



**Resolving Treaty Violations Regarding the  
Agreement Between the United Kingdom, China, and  
Hong Kong and Addressing Human Rights Concerns  
(United Kingdom v. China)**

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**Committee: International Court of Justice**

**Issue: Resolving Treaty Violations Regarding the Agreement Between the United Kingdom, China, and Hong Kong and Addressing Human Rights Concerns (United Kingdom v. China)**

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### Letter from the President Chair

Esteemed Participants of the Court,

As the President of the International Court of Justice (ICJ), it is such a great pleasure of mine to welcome you all to the ITUMUN'23 Conference, and I am more than excited to have you with us on this journey. My name is Eylül Su Karaman and I am a sophomore student studying International Trade and Business in Özyeğin University. This is going to be my fifth year in my Model United Nations career and I sincerely look forward to spend more with this ambitious and hard-working family.

You will notice that we diverge from standard committee processes since we resemble one of the most important judicial institutions in the United Nations; instead of representing one nation, you will take on the role of either an advocate or a judge in a court-style procedure. As a judge, you must be objective in your judgment and depend only on the facts and defenses presented in the case; yet, as an advocate, your role is to present the case evidence and persuade the judges to accept your legal and logical reasons.

This year's case will be "Resolving Treaty Violations Regarding the Agreement Between the United Kingdom, China, and Hong Kong and Addressing Human Rights Concerns (United Kingdom v. China)". Because it is controversial and open to being approached from multiple viewpoints, the performance of the advocates will be critical in creating plurality among the court, and the relevant booklet will provide the key introduction about the dynamics of the committee and help you understand the procedure as well as the related and commonly used terminology.



As for the Vice-President Ms. Koşucu, I want to thank her for the assistance she provided for every step of the process and for her enthusiasm to become a significant part of this court. She had done every task with her best effort since the beginning, so that we may have a better experience. I would also like to express my sincere gratitude to our Secretariats, İslam Yıldırım as the Secretary General, a dedicated and hard-working member of the MUN society and a great friend I had the chance to meet through these conferences which I know that he will truly provide the best experience for you, and the Deputy Secretary General, Oğuz Kaan Ataç, also a long time friend of mine, who has worked tirelessly for this wonderful conference. During our meetings and supervisions, they shown a serious interest in this particular committee while providing constructive comments. Furthermore, I would like to thank the Director General Ammar Badawy for his greatest efforts and the Deputy Director General Zehra Akçay, who is a lovely friend of mine for a long time and the person I started my MUN career with, after all these years I am more than proud to see that successful woman she became and her achievements, Because not only for MUN conferences, but for every aspect of her life, she has an enthusiastic and ambitious approach. Therefore, I couldn't thank more.

I can ensure you that, thanks to the work of this dream team, the Secretariats and helpers, ITUMUN'23 will be more than just an academic conference, but also a once-in-a-lifetime opportunity for new connections and broadening your existing viewpoints. I can't express how grateful I am to have had the opportunity to collaborate with our academic team. We can't wait to meet you at the conference. If you have any queries, please feel free to contact me at [eylul.karaman@ozu.edu.tr](mailto:eylul.karaman@ozu.edu.tr).

Sincerely,  
Eylül Su Karaman  
President of the International Court of Justice

## Letter from the Vice-President

Distinguished Members of the Court,

First of all, I would like to extend a warm welcome to you all to ITUMUN'23 and to the International Court of Justice Committee. My name is İrem Koşucu and I'm a freshman at Yeditepe University, majoring in Political Science and International Relations. I'll be acting as the Vice President of this committee, and I'm truly looking forward to having you with us throughout this ITUMUN experience.

It goes without saying that the ICJ is a peculiar organ of the UN in the sense that it sets itself apart from the UNSC and the General Assembly by its procedure. Instead of representing countries and acting as delegates, you will be advocates and judges. The advocates are expected to persuade the judges by making their cases in respect to their respective agendas.

In this installment of ITUMUN, the ICJ committee will be hearing the case of the *Treaty Violations Regarding the Agreement Between the UK, China and Hong Kong*, all while addressing the human rights concerns in relation to the topic. This booklet will only provide you with brief information in regards to the issue, so I strongly advise the advocates to branch out and examine the issue in its different perspectives – your performance is crucial in the final decision of the court.

