

Smyrna Courts of Justice

Rules of Procedure Handbook

Chapter A: General Provisions:

Article 1: Rules of Procedure

1. Rules of Procedure handbook is the main document for all of the conference proceedings.
2. Only the Secretary General can make amendments.
3. Cannot be appealed unless otherwise

Article 2: Language

1. Language of the conference varies court to court. English speaking and Turkish speaking courts cannot change their official language one they start.

Article 3: Dress Code

1. Dress code is western formal business attire and it is mandatory in all of the conference premises. Privileges can be awarded by only Secretary General

Article 4: Executive

1. Executive consist the positions of Secretary General, Director General and Chief of Staff
2. Members of the Executive has to act and behave with significant of their positions
3. In absence of the Secretary General, Under Secretaries General can use the powers and duties of the Secretary General only on their designated Courts
4. In absence of the Director General, Chief of Staff can use the powers and duties of the Director General
5. Secretary General is all powerful on all academic related issues
6. Director General is all powerful on all organization related issues

Article 5: Secretariat

1. Secretariat consist the positions of Under Secretaries General, Assistant to the Secretary General
2. Members of the Secretariat have to act and behave with significance in their positions.

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Article 6: President of the Court

1. All Courts has to have a President of the Courts which is appointed by the Secretary General.
2. Presidents are obligated to align the Court to the rules of the procedure of the conference including the Court Proceedings
3. Presidents are under the Under Secretaries General by administrative tutelage principle
4. President can be appointed and removed by the sole discretion of the Secretary General
5. Presidents has to be example on the Court to all participants

Article 7: Courtesy and Disciplinary Rules

1. All participants hold the responsibility to show utmost respect to each other, to use a formal language while addressing the Court and to act accordingly.
2. There are three disciplinary warnings members of the Secretariat and Executive can utilize; Non-Official Warning, Official Warning and Academic Warning.
3. Non-Official Warnings are used for informing the participants about their activities the conference deems inappropriate. Non-Official Warning has no mandatory form and holds no weight regarding disciplinary issues.
4. Official Warnings are used for disciplining the participant who is not behaving accordingly by the conference rules and regulations. Can be given by the President of the Court, Secretariat and Executive. Official Warnings have to be given by a written paper and signature of the officer. Three Official Warnings automatically triggers Academic Warning
5. Academic Warnings are used for dismissal of the participant from the conference. Can only be given by the Executive's unanimous vote or three Official Warnings and signature of any executive member. Academic warnings have to be given by a written paper and related signatures.

Article 8: Electronic Devices

1. The use of any electronic devices that allows the participants to communicate among themselves or with external parties within sessions is strictly prohibited.
2. The President may allow the Parties to use electronic devices if and only if the Advocates is obliged to make references to a document that is not in hard-copy.
3. The President may allow the Judges to use electronic devices during Deliberations to draft the Judgment or individual opinions.

Article 9: Note Passing

1. All communications between the Judges shall be performed by formal note passing under the supervision of the President.

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2. Note passing between opposing Parties or between Parties and Judges are strictly prohibited.

Article 10: Quorum:

1. The Quorum is met when a simple majority of the Judges and one of the advocates from both parties are present in the Courtroom.

2. Verification of the quorum will be established by the President of the Court at the beginning of every session via oral roll call.

3. Members who are late to the sessions shall pass a note to the President in order to be eligible to participate in the proceedings.

4. The quorum shall form the basis of the majorities required for the decisions to be taken during the entertainment of Motions or the adoption of the Judgment.

Chapter B: Members of the Court:

Article 11: Members of the Court

1. Every Court in the conference shall consist, President of the Court, Judges of the Court, Advocates of each party

Article 12: President of the Court

1. The Presidency shall be composed of a maximum of two President Judges of equal authority unless explicitly stated under following Articles.

2. The Presidency shall be responsible for the implementation and observance of the Rules of Procedure and moderation of all phases of the Court Proceedings.

