

# Judge at the International Court Role Sheet

The International Court of Justice has 15 judges who preside over the trial, weigh the evidence presented, and issue the verdict. Judges have a very important role in this activity, both during and after the trial. During the trial they rule on objections. One judge has the opportunity to rule on an objection, and then he or she passes the gavel to the next judge to rule on the next objection.

The protocol for making such rulings is as follows:

As one of the lawyers asks a question, or as a witness speaks, a lawyer from the other side will say, "Objection your honor!" and then state what the objection is (relevance, hearsay, lack of foundation, etc.).

Step 1: Ask the lawyer who made the objection, "Why does the \_\_\_\_\_ objection apply here?" They will argue why the objection is legitimate. (For example, if the objection is relevance, they will explain why they think the lawyer's question or line of questioning is not relevant to the case being brought before the court.)

Step 2: Ask the other side's lawyer, "Why should \_\_\_\_\_ objection not apply here?" They will argue why the objection is not legitimate. For example, if the objection is relevance, they will explain why the question they asked is relevant to the case.

Step 3: You will rule on the objection using one of the two following formulas:

If you believe the objection is well-founded or correct you say, "Objection sustained. Rephrase the question, counselor, or move on to the next question." The lawyer will have to obey and either rephrase the question or move on to the next question. Do not allow the lawyer to ask the same question again.

**or**

If you believe the objection is poorly founded or incorrect you say, "Objection overruled. Proceed with your question, counselor." The lawyer will continue with the question or ask the same question again (to keep the witness from getting confused).

Trust your judgment based on your understanding of that particular objection. Please refer to the objections sheet for guidance on this, but do not worry about getting it exactly correct. Judges make bad rulings on objections all the time. It is like referees during a game. Sometimes the call is not perfect, but the game continues. Do your best and be fair. Do not favor your friends. Just like in sports, courtrooms work best when the lawyers on both sides know there is no favoritism involved.

Judges also evaluate the arguments the lawyers make. Your final duty as a judge is to conference with the other judges to deliberate over the evidence and the testimony of the witness. You will decide which side met their burden of proof in the case. Since this is a civil lawsuit, you will decide which side presented a more convincing case.

Be sure to weigh the evidence against the pertinent law that applies in this case. Judges should hold a discussion among themselves before voting. There will be an odd number of judges, and majority rules. Choose a judge to deliver the verdict, and be prepared to explain why you were convinced by one side's argument.

## Pre-Trial Assignment: Judge at the International Court

In preparation for the mock trial, you need to understand two key ideas: the international law under discussion and the rules of objections.

Create for yourself a one-page "cheat sheet" reviewing both of these components. Use the materials provided and do a little research to develop your understanding at a deeper level. Then complete the Objections Practice Sheet.



Photograph, *Public hearings of the Court presided over by H.E. Judge Rosalyn Higgins, April 12, 2006, International Court of Justice.*