

THE HAGUE INTERNATIONAL MODEL UNITED NATIONS

INTERNATIONAL COURTS



**GUIDE FOR THE
PARTICIPANTS
THIMUN 2027**

Welcome to the THIMUN International Courts

Preface

The THIMUN International Courts have evolved over many years through the enthusiasm, creativity and commitment of students, staff, and volunteers. For many years, the THIMUN International Court of Justice (ICJ) earned an outstanding reputation thanks to Robert Stern's expertise and the dedication of its many Presidents, Registrars, Advocates, and Judges over several decades. Building on that strong foundation, the THIMUN International Criminal Court (ICC) was introduced in 2024. The year 2027 marks the fourth edition of the THIMUN International Criminal Court. For the first time, it is complemented by the International Tribunal for the Law of the Sea (ITLOS), providing participants with the opportunity to experience two distinct forms of international adjudication.

This Guide builds on the original handbook prepared in 2023 and incorporates the experience gained from organising and participating in the first three editions of the THIMUN International Criminal Court. We are particularly grateful to the former Presidents, Registrars, Judges, and Advocates whose ideas, suggestions, and constructive feedback have helped shape both the development of the THIMUN International Courts programme and this Guide.

While the format of the THIMUN International Courts has evolved, the underlying objective has remained unchanged: to provide students with an authentic, intellectually challenging and rewarding experience of international law. This Guide therefore reflects not only the procedures of the THIMUN International Courts but also the practical lessons learned through preparing for and participating in previous conferences. It is intended to support participants in developing the legal knowledge, analytical skills and confidence required to contribute effectively to their respective roles.

We hope that future participants will continue this tradition by using this Guide thoughtfully, approaching every case with curiosity, professionalism, and respect for the rule of law, and contributing their own ideas so that the THIMUN International Courts programme and this Guide continue to evolve in the years to come.

Using This Guide

This Guide is designed for all participants in the THIMUN International Courts programme, whether you are participating for the first time or returning with previous experience. While some chapters are relevant to everyone, others focus on the responsibilities of specific roles.

We recommend that all participants begin with Chapters 1 and 2 to gain an understanding of the purpose of international courts and the legal framework within which they operate. Chapter 3 introduces the responsibilities of each role, while the remaining chapters provide practical guidance on preparing for and participating in the proceedings.

Using Artificial Intelligence Responsibly

Artificial intelligence (AI) can be a valuable tool when preparing for the THIMUN International Courts. It can help you understand legal concepts, explain terminology, suggest research strategies and improve the clarity of your writing. Used thoughtfully, AI can support your learning and help you prepare more effectively.

However, AI should **support** your work, not replace it. The purpose of participating in the THIMUN International Courts is to develop your own legal reasoning, critical thinking and advocacy skills. These can only be acquired by analysing legal issues, evaluating evidence and constructing arguments yourself.

Participants are therefore encouraged to use AI responsibly. Any information, legal source or factual statement generated by AI should always be verified using reliable sources. AI systems may produce inaccurate, incomplete or fabricated information and should never be treated as authoritative sources of law.

Most importantly, your written submissions and oral presentations should reflect **your own understanding, judgement and preparation**. The strongest advocates and judges are not those who rely most heavily on technology, but those who can think critically, respond to questions confidently and apply the law persuasively to the facts before them.

Part I – Understanding International Courts

Chapter 1 - Introduction

Although many international disputes are resolved through diplomacy and negotiation, others require an independent judicial body to determine the rights and responsibilities of the parties involved.

International courts were established to prosecute those accused of the most serious international crimes, settle disputes between States, interpret international treaties, and contribute to the development of international law.

At THIMUN, you will have the opportunity to experience these processes firsthand.

1. How Court Simulations Differ from Model UN

Model UN	THIMUN Court
Represent a State	Represent a legal role
Negotiate	Advocate a position
Seek compromise	Apply the law
Draft resolutions	Present legal submissions
Political arguments	Legal arguments
Majority vote	Judicial decision

Court simulations complement Model UN by demonstrating another way in which the international community addresses disputes. While diplomats seek political solutions through negotiation, international courts resolve disputes by applying the law impartially.

2. Why Participate in a THIMUN Court?

By participating in a THIMUN Court, you will develop - or further refine - the skills needed to:

- analyse complex facts and legal issues;
- distinguish between facts, evidence and opinion;
- interpret and apply international law;
- develop a coherent theory of the case;
- identify, evaluate and present persuasive evidence;
- prepare witnesses for direct and cross-examination;
- construct clear and convincing legal arguments;
- think critically and respond effectively under pressure;
- deliver confident and well-structured oral pleadings;
- work collaboratively as part of an international legal team.

One of the distinctive features of the THIMUN International Courts is that some participants will assume more than one role during the conference. Advocates in one case may serve as a judge in another. In doing so, participants develop a deeper understanding of legal reasoning, advocacy and judicial decision-making.

3. The THIMUN International Courts' Philosophy

The objective of the THIMUN International Courts is not merely to reproduce court proceedings but to enable participants to understand how international courts function and how lawyers and judges approach complex legal disputes. Rather than replicating every procedural detail of international judicial proceedings, the THIMUN International Courts provide an authentic educational experience that reflects the essential features of international justice while remaining engaging and accessible to secondary school students.

Chapter 2 - The Courts – ICC, ITLOS

1. ICC

Why was the ICC established?

The idea of an international criminal court is more than a century old. Following the First World War, proposals were made to prosecute the German Kaiser and other individuals responsible for war crimes. Although these efforts were unsuccessful, they marked the beginning of the idea that individuals—not only States—could be held accountable under international law.

After the Second World War, the International Military Tribunals in Nuremberg and Tokyo demonstrated that those responsible for atrocities could be brought before an international court. However, these tribunals were temporary and established only after the conflicts had ended.

In 1948, the United Nations General Assembly recognised the need for a permanent international criminal court. Political tensions during the Cold War, however, prevented agreement for almost fifty years.

The conflicts in the former Yugoslavia and the genocide in Rwanda during the 1990s once again highlighted the need for a permanent institution capable of prosecuting the perpetrators of the most serious international crimes.

This finally led to the adoption of the Rome Statute on 17 July 1998. The Rome Statute is the founding treaty of the International Criminal Court. It defines the Court's jurisdiction, powers and procedures, as well as the crimes over which it has authority.

After sixty States had ratified the Rome Statute, it entered into force on 1 July 2002, formally establishing the International Criminal Court.