3. The Presidency shall refrain from any actions that might undermine their impartiality and credibility within their position and shall be responsible to the Secretary General.

4. The President shall also be entitled the privileges and duties of a regular Judge of the Court including equal vote during the Court Proceedings.

5. The President shall announce the Judgment of the Court.

6. The President shall announce the adjournment of the Court after the Judgment has been announced, as using the words "*Court Adjourned*".

7. In rare circumstances, the President of the Court may have a Vice-President, If that is the case, the President can delegate the powers of the Presidency to the Vice-President.

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Article 13: Appealment of the Decisions of the President

1. Any decision of the Presidency, with the exception of the decisions stated in this very document, can be appealed immediately after it has been made
2. Both Judges and Parties can apply for appealment
3. A Member of the Presidency may speak briefly in defense of the ruling, The appeal shall then be put to a vote among the Judges. An “*in favor*” vote indicates support for the Presidency’s ruling whilst an “*against*” vote indicates opposition to it.
4. The decision of the Presidency shall stand unless overruled by **a two thirds majority** of the Judges.
5. Presidency shall not have any part in the voting process of the appeal.

Article 14: Judges

1. Judges must conclude the case in accordance with relevant law on the specific case and reach a Judgment.
2. The final Judgment of the Court shall be written by the Judges.
3. Judges are entitled to question the Parties in the designated phases of trial under the moderation of the Presidency.
4. Each Judge has one equal vote in procedural and substantive matters.
5. In the case of a tie, the vote of the Presidency shall prevail.
6. Should any Judge fail to be unbiased, the procedure of the official warning may be in order.

Article 15: Advocates

1. Advocates represent parties to the case as two for the Applicant and two for the Respondent and are obliged to act for the best interest of their respective parties represented through written proceedings prior to the hearings as well as in the oral proceedings.
2. The Applicant Party shall submit a Petition and the Respondent Party a Counter petition in designated deadlines before the Court Proceedings take place. The Secretariat and the Presidency shall ensure that the Judges are aware of the content of the Petitions.
3. Parties shall be required to submit Stipulations before the Presentation of Evidence process.
4. Advocates do not have a right to vote in procedural matters before the Court.
5. Advocates shall make all their statements standing before Court.
6. Advocates of the counter parties cannot agree on a settlement.

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Chapter C: Court Proceedings:

Article 16: Oaths

1. Before starting the Court and executing Court Proceedings, the President, Judges and Advocates has to give their respective oaths.

2. Oaths will be ministered by the Under Secretaries General

3. Oath of the President shall be taken as follows;

“ I solemnly undertake that I will perform my duties and exercise my powers as the President Judge honorably, faithfully, impartially and conscientiously, and that I will respect the confidentiality of the submissions and the secrecy of Deliberations “

4. Oath of the Judges shall be taken as follows:

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

5. Oath for the Advocates 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. ”

6. After the oaths have been taken, the President shall announce the convention of the court and start the court proceedings.

Article 17: Burden of Proof

1. On an normal circumstances, burden of proof resides on the Applicant Party

2. Fulfilling the burden of proof by validating an incident, the Applicant shall carry the benefit of the doubt and the burden of proof shall shift to the Respondent.

3. Burden of proof may also be shifted if the Respondent has extraordinary claims such as trying to disprove an acknowledged fact.

4. When the burden of proof is shifted, the Respondent bears a burden to present evidence to refute the presumption or to prove their extraordinary claims.

Article 18: Opening Speeches

1. First step of the Court Proceedings in opening speeches

2. Opening speeches shall begin right after the oath process is completed.

3. Applicant Party shall begin the opening statements, Respondent Party will follow

4. The opening speeches shall briefly summarize the arguments of each Party mentioned in the Petitions, and what they will pursue during Court Proceedings.

5. The time allocated for opening statements - equal for each Party - will be determined by the Presidency before the commencement of speeches.

