

ETMUN

Unraveling the Domino Effect



Committee: International Criminal Court

Case: The Prosecutor v. O.J Simpson

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Letter from the President:

Esteemed Delegates, Distinguished Guests, and Honorable Members of the International Criminal Court, my name is Jude Zu'bi, and I'll be your president in ICC for this year's ETMUN conference.

It is with great humility and a profound sense of duty that I stand before you today as the President of the International Criminal Court. The institution that stands as a beacon of hope and justice in a world often beset by turmoil and strife. Our mission, as enshrined in the Rome Statute, transcends borders and ideologies. It embodies the fundamental principle that no one is above the law. It serves as a guardian of human rights, advocating for the voiceless and holding the perpetrators of the most heinous crimes accountable.

Today, we find ourselves amid an ever-evolving global landscape, where challenges to international justice persist. From the perpetuation of war crimes and crimes against humanity to the complexities of prosecuting these crimes across diverse jurisdictions, our role remains vital, and our commitment unwavering.

As we convene to deliberate on matters of immense importance, let us remember that our decisions hold the power to shape the course of justice for generations to come. The pursuit of justice requires not only our dedication but also our collective wisdom, empathy, and a commitment to fairness.

I urge each one of you, esteemed delegates, to approach our proceedings with an open mind, a heart for justice, and a dedication to upholding the noble principles that the ICC represents. Let us be guided by the sanctity of the law and the imperative of ensuring a more just and peaceful world for all. Together, let us strive to reinforce the fabric of international justice, bolster the rule of law, and offer solace to the victims of unimaginable atrocities. With unity, determination, and an unwavering commitment to the pursuit of justice, we can make significant strides toward a better, more equitable world.

Get out of your comfort zone, experiment, be bold, try new things and make new friends, let Etmun'23 be a first of many new things, and let these 3 days leave a memorable, long-lasting effect on each of us for the rest of our journeys,

With love,
President Jude Zu'bi.

Welcome to ETMUN's International Court of Justice. Considering that ICC is not structured in the same way as other Model United Nations committees, this guide will serve as an introduction to the method that will be followed in the ICC during ETMUN. Please keep in mind that all sections of this brief are critical for both Jurys and Advocates. Do not merely scan over sections of the material that you believe are irrelevant to you, as this may disrupt the smooth flow of debate.

Introduction:

The International Criminal Court (ICC) investigates and, where warranted, tries individuals charged with the gravest crimes of concern to the international community: genocide, war crimes, crimes against humanity and the crime of aggression. As a court of last resort, it seeks to complement, not replace, national Courts.

Members of the court:

The prosecution: are the legal team or lawyer(s) who represent the government or the people in a criminal trial and in this case the ICC. They are responsible for presenting evidence and arguments to prove the guilt of the defendant.

The Defense: refers to the legal team or lawyer(s) who represent the defendant in a criminal trial. They are responsible for presenting evidence and arguments to counter the prosecution's case and prove the defendant's innocence.

The Defendant: is the person or entity who is accused of committing a crime in a criminal case.

Jury: a group of individuals selected from a specific population and tasked with the responsibility of hearing evidence and rendering a verdict in a legal case. In a criminal case, the jury is responsible for determining whether the Defense is guilty or not guilty of the charges brought against them.

Key Terms:

Indictment: a formal charge or accusation of a serious crime. It is typically issued by a grand jury or Prosecution and indicates that there is enough evidence to suggest that the accused has committed a crime and should be brought to trial. The indictment sets out the charges against the Defense and forms the basis for the trial proceedings.

The Rome Statue: is the treaty that established the International Criminal Court (ICC) in 2002. It sets out the jurisdiction, structure, and functions of the ICC, as well as the crimes that fall under its jurisdiction. It is also used in the International Court of Justice

Objections: are legal challenges made by a lawyer/counsel during a trial to prevent the introduction of certain evidence or testimony, or to contest the conduct of the trial.

Sustained: is a term used by a jury during a trial to indicate that an objection made by a lawyer is valid, and the evidence or testimony being challenged cannot be used.