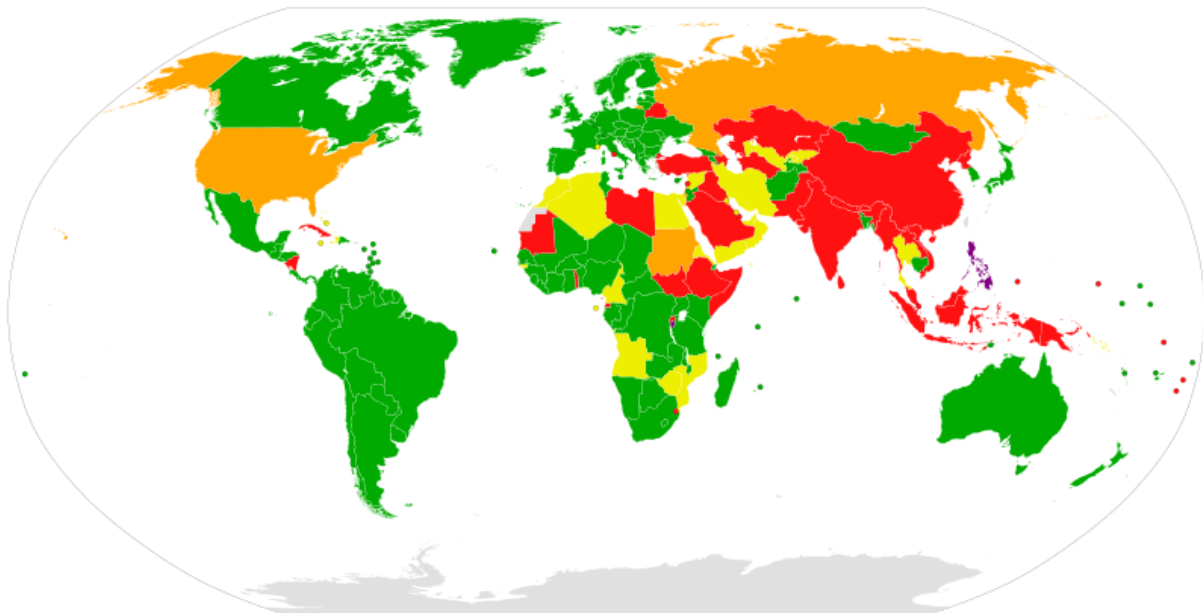
Thomas Lubanga

Source: <https://www.icc-cpi.int/drc/lubanga>

The International Criminal Court issued its first judgment in 2012 when it found Congolese rebel leader Thomas Lubanga Dyilo guilty of war crimes related to using child soldiers.

What does the ICC do?

The ICC is an intergovernmental organisation and international tribunal seated in The Hague, Netherlands. The Court has jurisdiction over individuals for genocide, war crimes, crimes against humanity, and aggression.



Parties and signatories of the Rome Statute, 2025

https://commons.wikimedia.org/wiki/File:ICC_member_states.svg

	State party
	Signatory that has not ratified
	State party that withdrew its membership
	Signatory that withdrew its signature
	Not a state party, not a signatory

As of 2025, 125 states have ratified the Rome Statute, thus becoming members of the ICC, Ukraine being the most recent one.

Did you know?

Burkina Faso **Mali** and **Niger** withdraw from the ICC, denouncing it as a “selective and politicised instrument.” This withdrawal cannot become legally effective before June 23, 2027. On July 27, 2026, **Venezuela** announced that they had formally notified the UN of their withdrawal from the Rome Statute.

The jurisdiction of the ICC is limited; it can only investigate and prosecute crimes:

- if these crimes are committed within member states, committed by nationals of member states, or in situations referred to the Court by the United Nations Security Council;
- if member states’ courts are unwilling or unable to prosecute criminals.

As "court of last resort", the ICC is meant to complement existing national judicial systems, not to replace them.

By ratifying the Rome Statute, States Parties accept the jurisdiction of the ICC under the conditions laid down in the treaty and undertake to cooperate with the Court. Together, they seek to combat impunity for the perpetrators of the most serious international crimes.

For the victims and for the general public’s understanding of justice, it is essential that those who are responsible for atrocities such as human rights violations, rape as a means of war, and genocide are held accountable.

"Before the establishment of the Court, a person stood a better chance of being tried and judged for killing one human being than for killing 100,000." (1998)

José Ayala Lasso, former United Nations High Commissioner for Human Rights

Although the ICC has no police force of its own, States Parties are required to cooperate with the Court, including by executing arrest warrants where appropriate. The Court therefore relies heavily on international cooperation.

How does the ICC work?

The ICC investigates and prosecutes individuals accused of the most serious international crimes. Investigations may be initiated by a State Party, referred by the United Nations Security Council, or opened by the Prosecutor with judicial authorisation.

During criminal proceedings, the Office of the Prosecutor presents evidence in support of the charges, while the Defence represents the accused. Independent judges evaluate the evidence, hear witnesses, consider the legal arguments and determine whether the accused is guilty beyond a reasonable doubt.

If convicted, the Court may impose a sentence and, where appropriate, order reparations for victims.

Did You Know?

Under the Rome Statute, both the Prosecutor and the Defence may appeal on specified legal or factual grounds. The Bemba case, that will be used at THIMUN 2027, is one of the best-known examples of a conviction being overturned on appeal.

The Bemba case discussed later in this Guide illustrates how the Appeals Chamber can fundamentally change the outcome of a trial.

Why is the ICC relevant for THIMUN?

The ICC provides an ideal framework for developing the skills required of advocates, judges and court officials. Participants analyse complex legal and factual issues, interpret international law, prepare memoranda, evaluate evidence, examine witnesses and present persuasive legal arguments before an independent bench.

Although the proceedings are adapted for educational purposes, the essential principles of fairness, impartiality and the rule of law remain at the heart of every THIMUN Court.

The ICC demonstrates that even the most serious international crimes are subject to the rule of law. For THIMUN participants, it provides an opportunity to experience the challenges of balancing legal principles, factual evidence and procedural fairness in a realistic courtroom setting.

