International Monterrey Model United Nations Simulation

American School Foundation of Monterrey

United States Sentencing Commission & International Criminal Court

Rules and Procedure

Required Materials

- Members of the prosecution and defense are required to prepare their evidence packets with a minimum of 3 pieces of evidence and bring them on the first day of IMMUNS.
    - The template for the evidence packet can be found on the IMMUNS website in the "Delegate Essentials" tab under "Templates and Examples."
- Judges are required to prepare a pre-trial report outlining important perspectives on the trial.
    - 1st Paragraph- Description of the situation: This section should be unbiased and serve to give context for the events surrounding the trial.
    - 2nd Paragraph - Perspective against the accused: This section should outline why some believe the accused is guilty and the evidence and events that support this perspective.
    - 3rd Paragraph- Perspective in favor of the accused: This section should outline why some believe the accused is innocent and the evidence and events that support this perspective.
- These documents must be submitted to the USSC form that is linked on the IMMUNS website.

Committee Members

This commission will consist of a President, a Vice President, 16 advocates, and 6 judges. The **President and Vice President** act like regular IMMUNS chairs. They will preside over the commission, making sure rules are enforced and the appropriate procedure is followed. It should be noted that the President and Vice President 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 impartial judges and **16 advocates** divided evenly into two teams (prosecution or defense).

Note: The USSC & ICC permit the use of modes of address other than third-person. First-person pronouns are acceptable. However, one must keep in mind that there are appropriate ways to address individuals within the commission.

- 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)

Commission proceedings

In order to deliver the verdict on time, the USSC & ICC requires delegates to abide by a strict schedule. The trial will be divided into the following sections.

I: Presentation of Evidence

To determine whether there is enough evidence to hold a trial, the prosecution and defense will present the evidence supporting their case, starting with the prosecution. In USSC, instead of writing position papers, advocates will compile evidence packets, which will be used at this part of the trial. The advocates will go in numerical order, so Prosecutor #1 would start. Each advocate will introduce their pieces of evidence, stating relevant information such as the title, author, date, and medium of said evidence. They will describe what it is, and the meaning it holds to the commission. After the individual piece of evidence is presented, the opposing party can either agree with its validity or present an objection. The objection will be noted for the next stage in the proceedings. The commission is looking for excerpts from academic journals, reports made by credible international organizations, and other reliable sources. Video evidence can also be used in the form of Youtube links.

II: Weighing of Evidence

After all the evidence has been presented, 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. This section is exclusively for judges. Advocates will draft their opening statements while the judges step aside. The judges will review the evidence to determine if there is enough evidence for the trial to take place and classify the evidence by relevance and significance. 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 commission. Evidence from the prosecution, followed by that of the defense, will first be presented, and one by one, the judges will determine if said evidence can be used in the remainder of the trial.

When the judges are finished weighing the evidence, the judges will announce whether there is enough evidence to hold a trial. If so, they will state which pieces of evidence can be used.

III: Opening Speeches

The prosecution and defense will present their opening statements, which will be written while the judges weigh the evidence. **The opening statements will be written in the session; advocates <u>are not allowed to bring these prepared in advance.</u>** The speeches should provide an outline of what each party is arguing for, and attempt to rebuke the opposing sides' possible arguments against them. A 5-minute limit will be set for each party, with an additional 5 minutes for judges to ask questions. The format for the opening statement should be the following:

- 1st Paragraph: A simple background of the issue.
- 2nd Paragraph: How the accusation involves your party (or, the charges being brought against 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.

IV: Witness Examinations

The Chair will call upon each witness, who 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". The witness will then present their witness statement. Once the witness has presented their statement to the commission, the committee will proceed to ask questions to the witness:

- *Direct examination*: The questioning of the witness by the party that brought them to the floor. Time will vary due to time constraints.
- *Cross-examination*: The witness will now be questioned by members of the opposite party.

During the direct and cross-examination, advocates may make objections to the opposing party's questions. They may state their objection by interrupting the advocate asking the question, and do not need to be called upon. Like in the presentation of evidence, they will be asked what they are objecting to and why.

- If the objection is overruled, the speaker may continue asking their question.

- If the objection is sustained, the speaker must reword their original question, ask a different question, or sit down.

After the advocates are done, the questioning by judges will follow. Advocates may not object to the judges' questions.

V: Rebuttals

When all parties are done with their questions, the witness will leave the commission room, and the committee will proceed with rebuttals. The defense and prosecution will write their speeches, while the judges will get together to discuss what the witness said, without having to write any speeches.

Advocates will have a few minutes to draft a rebuttal relating to the witness, where they will state the validity or importance of the witness's statement or their opposition to the witness's claims. Then, a member of the party the witness belongs to will read their speech, followed by the opposing party. After each speech, the judges will ask questions to the advocates.

VI: Closing statement

The prosecution and defense will be given around 30 minutes to draft their closing statements. **The closing statements will be written in the session; advocates <u>are not allowed to bring these prepared in advance.</u>** Each statement should talk about the points made throughout the trial, their rebuttals against the other delegation, a response to the counterarguments made by the opposite side, and bring 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. The prosecution will read its closing statement first, followed by the defense. A 5-minute limit will be set for each party, with an additional 5 minutes for judges to ask questions.

VII: Deliberation and Judgment

In an event similar to an unmoderated debate, judges will discuss the case made by each side, including the arguments, evidence, rebuttals, and speeches presented throughout the trial. A solution to the dispute will be aided and facilitated by the President. The judges will reach a final verdict based on a majority vote, where they will decide whether the accused is innocent or guilty. They will then draft their final deliberation. Finally, a judge will present their verdict to the committee.