



مدرسة البكالوريا - عمان
Amman Baccalaureate School



XXIV



COURT GUIDE



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Chapter I - A General Introduction to Court

The courts are some of the special forums in AMMUN. They follow their one set of rules of procedure that is completely different than any other forum, resembling an actual court, and as such, their procedure will be familiar to many. There are three courts in AMMUN this year, the International Criminal court (ICC), the International Court of Justice (ICJ), and this year's special committee, the International Tribunal for the Law of the sea (ITLOS)

The ICJ

The International Court of Justice is one of the 6 principal organs of the United Nations. Its seat is in the Peace Palace in the Hague, Netherlands, and its purpose is to settle disputes between two nations about international law (based on the UN charter and other international agreements and treaties) and sometimes gives advisory opinions on current international issues. In the ICJ, one council will represent a prosecuting nation, and the other will represent a defending nation.

The ICC

The International Criminal Court is an intergovernmental organization separate from the UN. Also in the Hague, it trials and prosecutes individuals, not nations that committed the gravest international crimes. It is not based on the UN charter, rather the Rome Statute.

In the ICC, one council will represent the ICC's prosecution, and the other will represent a defendant human.

Chapter II - Student Roles

The President

The President of the Court is very similar to the president of other committees, but with added duties. They include:

- *Initiating contact with the Advocates before the trial. The dialogue is expected to begin as soon as the Advocates are informed of their position. The information exchanged shall be limited to the Court's expectations in terms of evidence and argument presentation. Other details concerning the case will be avoided. The President should not do anything, such as aiding parties in research, which might put one team of advocates to an unfair advantage.*
- *Making sure that all Advocates have given in their Stipulations, Evidence Lists and Packets, and Witness Lists by the deadlines specified.*
- *Deciding on details concerning time management and scheduling.*

Facilitating debate in the Court by allowing parties to speak and sustaining or denying any objections posed by either party. The President has the right to pose any questions to either party.

All rulings of the President are final and may not be questioned by any of the member of the Court at any time.

The Deputy President

The Deputy President of the Court is the President's main assistant. The Deputy President assumes leadership of the forum when the President is absent and takes on the President's duties and responsibilities.

The Chair

The Chair will aid the President and Deputy President in facilitating proceedings.

The Advocates

Court Advocates are comparable to attorneys in a regular legal court. For any case, there are two teams of Advocates – also known as Councils – each consisting of two members. Each team of Advocates defends one side of the case.

The Prosecutor is the first of the two Councils in the Courts. Two Advocates will be representing this party. The Prosecutor is the party that approaches the Court with their claim. Which would also mean that the prosecution is the ICC, ICJ or the ITLOS.

The Defense is the second Council in the Courts. Two Advocates will be representing this party. The Defense is by default the opposing party to the Prosecutor. The Defense has the same rights, roles and responsibilities as the Prosecutor in the Court.

As a team, each Council of Advocates is required to submit the following before the conference according to the deadlines set by the President:

- *Stipulations*
- *Evidence List*
- *Evidence Packet*
- *Witness List*

During the conference, Advocates will be:

- *Presenting opening speeches*
- *Carrying out the confirmation of facts (Stipulations)*
- *Presenting Evidence*
- *Calling in and examining witnesses*
- *Responding to questions from the Judges*
- *Presenting a long and comprehensive closing speech.*

The Judges

The Judges are a panel of people, who are comparable to the jury panel in a regular legal court. Judges will be addressed as “Judge [last name]”. Judges in the conference are required to:

- *Listen intently to the Advocates as they present their Opening Speeches, Stipulations, Evidence List, Witnesses and Closing Speeches*
- *Merge the Stipulations of both Councils.*
- *Take part in debate during the various deliberation sessions that will be held throughout the course of the proceedings. Only Judges will take part in these deliberation sessions.*
- *Vote and reach a decisive verdict at the end of the conference.*

The Registrar

One of the judges is considered “The Registrar.” They operate very similarly to the other judges but have the added duties of keeping track of all written documentation and evidence provided by the advocates, as well as swearing in all members of the court during the initiation ceremony.

