مالوامالوامالو The Supreme Court of the Soviet Union COMMITTEE GUIDE

## Chapter I Advocates Similar to ICC and ICJ, rather than delegates, each person is an advocate, with the role of the jury being held by the chairing panel. Advocates are to represent the respective side assigned to them on the first day of the conference, being: 1. Prosecution, where the advocate's role is to prove the defendant guilty based off of the charges found in the topic brief. 2. Defense, where the advocates role is to prove the defendant not-guilty based off of the charges found in the topic brief. The number of advocates in the committee is 12. Therefore, 4 groups are to be created by the chairing panel on the day of the conference, each with 3 advocates, where two groups are assigned with the role of Prosecution, and the other two being Defense. Chapter III | SCSU Procedure SCSU procedure is a culmination of different aspects of directive based, basic and court committees. The goal of the committee is to trial the defendant in relation to their case, and while considering the appropriate charges assigned to said defendant on the topic brief. G The procedure and flow of debate is split into 3 distinct parts, all of which serving different purposes and aiding in the flow of the case: 1. Investigative Phase 2. Discovery Phase 3. Trial Phase The investigative phase consists of advocates working within their assigned groups and writing directives that investigate the case and defendant at hand in order to gain evidence that will be used in the later phases. A directive is a written instruction that contains details of how

said instruction shall be carried out. Successful directives are determined by their scope and attention to detail, and require a delicate balance between concision and accuracy, alongside creativity. These directives must be written in a way to investigate the available suspects and bring evidence, which will be provided by the chairing panel after the submission of the directives. The investigative phase can be seen as a Lobbying and Merging phase, however with delegates writing directives rather than resolutions. A directive can be formatted as the advocates wish, however must include enough content to 'investigate and find' at least 4-5 pieces of evidence per group. Of note is that a good directive will start with the advocate asking the questions to 'how, when, where, who, what, why?' while formulating it, along with always considering how this directive was to play out, what could go wrong, etc. Advocates are allowed to format the directives as they wish, however must make all steps of the investigation clear and the targets of the investigation as well. Ideally, having each investigative process target one suspect will be ideal to maintain concision and clarity. Advocates must consider the fact that not all parts of a directive will be entertained as they are written and depending on the level of detail found within the directive, the quality of evidence created by the chairing panel will vary. After the investigative phase follows the Discovery phase, which has the advocates debating on the evidence gathered from the investigative phase in an effort to rate the reliability and relevance of each evidence. The discovery phase commences with the chairing panel submitting the gathered evidence from the investigative phase for the advocates to cross out any unwanted evidence. Advocates are recommended to strike out any seemingly weak evidence in terms of reliability or relevance. Advocates are also recommended to approach the chairing panel to inquire on the evidence to ensure they understand the pieces of evidence at hand for the later parts of the committee.

The discovery phase then continues after all delegates submit their final evidence lists to the chairing panels and commence debate. A piece of evidence will be chosen at random for the respective group of advocates to present. A list will also be revealed to the advocates called the public evidence list (PEL), including every single piece of evidence that was passed into the discovery phase. The group of advocates will nominate one speaker to explain and present the piece of evidence to the tribunal, then proceeding with the following procedure:

1. After the presentation, any other advocates will have the opportunity

to ask points of information (POIs) to clarify certain details relating to the evidence. Of note is that advocates are only allowed to ask POIs that are intended to make clear a vague detail or aspect of the evidence that was not thoroughly discussed, and any POIs that are argumentative or are trying to play at an underlying point will be stricken from the record.

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- 2. After POIs, Arguments for and against the evidence will be entertained by all delegates in order to convince the chairing panel of the reliability and relevance or lack thereof of the evidence. Arguments for may be presented by any advocate in the committee, and can be rebutted by any non-submitter advocate in the committee, Arguments against may be presented by any non-submitter advocate and be rebutted by any advocate in the committee. The evidence speaker is barred from presenting any arguments for that specific piece of evidence. Each argument and rebuttal shall be, at max, 1 minute long, with the time decreasing or increasing at a single increment of 15 seconds depending on time constraints. Rebuttals to the second degree will not be entertained unless allowed by the chairing panel in special circumstances.
  - 3. While the arguments are being debated on, the chairing panel will take note of the arguments being presented and give a reliability and relevance rating for the evidence. The rating for the evidence starts at 0 for both scores, with a maximum of 5 and a minimum of -5 for each. This rating will be based upon the debate itself, including the presentation of the evidence, and not any external factors such as chairing panel biases.

1. This means, for example, that even if a piece of evidence may have glaring issues in regards to its reliability or relevance, if those concerns are not addressed during debate, they will not be considered whatsoever in the rating. The rating of the evidence will be presented after all of the proceedings relating to said evidence. Of note is that a rating of -5 on any of the scores will result in the evidence being removed from the PEL and completely stricken from the record.