ICC at a Glance

Established: 1 July 2002

Seat: The Hague, Netherlands

Founding Treaty: Rome Statute

Jurisdiction: Genocide, crimes against humanity, war crimes and aggression

Parties before the Court: Prosecutor and Defence

Who can be tried? Individuals

Standard of Proof: Beyond reasonable doubt

2. The International Tribunal for the Law of the Sea

The United Nations Conference on the Law of the Sea

For centuries, the oceans were largely governed by the principle of the **freedom of the seas**, famously associated with Dutch diplomat and jurist Hugo Grotius ("By the Law of Nations navigation is free to all persons whatsoever" *The Freedom of the Seas*, 1609). States exercised sovereignty only over a narrow belt of territorial water; beyond that, the high seas were open to all.

After the Second World War, advances in technology suddenly made it possible to

- exploit offshore oil and gas;
- fish on an industrial scale;
- mine seabed resources;
- navigate strategically important straits.

At the same time,

- pollution increased;
- fish stocks declined;
- maritime boundaries became disputed;
- environmental protection emerged as an international concern.

The oceans were about to be transformed into another arena for conflict and instability: A legal framework became necessary to find solutions for conflicting claims by creating a more stable order and managing the ocean resources for the mutual benefit.

The Third United Nations Conference on the Law of the Sea (1973–1982)

By the 1960s, the challenges facing the world's oceans had become impossible to ignore. Growing competition for offshore resources, increasing environmental concerns and conflicting maritime claims demonstrated that the traditional freedom-of-the-seas doctrine was no longer sufficient. A comprehensive legal framework was needed.

In 1967, Malta's Ambassador to the United Nations, **Arvid Pardo**, called upon the international community to regard the deep seabed as the "**common heritage of mankind**." His proposal marked the beginning of a far-reaching international process that included:

- the establishment of the United Nations Seabed Committee;
- the adoption of the Declaration of Principles declaring the deep seabed beyond national jurisdiction the common heritage of mankind;
- negotiations on environmental protection and the peaceful uses of the oceans; and
- preparations for a comprehensive conference on the law of the sea.

These developments culminated in the **Third United Nations Conference on the Law of the Sea** which met between 1973 and 1982. Representatives of more than 160 States negotiated one of the most ambitious international treaties ever concluded. The result was the **United Nations Convention on the Law of the Sea (UNCLOS)**, often described as the "**Constitution for the Oceans.**"

UNCLOS establishes the legal framework governing the world's oceans. It defines the rights and obligations of States regarding maritime zones, navigation, resource exploitation, protection of the marine environment and the peaceful settlement of disputes.

UNCLOS at a Glance

Full Name: United Nations Convention on the Law of the Sea

Adopted: 10 December 1982

Entered into Force: 16 November 1994

Number of Parties (2026): 172 (171 States and the European Union)

Negotiated at: Third United Nations Conference on the Law of the Sea (1973–1982)

Purpose: To establish the legal framework governing the world's oceans

Often called: *The Constitution for the Oceans*

Regulates:

- Maritime zones
- Navigation
- Marine resources
- Protection of the marine environment
- Marine scientific research
- Peaceful settlement of disputes

Key Principle: Balances the rights and responsibilities of States in their use of the oceans

The International Tribunal for the Law of the Sea

Why was it established?

To facilitate the peaceful settlement of disputes as laid down in the UN Convention on the Law of the Sea (UNCLOS), 21 judges were called to a specialised tribunal to assist the parties involved. In contrast to the ICC, ITLOS aims to help States negotiate and compromise to reach a solution based on the UNCLOS.

What does ITLOS do?

ITLOS is an independent international tribunal established by UNCLOS to settle disputes concerning the interpretation and application of the Convention. It provides States with a peaceful means of resolving disagreements relating to maritime boundaries, navigation, fisheries, marine environmental protection, marine scientific research and the use of the oceans. Through its judgments and advisory opinions, ITLOS contributes to the clarification and progressive development of the law of the sea.

How does ITLOS work?

ITLOS applies the provisions of UNCLOS and its own Rules of the Tribunal to resolve disputes peacefully and efficiently. Proceedings generally consist of a written phase, during which the parties submit memorials and other documents, followed by an oral phase in which they present their arguments before the judges.

Unlike the ICC, ITLOS hears disputes primarily between States. In certain proceedings, however, access is also available to international organisations, private entities or individuals where UNCLOS so provides.

One distinctive feature of ITLOS is its ability to act rapidly. In urgent situations, the Tribunal may prescribe provisional measures or order the prompt release of detained vessels and crews pending the final determination of the dispute.

Judgments are final, binding upon the parties, and are adopted by a majority of the judges participating in the case.

Why is ITLOS relevant for THIMUN?

Unlike the ICC, ITLOS focuses on disputes between States rather than the criminal responsibility of individuals. The proceedings challenge participants to interpret treaty provisions, develop persuasive legal arguments and experience how international law contributes to the peaceful settlement of disputes.

ITLOS demonstrates that even complex international disputes can be resolved peacefully through the rule of law.

ITLOS at a Glance

Full Name: International Tribunal for the Law of the Sea

Established: 1996

Seat: Hamburg, Germany

Legal Basis: United Nations Convention on the Law of the Sea (UNCLOS)

Composition: 21 independent judges elected by the States Parties to UNCLOS

Jurisdiction: Disputes concerning the interpretation and application of UNCLOS

Typical Parties: Primarily States (with limited access for international organisations, companies and individuals in specific proceedings)

Official Languages: English and French

Judgments: Final and binding on the parties

Role: To promote the peaceful settlement of maritime disputes and the uniform interpretation of UNCLOS

Chapter 3

Preparing for Your Role in the Courts

Although the two courts deal with different areas of international law, the responsibilities of participants are remarkably similar. Advocates represent the parties, judges evaluate the evidence and legal arguments impartially, the Presidency manages the proceedings, and the Registrar supports the administration of the Court. Unless otherwise indicated, the guidance in this chapter applies equally to both the ICC and ITLOS simulations.

3.1 The Presidency

The Presidency is responsible not for winning the case but for ensuring that the proceedings are conducted fairly, efficiently and impartially.

Court-specific Note

In ICC proceedings, the Presidency oversees criminal proceedings between the Prosecutor and the Defence. In ITLOS proceedings, it presides over disputes between Applicant and Respondent States.

Before THIMUN

- organise meetings;
- establish deadlines;
- ensure communication between teams;
- answer participants' questions;
- monitor preparation;
- keep preparations on schedule.

During the Proceedings

- maintain courtroom decorum and professionalism;
- communicate with the executive student officer team;
- control the room set-up (seating order, placards, technology);
- communicate the schedule;
- keep the court on schedule;
- encourage participation;
- manage the appearance of witnesses;
- resolve procedural questions;
- ensure fairness between the parties;
- preside over the proceedings.

