

European Court of Human Rights



Rules of
Procedure

European Court of Human Rights Rules of Procedure

European Union Simulation in Ankara (EUROsimA) 2024

Organized by

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Üniversiteler Mah. Dumlupınar Bulvarı No: 1

İktisadi ve İdari Bilimler Fakültesi B Binası Zemin Kat

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EUROsimA 2024

Ankara - Türkiye 2024

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GENERAL INFORMATION

The case of the European Court of Human Rights has been decided as Bucur and Toma v. Romania. The applicant party shall be Constantin Bucur and Mircea Toma, and the respondent party shall be Romania.

This case has been heard before the Chamber of the European Court of Human Rights. However, the date shall be **20 April – 23 April 2012** at EUROsimA2024. **It is important to consider you are the Judges of the Chamber and advocates of the parties before the Chamber at the specified date.**

We highly recommend that you do additional research on the sources of law as mentioned in the Study Guide.

Advocates must provide their Memorial and Counter-Memorial at the time specified by the Secretariat. All the evidence provided in the Memorial/Counter-Memorial shall be dated **before 20 April 2012**. The deadline dates for the Memorial and Counter-Memorial will be announced via mail. Judges will be provided with the Memorial and Counter Memorials before the 20th of April. Judges must read the Memorial/Counter-Memorial and do additional research if necessary.

Judges cannot decide on the inadmissibility of the case at issue. The inadmissibility decisions will be overruled by the Secretariat.

The members of the Court shall consider the instructions that had been pointed out by the Secretariat and implement them properly. Therefore, please read the Rules of Procedure carefully since the moot court can be quite a new concept. You may send us an email any time via bala@eurosima.org and erdogan@eurosima.org.

Chapter A: General Provisions

Article 1 – Scope

1. The EUROsimA 2024 Rules of Procedure (hereinafter referred to as “the Rules of Procedure”) shall apply to the European Court of Human Rights (“the Court”) in full during the conference unless stated otherwise by the Secretariat. The Secretariat may amend the rules of procedures that shall prevail in the session.
2. All participants in the Court are presumed to have knowledge of and shall be subject to these Rules.

Article 2 – Language

1. The official language of EUROsimA 2024 is English.

Article 3 - Aim of the Court

1. The Court aims to encourage university and high school students to improve their knowledge of the law in practice, particularly the ECHR, its mandate, and its jurisprudence, by simulating ECHR proceedings by arguing a case.

Article 4 – Participation

1. The Court is open to all university and high school students. The students enrolled in a Bachelor of Law shall have priority over other applicants.

Article 5 - The Secretariat

1. The Secretariat consists of the Under Secretaries General of the Court.
2. Any member of the Secretariat may make oral or written statements during the conference at any time.
3. The Secretariat may deliver a written note or a speech regarding the content of the Court, the Rules of Procedure, or any aspect of the configuration to the Presidency at any time.
4. The Secretariat shall receive, correct, and circulate the documents.
5. The members of the Secretariat shall conduct themselves at all times in a manner befitting their status.

Article 6 – The Presidency

1. The Court shall be chaired by a President Judge and a Vice-President Judge appointed by the Secretary-General.
2. The term “Presidency” shall refer to in the Court, either the President of the Court, the Secretary-General, the Vice-President of the Court, or any of them jointly and shall preside over the body.

Article 7 - Conduct and Behaviour

1. All participants shall behave courteously at all times.
2. Words, expressions, or other actions which affront human dignity, constitute malicious attacks or discrimination against any other person are forbidden.
3. The Secretariat may take any necessary disciplinary action if a participant engages in such behavior including the termination of the individual’s participation in the Conference.
4. Any words, expressions, or other actions that disrupt the orderly conduct of the debates are not permitted.
5. If a participant consistently engages in the aforementioned behavior, the Secretariat may decide to end the individual’s participation and refrain from granting the certificate of participation.

Article 8 - Communication

1. The means of communication during the sessions between the participants and the Presidency is through message papers.
2. Except for personal excuses to be delivered to the Presidency, the content of the message shall be relevant to the ongoing discussion in the institution. The message must be in English. In case the note does not fulfill the above-mentioned criteria, the Presidency may halt the communication.
3. Participants are not permitted to send message papers directly to any member of the Secretariat.
4. The Presidency reserves the right to suspend note-passing if they deem it necessary. This decision is not appealable.

Article 9 - 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 are 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.

Chapter B: Members of The Court

Article 10 – Members of the Court

1. The members of the Court shall consist of the President of the Court, the Vice-President of the Court, Judges of the Court, and Advocates of each party.

