



# Rules of Procedure of International Criminal Court

## *The Beginning* **NEMESIS**

COURT SIMULATIONS

THE BEGINNING 2024

ISTANBUL/BESIKTAS

BORN WITH LOVE SPREAD SO THROUGH  
HEARTS FROM THE BOSPHORUS BY  
BAUMUN.

#TILJUSTICE

**NEMESIS COURT SIMULATIONS**  
**INTERNATIONAL CRIMINAL COURT**

**RULES OF PROCEDURE**

*This RULES OF PROCEDURE is prepared by the Academic Team of the Nemesis Court Simulations (“NCS”) for the International Criminal Court (“ICC”). Every participant in ICC is obliged to follow this procedure during the conference time. The secretariat of the ICC and the President Judge are authorized to interpret the relevant rules of procedure for the sake of the court. These articles cannot be appealed.*

**A. GENERAL PROVISIONS**

**1. Article: Definitions**

Court: Refers to the International Criminal Court.

Hearing: Refers to the whole hearing of the Court.

Prosecutor: Refers to the party who applied to the Court to bring charges against the accused.

Defendant: Refers to the party who defends the accused.

Parties: Refers to both the Prosecutor and the Defense.

President: Refers to the President Judge in the Court.

Board: Refers to the President Judge, the Vice-president Judge and the Rapporteur in the Court.

Counsels: Refers to all members of the Counsels of the Prosecution and the Defence.

Rapporteur: Refers to the Rapporteur in the Court.

Rules of Procedure: Refers to the Rules of Procedure of the International Criminal Court.

Court Room: Refers to The Court's venue.

Secretariat: Refers to the Secretary-General, the Deputy Secretary-General, the Under Secretaries-General, and the Academic Assistants.

## **2. Article: Language**

The official language of the Court is English. Any other language is strictly forbidden.

## **3. Article: Dress Code**

The official dress code of the Court is Professional Business Attire for both men and women. Any other clothing is strictly forbidden.

## **4. Article: Electronic Device Usage**

Electronic device usage during court hearings is strictly forbidden, except for the "evidence presentation" and "deliberation" process.

All participants are expected to have tangible documents in the court; including case material, rules of procedure and relevant notes.

## **5. Article: Communication in Court**

The communication between the members of the Court will be conducted through formal note-passing with the aid of the Administrative Staff.

Such communication may only be allowed between the Judges. Parties may only pass a note to the Board.

The President Judge is authorized to pass a note to whomever they seem fit.

## **6. Article: Statement by Secretariat**

The Secretary-General, the Deputy Secretary-General or the secretariat of the court is allowed to make written or oral statements to the Court at any time. Any other statements from a person needs consent from the secretariat.

## **7. Article: Courtesy of the Court**

All participants are obliged to show diplomatic courtesy during the conference time. All those who fail to follow the disciplinary rules will get an official warning from the Secretary-General.

## **8. Article: Participation**

The Quorum is met when the simple majority of the registered Judges (including the President Judge), the Rapporteur and one of the Counsels for each side are present at the beginning of each session.

The quorum shall be sought through a formal Roll Call at the beginning of each session. The required majorities shall be calculated according to members recorded as present in the Roll Call.

Participants, who arrive late to the session, shall pass a note to the President Judge in order to participate in the proceedings and to be added to the Roll Call as present.

Participants who fail to be present in the session with more than ½ of the session time will be marked as “absent” for the rest of the session time.

## **B. COMPOSITION OF THE COURT**

### **9. Article: President Judge**

The President Judge shall be the moderator of the Oral Proceedings and the representative of the Secretariat.

The President Judge shall be responsible for applying the Rules of Procedure during the sessions. The President Judge shall also act in accordance with the stipulated provisions of the Rules of Procedure.

The President Judge should preserve their impartiality during the Conference.

The President Judge is responsible for reporting any inconveniences or rule violations by the Court members to the Secretariat.

The vote of the President Judge shall be equal to the other Judges. In case of an equal number of votes, the President Judge shall be the tie-breaker.

#### **10. Article: Vice-President Judge**

The Vice-President Judge shall act as the deputy of the responsible President Judge.

In the absence of the Present Judge, the Vice-President Judge has the ultimate authority to moderate the sessions.

In the absence of the Rapporteur, the Vice-President Judge shall take notes of the Oral proceedings.

The Vice President Judge shall also act in accordance with the stipulated provisions of the Rules of Procedure.

#### **11. Article: Rapporteur**

The Rapporteur shall be responsible for taking notes of court proceedings, arguments of the parties, substantive deliberations of the Judges, testimonies of witnesses, and procedural decisions taken by the President Judge. When needed, these notes will be used in deliberations and Verdict writing.