6. Immediately after the announcement of the time, Advocates may raise a Motion once to alter the speakers' time. A simple majority of the Judges present (including the

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Presidency) is required for the Motion to pass. Should the Court accept the Motion, the speakers' time will be altered for both Parties.

7. Unless decided otherwise, the default duration of the Opening Statements is fifteen minutes for each party.

8. Advocates may split the time allocated for their Opening Statement among themselves.

Article 19: Stipulations

1. A Stipulation is a document agreed upon by the Applicant and Respondent Parties which states a certain number of predetermined facts that cannot be challenged during the trial.

2. Preparation of the Stipulations shall start after both sides are finished with the opening statements, while the Judges are deliberating on the case. The Advocates will be dismissed and be required to prepare the document before the presentation of the evidence.

3. Should the Advocates fail to produce Stipulations, they will not be able to rely on predetermined facts that are privy from being disproved by the opposing Party.

4. Stipulations shall be in the form of a simple list clearly defining the events and facts that both Parties acknowledge and agree upon and must be signed by all Advocates on all sides before it can be delivered to the Court.

Article 20: Presentation of Evidence

1. Applicant Party will be the first to present their evidence, followed by the Respondent Party.

2. Before the presentation, parties shall state the words "*may it please the court*".

3. Parties shall present any evidence material such as international treaties, 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.

4. Each piece of Evidence shall be submitted to the Court before its presentation.

5. The Court shall have the authority, in accordance with their discretion, to assess freely all Evidence submitted in order to determine its relevance or admissibility.

6. After each presentation ends, Judges may freely question the parties with relevant questions to the case. Judges have to be selected by the President in order to ask questions. Judges can ask permission to ask follow up questions.

7. Judges can interrupt the parties during questioning.

8. An issue relating to the authenticity, if existing, must be raised by the opposing Party, at the time dedicated for the presentation of evidence procedure. An Objection Immaterial shall be in order.

9. If the issues were not known at the time when the Evidence was presented, it may also be raised in writing immediately after the issue has become known.

10. Evidence ruled immaterial shall not be considered by the Court as evidence.

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11. The Presidency shall ensure that both Parties use equal amounts of time for the Presentation of the Evidence.

12. Parties may divide the phase into two for each Advocate to have their turn.

Article 21: General Rules for Questioning by the Judges

1. The Judges may interrupt the Advocates to ask questions at any time during the Presentation of Legal Arguments.

2. There is no time limitation for this phase; yet the Presidency shall have the discretion to terminate the phase in accordance with the flow of the discussions.

3. The time spent on questions and answers shall not be deducted from the time of Advocate.

4. Only the Advocate addressed shall answer a question. Interruption by the other Advocates is strictly prohibited.

5. The Presidency may overrule questions at their discretion and may rule out further questions during a phase to their discretion.

Article 22: Expert and Witness Summons:

1. Judges shall be entitled to call Experts and Witnesses before the Court.

2. Oath for the witness and experts shall be ministered by Under Secretaries General and will follow the statements, *"I solemnly declare, upon my honor and conscious that I shall speak the truth, the whole truth and nothing but the truth."*

3. Experts must be legally competent to give their statements under Oath.

4. Experts before the Court shall state their opinion regarding the subject that they have been requested.

5. Witnesses and Experts can only be called upon if available, availability shall be declared by Secretary General

6. Time allocated for this phase shall not be limited, yet the Presidency may exercise discretion to terminate, in accordance with the flow of the discussions.

7. Witnesses can be summoned only in the Presentation of Evidence process but Experts can be summoned right until Closing Statements.

8. In order to summon an Witness or an Expert, a Judge has to raise a motion and has to pass with a simple majority.

Article 23: Rebuttal and Surrebuttal

1. During the Rebuttal Phase, the Applicant shall compensate for the lacking sections of their arguments and respond to the claims of the Respondent.