Key Qualities

- leadership;
- organisation;
- impartiality;
- sound judgement;
- time management;
- clear communication;
- decisiveness.

3.2 Registrar

The Registrar ensures the efficient administration of the Court and supports the Presidency throughout the preparation and conduct of the proceedings.

Before THIMUN

assist in

- organising meetings;
- establishing deadlines;
- ensuring communication between teams;
- monitoring preparation;
- keeping preparations on schedule.

During the Proceedings

- keep the records;
- manage the admission and numbering of exhibits/evidence;
- assist the Presidency by locating relevant provisions of the applicable law and the Rules of Procedure when requested;
- during witness examinations, the Registrar keeps an accurate, structured record of the main points of each witness's testimony and assists the judges in locating or clarifying statements made by witnesses during the hearing.

Supporting the Presidency in their Tasks

- control the room set-up (seating order, placards, technology);
- communicate the schedule;
- keep the court on schedule;
- resolve procedural questions.

Key Qualities

- organisation;
- reliability;
- attention to detail;
- efficiency;
- discretion;

- communication skills;
- ability to work under pressure.

3.3 Advocates

Advocates represent the interests of their client by presenting persuasive legal arguments supported by evidence and applicable law and by challenging the opposing party's evidence and arguments.

Throughout this Guide, the term “Advocates” refers to both:

- Prosecutor / Defence (ICC)
- Applicant / Respondent (ITLOS)

Before THIMUN

- read the case;
- develop a coherent theory of the case;
- research the law;
- prepare a memorandum;
- identify evidence;
- prepare witnesses;
- study the Rules of Procedure.

During the Proceedings

- present opening statement;
- examine witnesses;
- present persuasive oral arguments before the Court;
- respond to objections;
- challenge the opposing party's evidence and arguments;
- respond to questions from the bench;
- deliver closing argument.

Key Qualities

- thorough preparation;
- analytical thinking;
- persuasive advocacy;
- responsiveness under pressure;
- teamwork;
- professionalism;
- respect for opposing counsel and the Court.

3.4 Judges

Court-specific note**ICC**

The Prosecutor bears the burden of proving the charges beyond reasonable doubt. The Defence challenges the Prosecution's case and may present its own evidence and witnesses.

ITLOS

The Applicant and the Respondent present competing interpretations of the applicable law and the facts. Each seeks to persuade the Tribunal that its legal position under UNCLOS should prevail.

Judges do not represent either party. Their responsibility is to evaluate the evidence and legal arguments impartially and reach a reasoned decision based solely on the proceedings before the Court.

Before THIMUN

- become familiar with the Rules of Procedure;
- understand the burden and standard of proof;
- study the principles governing the assessment of evidence;
- learn the purpose of witness examination;
- carefully read the memoranda submitted by the parties;
- do not independently investigate the facts of the case.

During the Hearings

During the hearings, judges should:

- listen carefully to the arguments presented by both parties;
- take accurate notes;
- examine the documentary and testimonial evidence submitted;
- ask questions where appropriate;
- ensure that their assessment remains impartial throughout the proceedings;
- evaluate the credibility of witnesses, the strength of the evidence, and the persuasiveness of the legal arguments before beginning their deliberations.

During the Deliberations

After the closing arguments, the judges:

- deliberate in private;
- discuss the evidence;
- determine whether the applicable standard of proof has been met;
- reach a decision by majority vote.

Judges should be prepared to justify their conclusions by reference to the evidence and the applicable law.

During the Judgment

ICC

Following deliberations, the judges determine whether the charges have been proven beyond reasonable doubt. They deliver a judgment of conviction or acquittal. If the accused is convicted, they also determine an appropriate sentence. Judges who disagree with the majority may submit a separate or dissenting opinion.

ITLOS

Following deliberations, the judges determine whether the Applicant's claims are well founded under UNCLOS. Rather than deciding on criminal guilt, the Tribunal resolves the legal dispute between the parties by interpreting and applying the Convention. The judgment may uphold, reject or partially accept the claims presented and may prescribe measures or determine the rights and obligations of the parties. Separate or dissenting opinions may also be submitted.

Key Qualities

- impartiality;
- careful listening;
- critical thinking;
- teamwork;
- sound legal reasoning;
- open-mindedness

Judge's Perspective

A good judge does not decide the case at the beginning of the proceedings.

It is natural to form first impressions, but judges should remain open-minded throughout the hearing. They listen carefully to every witness, examine all the evidence, and consider the legal arguments presented by both parties before reaching a conclusion. Fairness requires patience, impartiality and a willingness to reconsider their initial views in light of everything they have heard.

Part II – Participating in THIMUN International Courts

Chapter 4

Preparing Your Case

Preparing a successful case begins by understanding the facts, identifying the legal issues, and developing a clear and persuasive theory of the case. Every subsequent stage of preparation—from legal research and drafting the memorandum to selecting evidence and preparing witnesses—should support that central theory. Also, preparing a case is an iterative process. As your understanding of the facts and the law develops, you may need to refine your theory of the case, conduct further research, select different evidence and revise your memorandum.

This chapter provides practical guidance on preparing your case. Although much of the guidance is directed at advocates, it will also help judges understand how legal arguments are developed, presented and evaluated.

4.1 Understanding the Case

Before researching the law or drafting your memorandum, take time to understand the case thoroughly. Read all case materials carefully, including the Statement of Facts, any agreed facts or joint stipulations, and the applicable legal framework. Resist the temptation to begin arguing immediately. Successful advocacy begins with understanding, not persuasion.

Temporal Scope

Identify the period covered by the case and distinguish between background information and the events that are legally relevant. Historical context may help you understand the dispute, but your arguments should focus on the facts that fall within the temporal scope of the case.

As you read, ask yourself:

- What facts are agreed by both parties?
- Which facts are disputed?
- What legal questions must the Court decide?
- Which facts are likely to be decisive?
- What must my side prove in order to succeed?
- Which arguments is the opposing party likely to make?

Practice Tip

If you cannot explain the case in two or three minutes without looking at your notes, you are probably not yet ready to argue it.

Once you understand the facts and the legal issues, the next step is to develop a coherent theory of the case that will guide all subsequent preparation.

Judge's Perspective

As a judge, your role is to identify the key legal and factual questions that must be answered during the proceedings. Keep an open mind throughout the hearing to remain impartial, and do not decide which party is right until all the evidence and arguments have been presented.