Article 11 - The Presidency

1. The Presidency shall be responsible for all issues pertaining to the conduct of the Court, ensure observance of the Rules of Procedure, accord the right to speak, and announce the Judgment of the Court.
2. The Vice-President of the Court shall assist the President of the Court. They shall take the place of the President if the latter is unable to carry out his or her duties or the office of President is vacant, or at the request of the President.
3. If questions arise over the interpretation of these Rules of Procedure, the Presidency shall rule on the correct interpretation.
4. The Presidency's interpretation of the EUROsimA 2024 Rules of Procedure shall prevail over the Representatives during the Conference. Yet, the interpretation of the Secretary-General, the Under Secretaries-General, to be presented to the Presidency orally or in writing, shall have precedence.
5. If a conflict between different provisions of these Rules of Procedure becomes apparent, the Presidency shall decide on the proper course of action.
6. The Presidency may take any reasonable and appropriate action to ensure the maintenance of order during debates. These actions may include but are not limited to, calling the offenders to order, refusing them the right to speak or vote, requiring them to apologize, or removing them from the Court.
7. The Presidency shall have the right to rule out points and motions put forward by Members unless otherwise provided in these Rules of Procedure.
8. The Presidency shall also carry the rights and duties of the Judges and have an equal vote in substantive and procedural matters during the Oral Proceedings.

Article 12 - Appeal 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 appeal.
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 a part in the voting process of the appeal.

Article 13 – Judges

1. Judges must conclude the case in accordance with the 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. Should any Judge fail to be unbiased, the procedure of the official warning shall be in order.

Article 14 - 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 Memorial and the Respondent Party a Counter-Memorial by 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 Memorials.
3. Parties shall be required to submit Stipulations before the Presentation of Evidence process.
4. Advocates shall 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 shall not agree on a settlement.

Chapter C: Court Proceedings

Article 15 – Oath or Solemn Declaration

1. Before exercising their functions under the Rules of Procedure, each elected judge, including the President and Vice President of the Court, shall, at the first sitting of the plenary Court at which the judge is present or, in case of need, before the President of the Court, take the following oath or make the following solemn declaration:

“I swear” – or “I solemnly declare” – “that I will exercise my functions as a judge /President of the Court /Vice President of the Court honorably, independently, and impartially and that I will keep secret all deliberations.”

2. Before exercising their functions under the Rules of Procedure, each advocate shall take the following oath or make the following solemn declaration:

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

3. After the establishment of the identity of a witness and before testifying, each witness shall take the oath or make the following solemn declaration:

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

4. After the establishment of the identity of the expert and before carrying out his or her task for the delegation, every expert shall take the oath or make the following solemn declaration:

“I swear” – or “I solemnly declare” – “that I will discharge my duty as an expert honourably and conscientiously.”

Article 16 – Burden of Proof

1. On normal circumstances, the 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 17 – Deliberations

1. The Court shall deliberate in private. Its deliberations shall remain secret.
2. Only the judges shall take part in the deliberations.
3. Before a vote is taken on any matter in the Court, the President may request the judges to state their opinions on it.

Article 18 - Votes

1. The decisions of the Court shall be taken by **a majority of the judges present**.
2. In the event of a tie, a fresh vote shall be taken.
3. If the second vote also results in a tie, the second vote of the President Judge shall prevail, even if the President Judge and the Vice-President Judge use conflicting votes.
4. The first three paragraphs of this article shall apply unless otherwise provided for in these Articles.
5. The decisions and judgments of the Chamber shall be adopted by a majority of the sitting judges. Abstentions shall not be allowed in final votes on the admissibility and merits of cases.
6. As a general rule, votes shall be taken by a show of hands. The President may take a roll-call vote, in reverse order of precedence.
7. Any matter that is to be voted upon shall be formulated in precise terms.

Article 19 - Opening Speeches

1. First step of the Court Proceedings is opening speeches.
2. Opening speeches shall begin right after the oath process is completed.
3. Applicant Party shall begin the opening statements, and Respondent Party shall follow.
4. The opening speeches shall briefly summarize the arguments of each Party mentioned in the Memorials, 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. Unless decided otherwise, the default duration of the Opening Statements shall be fifteen minutes for each party.
7. Immediately after the announcement of the time, Advocates may raise a Motion once

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

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

Article 20 - 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 21 - Presentation of Evidence

1. Applicant Party shall 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 may 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 to 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.
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 22 - 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 the 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 23 - Expert and Witness Summons

1. Judges shall be entitled to call Experts and Witnesses before the Court.
2. Experts must be legally competent to give their statements under Oath.
3. Experts before the Court shall state their opinion regarding the subject that they have been requested.
4. Witnesses and Experts can only be called upon if available, availability shall be declared by the Secretary-General
5. 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.

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

Article 24 - 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 the 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.
6. Following the Rebuttal, the Judges shall have the opportunity to question the Parties.
Article general rules shall apply.
7. During Surrebuttal, Respondent shall respond to the Applicant's rebuttal.
8. All procedural rules of rebuttal shall apply to surrebuttal.

Article 25 - 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 26 - 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 27 - 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 Secretariat and third parties authorized by the Secretary-General can be present during deliberations.
5. Time allocated for each Deliberation shall be determined by the President in accordance with the flow of the discussions.
6. Judges shall not be required to stand up while making their statements.
7. 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 28 - 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 a **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:
- c. Advocates shall send a request to the President including the particular question through message paper, and wait for the approval.
- i. Follow- up questions shall not be in order,
 - ii. Each request shall be limited to one question.
 - iii. 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 29 - 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.
11. Points may be raised at any time between speeches.