2. Responses to the claims of the Respondent, presentation of evidence and questions posed by the Judges shall constitute the content of Rebuttal.

3. Presentation of new arguments is strictly prohibited.

4. Time allocation shall be decided upon by the Presidency, treating each Party equally.

5. Parties may divide the phase into two, entitling both Advocates to speak.

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6. Following the Rebuttal, the Judges shall have the opportunity to question the Parties. Article 21 will apply.

7. During Surrebuttal, Respondent shall respond to the Applicant's rebuttal.

8. All procedural rules of rebuttal shall apply to surrebuttal.

Article 24: Closing Statements

1. During the closing statements, Parties shall briefly summarize what they have proven during the presentation of the case. The speech should include a suggestion to the Judges for the final adjudication, in accordance with their claims in the Petitions.

2. The Respondent shall be the last to make their closing statement.

3. Each party has to have the same amount of time for closing statements.

4. Parties cannot divide this phase; only one Advocate on each side may make the closing speech unless otherwise decided by the Presidency.

Article 25: Points and Motions in Court Proceedings

1. Parties and Judges shall be entitled to raise Points of Personal Privilege, Parliamentary Inquiry, Information and Order during Court Proceedings.

2. The Presidency must entertain and decide on the Points so long as they are not disruptive.

3. Parties and Judges may raise a motion to "Motion to Suspend the Court" to have designated break times.

4. The Presidency shall announce the adjournment of the Court, after the Judgment has been announced by the President

5. The Presidency shall entertain Motions. Simple majority of the Judges and Presidency is required for a Motion to pass.

6. Substance of the Points and Motions described in Section D shall apply to this Chapter.

Chapter D: Deliberations of the Court:

Article 26: Deliberations of the Court

1. Deliberation is the act of carefully considering issues and options before making a decision or taking action.

2. Deliberations will occur after opening speeches, presentation of evidence, rebuttal and surrebuttal and closing statements proceedings.

3. Judges shall move to their Deliberation sessions and act according to the procedure described in this Section.

4. The Judgment shall be written after closing statements.

5. The Secretariat and third parties authorized by the Secretary-General can be present during deliberations.

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

7. While making their statements, Judges shall never be required to stand up.

8. The President shall moderate the Deliberations and entertain the Points and Motions. They shall decide on the Points. Motions shall be decided by themselves and Judges through voting.

Article 27: Summons for the Advocates:

1. Upon the Motion of a Judge or the discretion of the President, the Court may summon the Advocates to the Courtroom. Such Motion shall pass with the **simple majority** of the Judges.

2. During the Summons, Advocates shall join the Deliberation of the Court. The following rules shall apply:

a. Advocates' participation shall be **strictly** limited to:

i. Answering questions posed by Judges, upon the explicit referral of the President,

ii. Asking questions to fellow Advocates, upon the explicit authorization of the President.

b. Advocates shall ask their questions through the following procedure: i. Advocates shall send a request to the President including the particular question through message paper, and wait for the approval,

ii. Follow-up questions shall not be in order,

iii. Each request shall be limited to one question.

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

Article 28: Discussion Procedure of Deliberation

1. Deliberation will follow the procedure of Open Discussion.

2. During an Open Discussion, members present may raise their placard for a turn to speak when asked by the Presidency.

3. Members shall not speak out of turn.

4. The Presidency shall order the requests and entertain speakers when it is their turn.

5. The Presidency may set a time limit on speeches or terminate a speech at their discretion.

6. The Presidency may call upon any present member to speak if there are no raised or existing requests to speak.

7. The Presidency may grant themselves a turn to speak at any time between speeches.

8. The Presidency may open the floor for Motions at any time between speeches.

9. If there are no Motions on the floor, the Presidency shall continue with Open Discussion.

10. If a Motion passes, the Open Discussion is suspended for its duration.

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11. Points may be raised at any time between speeches.