Chapter III - Court Procedure

1. The Stand

The Stand marks the opening of the Courts. The Judges and Advocates are asked to rise to welcome the President, who then makes their entrance to the Court.

2. The Initiation Ceremony

The Initiation Ceremony follows the stand. All members of the Court are asked to rise and take an oath. The President then introduces themselves, in addition to the Deputy President and Chair.

It is also at this time that the Registrar is chosen from one of the Judges.

3. Opening Speeches

Each Council makes a 15-minute opening speech in which they introduce the case, explain the history of the dispute, and briefly mention the arguments and evidence they plan on presenting. They must also state their “prayer”: the verdict that the Advocates want the Court to reach. The Prosecution goes first, then the Defense.

4. Confirmation of Facts (Stipulations)

This process involves confirming and establishing the facts of the Court, which is done through the presentation of Stipulations. Advocates are required to submit a list of Stipulations prior to the conference.

Stipulations are a list of unbiased facts concerning the case. The Prosecution will

present their set of Stipulations first, and after every statement, the opposing side will either agree to the fact by saying "So Stipulated", or they can object and state why.

Objections to stipulations can be of only three forms:

- *Relevance: The stipulation is not relevant to the case*
- *Authenticity: The stipulation does not come from a valid source*
- *Bias: The stipulation is unambiguously biased towards one of the councils*

If the opposing council objects to a stipulation, the presenting council have the right to reply to the objection, where they can explain why the chosen stipulation is indeed relevant, authentic, and unbiased.

The Judges will take any objections and replies into consideration. This process is repeated for the Defense Council. The Judges then enter a deliberation session in which they merge the two lists of Stipulations received, making appropriate changes where necessary.

5. Marking of Evidence

Advocates are also required to submit both an Evidence List and Evidence Packet prior to the conference. At this stage in proceedings, the Advocates will present their written and tangible pieces of evidence by reading out their Evidence List and authenticating each piece. Evidence can be of the form of an article, interview, photo, video, report, treaty, statute, etc.

The Prosecution begins by reading out the title of each piece of evidence, its author/maker, the date it was created, the source, and a short description about the piece.

The opposing council, which would have had access to all evidence prior to the conference, will then be asked to confirm that it has seen each piece of evidence, and will be asked if they have any objections.

Objections to evidence can be of only two forms:

- *Relevance: The evidence is not related to the case*
- *Authenticity: The evidence does not come from a valid source*

The Judges will take note of each piece of evidence and the relevant information about them. The process is then repeated with the Defense Council's evidence.

Each Council will be allowed a maximum of 10 pieces of written or tangible evidence. The Prosecutor must mark their evidence using numbers 1-10, while the Defense marks their evidence using letters from 'A' to 'J'.

6. Evaluation of Evidence

Following the marking of evidence, Advocates will be asked to leave the Courtroom. Judges will enter a session of deliberation in which they will carry out a process of evaluation and authentication of the evidence.

7. Presentation of Evidence

Following the Judges' evaluation of the advocates' evidence, advocates will be given 45 minutes to present their pieces of evidence and explain how they are relevant to the case, and how the information they hold support their arguments.

The weight given to each piece of evidence is decided during the evaluation process, and this information will be provided to the advocates. Based on the weight given to each piece of evidence, each council should wisely decide how to allocate time to each piece of evidence.

8. Presentation of Witnesses

Following the evaluation and presentation of evidence, witnesses will be brought in one at a time for examination. Again, the Prosecution's witnesses will precede the Defense's witnesses. The witnesses are, of course, mock witnesses that are pre-chosen by the Advocates. A witness may represent an individual or an organization. It is the responsibility of each team of Advocates to pre-select 3 witnesses well before the conference and provide them with necessary background and information to prepare them for the examination. Each Council must have 3 witnesses: no more, no less. Before each witness undergoes examination, the witness must take an oath. Every witness goes through 5 rounds of examination:

