# Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar: 7 States Intervening)

# Letter from the EB

The law is sacred. Chicanery of the law will not be tolerated. So, we ask you as counsel and judges : will you uphold it? We hope your answer is yes, because we are determined to simulating the best possible version of this committee and we cannot do it without you: the delegate.
We want to preface this background guide by informing you that being ostentatious in this committee will not reward you, but rather well thought out research and arguments along with a flair and assertion.
More than anything, we expect mutual respect, diplomacy, and a sense of dedication from each any every delegate.
We advise the delegates to start their research by reading this background guide and creating tangents of research by strengthening your basic understanding of the committee, the cases at hand and your capabilities as a member of this court.
We wish you nothing but the best and hope to see what's never been seen before in terms of debate, vigor and clarity around this case.

**Yours truly,**
Vividh Masilamani - Co-Chairperson
Rinee roy - Co-Chairperson
Sahana Shriram - Vice chairperson
Adity - Director

# Introduction to the Committee

The International Court of Justice (ICJ), following the statute of its predecessor the Permanent Court of International Justice (PCIJ), came into existence after deliberations at the Dumbarton Oaks conference and San Francisco conference which laid out the need for an international body. Within it, a judicial body at its principal organ, that is, it stands on the same level as the United Nations General Assembly, United Nations Security Council, the Economic and Social Council, the Trusteeship Council, and the Secretariat.

The ICJ took close inspiration from the PCIJ due to practical reasons of continuity and experiential. This can be closely seen from the election of most of its initial members, such as the president and members of the registry.

The ICJ was created instead of just adapting the PCIJ into the United Nations due to the close

links the PCIJ had with the League of Nations (LON), which at the time was on the verge of dissolution, and its steady decline in activity. In addition, it more consistently followed the provisions of the Charter (UN) that member states of the United Nations ipso facto parties to the statute of the ICJ.

The Court may entertain **two types of cases:** legal disputes between States submitted to it by them (**contentious cases**) and requests for advisory opinions on legal questions referred to it by United Nations organs and specialized agencies (**advisory proceedings**).

## Contentious Cases

Only States (States Members of the United Nations and other States which have become parties to the Statute of the Court or which have accepted its jurisdiction under certain conditions) may be parties to contentious cases.

The Court is competent to entertain a dispute only if the States concerned have accepted its jurisdiction in one or more of the following ways:

- by entering into a special agreement to submit the dispute to the Court;
- by virtue of a jurisdictional clause, i.e., typically, when they are parties to a treaty containing a provision whereby, in the event of a dispute of a given type or disagreement over the interpretation or application of the treaty, one of them may refer the dispute to the Court;
- through the reciprocal effect of declarations made by them under the Statute, whereby each has accepted the jurisdiction of the Court as compulsory in the event of a dispute with another State having made a similar declaration. A number of these declarations, which must be deposited with the United Nations Secretary-General, contain reservations excluding certain categories of dispute.

States have no permanent representatives accredited to the Court. They normally communicate with the Registrar through their Minister for Foreign Affairs or their ambassador accredited to the Netherlands. When they are parties to a case before the Court they are represented by an agent. An agent plays the same role, and has the same rights and obligations, as a solicitor or *avoué* in a national court. However, since international relations are at stake, the agent is also as it were the head of a special diplomatic mission with powers to commit a sovereign State. He/she receives communications from the Registrar concerning the case and forwards all correspondence and pleadings, duly signed or certified, to him. In public hearings the agent opens the argument on behalf of the government he/she represents and lodges the submissions. In general, whenever a formal act is to be done by the government represented, it is done by the agent. Agents are sometimes assisted by co-agents, deputy agents or assistant agents and always

have counsel or advocates, whose work they co-ordinate, to assist them in the preparation of the pleadings and the delivery of oral argument. Since there is no special International Court of Justice Bar, there are no conditions that have to be fulfilled by counsel or advocates to enjoy the right of pleading before it, the only exception being that they must have been appointed by a government to do so.

