



International Criminal Court

Background Guide

*Case: Abdel Raheem
Muhammad Hussein*



NCMUN CELAYA 2020

The information below intends to help you with the topic that will be debated at NC MUN Celaya during the International Criminal Court committee sessions. The information is meant to assist you in writing your position paper.

The NC MUN Celaya staff encourages you to make the most of it by researching the topic and your country, not just to win a prize but first to open your mind by exploring the world.

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President Welcome Message

Advocates and justices of the International Criminal Court, Welcome to NCMUN CELAYA 2020. My name is Angela Fuentes and I am a senior student at NC Celaya. This year, I have the honor of being presiding the trial.

NCCMUN is somewhere where I can explore this interest and engage in constructive debate on issues that teens would never have the chance to debate otherwise; it gives me a chance to share my voice. I believe in justice and that change begins with us.

The International Criminal Court (ICC) is an independent, multilateral criminal court governed by the Rome Statute, which entered into force in 2002. The ICC is tasked with prosecuting individuals for the international crimes of genocide, crimes against humanity, and war crimes— it is strictly tasked with the criminal prosecution of individuals. The ICC is intended to complement existing national judicial systems and it may therefore only exercise its jurisdiction when certain conditions are met, such as when national courts are unwilling or unable to prosecute criminals or when the United Nations Security Council or individual states refer situations to the Court.

ICC is designed to be as similar to the actual courts as possible. It is an opportunity for students to interact with the international legal system and engage in debate about transnational justice as their respective delegations.

Advocates, I expect you come to the conference prepared. Research your cases, and prepare strong evidence.

Sincerely,

Angela Fuentes

President of the International Criminal Court

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Case Introduction

Abdel Raheem Muhammad Hussein is the current minister of defense of the Republic of Sudan. He took this position in 2006.

During his term as Minister of Interior affairs, he opened the Rabat University.

From about August 2002 the government of the republic of the Sudan protracted an armed conflict against the Sudanese Liberation Movement/Army (SLM/A), the Justice & Equality Movement (JEM) and the armed groups opposing the government were committed in the context of a systematic and widespread attack pursuant to a State or organizational policy to attack the civilian population, belonging largely to the Fur, Masalit and Zaghawa groups, perceived as being associated with the rebels. Mr. Hussein made essential contributions to the formulation and implementation of the common plan.

Charges:

- **Crimes against humanity**
 - Persecution
 - Murder
 - Forcible transfer
 - Rape
 - Inhumane acts
 - Imprisonment or severe deprivation of liberty
 - Torture
- **War crimes**
 - Murder
 - Attacks against civilian population
 - Destruction of property
 - Rape
 - Pillaging
 - Outrage upon personal dignity

Articles from the ICC Rome Statute to Consider

Article 7: crimes against humanity

Article 8: war crimes

- <https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf>

Sources for this case

- <https://www.icc-cpi.int/CaseInformationSheets/HusseinEng.pdf>
- <https://www.icc-cpi.int/darfur/hussein>

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General structure of an ICC debate

- Opening Speeches (10-15 minutes max)
 - Mention your prayer (The verdict you hope the court will reach)
 - Example: We pray that the court convicts X and finds them guilty/innocent of the crimes of X, Y, and Z.
- Stipulations (10 max)
 - Stipulations are a list of unbiased facts concerning the case. They have to be relevant, authentic and unbiased.
 - This is optional, but will support your case if you decide to bring them in.
- Evidence (10 max)
 - Prepare a maximum of 10 pieces of evidence supporting your side of the case
 - Make sure they're from reliable sources, and are relevant to the case
- Witness Affidavits (2)
 - If you want to call a witness to give oral evidence you must prepare affidavits. These are one page documents that outline how your witness is relevant to the case. It must also give a brief introduction on who your witness is.
 - Revise the objections list found in the International Criminal Court Guide
- Closing Speeches (10-15 minutes max)
 - Closing speeches last a maximum of 15 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.