4.2 Developing a Theory of the Case

Every successful case is built around a clear theory of the case. A theory of the case is a concise explanation of **what happened, why it matters legally, and why the Court should decide in your client's favour**. It provides a framework that connects the facts, the applicable law, the evidence, and the arguments into one coherent narrative.

Although the expression "theory of the case" is used most frequently in criminal proceedings, the same principle applies in all international litigation: every party should develop a coherent explanation of why the Court should decide in its favour.

A good theory of the case should be:

- **clear** – easy to understand and remember;
- **consistent** – supported by all of your arguments and evidence;
- **credible** – based on the available facts and the applicable law;
- **persuasive** – capable of convincing the Court.

As you develop your theory of the case, ask yourself:

- What is the central issue in dispute?
- Which facts support my client's position?
- Which legal rules are most important?
- Which evidence best supports my arguments?
- Which weaknesses in my case must I address?
- How is the opposing party likely to present the same facts differently?

Remember that your theory of the case is not simply a summary of the facts. It is your explanation of **why the facts should lead the Court to reach a particular legal conclusion**.

Common Mistake

Do not collect facts simply because they are interesting. Every fact you use should support a legal argument and your overall theory. If you cannot explain why a fact is legally relevant, you should consider whether it belongs in your argument at all.

Practice Tip

Try to summarise your theory of the case in one or two sentences. If you cannot do so, your arguments are probably trying to prove too many different things at once.

Judge's Perspective

Judges should identify the competing theories presented by both parties. During the proceedings, evaluate which theory is better supported by the law, the evidence and the arguments presented.

This theory now provides the framework for your legal research. Rather than searching for every possible legal source, you should focus on those that best support your theory.

4.3 Conducting Legal Research

Once you have developed a clear theory of the case, you are ready to begin your legal research. Effective legal research is not about finding as many legal sources as possible. Rather, it is about identifying the legal sources that best support your arguments.

Begin by identifying the legal questions you need to answer. Then determine which sources of law are most relevant to those questions. As your research progresses, you may refine your overall theory or discover that certain arguments are stronger than others.

Always remember that legal sources should support your arguments, not replace them. Simply quoting legal provisions or judicial decisions is rarely persuasive unless you explain how they apply to the facts of your case.

These legal sources include treaties, judicial decisions, and other recognised sources of international law.

Primary Legal Sources

The most important primary legal sources depend on the court and the issues before it.

ICC

- Rome Statute
- Rules of Procedure and Evidence
- Elements of Crimes

ITLOS

- United Nations Convention on the Law of the Sea (UNCLOS)

Secondary Legal Sources

- Judgments of the ICC, ITLOS, ICJ, etc.
- Decisions of national courts (*where relevant*)
- Academic books
- Journal articles
- Commentaries
- Official publications

Evaluating Your Research

As you conduct your research, continually ask yourself:

- Does this legal source support one of my legal arguments?
- How does it apply to the facts of my case?
- Is there a legal source supporting the opposing side?
- Can I distinguish that legal source or explain why it should not be followed?

Not every legal source will be relevant to your case. Focus on the sources that address the issues before the Court and support your legal arguments.

Legal research is an ongoing process. You will often return to the sources as you refine your arguments and prepare your memorandum.

Common Mistake

Do not assume that the longest list of legal sources makes the strongest argument. A few carefully chosen and well-explained legal sources are usually more persuasive than many are merely cited.

Practice Tip

Keep a record of every source you consult, including the relevant page numbers or paragraphs. Accurate references will save you considerable time when drafting your memorandum.

Judge's Perspective

Judges should be familiar with the relevant legal framework, but they should avoid researching arguments or legal sources that go beyond the materials provided for the proceedings. Their task is to evaluate the parties' submissions – not to build a case for either side.

The legal sources you identify will form the foundation of your written memorandum.

4.4 Preparing the Memorandum

The purpose of a memorandum is not to demonstrate how much research you have conducted. Its purpose is to persuade the Court that your legal position is correct. Every fact, legal source and piece of evidence included in the memorandum should contribute to that objective. It sets out your legal position before the oral proceedings begin and enables the judges to understand your arguments in advance. A well-prepared memorandum allows the hearing to focus on the issues that are genuinely in dispute rather than on explaining the basics of the case.

Unlike many essays written at school, a memorandum is not intended to explore a topic or express an opinion. Its purpose is to persuade the Court that your interpretation of the facts and the law is correct. Every part of the memorandum should therefore support your theory of the case.

Although the precise format may vary depending on the Court and the instructions issued by the Presidency, every memorandum should present a logical, well-reasoned legal argument supported by relevant facts, evidence and applicable law.

Suggested Structure

A memorandum will normally include:

- **Introduction** – identifying the parties, summarising the issues before the Court and briefly stating your position. The reader should understand from the outset what decision you are asking the Court to reach and why.
- **Statement of Facts** – presenting the relevant facts from your party's perspective in a clear and logical manner. Focus on the facts that matter to your legal arguments. Depending on the case, this section may include a chronology of events, maps, tables or other supporting material. Avoid simply retelling every event in the case.
- **Legal Arguments** – applying the relevant law to the facts of the case. Organise your arguments under clear headings, explain how the legal sources support your position and address the strongest arguments that the opposing party is likely to make. Every legal argument should be supported by relevant facts and, where appropriate, by evidence.
- **Prayer** – stating clearly the decision or relief that you ask the Court or Tribunal to grant. The Prayer should follow logically from the arguments presented in the memorandum and should be consistent with your overall theory of the case.

Each section should contribute to the overall theory of the case.

Common Mistake

A memorandum is more than a summary of facts and legal provisions. Simply describing what happened or quoting legal articles is not enough. Your task is to explain **why** the facts and the law support your party's position and **why** the Court should decide in your favour.

Practice Tip

Imagine that each paragraph answers one question the judges are likely to ask. If a paragraph does not help answer such a question, consider whether it belongs in your memorandum.

Judge's Perspective

As you read each memorandum, note the central argument of each party in a single sentence. During the hearing, ask yourself whether the evidence and oral advocacy strengthen or weaken that initial argument.

A persuasive memorandum is supported by carefully selected evidence. The next section explains how to identify, evaluate and use that evidence effectively.

4.5 Working with Evidence

Selecting and Organising Evidence

Evidence forms the basis of every legal argument. Whether you are appearing before the ICC or ITLOS, your task is not simply to present evidence but to persuade the Court that the evidence supports your legal position.