Overruled: is a term used by a jury during a trial to indicate that an objection made by a lawyer is not valid, and the evidence or testimony being challenged can be used.

Jurisdiction: refers to the authority of a court to hear and decide a case. It can be determined by factors such as geographic location, subject matter, or the parties involved.

Pleading: is a formal written document submitted to a court by Defense in a lawsuit, setting out their respective claims or defenses.

A witness: is a person who gives testimony in a trial or hearing, providing evidence relevant to the case. Two types of witnesses:

➤ *Ordinary Witness:* An ordinary witness is someone who personally saw or heard something about the crime. An ordinary witness can be the police officer who made the arrest or a person who was at the scene of the crime. Ordinary witnesses must answer the lawyers' questions and tell the jury what they saw or heard. They do not give their opinions about what happened.

➤ *Expert Witness:* An expert witness is someone who has special expertise about an element of the crime. An expert witness can be a doctor, psychologist, accountant, etc. Expert witnesses interpret the facts of the case and give their opinions (e.g., an opinion on the mental state of the accused when the crime was committed).

An affidavit: is a written statement made under oath or affirmation, used as evidence in a trial or other legal proceeding.

Direct examination: is the questioning of a witness by the lawyer/counsel who called them to the stand, with the purpose of eliciting testimony that supports the case of the party who called the witness.

Cross-examination: the questioning of a witness by the opposing lawyer/counsel after the direct examination, with the purpose of challenging the witness's testimony or credibility.

Impeachment: refers to the act of calling into question the credibility or validity of a witness or evidence. It is the process of challenging the credibility of a witness's testimony, often by presenting evidence that contradicts their statements or by showing that the witness has a history of making false statements. In some legal contexts, impeachment may also refer to the process of challenging the validity of a piece of evidence, such as a document or video, by demonstrating that it has been altered or fabricated.

A verdict: is the decision of a jury or a judge.

Addressing Modes:

Although the International Court of Justice does not mandate the use of third-person pronouns when addressing other members of the Court, there is a certain level of formality necessary when addressing other members of the Court. Jurys are to be addressed as “Your Honor” by advocates, whereas presidents are to be addressed as “Mr./Madam President” or “President” by all members of the Court. When addressing specific advocates of either party, the terms “Advocate” or “Counsel” are required, but when referring to a specific party, “Prosecution/Defense” are required. While no direct dialogue between parties is permitted while the court is in session, any queries or concerns may be directed to the chairing panel members. Any witness presenting in court must be addressed simply by their appropriate title and surname, though witnesses can use first-person forms of speech.

Documents:

Documents are important in Court proceedings because they help advocates establish their legal arguments and are later used by jury during deliberation. There are three types of documents that will be used– and all three must be submitted before the start of the conference – [Opening Speech](#), [Stipulations](#), [Evidence packets](#), and [Affidavits](#).

Opening speech: this is very similar to the regular opening speech which includes which side is the team on and what will the team be discussing. Points to follow when writing an opening speech:

- Introduction.
- History.
- Arguments.
- Evidence and Witnesses.
- Prayer Verdict you hope the court will reach.
- Strong powerful ending

Stipulations: A type of agreement between the two parties, Stipulations consist of a list of general facts about the case. The stipulation will be in the format of bullet points and will only consist of facts mutually understood by both parties, such as:

- Definitions of key terms in the case.
- Important historical events.
- Activities by both countries.
- Relevant treaties and agreements between the two parties.

Evidence packet: This is the most crucial document in any ICC case, is simply a compilation of all the evidence the advocacy seeks to employ to support its legal claims. The evidence packet must have every page must be numbered in a well-formatted document covering all the pieces of evidence. When writing the evidence Prosecution uses numbers while the Defense uses letters. Each piece of evidence must have the following information:

Title, Author, Date, Source description, Relevance, Link

Evidence that lacks these citations will be struck out by the chairing panel and will not be reviewed by the Jury; therefore, it is critical that advocates adhere to this structure when submitting evidence. It is also critical to preserve evidence in its original form. In general, evidence consists of anything related to the case, such as papers, documents, photographs, or books. Remember that the Evidence Packet can make or break a case. A poorly cited piece of Evidence is likely to be weighed as having ‘low credibility’ (details of this will be explained under ‘Weighing of Evidence’), resulting in that piece of evidence not being considered by the Jurys.