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Courtroom Terminology

● General

- Stipulation – relevant issues of fact or law to which an agreement can be reached before the case is presented. For instance, the definition of “aggression.
- Burden of Proof – the burden or goal of the applicant. The proof that is necessary to persuade the court that the accusations made by the applicant are true enough to take some sort of action
- Preponderance of Evidence – the least stringent type of Burden of proof in which the applicant must persuade a simple majority of the judges that its position carries its weight or is persuasive by at least 51%

● Objections and Responses to Objections

- Objection – a plea made by one advocate disagreeing with the procedures or evidence of the opposing party. Generally, objections are made in regards to admissibility of evidence.
- Sustained – What the judge says when he or she agrees with the objection made by an advocate.
- Over-ruled – What the judge says when he or she disagrees with the objection of an advocate.
- Below is a list of permissible objections

Ambiguous/vague - When a statement or question is unclear, unspecific, and requires explanation and facts.

Answer Exceeds - When an answer to a question exceeds the concern and scope of the question itself.

Argumentative - When questions do not elude facts and are prejudicial.

Assumes facts not in evidence - Witnesses have to testify on facts and evidence included in the evidence packet.

Badgering the Witness/advocate - When questioners are quarrelling with, displeasing, provoking, and harassing the witnesses or advocates on the stand.

Continued Objecting - When objections against as a side are continuous, and impair the participation and presentation of arguments by the side.

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Hearsay - When information stated by a third party, outside the court's presence. When testimony a witness provides that is not based on personal knowledge but is a repetition of what someone else said. Usually such information is not admissible because it is impossible to test its truthfulness under cross-examination. Difficult to define. Many exceptions are possible.

Improper argument - When a team states false information that can be proven untrue and incorrect

Leading Question - When a question is asked suggesting what exactly is the witness supposed to answer. (Allowed in the case of expert witnesses.)

Relevancy - When a question asked is irrelevant or is questioned for its relevancy along with the testimony presented to the court.

Speculation - When a guess, conjecture, supposition, or assumption is presented on a discussion, case, or evidence.

● Evidence and Examination of Evidence

- Credibility – the degree of truthfulness or accuracy of a piece of evidence.
- Testimony – evidence which comes from a witness.
- Marking of Evidence - Process of admitting of Evidence to the court by number or letter.
Ex, “Evidence 1,” “Evidence A.”
- Weight of the Evidence – refers to the degree to which evidence can be considered by the judges.
- Admission of Evidence – advocates are required to ask the judge to admit each piece of evidence by number or letter. Opposing counsel can object to the evidence being admitted on grounds of authenticity, reliability, accuracy, and/or relevance. Judges who feel that either he or a jury would give certain evidence undue weight or would be greatly prejudiced by seeing it or hearing it would not allow that evidence to be presented.
- Authentication of Evidence – a term which applies to the job of the advocates to establish the origins and credibility of a given piece of evidence.
- Direct Examination – questioning of your own witness
- Cross-examination – questioning of the oppositions witness
- Rebuttal – counter arguments made by each side after examination of evidence

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● Arguments, Closing Arguments, and Verdict

- Pleadings – The case is being introduced to the Court through the pleadings. The pleadings are documents that are not considered evidence, are in general short speeches concerning the case from each side’s point of view and each speech should last approximately 10 minutes. In other words, pleadings are what each side is trying to persuade the judges to accept from the evidence that they have already presented. This is similar to an MUN “For” speech, but for your presented evidence. Pleadings are not evidence. It is common knowledge that the first word belongs to the Applicant Party.
- Statement of Prayer – The specific requests or damages which a side is asking the court to approve which are presented during the closing arguments. This is similar to writing a 11 “resolution” to your case, as in, what a party believes would solve the issue and what must be done about it.
- Deliberation – time taken to consider whether the applicant’s case has met the burden of proof.
- Majority Opinion – the name given to the decision which receives the most votes.
- Separate, But Concurring Opinion – the name given to a decision by some judges in which they may agree with the decision but disagree on the reasons why.
- Dissenting Opinion – Written statement by judges in the minority who dissent with the majority.
- Separate, But Dissenting Opinion – Written statement by Judges who dissent, but disagree on the reasons why