Participants are expected to conduct their own research and identify evidence that supports their legal arguments. Evidence may come from a variety of reliable sources. Once you have identified potential evidence, decide whether it strengthens your case. Not every source or document you find should be presented. Effective advocates select the evidence that is most relevant to the legal issues before the Court and explain clearly why it supports their legal arguments.

Where there is uncertainty about whether a source or exhibit may be relied upon, advocates should seek clarification from the Presidency before using it in their memorandum or oral pleadings.

Forms of Evidence

Depending on the case, evidence may include:

- witness testimony;
- official documents;
- reports issued by international organisations;
- satellite imagery, maps and photographs;
- videos, audio recordings and other digital material;
- statistical or scientific data.

Not every type of evidence will be relevant in every case. Where there is uncertainty about whether a source or exhibit may be relied upon, the Presidency should be consulted.

Evidence and Legal Sources

Evidence helps establish **what happened**.

Legal sources explain **what the law requires**.

Successful advocates combine both by using evidence to establish the facts and legal authorities to explain why those facts support their legal position.

Evaluating Evidence

When assessing evidence, consider:

- **Relevance** – Does it help prove or disprove an issue before the Court?
- **Reliability** – Is the source trustworthy?
- **Credibility** – Can the evidence reasonably be believed?
- **Weight** – How important is this evidence when considered alongside the other evidence presented?

A single piece of highly reliable evidence may be more persuasive than several weaker pieces of evidence.

Common Mistake

Do not assume that evidence is persuasive simply because it supports your position. Consider how the opposing party is likely to challenge it and be prepared to explain why the Court should nevertheless rely on it.

Practice Tip

Before relying on any piece of evidence, ask yourself how you would challenge it if you were representing the opposing party. Anticipating those arguments will help you prepare a stronger case.

Judge's Perspective

As each piece of evidence is presented, ask yourself:

- Is this evidence relevant to the issue before the Court?
- Is the source reliable?
- Does this evidence establish the fact that the advocate claims it proves?
- Has the opposing party raised convincing objections to its authenticity, reliability or interpretation?
- How much weight should I attach to this evidence when reaching my decision?

4.6 Preparing Witnesses

Witnesses play an important role in helping the Court establish the facts of the case. Their testimony should clarify relevant events, explain evidence and assist the judges in reaching an informed decision.

A witness is **not** an advocate. Unlike advocates, witnesses do not argue the law or attempt to persuade the Court through legal reasoning. Their role is to answer questions truthfully, clearly and consistently on the basis of the information available to them.

Well-prepared witnesses do not memorise speeches. They understand the case, know the role their testimony plays within it, and respond confidently to questions from both parties and the judges.

In THIMUN, witnesses are usually delegates or chairs from other committees and may have only limited time to prepare. Effective briefing is therefore essential. Rather than asking witnesses to memorise answers, advocates should help them understand their role, the relevant facts and the purpose of their testimony. A well-briefed witness can respond naturally and confidently, even to unexpected questions.

To help your witness prepare, provide them with your memorandum together with a short Witness Brief (see below). The purpose of the Witness Brief is to help the witness understand their role, not to provide a script to memorise.

Witnesses should also understand that advocates may object to certain questions during examination and that the Presidency will rule on those objections.

Understanding Their Role

Ask your witness to make sure they understand:

- who they are;
- how they became involved in the events;
- why they possess the relevant information;
- what they know first-hand;
- what they do not know;

- why your side has called them to testify.

Understanding the Case and the Purpose of Your Testimony

Explain:

- the background of the case;
- your theory of the case;
- which facts the witness is expected to establish;
- how the testimony supports your overall case.

Preparing for Examination

During your preparation, help your witness to:

- become familiar with the relevant facts and documents;
- understand the sequence of events;
- distinguish between facts they know and matters they do not know;
- practise answering questions clearly and concisely;
- become familiar with relevant courtroom procedure.

The objective is not to rehearse every answer, but to ensure that the witness is able to respond naturally and confidently.

Preparing for Cross-Examination

Advocates should also prepare witnesses for questions from the opposing party.

Discuss:

- which aspects of the testimony may be challenged;
- which difficult questions may arise;
- how to remain calm under pressure;
- when it is appropriate to answer, "I do not know" or "I cannot remember."

A witness who answers honestly is usually more persuasive than one who attempts to answer every question. Still, continually refusing to answer questions undermines the witness's reliability.

Common Mistake

Do not prepare your witness by giving them a script to memorise. A witness who understands the case will usually give stronger and more convincing testimony than one who has simply memorised answers.

Practice Tip

During your preparation, ask your witness questions that you expect the opposing party might ask. This helps identify weaknesses and increases the witness's confidence before the hearing.

Judge's Perspective

As a judge, consider not only **what** the witness says but also **how** the testimony fits with the other evidence before the Court. Ask yourself:

- Does the testimony address the issue for which the witness was called?
- Is it consistent with the documentary evidence?
- Does the witness answer the questions directly?
- Has cross-examination affected the credibility or reliability of the testimony?

Remember that witness testimony should always be assessed together with the other evidence presented during the proceedings.

Example: Witness Brief

The purpose of the Witness Brief is to help the witness understand the role they are playing, not to provide a script to memorise.

Identity

- Name:
- Occupation/Position:
- Relationship to the events:

Role and Background

- How did I become involved?
- What happened from my perspective?

Knowledge

- What do I know first-hand?
- What information comes from others?
- What do I not know?

Purpose of my Testimony

- Why has my side called me?
- Which facts am I expected to establish?

Documents and Evidence

- Which exhibits relate to my testimony?

Preparing for Questions

- Which points are likely to be challenged?
- How should I respond if I genuinely do not know or cannot remember?

4.7 Presenting Your Case Before the Court

During the hearing, advocates will present their case through a sequence of procedural stages. The purpose of each stage is explained in Chapter 5. The guidance below focuses on how to make the most of each opportunity.

Presentation Tip

Speak clearly and at a measured pace. Focus on the key issues rather than trying to include every detail within the allotted time.

Witness Examination

Purpose

Your objective during direct examination is to help the witness present the facts clearly and logically.

Presentation Tip

Ask clear, **open** questions. Listen carefully to the answers and be prepared to ask follow-up questions where appropriate.

Cross-Examination

Purpose

Your objective during the cross-examination is to test credibility, clarify disputed facts, reveal inconsistencies and strengthen your own case – not to attack or embarrass the witness.