- **Judges Examination:** *The witness enters the courtroom alone, while both councils remain outside. During this time, the Judges must test the witnesses' authenticity by asking anything about their life. These questions must not favor one side over the other nor be hostile. At the end of the examination, the witness is given a mark out of 3 to reflect their authenticity.*

- **Direct Examination:** *Witnesses are examined by the side that presents them (i.e., the Prosecution's witnesses are examined by the Prosecution; the Defense's witnesses first examined by the Defense). The other council must be present at this time and can object to any question they see fit. This has an allocated time of 10 minutes.*

Cross Examination: *The other Council is then allowed to cross-examine the witness. (i.e., the Prosecution's witnesses are examined by the Defense; The Defense's witnesses are examined by the Prosecution). The other council must be present at this time and can object to any question they see fit. This has an allocated time of 10 minutes.*

- **Re-direct Examination:** *The witness may be re-examined by the side that presented them if they so wish. However, they are restricted to only asking two questions.*

- **Re-cross Examination:** *The witness may be re-examined by the other council if they so wish. They are also only restricted to two questions.*

Advocates may choose any Delegate or Chair of AMMUN to act as witnesses, even if they are members of other AMMUN forums. When their turn to testify comes, they will be summoned from their individual forums to the Court by a member of the Admin Staff. Members of the Secretariat, Presidents, Deputy Presidents, Admin Staff, and Security may not act as witnesses.

9. Judges Questions

Before the Advocates present their Closing Speeches, Judges will be allowed time to ask questions to the Advocates. Questions asked must not favor a side nor be hostile. They will serve clarification or explanation. All Judges are expected to participate. This is the only time throughout the conference Judges may directly communicate with Advocates.

10. Closing Speeches

At this point in time the Advocates will be expected to present their Closing Speeches. Closing Speeches are, again, presented first by the Prosecution and then by the Defense. Closing speeches last a maximum of 30 minutes for each side, and they should include a summary all evidence presented by that side (both tangible and witness testimony), an emphasis of that Council's arguments, and a reiteration of their prayer: the verdict that the Council hopes the Court will reach. This speech is the Advocates' last chance to address the Judges, and therefore it should be the strongest speech made throughout the case.

11. The Verdict

At this point the Advocates' responsibilities have concluded. This final stage will only require the Judges' presence and participation. A lengthy deliberation session will take place. During this session, the Judges will convene to discuss the various controversial issues that will arise throughout the course of the proceedings.

Following this session in which the Judges will have conducted an extensive and thorough examination, evaluation and analysis of all themes, issues, pieces of evidence and arguments presented, a vote will be held, and a verdict reached. The final verdict will be announced during the Closing Ceremony of the conference.

Judges must take detailed notes throughout each case, to be able to remember the particulars of each stage of proceedings.

Chapter IV - Submitted Work

Stipulation List

The list should contain a maximum of 15 stipulations. Prosecution should order them using the numbers from 1-15, while Defense should order them using the letters from A-O. Advocates should make sure that the stipulations they submit are relevant, authentic, and most importantly, not biased towards either side of the case.

It is recommended that advocates make a copy of their stipulation list for themselves, where they can have a short paragraph for each stipulation to resort to in case they want to reply to an objection on the grounds of relevance, authenticity, or bias.

It is important for stipulations to be authentic and relevant, and most importantly, not biased towards either side of the case.

Evidence List

The Evidence list contain a maximum of 10 pieces of evidence. Prosecution should order them using the numbers from 1- 10, while Defense should order them using the letters from A-J. Advocates should make sure that the evidence they submit is relevant and authentic so as not to be objected to.

It is recommended that advocates make a copy of their evidence list for themselves, where they can have a short paragraph for each piece of evidence to resort to in case they want to reply to an objection on the grounds of relevance or authenticity.

Each piece of evidence should have the following information:

- *A Title*
- *An Author*
- *A Date*
- *A Brief Description*
- *A Linked Source*

The first piece of evidence used by prosecution must be for jurisdiction. Its purpose is to provide the court with jurisdiction for the case, in other words, why is it allowed to entertain this case. For the International Court of Justice, the evidence is usually in the UN charter or the ICJ statute. For the International Criminal Court, the evidence is usually in the Rome Statute.