Article 29: Unmoderated Caucus

1. A Judge may propose moving to an unmoderated caucus by raising a “Motion for an Unmoderated Caucus”. Such a Motion may be raised during Open Discussion when the President announces the floor is open for Motions.

2. The Judge raising the Motion shall briefly explain the purpose and specify a time length of the caucus, if any.

3. The President may rule the Motion out of order without any possibility of appeal or may alter the length of the caucus and put it to a vote.

4. Adoption of the Motion requires the approval of the **simple majority** of the Judges.

5. Adoption of such a Motion temporarily shall suspend the Open Discussion for the specified time and the Judges shall carry a formal discussion without leaving the Court.

Article 30: Extensions

1. Unmoderated Caucus may be extended with a “Motion to Extend the Previous Motion” given by a Judge right after the allocated time for those moderated or unmoderated caucuses have lapsed.

2. The Presidency may rule the Motion out of order without any possibility of appeal.

3. This Motion shall be put to a vote immediately after its proposal and its adoption requires a **simple majority** of the Judges.

4. The extension may not be longer than the caucus itself, unless otherwise is decided by the President for the sake of the Deliberation.

5. Unmoderated Caucus may only be extended once unless otherwise is decided by the President for the sake of the Deliberation.

Article 31: Right of Reply

1. Any Judge or Advocate whose personal integrity has been accused by another Judge or Advocate may submit a request for a Right of Reply to the Presidency through a message paper.

2. The Presidency shall grant the Right of Reply at their discretion. The decision is unappealable.

3. The Judge or Advocate granted a Right of Reply shall address the Court to defend her/his integrity in specified time determined by the President, not exceeding two minutes.

Article 32: Point of Personal Privilege

1. Members of the Court may request the President to intervene provided that a situation prevents their ability to participate in the proceedings through a “*Point of Personal Privilege*”.

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2. A Point of Personal Privilege may not interrupt the speaker unless it is raised due to inaudibility.

Article 33: Point of Order

1. Members of the Court may raise a “*Point of Order*” to indicate an improper implementation of the Rules of Procedure by the Presidency or any other member of the Court.

2. The Presidency shall immediately take into consideration the Point pursuant to the Rules of Procedure.

3. A Point of Order which is dilatory or improper may be ruled out of order. This may be appealed by the members of the Court, subject to a two-thirds majority.

4. A point of order may only interrupt a speaker if the speech is not following proper parliamentary procedure.

Article 34: Point of Insistence

1. If the member of the Court whose Point of Order is overruled by the Presidency still believes that a rule of the Rules of Procedure is being violated, he/she shall raise a “*Point to Insistence on the Article*”, via stating the specific Article. The Presidency is obliged to accept a Point to Insistence in any case, check the relevant Article and announce the outcome to the Court.

2. A Point to Insistence may only be raised immediately after the overrule decision in accordance with above mentioned criteria.

3. If usage in bad faith of a Court member to prejudice the Court proceedings is detected, the Presidency may foreclose that specific member from raising Point to Insistence with the consent of the respected Under Secretary General. Several overruled Point to Insistence of the same member shall constitute a presumption of bad faith.

4. A Point of Insistence to the overrule decision of a Point of Insistence is not in order.

Article 35: Point of Information

1. Any member of the Court can ask any court related questions to the President via Point of Information

2. A Point of Information can never interrupt a speaker.

Article 36: Point of Parliamentary Inquiry

1. Members of the Court may raise a Point of Parliamentary Inquiry requesting an explanation on the Rules of Procedure from the President.

2. A Point of Parliamentary Inquiry may neither interrupt a speaker nor be in regard to substantive matter.

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Article 37: Suspension of the Deliberation

1. At the end of each Deliberation, or before the designated breaks; the President shall open the floor for a motion to the suspension of the Deliberations till the subsequent one. The Motion shall pass with the approval of the **simple majority** of the President and Judges.