Proceedings may be instituted in one of two ways:

- Through the notification of a special agreement: this document, which is bilateral in character, can be lodged with the Court by either or both of the States parties to the proceedings. A special agreement must indicate the subject of the dispute and the parties thereto. Since there is neither an "Applicant" State nor a "Respondent" State, in the Court's publications their names are separated by an oblique stroke at the end of the official title of the case, e.g., Benin/Niger.
- By means of an application: the application, which is unilateral in character, is submitted by an applicant State against a respondent State. It is intended for communication to the latter State and the Rules of Court contain stricter requirements with regard to its content. In addition to the name of the party against which the claim is brought and the subject of the dispute, the applicant State must, as far as possible, indicate briefly on what basis - a treaty or a declaration of acceptance of compulsory jurisdiction - it claims that the Court has jurisdiction, and must succinctly state the facts and grounds on which its claim is based. At the end of the official title of the case the names of the two parties are separated by the abbreviation *v.* (for the Latin versus), e.g., *Nicaragua* v. *Colombia*.

The date of the institution of proceedings, which is that of the receipt by the Registrar of the special agreement or application, marks the opening of proceedings before the Court. Contentious proceedings include a written phase, in which the parties file and exchange pleadings containing a detailed statement of the points of fact and of law on which each party relies, and an oral phase consisting of public hearings at which agents and counsel address the Court. As the Court has two official languages (English and French), everything written or said in one language is translated into the other. The written pleadings are not made available to the press and public until the opening of the oral proceedings, and only then if the parties have no objection.

After the oral proceedings the Court deliberates *in camera* and then delivers its judgment at a public sitting. The judgment is final, binding on the parties to a case and without appeal (at the most it may be subject to interpretation or, upon the discovery of a new fact, revision). Any judge wishing to do so may append an opinion to the judgment.

By signing the Charter, a Member State of the United Nations undertakes to comply with the decision of the Court in any case to which it is a party. Since, furthermore, a case can only be submitted to the Court and decided by it if the parties have in one way or another consented to its jurisdiction over the case, it is rare for a decision not to be implemented. A State which considers that the other side has failed to perform the obligations incumbent upon it under a judgment rendered by the Court may bring the matter before the Security Council, which is empowered to recommend or decide upon measures to be taken to give effect to the judgment.

The procedure described above is the normal procedure. However, the course of the proceedings may be modified by incidental proceedings. The most common incidental proceedings are preliminary objections, which are raised to challenge the competence of the Court to decide on the merits of the case (the respondent State may contend, for example, that the Court lacks jurisdiction or that the application is inadmissible). The matter is one for the Court itself to decide. Then there are provisional measures, interim measures which can be requested by the applicant State if it considers that the rights that form the subject of its application are in immediate danger. A third possibility is that a State may request permission to intervene in a dispute involving other States if it considers that it has an interest of a legal nature in the case, which might be affected by the decision made. The Statute also makes provision for instances when a respondent State fails to appear before the Court, either because it totally rejects the Court's jurisdiction or for any other reason. Failure by one party to appear does not prevent the proceedings from taking their course, although the Court must first satisfy itself that it has jurisdiction. Finally, should the Court find that parties to separate proceedings are submitting the same arguments and submissions against a common opponent in relation to the same issue, it may order the proceedings to be joined.

The Court discharges its duties as a full court but, at the request of the parties, it may also establish *ad hoc* chambers to examine specific cases. A Chamber of Summary Procedure is elected every year by the Court in accordance with its Statute.

The sources of law that the Court must apply are: international treaties and conventions in force; international custom; the general principles of law; judicial decisions; and the teachings of the most highly qualified publicists. Moreover, if the parties agree, the Court can decide a case *ex aequo et bono*, i.e., without confining itself to existing rules of international law.

A case may be brought to a conclusion at any stage of the proceedings by a settlement between the parties or by discontinuance. In case of the latter, an applicant State may at any time inform the Court that it does not wish to continue the proceedings, or the two parties may declare that they have agreed to withdraw the case. The Court then removes the case from its List.

## Advisory Proceedings

Advisory proceedings before the Court are only open to five organs of the United Nations and 16 specialized agencies of the United Nations family or affiliated organizations.