Presentation Tip

Ask focused **leading** questions that pursue a clear objective. Avoid asking questions unless you understand why you are asking them.

Questions from the Bench

Purpose

Judges seek to understand the case, test the legal reasoning and clarify uncertainties.

Presentation Tip

Listen carefully before answering. Answer the question that was asked, not the one you hoped would be asked.

Closing Arguments

Purpose

In the closing argument, you bring everything together, explain how the evidence supports your case, and show why the Court should grant your Prayer.

Presentation Tip

Focus on the strongest arguments that emerged during the hearing. A closing argument should reflect what actually happened in court, not simply repeat your opening statement.

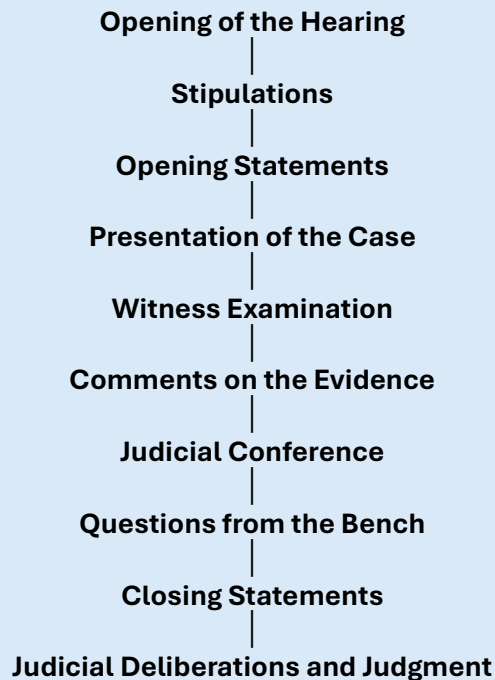
Remember: A successful advocate does not try to win the case during the opening statement. Each stage of the hearing has a different purpose. By understanding that purpose and building your case step by step, you will present a clearer, more persuasive and more professional case before the Court.

Chapter 5 – Conduct of the Hearing

5.1 Overview

Court proceedings follow a structured sequence to ensure that both parties have a fair opportunity to present their case and respond to the arguments of the opposing party. While the Presidency is responsible for conducting the hearing, all participants should be familiar with the order of proceedings and understand what is expected of them at each stage.

Flow Chart



5.2 Opening of the Hearing

The Presidency opens the hearing, introduces the case and explains the order of proceedings. Throughout the hearing, the Presidency grants the floor to advocates, witnesses and judges, ensures that the proceedings remain orderly and fair, and rules on any procedural questions that may arise.

5.3 Stipulations

In the preparation phase, i.e. before THIMUN begins, the parties should identify any facts or legal issues on which they agree. These agreed facts are submitted jointly to the Presidency as stipulations before the conference.

Following the Opening Statements, the stipulations are read to the Court. Once both parties confirm their agreement, the Presidency declares each fact "so stipulated". Stipulated facts are accepted as evidence and need not be proved during the hearing.

5.4 Opening Statements

The parties present their Opening Statements, beginning with the Prosecution (ICC) or Applicant (ITLOS), followed by the Defence or Respondent.

The purpose of an Opening Statement is to introduce the case, identify the issues in dispute and provide the judges with a framework for understanding the evidence that will follow. It should not attempt to prove the entire case.

Each Opening Statement should normally not exceed twenty minutes.

5.5 Presentation of the Case

After the Opening Statements, the parties present their case, addressing each count (ICC) or claim (ITLOS) in turn. The Prosecution (or Applicant) presents first, followed by the Defence (or Respondent).

During this stage, the advocates provide the Court with a structured overview of their case. They explain the relevant facts, identify the legal issues in dispute, outline their legal arguments, and indicate how the evidence supports their position. They may also anticipate the principal arguments of the opposing party and briefly introduce any witness who will later be examined.

The purpose of this stage is not to prove the entire case, but to provide the judges with a clear framework for understanding the evidence and testimony that will follow.

Good Practice

An effective presentation should:

- begin by introducing the advocate and the relevant count or claim;
- summarise the relevant facts;
- identify the issues in dispute;
- present the party's legal arguments;
- refer to the supporting evidence;
- anticipate the principal arguments of the opposing party;
- briefly introduce any witness who will later be examined;
- conclude with a concise summary.

5.6 Presentation of Documentary Evidence (Exhibits)

Following the presentation of the case, the party introduces its documentary evidence (exhibits). Each exhibit should be clearly identified and its relevance to the case briefly explained. Documentary evidence may include photographs, maps, reports, official documents, videos or other materials supporting the party's arguments.

After each party has presented its documentary evidence, the opposing party has an opportunity to comment on the exhibits. This may include questioning their authenticity, reliability, relevance,

weight or possible bias, and explaining why the Court should attach greater or lesser significance to particular exhibits.

Judge's Perspective

Not every exhibit deserves the same weight. Ask yourself not only whether a document is authentic, but also how strongly it supports the point for which it has been introduced. A highly reliable document may establish only a minor fact, while less convincing evidence should be treated with appropriate caution.

5.7 Witness Examination

The Registrar administers the oath to the witness.

Official Witness Oath

Registrar: *"Do you solemnly swear that you will speak the truth, the whole truth and nothing but the truth?"*

Witness: *"I swear."*

The party calling the witness conducts the direct examination. During witness examination, the opposing party may object to a question if it is inconsistent with the Rules of Procedure. Typical objections include leading questions during direct examination, non-leading questions during cross-examination, argumentative or irrelevant questions, questions that assume facts not in evidence, and questions calling for speculation. The Presidency rules on each objection before the examination continues.

Afterwards, the opposing party may cross-examine the witness.

At any phase of the examinations, the judges are entitled to question a witness.

Common Objections

- Leading question (during direct examination)
- Non-leading questions (during cross-examination)
- Irrelevant
- Argumentative
- Assumes facts not in evidence
- Calls for speculation
- Asked and answered

5.8 Judicial Conference

During the Judicial Conference (held in the absence of the advocates), the judges review the evidence presented during the hearing. They discuss the witness testimony and distribute the exhibits among themselves for closer examination. They assess each exhibit for:

- authenticity;
- relevance;
- reliability;
- possible bias;
- weight.

They then exchange their preliminary views and identify any factual or legal issues that should be clarified during the questions from the Bench.

