



INTERNATIONAL CRIMINAL COURT

Topic 2

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Court Guide

Here is what the process for each case will look like, chronologically:

- 1. Opening speeches**
- 2. Stipulations**
- 3. Jury deliberation and rating of stipulations**
- 4. Evidence**
- 5. Jury deliberation and rating of evidences**
- 6. Witness (jury questioning then direct and cross examination)**
- 7. Jury deliberation**
- 8. Closing Speeches**
- 9. Jury Deliberation for choosing the final verdict**

1. Opening Speeches

An impactful opening speech starts by painting a vivid picture of the events leading up to the violation of international law, setting the stage for the dispute at hand. Then, it's crucial to clearly state the specific law that's been breached, including the relevant articles, to establish the foundation of your argument. Following this, provide a concise summary of your claims, explaining why these actions are a clear violation of the law. Introduce your witnesses. Finally, very briefly highlight some of the evidence you could be using; such as documents, photographs, or videos, that directly support your claims. Remember, the key to a successful opening speech lies not only in the content but also in the delivery. Practice your speech to ensure it's compelling and persuasive, enhancing your chances of a favorable verdict.

Sample Structure for Opening Speech (15-20 mins):

- Introduction/case description and summary of claims: Elaborate on your side of the case, introduce it in a compelling and imaginative way, adding a hook before will accentuate your points further.
- Jurisdiction: A good opening speech must include an overview of the charges and statute clauses that fall under these charges, for prosecution, it's better to talk about the gravity of the charge and ways whatever they are prosecuting violates it. For

the defense, adding in these clauses are optional but could be used to your advantage if you have valid defenses for each charge.

- Brief description of evidence: Describe one of your pieces of evidence and delve into it, link how it supports your claim and use it as a stepping stone for the rest of your arguments throughout the case.
- Brief description of witnesses: Names do not need to be mentioned when introducing them, but giving the jury an overview of the types of people being introduced promotes further clarity in the argument.
- Pre-rebuttals: When researching, it will be common to find many sources that support the opposition team, disproving claims derived from this evidence early on will allow you to gain more credibility with the jury.
- Closing remarks

2. Stipulations

After opening speeches, come stipulations. Stipulations are facts about the case both counsels can agree on. Each council has 7 stipulations. Once they present their stipulations, they cannot make any changes to them. News sources should not be used because they can be objected to as relevance/ authenticity/ bias unless it contains video or any recorded media, or something that could not be manipulated. Advocates are expected to use only .org sources or sources written by a reputable author. Advocates are allowed to object to only 3 things during presentation of stipulations and evidence (**relevance, authenticity, bias**)

3. Evidence

Delegates should work on evidence packets with the rest of the advocates on their side (prosecution/defense). Remember: evidence does not mean facts. It should also state **why/how** the defendant is guilty or innocent. It's helpful to tell your delegates to think about it this way: Stipulations are the **where, when, and who**. Evidence is the **why and how** of a case. Delegates are supposed to provide a link under each point of evidence, and the other council can view it for a check on authenticity. In the absence of a provided source under evidence, the other council can and should object on the grounds of

authenticity. Evidence must be correctly formatted with a title and name of the author to ensure the wrong link is not provided/ the information is not there.

4. Witness Examination

Witness questioning occurs after a witness has provided their affidavit. After the affidavit is submitted as evidence, the witness may be called to testify during the trial. Prosecution always starts questioning first. Advocates are not limited to any objections, you are free to use any objections from the list provided. Before the prosecution and defense are able to question the witness, the jury will question them without the presence of the prosecution or defense to determine the reliability of the witness, which will then be rated out of 5. After that, examinations will proceed.

Examinations:

1. Direct examination: Between the witness and council they stand with.
2. Cross-examination: Between the witness and the council they stand against. Leading questions **can** be asked but **only** in cross-examination.
3. Re-direct examination (optional): Only 2 questions can be entertained.
4. Re-cross examination (only if redirect is entertained): Only 2 questions can be entertained.
5. Jury examination: Rating is given out of 5.

5. Closing Speeches

This speech should sum up everything that happened in the court, and this is where the councils need to convince the judge to vote with or against the defendant. This speech should last around 15 minutes. **Topic 2:**

Brief background:

Nicolás Maduro is a Venezuelan politician who has served as President of Venezuela since 2013, following the death of Hugo Chávez. Before becoming president, Maduro held several important political positions, including serving as Venezuela's foreign minister and vice president. His presidency has been marked by severe political and economic instability, growing tensions with opposition groups, and allegations of human rights abuses by government authorities.

