

**UC Davis Model United Nations Conference 2013**  
**Committee – International Criminal Court (ICC)**



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# I. MEET YOUR STAFF

## **Brendan O'Brien, ICC Director:**

Brendan O'Brien is a second-year International Relations and Economics major at UC Davis. He has been a member of the Davis Model United Nations Club for two years and has a total of five years of Model UN experience. He is also one of the club's two Undersecretaries-General of Delegate Preparation. This is his second DMUNC that he has staffed; the previous year, he served as Prosecutor for the International Court of Justice. He is responsible for generally coordinating the committee and making sure everything related to the ICC proceeds smoothly on the day of the conference. Any general questions you have about the procedures or facts related to the committee should be directed to him. He can be reached at [brendan.obrien@davismun.org](mailto:brendan.obrien@davismun.org).

## **Elizabeth Goldman, ICC Chair:**

Elizabeth Goldman is a third year Psychology Major. Elizabeth has been involved in Model United Nations since high school and has been an active member of Davis MUN since her freshmen year. Elizabeth is a member of the secretariat serving as the USG of Delegate Services for DMUNC this year! Besides MUN Elizabeth works as a Research Assistant in a Language Acquisition Lab at the Center for Mind and Brain. She also works as a Resident Advisor on campus and plans programs and events for first year students in the dorms. Elizabeth is thrilled to be chairing ICC for the second year in a row and would love to answer any questions you have regarding ICC, MUN or college in general! Please feel free to email her at [ejgoldman@ucdavis.edu](mailto:ejgoldman@ucdavis.edu).

## **Cameron Bridges, ICC Prosecutor:**

Cameron Bridges is a first year Political Science major. As a first year Model United Nations delegate, Cameron is excited to be the ICC Prosecutor for DMUNC this year. In high school, Cameron was a three year debater specifying in Lincoln-Douglas and Congress. Other than participating in academia, Cameron participates in the UC Davis Key Club and enjoys playing World of Warcraft whenever possible.

## **Andrea Sanchez, ICC Defense Attorney:**

Andrea Sanchez is a first year Political Science-Public Service major. This is her first year of participation in Model United Nations. In high school, Andrea was involved with academic decathlon and marching band. As the ICC Defense Attorney, she is excited to be working with all of the new and returning delegates.

## II. WHAT IS THE INTERNATIONAL CRIMINAL COURT?

The International Criminal Court arose after the Cold War as an outlet to punish those guilty of war crimes, crimes against humanity and other crimes that are both of an exceptional nature and of concern to the international community in general. Specifically, they grew out the tribunals for the former Yugoslavia and Rwanda and the crimes committed during the wars and ethnic cleansings that occurred there during the early 1990s. The court's scope and authority is outlined in a document called the Rome Statute, which was adopted by 120 states on July 17th, 1998. It went into effect in July 2002 after being ratified by a sufficient number of countries (1).

As delegates, you will be taking the role of justices on the Court. During committee, Mr. Bridges and Ms. Sanchez, the attorneys for the prosecution and defense, respectively, will call witnesses to testify as to the nature of the crimes allegedly committed by Mr. Banda and Mr. Jerbo. Your task will be to listen to the testimony and then reason and debate amongst yourselves to determine the innocence or guilt of the defendants. In addition to standard committee procedure, you will also motion to hear and question witnesses, and will write opinions as you reach a final decision. This will be explained in greater detail in the section entitled "Committee Procedure."

Follow the letter and the spirit of the law, and ensure justice is done. Good luck, delegates.

### FOOTNOTES

(1) Adapted from: [http://www.icc-cpi.int/en\\_menus/icc/about%20the%20court/Pages/about%20the%20court.aspx](http://www.icc-cpi.int/en_menus/icc/about%20the%20court/Pages/about%20the%20court.aspx)

### III. COMMITTEE PROCEDURE

Role call

Motion to open debate

Lawyers are introduced by the Dias

    Prosecution – opening statement

    Defense – opening statement

Justices question the lawyers

    All questions are in round robin form

Three witnesses for the prosecution are presented in the following format:

1. Swearing in – witness is introduced and sworn in
2. Initial questioning – prosecuting lawyer is allowed to initial questioning of the witness
3. Cross examination – defense lawyer cross examines the witness
4. Redirect – prosecuting lawyer is allowed to address any new points that have arisen during the cross examination
5. Justice questioning – justices are allowed the opportunity to question the witness and the lawyers in round robin form; a justice may pass if he/she does not wish to ask a question
6. After each witness is excused, the justices may then caucus to discuss the witness's testimony.

After the prosecution has presented all of its witnesses, the counsel for the defense will present their three witnesses in the same format as the prosecution's witnesses with the defending lawyer questioning before the prosecuting lawyer.

The prosecuting lawyer presents a closing statement.

The defending lawyer presents a closing statement.

The justices will make speeches that address their opinion as to the guilt or innocence of the defendant.