The United Nations General Assembly and Security Council may request advisory opinions on "any legal question". Other United Nations organs and specialized agencies which have been authorized to seek advisory opinions can only do so with respect to "legal questions arising within the scope of their activities".

When it receives a request for an advisory opinion the Court must assemble all the facts, and is thus empowered to hold written and oral proceedings, similar to those in contentious cases. In theory, the Court may do without such proceedings, but it has never dispensed with them entirely.

A few days after the request has been filed, the Court draws up a list of the States and international organizations that are likely to be able to furnish information on the question before the Court. Such States are not in the same position as parties to contentious proceedings: their representatives before the Court are not known as agents, and their participation in the advisory proceedings does not render the Court's opinion binding upon them. Usually the States listed are the member States of the organization requesting the opinion. Any State not consulted by the Court may ask to be.

It is rare, however, for the ICJ to allow international organizations other than the one that requested the opinion to participate in advisory proceedings. The only non-governmental international organizations that have ever been authorized by the ICJ to furnish information did not in the end do so (International Status of South West Africa). The Court has rejected all such requests by private parties.

The written proceedings are shorter than in contentious proceedings between States, and the rules governing them are relatively flexible. Participants may file written statements, which sometimes form the object of written comments by other participants. The written statements and comments are regarded as confidential, but are generally made available to the public at the beginning of the oral proceedings. States are then usually invited to make oral statements at public sittings.

Advisory proceedings conclude with the delivery of the advisory opinion at a public sitting.

Such opinions are essentially advisory; in other words, unlike the Court's judgments, they are not binding. The requesting organ, agency or organization remains free to give effect to the opinion as it sees fit, or not to do so at all. However, certain instruments or regulations provide that an advisory opinion by the Court does have binding force (e.g., the conventions on the privileges and immunities of the United Nations).

Nevertheless, the Court's advisory opinions are associated with its authority and prestige, and a decision by the organ or agency concerned to endorses an opinion is as it were sanctioned by international law.

In 2023, the Registry of the Court published a note for States and international organizations on the procedure followed by the Court in advisory proceedings.

# Introduction to the Conflict

The origins of the conflict lie in the historic discrimination and systematic persecution of the Rohingya, a predominantly Muslim ethnic minority in Myanmar's Rakhine State, who have faced decades of discrimination and oppression under the authorities of Myanmar. Despite the fact that the Rohingya have lived in the area for generations, the Myanmar government excluded them from the 2014 census, and refuses to recognize them as citizens, seeing them as illegal Bangladeshi immigrants and effectively rendering them stateless under the 1982 Citizenship Law.

Starting in October 2016 and then once more in August 2017, the security forces of Myanmar (the Tatmadaw) began 'ethnic cleansing', by engaging in 'clearance operations' designed to drive out the Rohingya from the region. Characterized by grave human rights violations on a mass scale (particularly the operations in 2017), acts of brutality including but not limited to indiscriminate killings, torture, forced displacement, beatings and arbitrary detention were carried out, as reported by survivors. At least 288 villages were partially or entirely burned down by fire in northern Rakhine after August 2017, and an estimated 745,000 people (a majority of whom were Rohingya) fled to Bangladesh. The government puts the death toll at 400, and claims that the 'operations' against the militants ended by the 5th of September, but evidence has been found that they have continued after that date.

A major point where tensions escalated severely was in August of 2017, when the Myanmar military launched an attack on 288 villages, partially or even entirely destroying them by fire. This was done in response to deadly attacks by an armed group, the Rohingya ARSA (Arakan Rohingya Salvation Army), on police posts. Note that 'Arakan' is another name used for the Rakhine State. In the month after the violence began, over 6,700 Rohingya (including at least 730 children under the age of five years old) were killed, according to a medical charity (Médecins Sans Frontières).