Article 38: Closure of the Deliberations

1. A Motion for the Closure of the Deliberations shall be raised by the Judges.
2. The Motion shall pass with the approval of the **two-thirds majority** of the President and Judges.
3. When the Deliberations are closed, the President and Judges shall move onto the announcement of the Judgment.

Article 39: Points and Motions

1. In situations where multiple Points and Motions are proposed at the same time, the proposed Points and Motions shall be ranked pursuant to the provisions stipulated in this Section and then will be entertained accordingly by the President.
2. Points shall have precedence over Motions at all times.
3. The precedence shall go as follows:
 - a. Point of Personal Privilege
 - b. Point to Insist
 - c. Point of Order
 - d. Point of Parliamentary Inquiry
 - e. Point of Information
 - f. Motion for Suspension/Adjournment of the Deliberations/Court
 - g. Motion for the Closure of the Deliberations
 - h. Motion for an Extension of the Previous Caucus
 - i. Motion for a Summons for Advocates
 - j. Motion for an Unmoderated Caucus
4. When more than one motion for unmoderated caucus is proposed, the longer shall be put into the vote first. Same rule applies for moderated caucuses.

Chapter E: Objections:

Article 40: General Provisions

1. Where one of the Parties' action or statement is considered as falling under the scope of any Objection set forth in this Section, the opposing Party has a right to raise an Objection.

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2. Exceptionally Judges shall have a right to raise an Objection of Prejudice when provided within the rules set forth in this Section.

3. The Participant raising the Objection must state the correct ground enlisted in this Section.

4. Objections may interrupt the speaker.

5. The final decision on the Objection shall be made by the Presidency and this decision shall not be subject to appeal.

6. The Presidency shall announce the decision on the Objection is *sustained* meaning a decision in favor of the Objection, or as *overruled* meaning a decision against it.

7. If the Objection is sustained by the Presidency, the assertion subject to Objection shall be removed from any Court records and Parties shall refrain from referring to that specific assertion.

Article 41: Objection of Immaterial

1. An Objection of Immaterial may be raised if a Party presents any piece before the Court whose authenticity is not proven. The decision of the Presidency upon this Objection is appealable by a Judge or the opposing Party.

2. Objection of Immaterial shall be raised during Evidence Presentation, Rebuttal and Surrebuttal.

Article 42: Objection of Irrelevant

1. All assertions of Parties shall be relevant to the case at hand.

2. If the assertion made is irrelevant to the case, the opposing Party shall have the right to raise an Objection.

3. Objection of Irrelevant shall be raised during Evidence Presentation, Rebuttal and Surrebuttal.

Article 43: Objection of Prejudicial

1. Prejudice is a preconceived judgment formed without a factual basis, a strong bias.

2. If an assertion by one of the Parties harms the personal integrity of any court member which enlisted in quorum; that person may raise an Objection.

Chapter F: Judgment:

Article 44: Judgment

1. In their final Deliberation, Judges are expected to write a Judgment on the merits of the case.

2. A Judgment will be voted first by article and the whole judgment. Judgment shall pass with the **simple majority** of the Judges. Abstentions shall not be in order.

3. The Presidency shall announce the Judgment submitted and passed by the majority with all Members present in the Courtroom and the Judgment shall be made public through the presence of the Press Team.

4. Judges who are in minority may submit their dissenting opinions in

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groups or individually.

5. Judges who are in the majority but have reached the conclusion on different and/or additional legal grounds may submit their concurring opinions in groups or individually.

6. The Judgment shall include the following elements, where applicable:

- a. Heading (Name of the Case)
- b. Date
- c. Name of the Advocates for the Applicant Party
- d. Name of the Advocates for the Respondent Party
- e. Procedural History of the Case
- f. Submissions of the Applicant Party
- g. Submissions of the Respondent Party
- h. Statement of Facts
- i. The Applied Law
- j. The Decision
- k. Concurring Opinions
- l. Dissenting Opinions
- m. Declaration