The Rapporteur is not a Judge and has no right to participate in the deliberations and oral proceedings. During the voting procedure, the Rapporteur is not allowed to express his/her opinions.

The Rapporteur is required to fully comprehend the case and shall only be consulted regarding the motions of the Judges.

#### **12. Article: Judges**

The Judges are expected to determine the relevant facts of the case and apply the related law accordingly. The expressions of the Judges should be grounded with a legal basis.

The argumentations made within the Deliberations by the Judges are expected to be included in the Verdict.

The Judges shall write the Verdict. The President Judge shall announce the Verdict in the last session of the Court. The Verdict will be sent to all members of the court upon request.

The Judges, with respect to the solemn undertaking, are expected to be impartial during the proceedings. If any of the Judges fail to provide the impartiality, the President Judge shall give an official warning in accordance with the Secretariat.

The Judges should refrain from violating the secrecy of the proceedings. Thus, it is highly expected from the Judges not to share any related information from the Deliberations and other Court Proceedings. Judges may be warned by the Secretariat if they demonstrate partiality or disclose any exclusive information.

All Judges have an equal vote in substantive and procedural matters.

During the Oral Proceedings, the Judges may be allowed to ask questions to the Counsels.

### **13. Article: Counsels**

The Counsels are representatives of the prosecution and defense parties.

The Counsels are required to serve in the best interests of their party in all actions relating to the proceedings.

The Counsels are not eligible for voting in substantive or procedural matters.

The Counsels shall refrain from acting against the directives of the President Judge, the Secretariat and the Rules of Procedure. The President Judge or the Secretariat may warn the Counsels if they demonstrate such actions and behavior.

The Secretariat and the President Judge shall ensure that the Judges are fully aware of the pre-hearing submissions of the Parties.

The Counsels are required to make all of their statements standing before the Court.

## **C. WRITTEN PROCEEDING**

### **14. Article: Submission of the Memorials**

The prosecutor and Defense Counsel shall submit their indictment and petition for defense prior to oral hearings.

Both indictment and petition for defense shall include:

- Name of the Court
- Name of the Case
- Name of the Counsel(s)
- Statement of Facts
- Prefatory Statement (only for indictment)
- Claims/ Responses
- Legal Grounds
- Requests
- Signature of the Counsel(s)

#### **15. Article: Evidences and Witness Testimonies**

The prosecutor and Defense Counsel shall submit their evidence package (min 3 - max 7) prior to oral hearings. It can contain any kind of tangible findings. (Videos, pictures, newspapers, agreements, recordings, correspondences between persons etc.)

Prosecutor and Defense Counsel shall submit their witness testimonies ( 2 ) prior to oral hearings. It can be any person. Witnesses will be heard before the Court.

Judges will receive; the indictment and the petition before the oral hearings, the Evidence package and the witness testimonies during the oral hearings.

#### **D. ORAL PROCEEDING**

#### **16. Article: Rights of the Accused**

The rights of the Accused are a fundamental pillar of the ICC. An accused person has the right:

- to remain silent and not to be compelled to testify or confess guilt;
- to be present during the trial;
- to be presumed innocent until proven guilty beyond reasonable doubt;

- to have adequate time and facilities for the preparation of the defense;
- to be fully informed of the charges against him or her;
- to have a lawyer appointed, free of charge if necessary;
- to a speedy trial;
- to a public hearing;
- to be tried in his or her language and to have a free interpreter;
- to a public trial;
- to examine the witnesses against him or her and to obtain the attendance and examination of witnesses on his or her behalf.

#### **17. Article: Oaths**

Before exercising their functions under the Rules of Procedure, the Oaths given in the following paragraphs shall be made by the Board, the Counsels and the Judges. The Rapporteur shall take the Oaths prior to the Oral Proceedings.

The Oath for the President Judge/Vice President Judge shall be taken as follows:

*“I, as the President/Vice-President Judge of the International Criminal Court, solemnly undertake that I will perform my duties and exercise my powers honorably, faithfully, impartially and conscientiously, and that I will respect the confidentiality of the submissions and the secrecy of Deliberations”*

The Oath for the Judges shall be taken as follows:

*“I, as the Judge of the International Criminal Court, solemnly undertake that I will perform my duties and exercise my powers honorably, faithfully, impartially and conscientiously, and that I will respect the confidentiality of the submissions and the secrecy of Deliberations.”*

The Oath for the Counsels shall be taken as follows:



*“I solemnly declare upon my conscience and honor that I will speak the truth, the whole truth and nothing but the truth.”*

### **18. Article: Opening Statements**

The Hearing shall commence with the Opening Statements of the Prosecutor and then followed by the Defendant. Opening Statements should emphasize and clarify the written arguments in the briefs on the merits. Parties cannot read their indictment or petition for defense as an opening statement.