I'd like to extend a big thank-you to the President Ms. Karaman for all her hard work and assistance. It is with her efforts and determination that we get to have this wonderful experience.

Amongst others, I'd like to thank our Secretariats, İslam Yıldırım and Oğuz Kaan Ataç, for giving me the opportunity to experience this unique committee. As for our Directors, I'd like to extend my thanks to Ammar Badawy and Zehra Akçay. At the end of the day, all of these people are the ones who made ITUMUN'23 possible and worked tooth and nail for this conference.

With all our efforts, it is my greatest hope that ITUMUN'23 will be a place where you can broaden your world view, academically soar and maybe make some long-lasting friendships along the way. I'm so thankful that I got to collaborate with our academic team and I'm really looking forward to meeting you all at the conference. Please feel free to contact me at [iremkosucu24@gmail.com](mailto:iremkosucu24@gmail.com) if you have any questions, and I will get back to you as soon as I can.

Best regards,

İrem Koşucu

Vice-President of the International Court of Justice

# **INTERNATIONAL COURT OF JUSTICE (ICJ)**

## **PROCEDURES AND COURT RULES**

### **What is the International Court of Justice's purpose?**

The International Court of Justice (ICJ) is the United Nations' judiciary authority (UN). It resolves legal issues between nations and has the authority to provide advisory opinions to recognized UN organizations and specialized bodies only when requested. It is placed in the Peace Palace in The Hague, Netherlands. The primary goal of the ICJ is to offer a fair and truthful platform for governments to discuss and mediate.

### **The International Court of Justice (ICJ)**

The previous court, the Permanent Court of International Justice (PCIJ), did not deal with any more judicial matters after the last order. Countries declared their support for a new international court in 1942. A conference was conducted in 1945. The Committee drafted the International Court of Justice's Charter. In October, the PCIJ gathered for the final time and voted to transfer its records to the ICJ. The PCIJ was legally terminated in 1946, and the first meeting of the ICJ was held.

### **Introduction to the Case**

The Sino-British Joint Declaration of 1984 specified the terms under which Hong Kong would be returned to Chinese authority after further than a century as a British colony. This pact gives Hong Kong extensive sovereignty over its administration and economy until 2047, or 50 years after the British formally abandoned Hong Kong. Most significantly, Hong Kong may maintain its capitalist system and the associated privileges. Hong Kong can potentially establish autonomous branches of government. China has impacted Hong Kong's administration and policies to match those of the peninsula since the takeover. China overruled Hong Kong administrators in 2020 to adopt a national security legislation in Hong Kong that specifies offenses such as terrorism. The United Kingdom claims that initiatives like this give China the ability to influence Hong Kong inhabitants' daily liberties. In this difficult matter, delegates will need to weigh rules regulating treaty observance and the ability of territories to govern themselves.

## **KEY TERMINOLOGIES**

### **Applicant Party**

The applicant is the party who submits the case to court. They must present their complaint to the courts and persuade them to accept it. They usually take precedence in processes like as opening speeches, evidence presentation, and so forth.

## **Respondent Party**

The responder is the party who accepts to participate in the dispute presented to the Court by the applicant party. It is the principal focus of the applicant party's claims. They hope to give counter-arguments that will invalidate the applicant's case and persuade the judges to agree with them.

## **Stipulations**

The stipulations are a collection of facts agreed upon by both parties and submitted by the advocates. Stipulations are admissible as evidence, however they are insufficient to impact the Court's findings.

## **Memoranda**

The memoranda, or memorandum for singular, are written papers handed to the Court at the start of the opening remarks. It contains the dispute's historical and legal context. It may also be biased in portraying a state's point of view and associated accords. The conclusion section of the memoranda comprises the party's sought judgment to the Court, which will also be evaluated in the verdict for.

## **Rebuttal**

The rebuttal is when proponents can speak to rebut the other party's arguments. This is simply a last argumentation to the opposite party. If the other party approves the evidence, further pieces of evidence may be brought to the Court during the rebuttal phase. If advocates do not have more evidence or arguments, this step may be skipped.

