



International Monterrey Model United Nations Simulation

American School Foundation of Monterrey



International Criminal Court

Rules and Procedure

Working as an independent body in The Hague since 2002, the ICC hears cases from all around the world, basing themselves and putting on trial criminals for the most heinous crimes. As of now, 124 countries are members of the ICC. In other words, they are a party in the Rome Statute. This is the document that holds the foundation of the court; the defining characteristics of this special tribunal. The US, Russia, China, and India are some of the countries that are not currently a signatory of the Statute, this means that their citizens are immune from the ICC. In the case the UN Security Council sends a case to the tribunal, all UN member states are obliged to cooperate, due to the fact that their decisions are binding on all. Through international cooperation, the court will be sure that they can comply with their objective of “bringing justice to the perpetrators of the worst crimes known to humankind”.

Committee Members

This court will consist of a President, a Vice President, and a Sergeant at Arms, and 16 advocates. **The President and Vice President** act like regular IMMUNS chairs. They will preside over the Court, making sure rules are enforced, as well as the appropriate procedure followed. Along with these two, there will be a Sergeant at Arms, which will help the President and Vice President in the procedure. It should be noted that these three individuals are all part of the chair body, meaning that they will not be awarded anything at the end of the simulation. There will be 6 judges, and 14 advocates (also known as counsels) divided evenly into two teams, which will represent their party in court.

Note: The ICC permits the use of modes of address other than third person, in fact, first-person pronouns are acceptable. However, one must keep in mind that there are appropriate ways to address individuals within the court.

- Advocates: Counsel, Advocate
 - Members of opposite parties can not establish direct communication, questions or objections have to go through the Chair.
- Witnesses: Last name and title (ie. Dr. Johnson, Mr. Anderson, Madame Yates)

Court proceedings

The ICC requires delegates to abide by a strict schedule of court proceedings, in order to meet the verdict on time. The trial will be divided among 3 days, the first two being the heaviest, and the last being for the resolution.

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I. First Day

I-A: Lobbying & Opening Speeches

As the session comes to order, there will be a one-hour period of lobbying, which is a time allotted for each party (Prosecutor, Defense, and Judges) to organize themselves in order to form one opening speech. It must be pointed out that every advocate must come with one of their own, once in the committee each team should strive to create one concise speech. Judges will also prepare an opening speech between themselves, with the purpose of telling the court why the case is such a pressing issue, in a neutral way.

The speeches should provide an outline of what each party is arguing for, attempting to rebuke the possible arguments against them. Delegates should be extremely prepared, seeing how this is acting as an alternative to the standard speakers list. A 7-minute limit will be set on each party. The format for your papers should go as follows:

- 1st Paragraph: A simple background of the issue, no more than 200 words.
- 2nd Paragraph: How the accusation involves your party (or, the charges being brought on someone), what your party claims, and why the opposing side is wrong.
- 3rd Paragraph: What your party will accept as a fair resolution to the situation and why.

I-B: Presentation of Evidence

After the opening remarks have concluded, the President will signal the court that the Presentation of Evidence will begin. Each party will present one by one the evidence supporting their case. The delegation presenting evidence will state the title, author, date, and medium of said evidence. They will describe what it is, and the meaning it holds to the court. After the individual piece of evidence is presented, the opposing party can either agree with the validity of such, or object to it due to accuracy, authenticity, relevance, reliability, or undue bias. The objection will be noted for the next stage in proceedings. We are looking for excerpts from academic journals, reports made by credible international organizations. Video evidence can also be used in the form of youtube links.

I-C: Weighing of Evidence

After all the evidence has been presented to the panel, the Weighing of Evidence will commence. Judges will review the evidence in an event similar to an unmoderated debate, lasting no more than 30 minutes. They will classify the evidence by relevance and significance. Evidence from prosecution will first be presented, and one by one, the judges will determine if said evidence can be used in the remainder of the trial.

* The judges should also note the reliability and accuracy of the documents, as well as the possible objections made by any party. The judges will determine whether or not any objected evidence will either proceed or be left discarded from the court.

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II. Second Day

This is the heaviest in the ICC in terms of workload, it is also the day in which the counsels get to show off their debate and improvisation skills the most. As in any court of law, witnesses will need to be sent in as the trial develops; they will be essential for the presentation of vital evidence to the court

II-A: Witness Examination

The Chair will call upon each witness, which will be examined by the defense and prosecution. The President will administer the oath for the sworn testimony: “I solemnly declare that I will speak the truth, the whole truth and nothing but the truth”.

- Direct examination, which is the questioning of the witness by the party that brought them to the floor, will be held first. Time will vary due to time constraints.
- Cross-examination: The witness will now be questioned by members of the opposite party.
 - Advocates can interrupt the speaker to increase audibility, badgering of a witness, lack of consistency, and relevance to the case.
- Questioning by judges will follow after advocates are done

II-B: Rebuttals

After a witness is finished with questioning, a small break will take place in order for each party to come up with a statement or rebuttal relating to the witness and what has been said by them so far. Once the time has expired, the defense will go first, followed by the prosecution. Their statements will highlight the validity or lack of, and importance of the witness, relating to the case. As both delegations finish, they will have another break to discuss what the opposite party said in their statement/rebuttal, allowing them to draft a quick argument against the statements made by the other party thus far.

III. Third Day

III-A: Closing statement

This document should have been prepared by a member of each party overnight, and is a statement that will be read out to the court. Each person should talk about the points made throughout the trial, their rebuttals against the other delegation, a response for the counter arguments made by the opposite side, as well as bringing new arguments to be considered by the judges. The counsels need to be persuasive, and decisive in their wording, seeing how this will be their last chance to ‘seal the deal’, or make a comeback.

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III-B: Deliberation

Judges will discuss in an unmoderated debate about the case made by each side, including the aspects, the arguments, and the evidence presented throughout the trial. A solution to the dispute will be aided and facilitated by the President.

- After deliberation is over, judges will announce their decision on the case. The solution with the greatest amount of votes will be known as the ‘majority opinion’, while judges with a different solution will have a ‘dissenting opinion’.

III-C: Judgement

As the majority opinion is agreed upon, a verdict will be written by the judges. The said verdict will be the last word, and the ultimate solution to the dispute brought to the ICC. (Refer to VI for appropriate verdict format). The judges will first make public to the committee about their verdict, as both defense and prosecution will aid in the writing process of the judgment.

IV. Format of Judgement

The International Criminal Court,

*Regarding the case on this court of International Law of ,[the issue being discussed] between
The Office of the Prosecutor and Nicolas Maduro*

The court has found these following statements as truthful,

(Any fitting piece of evidence will be directly quoted. In addition, refer to official court documents and current laws embraced by the UN charter, as well as similar legal documents the UN recognizes. This is in order to make a legal statement on the grounds of certain already established laws.

Format for legal citing:

Clause [§] of the [Treaty of X] states: “[Quote clause here]”

Format for citing from statements/evidence inside the court:

“[Quote here]”

Hereby, the majority opinion judges, find that:

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(The Court will make clear the arguments of the counsels. This will be done through writing in clause form. Judges will also state which arguments they determined valid, explaining their reasoning through examination, as well what they did not consider valid pertaining to this case.)

For these reasons, we believe that:

(The judges state their verdict within a few sentences, as well as the conditions attached to it in several clauses.

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