Evidence Packet

The Evidence Packet is a giant document containing all the evidence a council submitted. It is there for the purpose of record-keeping, so that the council may direct the judges to a specific page of the packet instead of going to the source itself.

It is important that when a piece of evidence is added to the evidence list, the entire source should be copied onto the packet, regardless of how much of it is used for the case.

Some advocates find it useful to create a separate document for themselves, namely a condensed evidence packet, that contains only the parts of their sources that they will use in their evidence.

Chapter V - Spoken Work

Opening Speech

The opening speech is the first thing the judges will hear from each council. Therefore, it should be attention grabbing and spark emotion. The speech should take up 10-15 minutes and should contain the following:

- 1. An Introduction. It must start softly but still attract the judges' attention.*
- 2. A general history of the case.*
- 3. The council's main arguments for the case.*
- 4. A brief paragraph about how the arguments will be proven through evidence and witnesses, without directly mentioning the sources or witnesses used.*
- 5. (For Prosecution Only) A paragraph explaining why the court has jurisdiction in entraining the case.*
- 6. Possible counter arguments the opposing council may use and why they are not valid.*
- 7. A reminder of the importance of the law.*
- 8. A prayer, which is a paragraph imploring judges to vote either guilty or not guilty.*
- 9. A strong ending to leave an impression.*

Evidence Speech

Both councils must present a 30–45-minute speech known as the evidence speech. In it, they must talk about each piece of evidence in their evidence list and explain why it supports their arguments.

It is recommended that the councils weigh the time they give to each piece of evidence wisely, depending on how important it is, and how high of a rating it was given by judges. For example, a good piece of evidence can take up to 5 minutes to explain and analyze, while a piece with a low rating should not take up more than a minute.

Closing Speech

The closing speech is the advocate's last impressions on the judges before the verdict. It should take up 15-30 minutes, and should contain the following:

- 1. The Prayer, asking judges to vote on the preferred verdict.*
- 2. The arguments presented throughout the case, and how each piece of evidence supported them.*
- 3. A counter to the arguments presented by the opposing council.*
- 4. A paragraph dedicated to discrediting the opposing council's evidence*

and witnesses.

5. A re-iterated prayer.

6. The sentence "The Prosecution/Defense rests their case."

Chapter VI - Objections for Courts

Advocates may object to any question asked by the opposing side during a witness examination. To exercise this right, Advocates must be familiar with these objections. A faulty objection will look very bad in the Judges' eyes. These objections will only be entertained during Witness Examination, not Confirmation of Facts nor Marking of Evidence, which contain different objections.

- **Ambiguous:** The examining council asked a vague or misleading question.
- **Argumentative:** The examining council said a statement, not asked a question.
- **Asked and Answered:** The examining council asked the witness a question they answered previously.
- **Badgering:** The examining council intimidated the witness, or their behavior is improper.
- **Calls for a Conclusion:** The examining council asked for a conclusion, not an observation
- **Calls for Speculation:** The examining council asked for the witness to guess something they can't know.
- **Compound Question:** The examining council combined multiple questions into one sentence.
- **Hearsay:** The examining council asked the witness about something they did not directly observe.
- **Incompetent:** The examining council asked the witness about something they do not have the capacity to answer.
- **Irrelevant:** The examining council asked a question not related to the case.
- **Lack of Foundation:** The examining council asked the witness about a piece of evidence or information in the case they are not yet familiar with.
- **Leading Question:** The examining council asked the witness a question whose form suggests the answer. (LEADING QUESTIONS ARE ONLY ALLOWED IN CROSS AND RE-CROSS EXAMINATION).
- **Privilege:** The examining council asked the witness a question they are protected by law from answering.
- **Narrative:** The examining council asked the witness to tell a long story, not a specific fact or event.
- **Non-responsive:** The witness did not answer the question they were asked.
- **Nothing pending:** The witness spoke about something unrelated to the question they were asked.