## **Deliberation**

During these phases, no advocates are present to provide a free platform for judges to consider the issue. If a judge requests the advocates, the Presidency can make the required arrangements as they deem appropriate.

## **Verdict**

It is the International Court of Justice's conclusion, as the resolution. The verdict comprises the Court's decisions, which were made in accordance with the judgements requested by both parties.

## **Opening Statements**

To present their claims to the Court, each side delivers an opening address. Advocates will have their way in this trial. The applicant party may make the first opening statement.

## **Resting the case**

After presenting evidence or after interviewing witnesses, parties may ordinarily rest their case.

## **Presentation of Evidence**

Parties will offer their evidence following the opening speeches. Each piece of evidence will be given to the Court with a focus on the source of

evidence, the writer/publisher, the title, and the date of publication. The Registrar (Currently the President and the Vice-President) will secure the evidence and number the pieces of evidence for the Applicant Party (Evidence 1), while the evidence for the Respondent Party is labeled alphabetically (Evidence A). The evidence may be challenged by the opposing parties. On any objection, the Presidency has the presiding word. If an objection is raised, the president will tell the advocates that they will be unable to submit the piece of evidence.

## **Burden of Proof**

The burden of proof is on the Applicant Party. The burden of proof is judged legitimate when the applicants' evidence convinces at least 51% of the judges. This allows applicants who satisfy the burden of proof to "win" the case. This step may not take place if the Applicant Party does not have proof.

## **Deliberation of the Evidence**

When the evidence is delivered, the advocates will be excused so that the judges can deliberate on it. Once a judge has completed her/his conclusions on the evidence, she/he is permitted to discuss them with the court. They will next debate each piece of evidence's weight, significance, and believability.

## **Weight of the Evidence**

The weight of the evidence determines how much weight the judges will give it when writing the decision. The weight will be determined by the source's legitimacy and the relevance of its substance to the argument.

## **Objections**

Advocates have the power to object to the other party's actions. The Presidency's judgments and assertions cannot be challenged. During direct examination, an advocate may object to the introduction of evidence, hearsay inquiries, or leading questions. An objection may be brought if the examination appears to veer away from the substance of the case.

## **Hearsay Questions**

Hearsay inquiries are questions posed by advocates to witnesses regarding what someone else has said or done who has not been questioned by the Court. "So, Ambassador of Serbia, what did the Ambassador of X say about the terrible genocide in Guatemala?" for example. Because the Ambassador of X cannot be investigated or reached, this is a hearsay question. The presidency cannot decide on a hearsay issue unless the opposition party raises an objection.

## **Leading Questions**

A leading question is one that hints to the desired response. "Was it accurate that the Serbian state has a low tolerance for other racial groups?" This question only yields a Yes or No response. One technique of avoiding such sorts of questions is by rewording them like "What is Serbia's view on ethnic groups?" or "Has Serbia ever avoided people's rights?".

## **Witnesses**

Their importance in the case is determined by their relevancy and credibility. They must be prepared ahead of time. Their work is entirely voluntary, and it is the advocates' responsibility to prepare them.

## **Witness Deliberation**

The credibility and relevance of the witnesses will be discussed by the judges in order to evaluate the weight of their testimony as evidence. During this time, advocates will be dismissed.

## **Direct Examination**

The advocates interrogate their respective witnesses during a direct examination. Leading questions cannot be posed during direct exams. The goal of direct examinations is to get information that may be presented to the judges and used as evidence.

## **Cross-examination**

The opposing party examines the witness during cross-examination. Leading questions are permitted and expected in this style of test. This allows the opposing side to convey a point through the witnesses rather than expressing it themselves.

## **Testimony**

A testimony is everything that is mentioned by the witnesses during their examination, which is considered to be evidence.

## **Rebuttal Evidence**

Rebuttal evidence is pieces of evidence moved in the rebuttal phase.

## **Rebuttal Questioning**

The judges will have the chance to ask questions to advocates after they present their rebuttal evidence.

## **Closing Statement**

This is the final phase for the advocates. Advocates will summarize their arguments and present their final points. The advocates must present their Judgments Requested in their statements. The applicant party will speak first and after them, the respondent party will.

## **Judgments Statements**

They are requests from the judges who want to be included in the verdict. They have to be based on legal grounds that refer to their case. This must be included in the memorandum and closing statements, although they don't have to be the same.