Beginning in 2017, Venezuela saw large anti-government protests as the country faced serious political and economic problems. The government responded to these protests with a heavy crackdown, during which security forces were accused of using violence, making mass arrests, and detaining protesters and political opponents. Some people who were detained also reported being tortured or otherwise mistreated, including allegations of sexual violence. Pro-government civilian groups, known as colectivos, were also accused of attacking protesters and people who were seen as opposing the government. These events raised serious concerns that the Venezuelan government was carrying out a widespread and organized campaign against civilians for political reasons. As a result, questions were raised about whether these actions amounted to crimes against humanity and whether senior officials, including Nicolás Maduro, could be held responsible. The allegations include murder, arbitrary detention, torture, sexual violence, and persecution, making the case an important example of the challenges involved in holding political leaders accountable for human rights abuses carried out by government forces and groups supporting the government.

Further description:

The Venezuelan president Nicolás Maduro was the subject of a major investigation that suspected crimes against humanity in the International Criminal Court in his country, Venezuela, since around 2017. as a result of a wave of major political protests, Venezuelan security forces and organizations linked to the government were accused of unlawful detention (wrongful arrest), enforced disappearance, persecution, torture, and sexual assault against civilians and political opponents during a period of major political protests. In 2018, Venezuela referred the case to the ICC and following a preliminary inquiry, the prosecutor Karim Khan formally launched an investigation in November 2021.

Referring to the complementarity principle, Venezuela claimed that its own courts need to look into the major crimes Nicolas is accused of. However, in June 2023, the International Criminal Court authorized the investigation to continue, after finding out that Venezuela's domestic proceedings did not sufficiently address the full scope of the alleged crimes. In March 2024, the ruling was confirmed on appeal. The case examines and questions the ICC's jurisdiction, crimes against humanity, individual responsibility of senior officials, complementarity, and striking a balance between national sovereignty and international justice.

Time line:

- 2013: Nicolas Maduro became president of Venezuela following the death of Hugo Chavez
- March -June 2017: Large anti government protests broke out across Venezuela during economic and political tensions. Security forces were accused of using excessive force, making mass arrests, and committing abuses against protesters and political opponents
- April 2017: The crackdown intensified. The Venezuelan government activated **Plan Zamora**, involving military, police, and civilian forces, while hundreds of people were detained during the protests.
- 2017-2018: Allegations of torture, arbitrary detention, killings, and persecution continued to receive international attention. Human rights investigations documented widespread concerns about the treatment of protesters and political opponents.
- 8 February 2018: a formal international investigation was opened into alleged crimes against humanity committed in Venezuela since at least April 2017
- 27 September 2018: a group of countries formally referred to the situation in Venezuela for investigation, bringing greater attention worldwide to the alleged crimes.
- 2019: Political tensions increased further after opposition leader Juan Guaidó challenged Maduro's presidency. Venezuela experienced another major wave of political unrest, accompanied by allegations of excessive force and human rights violations.
- 3 November 2021: After several years of preliminary examination, the Prosecutor announced that the investigation would formally proceed.
- April 2022: The Venezuelan government asked that the investigation be deferred in favor of proceedings being conducted by Venezuelan authorities.

- November 2022: The Prosecutor requested authorization to resume the investigation, arguing that further investigation was necessary
- 27 June 2023: Authorization was granted to resume the investigation into the situation in Venezuela.

Charges:

- Article 7(1)(a): Murder as a crime against humanity
For the alleged unlawful killing of political opponents and protestors.
- Article 7(1)(e): Imprisonment
For the alleged arbitrary arrest and imprisonment of protestors, opposition members, and perceived government opponents.
- Article 7(1)(f): Torture
For suspected physical and psychological mistreatment of political detainees
- Article 7(1)(g): rape and sexual violence
For alleged acts of sexual abuse against inmates as a means of punishment, intimidation or humiliation.
- Article 7(1)(h) Political persecution
For reportedly targeting persons and groups for their actual or perceived political resistance to the government.
- Article 7(1)(k): Other inhumane acts
For other intentional acts causing substantial physical or psychological pain.
- Article 25(3): Individual criminal responsibility
He could be prosecuted if he allegedly ordered or encouraged or intentionally contributed to these crimes.
- Article 28: Command responsibility
He could be held responsible if he knew that the people under his authority were committing these crimes and did not punish them

Guiding questions:

1. What were the crimes that the prosecution accused Nicolas Maduro of, and what events occurred in Venezuela?
2. Is there any evidence that connects Nicolas and other government officials to these crimes?
3. Were the crimes engaged in a larger, organized attack on civilians?
4. Did the Venezuelan courts themselves properly investigate and handle these crimes?

5. Should the ICC investigate the case, or should Venezuela handle it itself? And why?