The allocated time for Opening Statements will be 15 minutes for each party. The President Judge has the authority to make adjustments on the allocated time.

Opening Statements cannot be divided into two for each Party. Only one Counsel from each party shall deliver the speech.

During the Opening Statements, questions from the Judges cannot interrupt the Counsel. The Questioning shall take place at the end of each Opening Statement of the Parties.

If a Judge wishes to ask an additional question right after the answer, he/she shall raise a *motion to follow-up*. The President Judge may grant it or overrule it. The follow-up question should be related to the previous question of the Judge.

The allocated time for Questioning will be 10 minutes for each party. The President Judge has the authority to make adjustments on the allocated time.

Electronic device usage is not allowed.

### **19. Article: Evidence Presentation**

The Prosecutor shall be the first to present Evidence Material, followed by the Defendant.

The Parties shall present any evidence material such as legal sources, reports, resolutions of international organizations, news articles, maps, charts, videos, photographs, written Statements of Experts or anything in essence that supports the construction of the case, or they deem as relevant to the case.

The parties may present relevant case law to support their arguments.

Each piece of Evidence shall be submitted to the Court before its presentation. Evidence not submitted during the Written Proceedings, shall not be regarded during the Oral Proceedings.

The Court shall evaluate all Evidences one by one, in order to determine its admissibility.

The time allocated for the Evidence Presentation will be 30 minutes for each party. The President Judge has the authority to make adjustments on the allocated time.

Evidence Presentation can be divided into two for each Party. However, a Counsel cannot be granted twice during the Evidence Presentation.

During Evidence Presentation, questions from the Judges cannot interrupt the Counsel. The Questioning shall take place at the end of each Evidence Presentation phase of the Parties.

If a Judge wishes to ask an additional question right after the answer, he/she shall raise a *motion to follow-up*. The President Judge may grant it or overrule it. The follow-up question should be related to the previous question of the Judge.

During the Evidence Presentation, the Counsels are expected to introduce the evidence and then explain the context and the relevancy of the material. The Counsels shall be granted to use the projector.

The Objections from the Opposing Party shall be accepted during the Evidence Presentation of the other Party. Objections may interrupt the speaker.

Objections that Parties may raise:

- Immaterial → If the evidence is baseless
  - Evidence ruled Immaterial shall not be considered by the Court. The Judges cannot refer to an evidence ruled Immaterial in the Verdict.
- Irrelevant → If the evidence is not related to the case
- Prejudicial → If the evidence is biased

The President Judge has the ultimate authority to **grant** or **overrule** the raised objection. Decisions of the Presidency shall not be appealed.

The allocated time for Questioning will be 15 minutes for each party. The President Judge has the authority to make adjustments on the allocated time.

Electronic device usage is allowed.

## **20. Article: Witness Testimonies**

The Prosecutor and Defendant may call witnesses. Both parties may call upon 2 witnesses approximately.

The order of the witness hearing shall follow as:

- Prosecution Witness #1#
- Defense Witness #1#
- Prosecution Witness #2#
- Defense Witness #2#

The parties cannot introduce their Clients in addition to two witnesses. The Clients will be counted as a witness also.

The list of the witnesses should be submitted to the Court before its presentation. Witness testimonies not submitted during the Written Proceedings, shall not be regarded during the Oral Proceedings.

The Court shall evaluate all witnesses one by one, in order to determine their reliability.

The time allocated for witness examination will be 15 minutes for direct examination and 15 minutes for cross-examination. The President Judge has the authority to make adjustments on the allocated time.

Witness examination can be divided into two for each Party. However, a Counsel cannot be granted twice during the examination.

During the examination, the Counsels are expected to introduce the witness to the court stating their names, professions, age and the witness' relevancy to the case.

The Witness Testimony starts with the direct examination of the Party who called the witness by asking questions. As soon as the Party indicates that it does not have any questions to the witness it shall state “*your witness*” to the opposing party. Then the opposing Party shall have the right to cross-examine the witness by asking questions. The content of cross-examination shall be limited to the questions asked and the answers given during direct examination. As soon as the party indicates that it does not have any questions to the witness it shall state “*no further questions.*”

During the examinations, questions from the Judges cannot interrupt the witness. The Questioning shall take place at the end of each witness.