This process is repeated for all pieces of evidence in the PEL.

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At the end of the presentation of a piece of evidence, the chairing panel will entertain a post-evidence motion, of which there is one type:

## 1. Motion to expedite to Trial phase

Motion to expedite to Trial phase is a motion that allows a vote to be taken by the committee to skip the remaining evidence in the PEL, immediately moving from Discovery phase to Trial phase.

This motion requires a unanimous vote to pass. The purpose of this motion is to move to trial phase directly if the advocates feel that they have their cases and arguments ready for the trial phase, and would prefer moving to trial phase immediately rather than going over the rest of the evidence if they believe it wouldn't change their pre prepared arguments. However, if in the case that all advocates vote for the motion to pass except for 1 advocate, even if the rest of the advocates in their group has voted to pass the motion, they may confer amongst themselves with the chairing panel present in order to reach a conclusion and cast a revote.

It is advised that delegates create their case and arguments for the trial during the discovery phase while evidence is being presented. Due to the free nature of the investigative phase, advocates are able to pivot their cases and arguments at anything that may benefit their case.

After the Discovery phase, either after all evidence from the PEL is presented or a Motion to expedite to Trial phase is passed, the trial phase will commence. The trial phase is a derivation of regular court procedure, with the same elements however structured differently. It has each group presenting their cases in different orders, presenting opening statements, evidence, examining witnesses, and presenting closing remarks in an effort to convince the chairing panel of their arguments. While the presenting group will be the main one participating in debate, other advocates may present objections, which will be explained later on. The structure of a group's case is as follows: 1. Opening statement 2. Presentation of evidence and arguments 3. Witness examination 4. Closing remarks The opening statement is given by the entire group to introduce the committee to the group's rationale, arguments and what they hope to achieve from this case. It is advised that the opening statement be 5-6 minutes long, and last no longer than 7 minutes. The presentation of evidence and arguments includes delegates presenting select pieces of evidence from the PEL to support their argument(s). Advocates are allowed to interpret and explain the evidence in a way that would aim to relate the evidence to their arguments and are allowed to explain the evidence however they desire, meaning that delegates are not required to focus on explaining each piece of evidence chronologically, for example. The list of evidence should be sent to the chairing panel, with a list of the designated number of evidence from the PEL, alongside each argument written clearly. At the end of the presentation of the evidence, advocates may present objections to the arguments. Therefore, it is advised that advocates clearly state their arguments and what evidence supports such arguments to avoid confusion.

An objection is a legal challenge posed to a part of a case, in this scenario being a piece of evidence. At the end of the presentation of evidence, advocates wanting to object will raise their placards, and will present their objections when called upon. They must clarify the grounds for the objection while also explaining why the objection is valid. Any advocates from the presenting group are then allowed to rebuttal to counter the objectors argument by stating "permission to rebuttal". Counter-rebutting is in order using the same phrase, and may be done until the chairing panel has concluded a verdict on the objection. A verdict of 'Sustained' means that the objection is deemed valid and the argument is stricken out of the record, and cannot be mentioned throughout the case. However, for example, if an argument is successfully objected to during one case, this does not bar it from being used in other cases by other advocates. Unlike conventional court procedure, objections on evidence are not used to challenge the reliability or relevance of the evidence, rather its relation to the arguments being presented by the advocates. It is advised that advocates pay close attention to the statements of the presenting group to find fallacies and/or contradictions to find valid objections. For this reason, the following objection list will be used for evidence: 1. Conjured Argument/Unjustified Assumption: This objection is valid when a conclusion or argument is formed off of vastly incomplete information. 2. Misquotes evidence: This objection is valid when an advocate misquotes or misstates information from a piece of evidence. If the misstated information does not hold significance in the argument presented, only that part of the argument may be stricken rather than the entire argument. 3. Fallacious Appeal to reliability or relevance: This objection is valid when an advocate unreasonably justifies an argument by only citing its reliability or relevance score. This is applicable if the evidence does not have a score of 5 in either reliability or relevance.

