

# Montessori MUN Courts Committee Guide

## **International Criminal Court (ICC)**

The ICC prosecutes individuals accused of committing serious crimes under international law such as genocide, war crimes, and crimes against humanity. It functions to ensure accountability for personal actions that threaten peace and justice.

## **International Court of Justice (ICJ)**

The ICJ prosecutes countries or entities, not individuals. It settles legal disputes between states and gives advisory opinions on questions of international law, ensuring peaceful resolutions between nations.

## Key Terms

Term	Definition
<b>Advocate</b>	A delegate acting as a lawyer for either the prosecution or defense.
<b>Defendant</b>	The person or country being accused or prosecuted.
<b>Council</b>	The team representing either the Prosecution (those pressing charges) or Defense (those defending the accused).
<b>Jury / Judges</b>	Delegates responsible for evaluating the case, rating evidence and witnesses, and deciding the verdict.
<b>Case</b>	The topic or crime being discussed in court.
<b>Rome Statute</b>	The legal foundation of the ICC defining crimes and procedures.
<b>Overruled</b>	The objection is invalid; the statement or evidence stays.
<b>Sustained</b>	The objection is correct; the statement or evidence is removed.
<b>Direct Examination</b>	Questioning your own witness (no leading questions allowed).
<b>Cross Examination</b>	Questioning the opposing team's witness (leading questions allowed).
<b>Burden of Proof</b>	The prosecution's duty to prove guilt beyond reasonable doubt.

## **Outline of Committee Procedure**

1. **Opening Speeches** – 30 minutes per council
  - Prosecution presents first, followed by the defense.
2. **Evidence Presentation**
  - 15 pieces of evidence per council.
  - After each evidence, the opposing council may object.
3. **Witness Phase**
  - 3 witnesses per council.
  - Each is questioned through direct and cross-examination.
  - Jury rates witnesses on credibility (out of 3).
4. **Closing Speeches** – 30 minutes per council
  - Prosecution speaks first, then defense.
5. **Jury Deliberation**
  - Jury discusses and rates evidence, witnesses, and determines the verdict.

# Opening Speeches

## What Is an Opening Speech?

Your opening speech introduces your case and sets the tone for your council's arguments. It provides background, presents your stance, and summarizes your main points for the jury.

## How to write an opening speech

1. **Address the audience:**  
“Esteemed Chairing Panel, honorable judges, and respected advocates...”
2. **Give a brief history** of the case.
3. **Introduce the case and the defendant.**
4. **State the alleged crimes** and charges (directly quote from the statute).
5. **Present your main arguments** and preview evidence or witnesses.
6. **Conclude powerfully**, summarizing your stance and yielding the floor to the Chair.

Write persuasively. Remember, this is your first impression before the jury.

# **Evidence**

## **What Is Evidence?**

An evidence is a biased but credible piece of information supporting your side of the case. Each council must prepare 15 pieces.

## **Format**

Evidence No.:

Title:

Author:

Date:

Quote:

Description:

Link:

## **What makes an evidence valid?**

- From a reliable and unbiased source (academic studies, official reports).
- Not from news articles, blogs, or magazines.
- Within the correct time scope of the case.

## **Evidence Objections**

### **Lack of Foundation**

only used for evidence if evidence is presented without a source

### **Bias**

If the evidence's source is clearly favoring one side of the case  
i.e., Government sources

### **Reliability**

at face value.

If the source of the evidence is not completely factual and cannot be taken

### **Relevance**

### **When an objection is raised:**

- Opposing council says: "Objection,"
- Presenting council replies: "Right to rebuttal."
- Chairing panel decides: **Sustained** or **Overruled**.

## Witnesses

### What Are Witnesses?

Witnesses are individuals whose testimony supports your case. Each council presents 3 witnesses.

### Types of Witnesses

**Normal:** Answers questions only based on their affidavit.

**Expert:** Can answer beyond the affidavit within their field of expertise (e.g., a doctor, historian).

### Writing an Affidavit

An affidavit is a **written testimony** (1–3 paragraphs) describing what the witness knows about the case. It is written by the council and read aloud in court.