Laws were passed that limited the religious freedom of the Rohingya, along with denying them reproductive rights, marital rights, and citizenship. As the Independent International Fact-Finding Mission on Myanmar (FFM) declared, these 'clearance operations' total genocide, war crimes, and crimes against humanity. As was brought to light by The Gambia, the acts of 'killing, causing serious bodily and mental harm, inflicting conditions that are calculated to bring about physical destruction, imposing measures to prevent births, and forcible transfers' (listed under Article II of the Genocide Convention) were done against members of the Rohingya group, with genocidal intent. Today, many Rohingya remain in overcrowded refugee camps or are internally displaced within Myanmar, as the region is still in conditions unsafe for their voluntary return.

# Introduction to the Agenda

This Rohingya genocide case, is a case which is currently being heard by the International Court of Justice at present and no verdict has been written upon it yet, meaning that we will be simulating a trial based on real life, current scenarios, and working the case to reach a verdict in committee that hasn't been reached in the actual ICJ itself. This is a major responsibility that we trust you can utilize.

Let us start this introduction from the beginning.

The Gambia filed an application to the ICJ on November 11th, 2019, for the application of the Genocide Convention to the operations held in Myanmar, along with an application for instituting proceedings and request for provisional measures to aid the situation for the Rohingyas. This is possible under article 8 of the Genocide Convention, which states that "Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in article III."

At the heart of The Gambia's case is the Genocide Convention, officially titled the Convention on the Prevention and Punishment of the Crime of Genocide. This was the very first human rights treaty adopted by the UN, and today, more than 150 countries—including both The Gambia and Myanmar—are parties to it.Under Article II, genocide is defined as certain acts—such as killing, causing serious harm, or imposing life conditions meant to destroy a group—committed with the intention of wiping out, in whole or in part, a national, ethnic, racial, or religious group. The legal definition combines both a physical element(the acts themselves) and a mental element (the specific intent to destroy the group). States that are party to the Convention are not just required to punish genocide after it happens—they're also obligated to prevent it (Article I). This duty extends to related offenses like incitement, attempts, or complicity in genocide (Article III). The Convention also requires States to adopt laws at the national level to make these crimes punishable (Article V).

Importantly, the principles behind the Genocide Convention are now considered customary international law—meaning they apply to all States, even those not party to the treaty. The ICJ recognized this in its 1951 advisory opinion, stating that the core principles of the Convention reflect values accepted by the international community as a whole.

The Gambia brought this case before the ICJ using Article IX of the Genocide Convention, along with Article 36(1) of the ICJ Statute. Article IX is a key clause that allows countries to refer disputes over the interpretation or application of the Convention to the Court.

Since both The Gambia and Myanmar are parties to the Convention and haven't made any reservations about Article IX, the ICJ determined that it had prima facie jurisdiction when it

issued provisional measures in 2020. The Gambia has provided evidence statements from Myanmar officials and UN reports suggesting a genuine legal dispute regarding Myanmar's obligations under the Convention.
A central question is why The Gambia, a small West African nation with no direct link to the events in Myanmar, is allowed to bring the case.
The answer lies in the idea that obligations under the Genocide Convention are **erga omnes partes** - they're owed to all parties to the Convention. So, any State party has the right to hold another accountable, even if it hasn't been directly harmed. This principle is also reflected in the Articles on State Responsibility (ARSIWA), especially Articles 48(1)(a) and (b).

At the core of the case is whether Myanmar, as a State, is legally responsible for acts of genocide committed against the Rohingya population. Under ARSIWA, two conditions must be met for State responsibility:
1. The wrongful conduct must be attributable to the State, (MEANING - The State in question has to have committed genocide), and
2. The conduct must violate an international obligation (in this case, the Genocide Convention).
The Gambia argues that Myanmar's military and state institutions carried out acts that fall under the Convention's definition of genocide—and did so with intent. It also says Myanmar failed to prevent genocide and hasn't held anyone accountable, despite its duty to do both.

The issue of **territorial jurisdiction** is also key. While Myanmar clearly has sovereignty over its own territory, The Gambia claims that it exercised effective control over the areas where these alleged atrocities happened, particularly in Rakhine State. Because of this control, Myanmar can't argue that it bears no responsibility for what occurred there.

