

Appendix D

Rules of Procedure for Tribunal Hearings

Although the International Tribunal for Children's Rights is a moral court and does not abide by strict procedural rules, a number of procedural guidelines have been developed over the years to ensure the smooth progress of the Hearings. They can be summarised as follows:

1. The Tribunal is comprised of five Members, or Judges, from five different continents, chosen by the Selection Committee in accordance with the *Policy on the Selection Procedure of Candidates suitable for the Tribunal*. Members of the Bench are appointed for all three (or more, as the case may be) Hearings to be held on a given topic, including the rendering of the Tribunal's Judgements and the Global Report. Throughout the public hearings, the Rapporteur of the Tribunal assists the Members of the Tribunal.
2. The Rapporteur of the Tribunal is assigned to the Members of the Tribunal for the duration of the Hearings. His or her role is to assist them in all manners relevant to the execution of their mandate. In particular, the Secretary of the Tribunal must record all names and titles of those who appear before the Tribunal to testify, as well as a summary of the testimony. Furthermore, the Rapporteur reports to the Members of the Tribunal on relevant activities and events that surround the Hearings. At the end of the Hearings, the Rapporteur of the Tribunal will provide Members of the Bench with the support and advice needed for the preparation of the Tribunal's Judgement. Furthermore, he or she will act as liaison between the Members of the Tribunal and the Bureau, ensuring that the Judgement is completed in time for the publication of the Bureau's annual report.
3. A President of the Tribunal is elected by his or her peers, prior to the opening of the Hearings. Generally speaking, the President will be responsible for the orderly progress of the Hearings, from beginning to end. In particular, he or she must:
 - (a) At the beginning of every session, deliver an opening statement, thereby welcoming all participants and officially opening the Hearing of the International Tribunal for Children's Rights;
 - (b) Invite witnesses to give testimony according to the programme. If for some reason, a witness is late or simply not present at the appointed time, another will be called without delay, and time will be made available, at the end of that session, for the postponed testimony;
 - (c) With the help of the Secretary of the Tribunal, ensure that the time limits for each session are not exceeded;
 - (d) At the end of the last session, present concluding remarks to the participants and officially closes the Hearings of the International Tribunal for Children's Rights.
4. Before testifying before the Tribunal, witnesses first have to be asked to do so by the President of the Tribunal or, in his or her absence, by another Member of the Tribunal.
5. Once on the stand, each witness is awarded time to express his or her views, opinions, concerns and experiences (or those of his or her government, group or organisation) on the case or issues under review.
6. When a witness has concluded his or her testimony, time is allowed for Members of the Tribunal to ask questions and/or demand further explanations from the witness. As time permits, other witnesses and members of the audience may be invited to share their comments and/or questions on the issue at hand.
7. The International Tribunal for Children's Rights strongly encourages expert witnesses to submit a written brief summarising their presentation. These written briefs should be deposited before the Tribunal at the earliest possible time, so that the Members of the Tribunal can take them into consideration for the preparation of their Judgement.