Affidavit: A written statement made under oath or affirmation, used as evidence in a trial or other legal proceeding. The affidavit is written in the first person.

Court Proceedings:

Order of Proceedings:

1. Opening Speeches
2. Presentation of Stipulations
3. Presentation of Evidence
4. Weighing of Evidence- Jurys + Judge only
5. Witness Examinations
6. Closing Statements
7. Deliberation- Jurys + Judge only
8. Judgment

1) The Opening Speech:

will be a joint speech by both party advocates. It will include each party's main arguments and the response to the opposing party's accusations, as well as maybe a discussion of the requirements and their position in the case. Opening remarks will be limited to 15 minutes (this may be extended at the discretion of the chair). The Prosecution party will make the initial speech, followed by the responding party.

2) Presentation of Stipulations:

The stipulations will be read aloud by counsel. While the stipulations are being given out by the opposing advocacy, will respond to each stipulation in one of two ways: (i) "So stipulated": acknowledging that the information conveyed in the stipulation may be used as facts of the case; or (ii) Objecting on either grounds of bias, relevancy, and authenticity/ reliability, leaving the information conveyed in the stipulation up to the Panel's decision of sustaining or overruling the objection.

3) Presentation of Evidence:

The purpose of evidence presentation is to ensure that each member of the court is conversant with the evidence given by both sides. The party presenting the evidence packet will read aloud each item of evidence, making sure to include the title, author, medium, and date. This might be followed by a brief explanation of the significance of the evidence in question. Opponents can then either agree with the evidence or object to it on one of the following grounds:

- Relevancy
- Authenticity / Reliability

These objections will be noticed and considered during deliberation; however, advocates are recommended to object to a specific issue only when necessary and should be aware that excessive and invalid objections to evidence will be discouraged.

4) Weighing of Evidence:

When both sides have finished presenting evidence, the court will go into closed session, with just the chairing panel and jury remaining. Each jury will be assigned pieces of evidence and given time to further analyze said evidence. In a 1-3 minute statement, each jury will deliver their piece of evidence to the court, briefly describing and evaluating the evidence and its relevance to the case. Following the presentation, all jury's will be invited to remark on the evidence as a whole, after which the evidence will be weighted on a point scale based on its credibility, relevance, and bias - this procedure will be repeated for each piece of evidence. This process will be repeated for each piece of evidence. This process will be vital during the final deliberation and for the passage of a fair judgment.

5) Witness Examination:

Witnesses are the human equivalent of evidence documents in the legal system. They bring a crucial human perspective to the proceedings and, via questioning, enable jury to probe into areas that might not be readily available. An oath is initially given to the witness. There are four phases to witness examination: witness testimony, cross- examination (during which the witness

is questioned by the opposing party), direct examination (during which the witness is questioned by the party that introduced them), and jury examination (during which the witnesses are questioned by both the jury's and the presidents).