The ICJ will ultimately need to assess whether Myanmar's actions fit the legal definition of genocide, whether those acts can be attributed to the State, and whether The Gambia has made a plausible claim under the Convention to justify moving forward.

The Gambia's goal in committee thus becomes to have to **prove** genocidal acts committed by Myanmar authorities. In view of the various reports, this may not appear to be too complicated. Proving that such acts were committed with the "genocidal element," however, will be more challenging.

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## CASE STUDY - Bosnia and Herzegovina v Serbia and Montenegro

To understand the gravity of the Gambia v. Myanmar case, it is crucial to revisit the landmark judgment of the *Bosnia and Herzegovina v. Serbia and Montenegro* case in 2007 - the only ICJ case to date in which a state was tried for violating the Genocide Convention. In that instance,

Bosnia accused Serbia of complicity in genocide during the 1992-1995 Bosnian War, specifically pointing to the Srebrenica massacre where over 8,000 Bosniak men and boys were murdered.

While the Court stopped short of declaring Serbia directly responsible for committing genocide, it found Serbia guilty of failing to prevent the genocide and failing to punish the perpetrators, including its failure to arrest Ratko Mladić. This judgment created important precedents: that states can be held liable under international law not just for directly committing genocide, but also for failing to prevent or punish it. The ruling also stressed the threshold for proving "genocidal intent," which must be both specific and demonstrable.

This precedent will deeply inform our deliberations in the Gambia v. Myanmar case. As you evaluate Myanmar's actions, consider the elements that must be proven: Was there intent? Were the atrocities systemic and state-directed? And finally, did the state make any meaningful effort to prevent or punish those responsible?

## The UN Fact Finding Mission - Key Findings

In March of 2017, the UN Human Rights Council (UNHRC) set up the Independent International Fact Finding Mission on Myanmar (IIFFMM) to determine objectively the circumstances of the alleged human rights violations and abuse carried out by the military forces in Myanmar. The IIFFMM focused on the Kachin, Rakhine and Shan States. This mandate ended in September of

2019, with the IIFFMM relaying the evidence found to the Independent Investigative Mechanism for Myanmar (IIMM) (also mandated by the UNHRC and in place since August of 2019).

Closely examining the infringement of fundamental freedoms, such as the freedom of expression, assembly, and peaceful association, along with the issue of hate speech, the IIFFMM brought to light repetitive patterns of serious human rights violations and evidence of violations and failure to respect international humanitarian law. In September of 2019, the IIFFMM released a final report after two years of investigation, with damning results. This report concluded that the severity of the widespread, systematic crimes committed against the Rohingya by the Tatmadaw (Myanmar's military) ensured they met the legal threshold for genocide.

Military leaders with command responsibility executed mass killings, forced displacement, the destruction of villages and other crimes via directives. These actions helped make up a coordinated strategy with the focus of permanently altering the ethnic makeup of Rakhine State, as concluded by the same report. The IIFFMM identified six senior military officials who should be investigated, along with prosecuted, for genocide, crimes against humanity, and war crimes. The government of Myanmar was also revealed to have restricted access to investigators, as well as destroying evidence (such as razing sites, where mass killings allegedly occurred). This report placed special emphasis on the fact that these schemes were discussed at the highest levels, directly supporting The Gambia's assertion of state responsibility.

https://www.ohchr.org/en/hr-bodies/hrc/myanmar-ffm/index
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# The Gambia - Application Overview

On November 11, 2019, The Gambia filed its historic application with the ICJ, becoming the first state without direct geographical or political ties to Myanmar to invoke the Genocide Convention. Its move was backed by the Organization of Islamic Cooperation (OIC), demonstrating how collective interest in preventing genocide can empower even small states to challenge powerful actors. The Gambia's memorial outlines several core accusations: that Myanmar's military and state apparatus carried out mass atrocities with the intent to destroy the Rohingya population, and that Myanmar has failed to prevent, punish, or even acknowledge these acts.