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4. Strawman: This objection is valid when an advocate misrepresents an 9 opposing argument through concession to strengthen their own points. If the misrepresentation does not hold significance in the argument presented, only that part of the argument may be stricken rather than the entire argument. Advocates are advised to create a list consisting of 6-8 pieces of evidence, with no more than 8 to be entertained. Proceeding the evidence presentation is witness examination, in which each group is permitted to bring one witness from the list given on the first day of the conference to question. Each witness will have an attached affidavit and must be used during their examination. An affidavit is a written testimony by the witness in relation to the case. The witness is provided on the discretion of the chairing panel. The examination starts when the witness is sworn in, and the presenting group is allowed to ask the witness questions. A maximum of 12 questions may be asked by the presenting group. After an advocate asks a question, the witness must wait 6 seconds before answering to allow for any other advocate to object. The objections on witness examination differ from those on evidence, using the following lists for objections on questions and answers respectively: Questions: 1. Ambiguous: This objection is valid when the question asked to the witness lacks sufficient details or information to necessitate a valid answer. 2. Argumentative: This objection is valid when the question is aimed at proving a point/argument rather than inquiring the witness on their observations/expert opinion(s). 3. Competence/Scope/Lack of Foundation: This objection is valid when the question requires a valid answer that the witness is unqualified to answer. This also applies if the question necessitates an answer using

information outside of the affidavit or refers to said information in a way that does not allow the witness to give a valid answer without prior knowledge 1. Calls for conclusion: This objection is valid when the question asks for the witness's opinion on the matter. This objection may be overruled if both the witness is that of an expert and the question specifies an expert opinion based on facts. 2. Calls for speculation: This objection is valid when the question asks for the witness to create an inference on incomplete information or to speculate on a certain event. 3. Compound question: This objection is valid when multiple questions are asked at once. 4. Hearsay: This objection is valid when a question asks for the witness to give an answer from another source/person. 5. Badgering: This objection is valid when the advocate asking the question is trying to intimidate the witness or speaking to them in a harsh or offensive tone. 6. Narrative: This objection is valid when the question necessitates the witness to answer with an extremely long answer or story. 7. Leading Question: This objection is valid when the question necessitates a 'yes or no' answer and contains the answer within it. 8. Privilege: This objection is valid when the answer to a question could incriminate the witness. In rare cases, an advocate may argue for the witness not being required by law to answer the question due to special circumstances. 9. Relevance: This objection is valid when the question is irrelevant to the case or the argument presented by the presenting group. This objection may be cast aside if the initial question were to lay the foundation for a line of questioning that would prove relevant. However, if the line of questioning were still not relevant, all questions will be stricken out of the record. 10. Inflammatory: This objection is valid when the question posed is to get a rise out of the witness rather than let them answer with their observation or valid answer.

Answers: 1. Ambiguous: when the answer given by the witness lacks the necessary details to fulfill the requirements of the question. This may be overruled if the witness answers to the best of their ability given the information from their affidavit. The the witness must provide the court with another answer that would be sufficient. 2. Hearsay: When the witness answers the question using information from another source/person rather than their own observations. 3. Non-responsive: When the witness stays silent and does not say G anything after a question is asked. Advocates must consider the buffer time for objections and an additional amount of time for the witness to formulate a sufficient answer. 4. Nothing pending: When the witness gives an unrelated answer to the question. 5. Informationes additionales non gratae/Additional information inadmissible: when the witness adds additional information to their answer when the question did not ask for such information. This should not be confused with the witness giving a more elaborate answer to a question by providing details that weren't initially asked for in the question. During the objection buffer time, the advocate that raises their placard and proclaims "Objection" first will be able to present their objection. If sustained, any other objections advocates wanted to present will be disregarded, however if overruled, other advocates may have the chance to present their objections, depending on a decision from the chairing panel. During examination, advocates are allowed to make statements in between questions to support their arguments or make points, however such statements shall not be excessive. Additionally, Advocates are able to motion for a sidebar, in which the advocates involved in the current debate can approach the chairing panel for a discussion. Sidebar can also be initiated by the chairing panel, ordering the advocates involved in debate to approach the chairing panel.

After witness examination, Advocates are advised to reach their closing remarks. This includes a summary of the arguments and proceedings, including the debate on evidence and witness examination. Closing remarks can make or break the case, and should be used to emphasise on important points of the presenting a group case. Recalling highlights from witness examination and evidence presentation that strengthen the presented arguments are of importance.

After closing remarks, a recess of around 5 minutes may be held for a

discussion between chairing panel members. After the case is concluded, another group may start presenting theirs. This process will continue until each group has presented their cases.

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## Chapter IV | Statute of Limitations

It must be noted that the verdict on each and every suspect will be decided by considering the terms of the charges put on them by the court. These charges are available in the topic brief. For this reason, the court must respect the description of the charge and cannot present any other legal document presenting a similar charge or description of a similar crime.

The Rome Statute will be adopted as a valid document by the court (disregarding the crimes mentioned in article 5 of the statute), meaning that advocates may use articles within the statute to justify certain claims or back up arguments. However, this is done on a case-by-case basis, and the use of rome statute articles in any scenario must be approved by the chairing panel beforehand.