of the International Court of Justice, Lisa Beltrame, who will preside over the Oral Hearing held on Saturday, May 2, 2009. Member Judges Asif S Ali, Patrick C. Campbell, William J. Murphy, and Maabo A. Tsheko comprise the rest of the International Court of Justice. Judge Patrick Campbell will act under the authority of the Chief Justice to enforce rules, protocols, time limits, and maintain overall order within the courtroom.

## **Article II- Sources of Law**

Pursuant to Article 57 of the International Court of Justice Rules both parties must submit to the court the sources of law being used for the proceeding on Friday, April 24, 2009. All parties appearing before the Court have already agreed to the use of the International Court of Justice, meaning all sources of law used in the proceedings should deal strictly with matters under the ICJ. Any evidence not dealing with matters involving the ICJ will not be heard, unless such evidence is used to establish a custom.

## **Article III- Time and Location of Proceedings**

Pursuant to Subsection 3, Article 54 of the International Court of Justice rules the court will hear the case involving the United States (Thomas) and Ecuador on Saturday, May 2, 2009 at the time and location determined by the President of the Court on or before Monday, April 27, 2009.

## **Article IV- Case Memorials and Questions from the Court**

The memorials of each party must be submitted on Friday, April 24, 2009. Each memorial must contain the argument for their respective case and any particular evidence to support their case. Each memorial will be studied extensively by the Court for a period of two days. Pursuant to Articles 61 and 62 of the ICJ rules the Court will then, if needed, submit a list of questions by Monday, April 27, 2009 that must be answered within each oral argument. Counsels will wisely note the answer to each question during their respective oral arguments. The list (or lack thereof) of questions is not exhaustive of any inquiries the Court will make during the proceedings. Additionally, during the oral proceedings the members of the Court reserve the right to stop an individual for questioning. Any Q and A from the Court will not take away time allotted for oral arguments.

## **Article V- Counter Memorials**

If a counsel wishes to submit a counter memorial, then the respective counsel must submit the memorial by Monday, April 27, 2009. Copies must be distributed to each member of the opposing counsel and the Court.

#### **Article VI- Time Allotment and Structure for Oral Arguments**

Oral arguments shall follow the below structure:

- 20 minutes for the US (Thomas) counsel to state their argument
- 15 minutes for the Ecuador counsel to rebut the US (Thomas) argument
- 5 minutes for the US (Thomas) counsel to answer the rebuttal
- 20 minutes for the Ecuador counsel to state their argument
- 15 minutes for the US (Thomas) counsel to rebut the Ecuador argument
- 5 minutes for the Ecuador counsel to answer the rebuttal
- 5 minutes for the Ecuador counsel to make a closing statement
- 5 minutes for the US (Thomas) counsel to make a closing statement

Time allotted is sufficient, but not necessary to use to present an argument, rebuttal, or closing statement. Additionally, every member of the counsel must participate.

#### **Article VII- Structure of Oral Arguments**

##### *Section 1- Initial Counsel Arguments*

Arguments shall be used by the respective counsels to present their overarching case to the Court- the groundwork of their view. Time should not be used for rebuttal or admit new evidence not already presented within each memorial.

##### *Section 2- Rebuttals and Counter-rebuttals*

Time during all rebuttals shall be used strictly to counter or call into question arguments made by the opposing counsel. Additional arguments not pertinent to the opposing sides argument will be thrown out.

##### *Section 3- Closing Arguments*

Closing statements shall serve as a final summation of the overarching case for each respective side. No restraints on content, except for the inclusion of new evidence, shall exist within this period. Additionally, no objections or questions shall occur during this period for each respective side.

#### **Article VIII- Objections**

Objections to arguments by opposing counsels will be allowed, but must be used strictly to question the procedural facets of the opposing sides. Any questions of fact or validity of evidence must come out in the respective rebuttals. Any objections will not affect the overall time of each counsel.

#### **Article IX- Courtroom Etiquette and Protocol**

At no time will an opposing counsel disrespect the members of the other counsel. Criticism must always be constructive with a point. If a counsel member is found to be extremely disrespectful, then said member shall be expelled from the court room. Additionally, the counsel member beginning the oral argument for his or her particular side should start by introducing the members of the counsel.

#### **Article X- Violation of Procedure**

Any counsel disobeying procedural rules will be subject to penalties. The first infraction will result in a warning, while additional infractions will cause time deductions. Additionally, if a counsel goes over the time allowed, then the individual speaking will be stopped immediately, finishing only the current sentence being spoken.

#### **Article XI- Decision of the Court**

After reading the memorials, possible counter memorials, listening to all oral proceedings, and deliberating the Court will issue their decision pursuant to the ICJ rules. The decision will be reached by a simple majority of judges and the decision will be final and binding on the parties involved within the dispute. The decision will be read before the public at a date determined by the Court, along with any dissenting opinions. A copy of the opinion will be available for distribution.

#### **Article XII- Statement of Rules**

If, for any reason, a particular rule is not found within these operational procedures, then the Court and counsels will use the International Court of Justice rules. The interpretation of these rules will hinge upon the Court, not the counsels. If any questions arise that need answering prior to May 2, 2009, then the counsels must email ALL members of the Court by April 29, 2009.