The Gambia draws heavily on UN fact-finding reports, eyewitness accounts, satellite imagery, and official statements from Myanmar's leaders to establish a pattern of conduct aligned with Article II of the Genocide Convention. Importantly, The Gambia also argues that these atrocities are ongoing with new waves of violence against Rohingya in 2022 and 2023 and therefore require urgent judicial intervention. It requests the Court to affirm Myanmar's responsibility, and to order reparations, guarantees of non-repetition, and systemic reforms.

This case is not just a legal test, it was a moral litmus test for the international community.

# Myanmar - Response Overview

Myanmar's response to the ICJ application has been both defiant and defensive. While it has formally engaged with the proceedings, including submitting preliminary objections and counter-memorials, it continues to reject the characterization of its actions as genocide. The core of Myanmar's argument rests on three pillars: jurisdiction, admissibility, and merits.

First, Myanmar argued that The Gambia had no standing to bring the case, claiming there was no actual dispute between the two nations. This was dismissed by the Court. Second, Myanmar challenged whether the Genocide Convention applied extraterritorially in such a way, also rejected. On the merits, Myanmar claims that its "clearance operations" were legitimate counter-insurgency efforts against Rohingya militants (specifically ARSA), not targeted attacks on a civilian population. It disputes both the scale of violence and the presence of genocidal intent, arguing that any abuses were the result of rogue actors or battlefield exigencies, not state policy.

However, Myanmar's international credibility has been severely undercut by mounting reports of evidence destruction, media suppression, and non-cooperation with UN mechanisms. Its defense will be a critical subject of scrutiny in our committee: Does Myanmar's counter-insurgency justification hold legal weight? Can a state hide behind national security to absolve itself from international responsibility for mass atrocities?

# Rules of Procedure

Now, the way this works will be a little different. We will strictly be following the rules of procedure set by the existing code and make minor tweaks for more opportunities and debate at certain junctures.

Filing:

- Both the applicant and respondents will file a written document called the memorial and counter-memorial, respectively.

- A memorial shall contain a statement of the relevant facts, a statement of law, and the submissions.
- A counter memorial shall contain: an admission or denial of the facts stated in the memorial; any additional facts, if necessary; observations concerning the statement of law in the memorial; a statement of law in answer thereto; and the submissions.
- The court may authorize or direct that there shall be a reply by the applicant and a rejoinder by the respondent if the parties are so agreed, or if the court decides proprio motu or at the request of one of the parties that these pleadings are necessary.
- The Reply and Rejoinder, whenever authorized by the court, shall not merely repeat the parties' contentions, but shall be directed to bringing out the issues that still divide them.
- In case, any submissions or documents to the court have an error, the correction of a slip or error in any document which has been filed may be made at any time with the consent of the other party or by leave of the president. Any correction so effected shall be notified to the other party in the same manner as the pleading to which it relates.
- After the initial closure of the written proceedings which will be provided as a deadline before the committee begins, no further documents may be submitted to the court by either party except with the consent of the other party, or in the absence of consent, the court after hearing the parties may, if it considers the document necessary, authorize its production.
- No reference may be made during the oral proceedings to the contents of any document which has not been produced before the "deadline". The only caveat to this is that if the document is a part of a publication readily available then it can be brought up.
- Within a given timeframe, the delegates must submit any production of documents, evidence, witnesses (with their surnames, first names, nationalities, descriptions, and places of residence of the witnesses) and experts whom the party intends to call.
- In the actual ICJ, the Court asks for any supplementation of information or addresses any deficits in addressing the root problem. In our simulation, however, we will be passing the autonomy to the judges of the Court. Hence, the judges may at any time prior to or during the hearing indicate any points or issues to which it would like the parties specially to address themselves or on which they consider that there has been sufficient argument. They may also, during the hearing, put questions to the counsel and advocates, and ask for explanations.

The act of answering these questions may be immediate or within a fixed time limit set by the President.

- Unless, on account of special circumstances, the Court decides on a different form of words,
- Every witness , including the experts, shall make the following declaration before giving any evidence:

> “ I solemnly declare upon my honour and conscience that I will speak the truth, the whole truth and nothing but the truth.”