- **Choosing Witnesses:** Each advocacy may have a maximum of three witnesses. Before the conference, advocacies will be assigned to three people who will act as their witnesses (these will usually be any members of ETMUN; delegates, staff, security, or even the SG). Advocates are advised to get in touch with them as soon as possible, to begin preparing them.
- **Preparing Witnesses:** Assigning your witness a real role or individual is the first step in getting them ready. It is crucial to keep in mind that a witness cannot be "made up," meaning that their identification must be genuine. Witnesses whose identities are discovered to be phony will not be permitted to testify. It is recommended that advocates thoroughly "coach" their witnesses. If they are telling the truth, witnesses should be prepared with what questions to ask during direct examination and what to say throughout the witness testimony. Witnesses should also be ready for cross-examination, in which the opposing side will try to cast doubt on the witness's reliability and establish a disagreement over the witness's assertions. Thus, it is important that even witnesses are well-versed in the matter they are concerned with, and it is the advocacy's job to ensure that they are.
- **Witness Testimony/Affidavit:** Immediately after the oath has been administered, the witness will have around 1-2 minutes to simply talk about his/her role in the case and mention the key evidence or facts they wish to bring forward. They should take care to be as accurate as possible, as the opposing counsel may try to find faults in the witness' testimony during cross-examination. In case they are an expert witness, they may also talk about what qualifies them to be testifying as an expert witness. During the testimony, jury's and the opposing counsel are advised to take down notes.
- **Objections:** During direct or cross-examination (described below)- the advocate not examining the witness at the time may object to certain questions or to the testimony of a witness on many different grounds. Each type of objection is discussed later on – depending on the objection made, the chairing panel will decide whether to accept the objection or not. If the objection is held as valid, the counsel questioning the witness will have to ask a different question or rephrase their question (in the case of objections to portions of testimony, jury will be asked

not to take the portion of the testimony into consideration). However, the decision of the chairing panel regarding an objection will be final, and there will be no further discussion or protest on the matter of the objection. If an important objection is not brought up by the concerned Advocacy, the chairing panel themselves may bring up this objection. (Objections on page 11).

- **Direct Examination:** Direct examination is the examination of a witness by the party who has introduced the witness. The fundamental rule of direct examination is that leading questions cannot be asked. An exception to this rule is if the witness is an expert witness – however, if a party wishes to introduce a witness as an expert witness in a field relevant to the case, the witness will be subject to *a voir dire* examination by the jury, who will ask the witness several questions regarding his/her expertise in the field, such as years of practice, publications, etc. The jury will then decide whether to admit the witness as an expert or not.
- **Cross-Examination:** Cross-examination, following direct examination, is the examination of a witness by the other party in the case. The main aim of cross-examination is to make the witness seem not credible and to create a dispute over the witness' statements. The fundamental rule in the case of cross-examination is that questions must only pertain to the testimony/affidavit offered by the witness during direct examination – that is to say, an advocate cannot ask the witness about events outside of those described during cross-examination. However, advocates conducting cross-examination of a witness are allowed to ask leading questions –in fact, it is advised that advocates use the tool of leading questions to the fullest. During the cross-examination of an expert witness, leading questions specific to the content of the testimony and the witness' area of expertise are permitted, provided they are all relevant to the case at hand.
- **Jury Examination:** After both direct and cross-examination have been completed, the jury are then free to ask any questions of the witnesses to gather information relevant to the case – however, given time constraints, juries are advised to wisely select the most important questions as there may not always be enough time to ask every question possible. Juries are allowed to ask leading questions but are not permitted to ask hearsay questions (as previously defined – questions that ask a witness about an out-of-court statement or an act allegedly made by someone other than the witness). However, it is to be noted that juries are not limited by the testimony of the witness during direct examination – indeed, they may ask any relevant question to establish the credibility or bias of the witness.

6) Jurys' Questions:

To make the best use of time, the Jurys' Questions regarding Opening Speeches, Witness Examinations, and Evidence Packets - that are specifically aimed toward the advocates - will be staggered and asked right before the Closing Statements.

7) Closing speech:

After the entire witness examination procedure is concluded, advocates will be given some time to prepare, followed by 15 minutes for each advocacy to make their closing remarks, where they should: Address each point raised by the opposing party. Restate their legal arguments and back them up with the evidence presented. If necessary, present any additional legal arguments. Talk about their, 'prayer of judgment' or the judgment they want from the Court. This could provide specifics regarding the damages or reparations involved.

8) Deliberation:

Once closing statements are complete, advocacies will exit the room and the court will enter a closed session known as deliberation with only the juris and the chairing panel present. Jurys will discuss each aspect of the case: the legal arguments presented by both parties, the evidence available, and a solution to the dispute at hand. Jurys will vote on the case and announce the Motions that they agree with. These will be used to determine the Majority, Separate but concurring, Separate but dissenting, and Dissenting opinion.