## **Final Deliberation**



Judges will begin to write the verdict. They will then share notes of the most important issues from the evidence and witnesses' deliberations. Judges may take three different stances: concurring, separate but concurring, and dissenting.

## **DUTIES AND OBLIGATIONS OF THE MEMBERS OF THE ICJ**

### **President and Vice-President**

The president shall be responsible for the implementation of the Rules of Procedure prepared for the International Court of Justice. The president also acts as a judge. He or she shall have an equal vote. Although the President shall dictate the implementation of the Rules of Procedure in the Court, they shall not have authority over the decision of the other judges unless certain judges' opinion is biased in which case the concerned judge shall be given an official warning by the President.

### **Judges**

The judges will be recognized by the President before they can speak in court. Judges are responsible for determining the final judgment. The final judgment of the Court shall be written and announced by the judges and the President. Each judge shall have one vote in voting procedures. Judge's decisions and actions must be unbiased; if they fail to meet this criterion they may be given an official warning by the President. Judges may ask questions to the assessors or witnesses in designated phases of the trial proceedings.

### **Advocates**

Advocates represent the sovereign states that are parties to the related dispute. Advocates are obliged to defend their states. The presentation of evidence, questioning of the witnesses, and other duties belong to advocates. Advocates of the Applicant party shall carry the burden of proof. The burden of proof can only be reversed if the Respondent has extraordinary claims such as trying to disprove an acknowledged fact or an incident that has already been proved by the Applicant party. If such events occur, the advocates can be given an official warning by the President. The advocates will be required to write a memorandum before the conference and send it to the Presidency. Stipulations will have already been prepared by both parties after the advocates have delivered their opening statements.

### **Parliamentary Language**

The ICJ allows declaration with a first-person type address. A judge must be addressed as "Judge/Justice Surname", "Your Honor" or "Judge". Members of the presidency must be addressed as "Mr. /Madame President" or "President"; the Vice President has to be addressed as "Mr. /Madame Vice-President" or "Vice President". The Registrar (Currently the President and Vice-President will take charge) should be addressed as "Registrar Surname". When addressing specific advocates of either party, the advocate may be called an "Advocate"; when a specific party is referred to, it may only be called by country name or "Applicants/Respondents".

## **HOW THE COURT WORKS**

The Court can entertain two types of cases: legal disputes between States submitted to it by them (contentious cases) and requests for advisory opinions on legal questions referred to it by United Nations organs and specialized agencies (advisory proceedings),

## 1. Contentious Cases

The Court is competent to entertain a dispute only if the States concerned have accepted its jurisdiction in one or more of the following ways: by entering into a special agreement to submit the dispute to the Court; by a jurisdictional clause, i.e., when they are parties to a treaty containing a provision whereby through the reciprocal effect of declarations made by them under the Statute, whereby each has accepted the jurisdiction of the Court as compulsory in the event of a dispute with another State having made a similar declaration. Proceedings may be instituted in one of two ways:

A. Through the notification of a special agreement: this document can be lodged with the Court by either or both of the States' parties to the proceedings. Since there is neither an "applicant" State nor a "respondent" State, in the Court's publications their names are separated at the end of the official title of the case, B. The application: it is submitted by the applicant. The applicant indicates on what basis, a mutual treaty or an open declaration of acceptance of jurisdiction, it claims that the Court has jurisdiction, and states the facts and grounds on which its claim is based. The procedure described is the normal procedure. However, the course of the proceedings may be modified by incidental proceedings like preliminary objections, which are raised to challenge the competence of the Court to decide on the merits of the case. If the parties reach an agreement, the Court can decide a case *ex aequo et Bono* without confining itself to existing rules of international law.

## 2. Advisory Proceedings

The UN General Assembly and Security Council can request advisory opinions on "any legal question". Other UN organs and specialized agencies which have been authorized to get advisory opinions can only do so for "legal questions arising within the scope of their activities". When it gets a request for an advisory opinion, the Court must assemble all the facts regarding the issue. A couple of days later, when the request had been filed, the Court comes up with a list of the States and international organizations that are likely to be able to furnish information on the question before the Court. Any State, which is not consulted, may ask to be added to the list. The advisory opinion will be delivered at a public sitting. Unlike the Court's judgments, advisory proceedings are not binding. The Assembly or the Council, the requesting part, remains free to take action after the Court's opinion.