Witnesses and experts shall be questioned by the judges, counsel and advocates under the control of the president, who may also choose to ask any questions.

A traditional committee in a MUN would comprise a point of personal privilege, point of order, point of parliamentary inquiry, and point of information.
Considering that questioning will be done in a different manner we shall define what points are in order as judges and as advocates.

As a judge you will have the right to all 4 traditional points; however, your Point of Information (POI) will only be addressed at the end of each round of debates, For example, the applicants will finish their round of arguments then the respondents will make their round of arguments and after that is over all judges have the right to questioning any and all statements made by either side of the case. There will, however, be an arbitrary time limit to this session. Points of order can be on the oral proceedings or on the written documentation submitted and can be sent via a chit.

As an advocate, you will have the right to all 4, same as judges, except your Point of Information (POI) will be on a request basis. For example, the speaker has a 5 minute presentation ahead but uses only 4 minutes then, the speaker can request for a question on their presentation to the opposition and the opposition, at any point, can raise their placard to request for a question or line of questioning however, there is no obligation to answer it. Same as judges, the Point of Order (POO) can be on oral or written proceedings and can be sent via chit.

As far as motions as concerned, there are only 4:
A motion to break for discussion,
A motion to introduce a witness,
A motion to present evidence, and
A motion to revert to speaker debate.
A motion to break for discussion is a fancy way of saying “ unmoderated caucus.”

A motion to introduce a witness allows the advocate who raised it to bring in a witness provided to the Court beforehand. This will allow for recorded sworn testimony to be referred to in oral arguments and a cross-examination session.

During cross-examination, a witness can be pressed for more information on a certain part of their testimony; however, objections are also allowed in cases of leading questions or speculation, and any false statements made by the witness during their testimony.

A motion to present evidence allows the applicants/respondents to go into in-depth explanations of their evidence and its relevance to the case. This is where the advocates can build a case with the Judges by proving their points rather than just stating them as they would in oral discussions.

A motion to move into/revert to speaker debate is basically going back to a set debate with speakers of each side getting turns to rebut or make any points based on other factors such as evidence/ witness testimony.

Each team will have a first and last speaker; the first speaker must always address the key issues and introduce the primary points of argument that the co-counsel wishes to present/extrapolate on. The last speaker will always summarize what the speakers before him/her have stated and tried to prove.

Verdicts:

- Verdicts will be given by the judges based on a closed room discussion with none of the advocates present. The judges will carefully analyze each and every statement and document given by the advocates and witnesses of the case to come to a democratic conclusion based on a vote.
- In addition, the Judges will be required to give a detailed document stating the reasons for their decision and their formal decision as well.

## Evidence and its Weighing

Right off the bat, we wish to make it clear that the fabrication of evidence will not be entertained. The evidence presented will be judged upon based on the following criteria :

1. Relevance
2. Bias
3. Reliability of the source
4. Date of publication
5. Accuracy of the material.

No limit on the number of pieces of evidence will be set.
It will be up to the judges' collective decision to discard, weigh less, or weigh more, some pieces of evidence. If a piece of evidence has been discarded, it shall not be used to support your arguments in the future.

## Important Notes

Respected Judges and Advocates,
We hope that you have thoroughly read and understood the concepts explained in this background guide, along with receiving a general idea of how the EB would like this committee to go. We as EB wish to see proper debate, references to other advocates' speeches, proper documentation and perfection in arguments and logic.

Moreover, we encourage you all to learn the various objections that are raised in a court of law to further elevate your side of the argument, along with perfecting your documentation skill and your improvisation skill.

In terms of research, we implore you to use UN official websites, the nation's official site, official Non Government Organisations' reports, and internationally recognised and reliable news sites. If a delegate comes up to us and says they used Wikipedia as their source, we may have a heart attack.

Most importantly, it is important for each delegate to remember that at the end of the day - diplomacy, learning and curiosity about the subject is the key to winning any award. Do not expect an award without hard work, interest and diplomacy in the conference.

Thank you delegates, it is our pleasure to be your EB. We expect a new level of debate from you all this year, and hope to not be disappointed. Good luck.

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