9) Judgement:

Once deliberation has finished, juris will proceed to write a verdict together in a specified format. It is usually customary in MUNs to deliver both verdicts together, in the closing ceremony.

Objections List:

Ambiguous- the question is not clear or concise enough for the witness to answer. This question could be misunderstood or have more than one meaning.

Arguing the Law- the counsel is arguing the law as opposed to the case.

Argumentative- a question may be argumentative if it is asked to persuade the jury instead of obtaining evidence. In addition, it may ask the witness to make inferences instead of calling for new facts.

Asked and Answered- a question may be objectionable if the witness has already answered a similar question by the same attorney. Different attorneys may ask similar questions.

Assumes Facts not in Evidence- a question may be objectionable if it bases facts to be true that has not been proved yet.

Ex. “When did you leave the scene of the crime?” This question presumes that the witness was at the scene of the crime.

Badgering the Witness- used when the opposing counsel acts in a hostile and harsh manner towards the witness to intimidate or harass the witness.

Best Evidence Rule- this objection may be used when a counsel is asking a witness to detail evidence not submitted as evidence. (Hearsay may be an exception to this rule)

Calls for a Conclusion- asks for opinion rather than fact. Expert Witnesses may express their professional opinions.

Competence/Scope- a question can be objectionable if the witness does not have the capacity to answer the question given their knowledge.

Ex. Asking a pedestrian if they thought a driver was drunk while driving.

Compound Question- more than one question asked at the same time.

Calls for Speculation/Speculation- asks a witness to testify to the motives or rationale behind someone else's actions without knowledge of the reasons.

Ex. "Why do you think the defendant evaded the cops?"

Hearsay- (unless excused by the court) used when a witness has heard the evidence from someone else.

Lack of Foundation- similar to *Assumes Facts not in Evidence*, *Lack of Foundation* may be used when an attorney has not laid the factual foundation (proving the witness is competent to answer) for a question.

Leading Question- only allowed with a cross-examination, a question may be found to be leading if it suggests the type of answer the counsel desires.

Ex. "On the night of the murder, you were a block from the murder scene, weren't you?"
While it is a yes/no question, it is clear what the witness was assumed to be doing.

Privilege- used in rare cases when a witness can be exempt from answering the question by protection of the law.

Ex. A head of state cannot testify to matters that would compromise national security. Often some professionals such as psychotherapists and accountants are exempt from revealing information about their clients under privilege.

Relevance- a question can be found as irrelevant if it does not directly pertain to the case at hand.

Non-Responsive Answer- This objection is made when a witness does not answer the question being asked by the attorney. This objection can help an attorney corral the witness and get a straight answer to a question the witness may be trying to avoid. Be careful to avoid making this objection when the witness simply gives a different answer than what was expected or desired.

Nothing pending- this objection is used when the witness doesn't have an answer to offer.

Case Brief:

Indictment

The Prosecutor of the International Criminal Court hereby charges Defendant O.J Simpson with the following offense under the Rome Statute:

COUNT 1: The defendant, O.J Simpson, accused of murdering his ex-wife, Nicole Brown, and her friend, Ronald Goldman.

The defendant, O.J Simpson, has pleaded **not guilty** to this charge.

Introduction

In the 1970's and 1980's, Orenthal James Simpson or OJ Simpson; a well-known celebrity within North America. He was an all-American Football player who turned to acting and sports casting after he retired from the National Football League. On June 12, 1994, Nicole Brown, OJ's ex-wife, and her friend, Ronald Goldman, were found murdered outside Nicole's residence. The scene of the crime took place outside Ms. Brown's condominium complex, where two murdered bodies were discovered in the entrance pathway. The police scanned the scene of the crime carefully searching for evidence. They found crucial DNA evidence that supported their idea that Mr. Simpson is a suspect and has been involved in committing these murders. The LAPD issued a statement to the media threatening Simpson allowing him to turn himself in by June 17 at 11:00 a.m., or else, they will take far more action.