If a Judge wishes to ask an additional question right after the answer, he/she shall ask for a *follow-up*. The President Judge may grant it or overrule it. The follow-up question should be related to the previous question of the Judge

The Objections from the Opposing Party shall be accepted during the examination of the other Party. Objections may interrupt the speaker.

Objections that Parties may raise:

- Ambiguous → In case a Counsel asks a question to the witness that is unclear for the witness to answer
- Argumentative → In case a Counsel asks a question to the witness that is more of an argumentation than a question
- Badgering → In case a Counsel distresses the witness
- Composed → In case a Counsel asks a question to the witness where the answer is constructed
- Incompetent → In case a Counsel asks a question to the witness who is not qualified to answer the question.
- Leading Question → In case a Counsel asks a leading question to the witness
- Nothing Pending → In case a Counsel asks a question to the witness where the answer does not contribute to the pending matter

- Prejudicial Speculation → In case a Counsel asks a conjectural question to the witness.

The President Judge has the ultimate authority to **grant or overrule** the raised objection. Decisions of the Presidency shall not be appealed.

The allocated time for the Questioning will be 10 minutes for each witness. The President Judge has the authority to make adjustments on the allocated time.

Electronic device usage is not allowed.

## **21. Article: Expert Statements**

Judges shall be entitled to call upon Experts.

Any Expert in front of the International Criminal Court shall take the Oath which is as the following:

*“I solemnly declare, upon my honor and conscience, that I shall speak the truth, the whole truth and nothing but the truth.”*

When the Judges call Experts to the court, Experts’ duty is to enlighten the court by giving their opinions regarding the legal issue.

The time allocated for this phase shall not be limited.

After the Expert testimonies, a Judge shall raise a motion to call the Expert back to the court in order to obtain more critical information regarding the case.

## **22. Article: Rebuttal - Surrebuttal**

The Rebuttal/Surrebuttal phase consists of rebutting the Opposing Party and compensating for the lack of sections of the arguments provided by the Parties themselves. The context of the Rebuttal/Surrebuttal shall be evidence presented, questions asked by Judges, counter-claims, witness testimonies and memorials.

The Prosecutor shall be doing the rebuttal phase, followed by the Defendant with the surrebuttal phase.

Allocated time for the rebuttal and surrebuttal phase will be 10 minutes for each party. The President Judge has the authority to make adjustments on the allocated time.

The Rebuttal/Surrebuttal phase cannot be divided into two for each Party. Only one Counsel from each party shall deliver the speech.

During the Rebuttal/Surrebuttal, the presentation of new arguments is strictly prohibited.

During the Rebuttal/Surrebuttal phase, questions from the Judges cannot interrupt the Counsel. The Questioning shall take place at the end of The Rebuttal/Surrebuttal phase.

If a Judge wishes to ask an additional question right after the answer, he/she shall raise a *motion to follow-up*. The President Judge may grant it or overrule it. The follow-up question should be related to the previous question of the Judge.

The allocated time for the Questioning will be 10 minutes for each party. The President Judge has the authority to make adjustments on the allocated time.

Electronic device usage is not allowed.

### **23. Article: Closing Statements**

The Hearing shall cease with the Closing Statements of the Prosecutor and then followed by the Defendant. Closing Statements shall briefly summarize what they have proven and discussed in the previous phases.

The allocated time for Closing Statements will be 15 minutes for each party. The President Judge has the authority to make adjustments on the allocated time.

Closing Statements cannot be divided into two for each Party. Only one Counsel from each party shall deliver the speech.

During the Closing Statements, questions from the Judges cannot interrupt the Counsel.

There will be no questioning phase with the judges after the closing statements.

Electronic device usage is not allowed.

#### **24. Article: Questioning Phase by Judges**

Each Judge shall ask one question at a time, but the number of questions per Judge shall not be limited.

The Presidency may allow follow-up questions if the Judge whose question has just been answered raises the request. The Presidency shall have absolute discretion on this matter.

Only one Counsel at a time shall answer a question. During the Judges' Questioning, the responder Counsel may raise a request to consult to its Co-Counsel. The time allocated for consulting cannot exceed thirty seconds. The President Judge has full discretion on granting or overruling such requests.

The Judges cannot ask leading questions; their duty is to enlighten the facts provided by both Parties.

The Judges shall judicially know all the materials and speeches submitted within the Court Proceedings.

### **E. DELIBERATIONS**

#### **25. Article: General Principles**

The Deliberation shall commence after every Oral Hearings: Opening Statements, Evidence Presentation, Witnesses' Testimonies and Rebuttal-Surrebuttal phase.