### Example Structure:

1. Introduce the witness and their background.
2. Describe what they witnessed or know.
3. Explain how it supports your side.

## Direct and Cross-Examination

- **Direct Examination:** Conducted by the team who called the witness. Only open-ended questions (no yes/no).
- **Cross Examination:** Conducted by the opposing team. Leading questions allowed.



## **Objection List and Impeachment**

Note: The objecting party must be able to **justify** their objection.

### **Witness objections**

#### **Ambiguous (or vague, confusing, misleading)**

All questions should be precise enough to allow the witness to answer properly.

#### **Argumentative**

Parties may not give statements during examination or cross-examination  
Instead of asking questions .

#### **Asked and Answered**

Parties may not ask a question again about which they have already received an answer from the same witness.

#### **Badgering**

Parties may not try to intimidate witnesses by improper behavior, including  
Asking multiple questions without giving the witness time to answer.

#### **Calls for a Conclusion**

Parties may ask only for the witness' observations, not for any conclusion.  
They may however ask, for example, how they felt, whether they were afraid etc.

#### **Calls for Speculation**

Parties may not ask witnesses to speculate or guess on certain points.

#### **Compound Question**

Parties should ask one question at a time and refrain from combining multiple questions.

#### **Hearsay**

they Parties may ask only for the witness' observations, not for any information received from another source.

#### **Incompetent**

Parties may not ask witnesses a question, which they in their capacity are not able to answer.

### **Lack of Foundation**

Advocates should not assume witnesses are familiar with certain pieces of evidence or information, and instead should establish this familiarity before proceeding with the next question.

### **Leading Question**

A leading question is one that suggests the answer by the form of the question.

“You are a witness, are you not?” is an example of a leading question. To rephrase this question in order for it not to be a leading question, one would ask: “Are you a witness?” **Leading questions are out of order during the direct examination of a witness**, and the opposing council may object to leading questions asked during direct examination. On the other hand, the use of leading questions encouraged during the cross examination of a witness.

### **Narrative**

Parties should ask questions on specific facts and not ask witnesses to tell a story.

### **Privilege**

Parties may not ask witnesses a question if the witness is protected by law from answering the question.

### **Relevance**

Parties may not ask questions which are not relevant to the case.

### **Non-responsive**

Is when the witness does not give any response to the question they were asked. (i.e. when the witness literally remains silent)

### **Nothing Pending**

Is when the witness's answer is not related to the question being asked. (i.e. when the witness's answer is irrelevant or they are “dancing around” the question) Misstates Evidence / Misquotes Witness

If evidence says something but its source contradicts it, then it can be used for Evidence.

## Grounds for impeachment

**If a witness's rating by the jury falls below 1.5 or the opposing council proves one of the following:**

- **Perjury:** Lying but very obviously like a complete lie, with straightforward evidence
- **Reliability:** If the witness is biased then we cannot take the information as face value.
- **Relevance:** whether the witness is not relevant to the case.
- **Incompetence:** Witnesses do not have proper qualifications to be a witness in the scope of the trial within the capacity of their testimony. The Charing Panel could sustain (support and maintain the objection) or overrule (reject an objection) for any objection made by both parties in a fair manner. The objecting party should be able to justify the objection.

# Closing Speeches

## What Is a Closing Speech?

The closing speech is the final argument summarizing all your evidence and witness testimonies. It's the jury's last impression of your case.

## How to write a closing speech

1. Restate the main points of your argument.
2. Re-emphasize key evidence and witness statements.
3. Counter and disprove the opposing council's arguments.
4. Quote relevant statutes and charges to strengthen your stance.
5. End with a powerful emotional and logical appeal.

The closing speech should be passionate, confident, and based on solid facts—it can decide the verdict.

## **Role of the Jury / Judges**

The jury (or judges) ensures fairness and impartiality throughout the trial. Their main duties are:

- Listen attentively to all speeches, evidence, and witness testimonies.
- Rate evidence (out of 5) and witnesses (out of 3).
- Deliberate privately after the trial to reach a verdict.
- Decide if the defendant is GUILTY or NOT GUILTY based on facts and argument strength.

Jury members must remain neutral they cannot research or prepare beforehand to avoid bias.