Article 30 - 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. Adoption of the Motion requires the approval of a **simple majority** of the Judges.

3. An Unmoderated Caucus can be announced at the Presidency's discretion.
4. The Member giving the motion must briefly state its topic and specify a total time limit which shall not be less than five minutes nor more than twenty minutes.
5. The Presidency may suggest a more appropriate Caucus length and put it to vote or may rule the Unmoderated Caucus out of order without the possibility of any appeal.
6. Upon entering into an Unmoderated Caucus, the Open Discussion shall be suspended, and Members of the Court shall carry out formal discussion on the topic specified in the motion without leaving the Court.

Article 31 - 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 decided by the President for the sake of the Deliberation.
5. Unmoderated Caucus may only be extended once unless otherwise decided by the President for the sake of the Deliberation.

Article 32 - Right of Reply

1. An advocate or a judge whose personal honor has been insulted may raise a right of reply at any time.
2. Right of Reply shall not interrupt an ongoing speech.
3. The Presidency shall request the proponent to concisely explain their request, and if the point is admissible, shall grant the proponent a short remark to reply to the comment.
4. The Presidency's decision whether to grant the right of reply is not subject to appeal. A "Right of Reply" to a right of reply is not in order

Article 33 - Point of Personal Privilege

1. Members of the Court may raise a point of personal privilege in case of a direct physical discomfort (e.g., unable to hear the speaker) which caused an inability to take part in the proceedings as a result of mentioned discomfort.
2. Members of the Court may raise a point of privilege at any time.
3. A Point of Personal Privilege may not interrupt the speaker unless it is raised due to inaudibility.

Article 34 – Point of Order

1. Members of the Court may raise a “*Point of Order*” to indicate an error in following the Rules of Procedure has taken place
2. The Presidency will rule on the point’s admissibility, and if necessary, take remedial action as soon as possible.
3. Points of Order may be raised at any point during the proceedings other than the Unmoderated Caucus.

Article 35 - 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 36 - 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 shall never interrupt a speaker.

Article 37 - 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.

Article 38 - 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.
2. The Motion shall pass with the approval of the **simple majority** of the President and Judges.

Article 39 - 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 40 - 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 vote first. Same rule applies for moderated caucuses.

Chapter E: Objections

Article 41 - 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.
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
8. referring to that specific assertion.

Article 42 - 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 43 - 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.

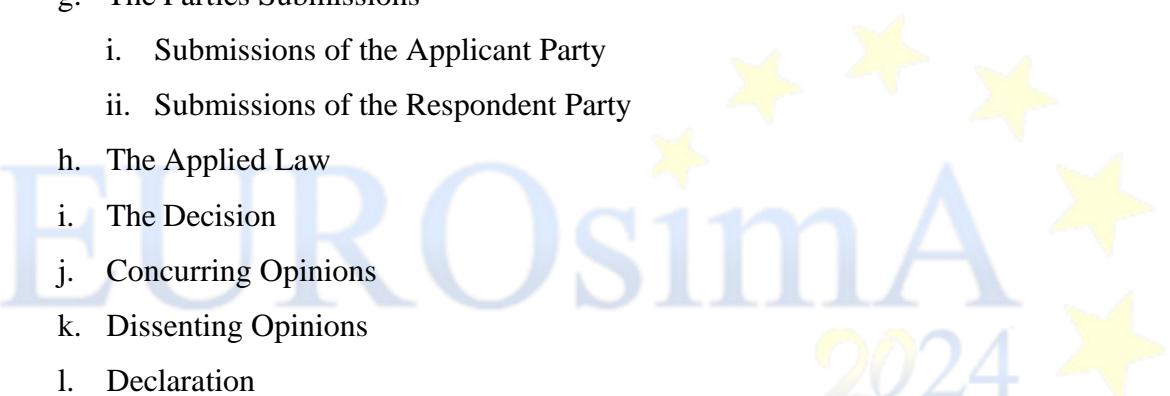
Article 44 - Objection of Prejudicial

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 45 - 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.
3. Judgment shall pass with the **simple majority** of the Judges. Abstentions shall not be in order.
4. 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.
5. Judges who are in minority may submit their dissenting opinions in groups or individually.

6. 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.
 7. The Judgment shall include the following elements, where applicable:
 - a. Heading (Name of the Case)
 - b. Date
 - c. Composition of the Court (Names of Judges)
 - d. Representatives of the Parties
 - i. Government (Names of the Respondent's Counsel)
 - ii. Applicant (Names of the Applicant's Counsel)
 - e. Procedural History of the Case
 - f. Facts of the Case
 - g. The Parties Submissions
 - i. Submissions of the Applicant Party
 - ii. Submissions of the Respondent Party
 - h. The Applied Law
 - i. The Decision
 - j. Concurring Opinions
 - k. Dissenting Opinions
 - l. Declaration
- 

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