# RULES GOVERNING THE DEBATE

## 1. Presentation of the Case

The President and Vice-President will present the case to the Court. Judges will have an opportunity to ask questions. The session of the Court will be declared open by the President.

## 2. Deliberation



The Court will discuss the case without the presence of advocates. The Court should try to agree on the mutual facts. The Court will proceed by allowing judges to deliver both speeches and questions.

## **RULES GOVERNING SPEECH**

### **Motion to Dismiss Note/ Motion to Vote for Judgment**

Deliberations may be closed via one of two motions: A motion to Dismiss Note and a motion to Vote for Judgment.

#### **Motion to Dismiss Note**

Motion to Dismiss Note can pass with a simple majority. If it passes, the Court will return to their initial Deliberation and continue with the current speakers' list. If it fails, the Court will return to Formal Deliberations.

#### **Vote on Judgment**

Motion to Vote for Judgment needs a two-thirds majority to pass. If the motion passes, the Court will proceed to the Vote on Judgment. If the motion fails, the Court will return to Formal Deliberations.

## **MOTIONS & POINTS**

Motions may be raised at any time during discussions. Motions on procedural matters are accepted at the discretion of the president, who also may put them to a vote.

#### **Moderated Caucus**

Motion can be made for a moderated caucus during deliberations before voting on a judgment. The purpose and speech time will be suggested by sponsor of the motion. However, speeches can't take more than 3 minutes and need the presidents' approval. In case of no speeches, the debate will automatically resume formal deliberations. A motion can be made to return the formal deliberation if a judge comes to the conclusion that the content of the discussion is coming to an end.

#### **Motions and Points**

**Motions and points are different topics and shall not be mixed.**

**a. Points:**

- **Point of Order**
- **Right of Reply**
- **Point of Information**

**b. Motions:**

- **Motion to Vote for Judgment**
- **Motion to Dismiss Note**
- **Motion to Suspend the Meeting**
- **Motion to Move to a Moderated Caucus**
- **Motion to Close a Moderated Caucus**
- **Motion for a Roll Call Vote**

## **PROCEDURES OF THE COURT**

1. Presentation of the Memoranda and Stipulations (The advocates should have already sent their memorandum and list of stipulations to the Presidency)

2. The Judges read the documents before the conference when the presidency shares the related documents with them. (Their content will not be discussed throughout the court proceedings, but probably be referred to)

3. Opening Statements / Deliberation (only if time allows)

4. The presentation of the case starts with the opening statements of the Applicant Party.

5. After the applicant party has rested their case, the respondent party will follow up to present their opening statements.

a) If the respondent party wishes to wait on the opening statement, the applicant party can present their evidence. The respondent party will then repeat a similar procedure.

6. The evidence is marked and admitted to the Registrar before the conference.

7. Presentation of Witnesses, followed by Witness Interrogation

a) At this stage of the proceedings, the court will summon the witnesses named on the witness list given by the advocates.

8. The applicant will conduct a direct examination of the witnesses, followed by cross-examination of the respondents.

9. The process shall be repeated and reversed with the Respondent's witnesses will be summoned to the court.

10. Witness Deliberation

a) The judges will continue with the deliberation of witnesses, where they will look for the credibility, relevance, and weight of the witnesses for the overall verdict.

b) Advocates will be dismissed.

11. Evidence Submission After receiving the evidence from both parties, Presidency will apportion the evidence

a) to the judges for them to question the evidence presented to the Presidency.

12. Evidence Deliberation

a) The judges will discuss the weight, credibility, and relevance of each piece of evidence.

b) Advocates will be dismissed

13. Rebuttal, Presentation of more evidence (only if there is)

a) Advocates will have a final chance to present more evidence to counter the arguments of the opposing party.

14. Judges may ask questions to the advocates.

15. Closing Statements

a) Advocates will present their closing statements, to summarize their points.

16. Final Deliberation

a) The advocates will be dismissed and judges will move on to the final deliberation

b) The verdict will be completed.

## SOURCES

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