The Deliberation phase shall hold in secrecy. Press team members will only be allowed in the Courts upon the decision of the President Judge during this phase.

Judges shall make any statement they wish. The President Judge may consider suggestions of the Judges for specific matters.

Judges are not required to stand up while making statements. Judges may speak without seeking permission, but a Judge cannot interrupt one another. When the speech of a Judge takes excessive time and blocks the negotiation process, the President Judge may ask the Judge to end his/her speech.

Time allocated for each Deliberation shall be determined by the President Judge in accordance with the flow of the discussions.

The last speaker shall be the President Judge in the discussions.

## **26. Article: Summons for the Advocates**

Upon the Motion of a Judge or the discretion of the President Judge, the Court may summon the Counsels to the Court to be questioned one more time. A motion to summon the advocates shall pass with the simple majority of the Judges.

During the Summons, Counsel shall join the Deliberation of the Court.

Counsel participation shall be **strictly** limited to:

- Answering questions posed by Judges, upon the explicit referral of the President Judge,
- Asking questions to fellow Counsels, upon the explicit authorization of the President Judge.

There shall be no time limitation for this phase; yet, the President Judge shall have the discretion to end the Summons in accordance with the flow of the discussions.

## **27. Article: Tour de Table**

It is up to the discretion of the President Judge or to a motion to set a Tour de Table during the Deliberation.

In a Tour de Table phase, the Judges shall express opinions on the matter stated by the President Judge.

The speeches shall start and follow the alphabetical order of the last names and the President Judge shall make the last speech.

The President Judge has the authority to determine the speakers' time being equal to all Judges.



## **F. POINTS**

### **28. Article: Point of Information**

If a court member has a question about the discussion or the content may raise a point of information to the President Judge.

The President Judge needs to clarify the matter.

This point may not interrupt the speaker.

### **29. Article: Point of Order**

If a court member notices an improper application of the Rules of Procedure may raise a point of order to the President Judge.

The President Judge takes the point into consideration and evaluates the implementation of the rule according to the Rules of Procedure.

The President Judge gives the final decision on the point by themselves.

This point may not interrupt the speaker unless an irreparable consequence will rise if the error is not corrected.

### **30. Article: Point of Parliamentary Inquiry**

If a court member has a question about the rules of procedure may raise a point of parliamentary Inquiry to the President Judge.

The President Judge needs to clarify the matter.

This point may not interrupt the speaker.

### **31. Article: Point of Personal Privilege**

If a court member has a personal inconvenience or discomfort that has an effect on their participation in the proceedings. (i.e. room temperature, inaudibility)

This point may not interrupt the speaker unless it is raised due to inaudibility.

If a Court Member wishes to leave the Courtroom, he/she should get the permission of the President Judge via Message Paper. (i.e. using the restrooms)

## **G. SUSPENSION AND ADJOURNMENT**

### **32. Article: Suspension**

Before the Coffee Breaks designated by the Secretariat, the meeting shall be formally suspended by the decision of the President Judge.

### **33. Article: Adjournment**

Before the Coffee Breaks designated by the Secretariat, the meeting shall be formally suspended by the decision of the President Judge.

At the end of the announcement of the Judgement in the last session, the President Judge shall declare the adjournment of the court.

## **H. JUDGEMENT**

### **34. General Provisions**

The substantive issues in the case are resolved with a simple majority of the Judges. The Judges are not allowed to abstain in substantive voting procedures.

The Judges shall write the Judgement. The Decision and the last word shall be written by the President Judge.

The President Judge of the Court shall announce the Judgement in the presence of the Press and the Counsels.

### **35. Decision on Admission of Guilt**

The Trial Chamber shall then make its decision on the admission of guilt, after listening to the views of the Prosecutor and the defense. The Court shall give reasons for this decision, which shall be placed on the record.

### **36. Determination of Sentence**

In addition to the written procedure and oral hearing; The Court gives consideration, *inter alia*.

- to the extent of the damage caused, in particular the harm caused to the victims and their families
- the nature of the unlawful behavior and the means employed to execute the crime
- the degree of participation of the convicted person
- the degree of intent
- the circumstances of manner, time and location
- and the age, education, social and economic condition of the convicted person

### **37. Content of the Judgement**

Judgement must include:

- Name of the court
- Name of the case
- Names of the President Judge and other judges in the court; with the addition of the rapporteur.
- Date of the judgement
- Description of the parties
- Names of the counsels of the parties
- Procedural background
- Statement of facts
- Submissions of the parties
- Evaluation of the evidence package of the parties
- Evaluation of the witness testimonies of the parties
- Applied law
- Court's findings
- Decision