Deliberations: this is the ICC equivalent of voting bloc. A motion will be taken to enter deliberation and the justices will vote on the motion. "Deliberations" is essentially a long caucus in which all of the justices form a majority bloc and a potential minority bloc. Each bloc will write their opinions regarding the guilt of the defendant, their reasoning, and their prescribed punishment. Justices within the blocs may submit their own written responses if they wish to elaborate on the process that led to their decision or on their differences in opinion. After all the opinions are submitted to the Dias, the chairperson will announce the verdict and punishment as per the decision of the majority bloc.

\*\*If the justices wish to recall a witness for further questioning, they must do so before entering deliberations.

## Motions:

Point of Inquiry: Justice may use this motion to ask a question to the dais

Motion for a round of round robin questioning: Justices may motion for a round of questioning after the prosecution and defense lawyers have questioned the witness.

- Justices may motion for additional rounds of questioning.
- Justices may pass if they do not have a question for the witness by saying, “pass”.

Motion to recall a witness: Justices may recall a witness any time after the witness has given their initial testimony.

- A witness can be recalled as many times as the committee decides is necessary.
- Once a witness is recalled justices can ask as many rounds of questioning as they want, however each round of questioning must be motioned for.

Motion for a Caucus: Justices may motion for a caucus at any time. Justices must specify a time and purpose.

- Example: I motion for a caucus for ten minutes in order to discuss the testimony of witness \_\_\_\_\_.

Motion to Enter Deliberations: after all the witnesses have testified and both the prosecution and defense has presented their closing statements, justices may motion to enter deliberations.

- Entering deliberations in the ICC is essentially entering voting block.
- Once a committee enters deliberations they cannot recall any witnesses.
- Unless the decision is unanimous both a majority and a minority block paper should be written.

Motion to Submit Opinion: One justice from each group (majority and minority) must motion to formally submit their opinion to the dais.

- Each bloc will write their opinions regarding the guilt of the defendant, their reasoning, and their prescribed punishment.
- Justices within the blocs may submit their own written responses if they wish to elaborate on the process that led to their decision or on their differences in opinion.

\*Committee procedures were adapted and revised from Laguna Hills High School <http://www.lhsmun.org/icjprocedures.htm>

## **IV. BACKGROUND INFORMATION**

The defendants, *Abdallah Banda Abaker Nourain* and *Saleh Mohammed Jerbo Jamus*, are charged with three counts each of war crimes in relation to an alleged attack on an African Union peacekeeping mission.

Two main groups were recorded attacking the Haskanita Military Group Site, the base of the African Union Mission in Sudan (AMIS), a peacekeeping mission. Armed with anti-aircraft guns, artillery, and rocket-propelled grenade launchers, Mr. Banda and Mr. Jerbo's forces allegedly raided the encampment with a total of one thousand soldiers. After destroying AMIS vehicles, ammunition and communication equipment, their troops fled the scene.

This organized and strategized attack undermined the AMIS efforts to maintain peace and security for the civilians of Sudan. Attacking peacekeeping personnel is an internationally recognized crime that the Court can prosecute for. Thus, the International Criminal Court holds Mr. Banda and Mr. Jerbo accountable for three war crimes: violence to life, attacks on peacekeeping personnel, and privilege.

Mr. Banda and Mr. Jerbo have agreed to appear before the Court and stand trial. As of January 2013, the case awaits trial.

## **V. MEET YOUR WITNESSES**

*Abdallah Banda Abakaer Nourain*

Age: 47

Tribe: Zaghawa

Suspect

Alleged leader of Haskanita Raids

Alleged War Crimes: Violence to Life, Attacks on Peacekeeping Personnel, and Pillage.

Commander in Chief of Justice and Equality Movement (JEM) Collective-Leadership (a component of the United Resistance Front)

Appeared Voluntarily

*Saleh Mohammed Jerbo Jamus*

Age: 33

Tribe: Zaghawa

Suspect

Alleged leader of Haskanita Raids

Alleged War Crimes: Violence to Life, Attacks on Peacekeeping Personnel, and Pillage.

Previous Chief of Staff, Sudan Liberation Army-Unity (SLA-Unity), currently integrated into the JEM

Appeared Voluntarily

Mr. Bridges and Ms. Sanchez will call other witnesses over the course of the trial. Check back as the deadline approaches for more information.

(1) Adapted from:

<http://www.icc-cpi.int/iccdocs/PIDS/publications/BandaAndJerboEng.pdf>

## VI. QUESTIONS TO CONSIDER

1. Why would Banda and Jerbo voluntarily appear before the ICC?
2. Why would Banda and Jerbo attack peacekeepers?
3. How does this event change how peacekeepers are used internationally?
4. Why was African Union Mission in Sudan (AMIS) a target?
5. What motives could they have had for such an assault?
6. What kinds of evidence and testimony do you see as most important in deciding this case?