OJ Simpson did not report to the police station on June 11th, instead, met up with his lawyer and close friend Robert Kardashian, where they thought of addressing the media with a note that Mr. Simpson had written to the public. In this note Mr. Simpson stated:

"To whom it may concern: First, everyone understand I have nothing to do with Nicole's murder. I loved her, always have and always will. If we had a problem, it's because I loved her so much. I've had a good life. I'm proud of how I lived. My mama taught me to do unto other. I treated people the way I wanted to be treated. I've always tried to be up and helpful so why is this

happening? I'm sorry for the Goldman family. I know how much it hurts. Don't feel sorry for me. I've had a great life, great. Please think of the real O.J. and not this lost person. Thanks for making my life special. I hope I helped yours.”

Mr. Simpson explained how he loved Nicole very much and he wished he had spent more time with his friends and family. Upon hearing this letter many people believed that OJ was planning to commit suicide...

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Suggested Witnesses:

Prosecution

- Robert Heidstra

My name is Robert Heidstra, I live in Dorothy Street near Bundy Drive. With most of my life in this area, I'm well known and acquainted. My educational background comprises high school completion and some vocational training, college attendance did not factor into his pursuits.

Throughout my experience in many different areas, I've kept my exact occupation ambiguous. I've had close involvement in the O.J. Simpson and Nicole as my neighbors. I consider myself a proactive neighborhood watch group member, or an astute private eye.

In my free time, I am devoted to my two dogs. I take pride in being a responsible pet owner, and I enjoy taking them for walks regularly. It's during these evening walks that I have become quite familiar with the neighborhood and its activities.

I walked my two dogs at 10:15 p.m. the evening of the murders and I heard Nicole's dog barking around 10:35 p.m. At around 10:40 p.m., I heard a male adult voice say "hey, hey, hey" and then

heard another voice talking fast. My dogs were barking too loud for him to hear what the other voice was saying. It sounded like an argument between two male voices. Then I saw a white sports utility vehicle speed away from Bundy Drive. One day before the murder. Does that not say enough?

These events deeply affected me, and I felt compelled to come forward with this information. I believe that my account could be valuable in aiding the pursuit of justice. While my involvement in the O.J. Simpson trial may have brought attention to me during that time, I prefer to lead a quiet life and remain a vigilant member of my community.

I take my civic duty seriously and always strive to assist law enforcement in any way I can. My goal is to help solve crimes and ensure the safety of my neighborhood.

Bibliography:

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Defense:

- Arnelle Simpson

My name is Arnelle Simpson born on December 4, 1968, in the United States of America, to Marguerite L. Whitley and O. J. Simpson. I am the oldest of three children born to O. J. Simpson and his first wife, Marguerite. Arnelle remained close to her father even after my parents' divorce in March 1979, I started hogging the limelight only after getting myself involved in my father's internationally publicized murder trial.

I've had a deep childhood. My youngest sibling, Aaren Lashone Simpson, drowned in a swimming pool at the age of two. My younger brother Jason L. Simpson gained media attention. I also have two half-siblings, namely Sydney Brooke Simpson and Justin Ryan Simpson from my father's second marriage with Nicole Brown. After Nicole Brown's murder, I must take up the responsibility of raising her half-siblings. I must mention the controversies involving my father had an adverse impact on me. Apart from working briefly for a rapper named Hash, I struggled to build a career for myself. I currently live in Fresno, California, USA.

My Father became "emotional," "distraught" and "out of control" as he learned about Nicole Brown Simpson's death, if he was the one to kill her, he would've have been that heart broken and surprised. In the early morning of June 13, my father sounded overwrought and perplexed over the telephone. We he returned home from Chicago, he was in shock and disbelief,

My father I and his former wife got back together in March 1993 and dated up until May 1994. After their final break-up several weeks before the murders, the two were on such good terms that Nicole Brown Simpson was sitting on Simpson's lap at a picnic and napping in his bed.

I did not see any blood in the foyer or in the driveway of the Rockingham estate on the morning after the murders.

I had never seen her father wear a bluish-black sweat suit. As Brian Kaelin previously testified that he saw my father wearing such an outfit on the night of the killings.

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