5.9 Questions from the Bench

The advocates return to the courtroom to answer questions from the Bench, thus enabling the judges to clarify factual and legal issues before they begin their final deliberations. Questions from the Bench are intended to clarify the evidence or legal arguments rather than to assist one party.

5.10 Closing Statements:

Each party has 20 minutes to deliver its Closing Statement. The Closing Statements provide each party with a final opportunity to persuade the Court before the judges retire to deliberate. Unlike the Opening Statements, which introduce the case, the Closing Statements should reflect what occurred during the hearing. Advocates should refer to the evidence presented, the witness testimony, the answers given during questioning, and the issues that emerged during the proceedings. Closing Statements should not simply repeat earlier arguments. Instead, they should explain why the evidence and the law support the outcome requested by that party.

Good Practice

An effective Closing Statement should:

- return to the central theory of the case;
- focus on the strongest evidence presented during the hearing;
- explain how the evidence supports the applicable law;
- address important weaknesses or arguments raised by the opposing party;
- conclude by clearly stating the decision sought from the Court.

Court-specific Note

ICC

The Prosecution explains why the evidence establishes the accused's guilt **beyond reasonable doubt**. The Defence argues that the Prosecution has failed to prove the accused's guilt beyond

reasonable doubt and that the accused should therefore be acquitted. Where appropriate, both parties may address the credibility of witnesses, the reliability of the evidence and the interpretation of the applicable law.

ITLOS

The Applicant and the Respondent summarise why their interpretation of UNCLOS is more persuasive. They explain how the evidence and the applicable law support their position and why the Tribunal should uphold the relief requested in their final submissions.

5.11 Judicial Deliberations

The Court is then adjourned while the judges deliberate in private. During their deliberations, they determine the outcome of the case and formulate the reasons for their decision. Judges should begin by discussing the evidence before expressing conclusions on the outcome of the case. They discuss each charge (ICC) or claim (ITLOS). Decisions are reached by majority vote. Judges who disagree with the majority may deliver a separate or dissenting opinion.

In their deliberations, the judges apply the relevant law and evaluate the evidence by considering its authenticity, relevance, reliability, possible bias and weight. They then determine whether the party bearing the burden of proof has established the facts on which its case depends and whether the applicable standard of proof has been met.

Burden and Standard of Proof

The burden of proof determines which party must prove its case.

- In the **ICC**, the burden rests on the **Prosecution**.
- In **ITLOS**, each party bears the burden of proving the facts on which it relies.

Standard of proof determines how convincing the evidence must be before the Court can decide in favour of a party.

- **ICC:** The Prosecution must prove the accused's guilt **beyond reasonable doubt**.
- **ITLOS:** The Tribunal assesses whether the evidence and the law support the claims made by the parties. Unlike the ICC, there is no single fixed standard such as "beyond reasonable doubt."

5.12 Delivery of the Judgment

After the judges have completed their deliberations, the Court reconvenes for the delivery of the judgment. The President announces the Court's decision and, where appropriate, summarises the principal reasons for it.

Court-specific Note

ICC

The President announces whether the accused is convicted or acquitted on each charge.

ITLOS

The President announces the Tribunal's decision on each claim. The judgment explains the rights and obligations of the parties under the applicable provisions of UNCLOS and states the relief granted, if any.

The delivery of the judgment marks the formal conclusion of the proceedings.

Chapter 6 – The THIMUN 2027 Cases

Introduction

Each year, THIMUN selects cases that reflect important issues in contemporary international law and allow participants to apply the legal knowledge and advocacy skills developed throughout this Guide. The cases are based on proceedings before the International Criminal Court (ICC) and the International Tribunal for the Law of the Sea (ITLOS).

The descriptions below provide only a brief introduction. Participants are expected to conduct their own research using the official case materials, the sources referenced in the bibliography, and other reliable and relevant legal sources. Successful preparation requires not only an understanding of the facts of the case but also careful analysis of the applicable law, identification of the key legal issues, and the development of persuasive legal arguments. Guidance on legal research is provided in Chapter 4.

The Prosecutor v. Jean-Pierre Bemba Gombo

Position at the time of the arrest warrant: President and Commander-in-chief of the Mouvement de Libération du Congo (Movement for the Liberation of Congo) (MLC).

Arrest warrant: 10 June 2008



Figure 1. Jean-Pierre Bemba Gombo

Source: ICC Press
Release: 21 March 2016
/ICC-CPI/20160321
PR200

The case concerns the alleged criminal responsibility of Jean-Pierre Bemba Gombo for crimes committed by troops under his command during the conflict in the Central African Republic between 2002 and 2003.

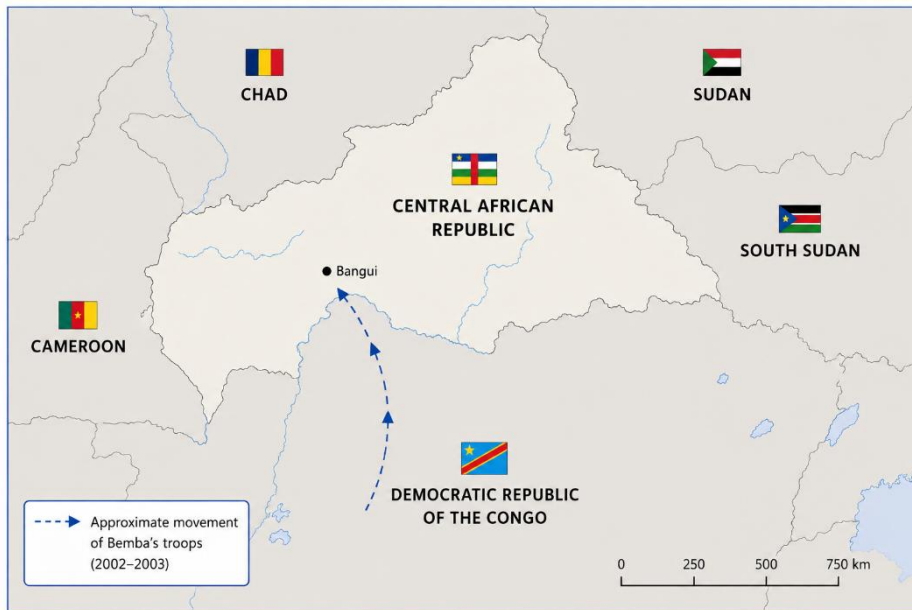


Figure 2. Location of the Central African Republic and the approximate movement of Bemba's troops (2002-2003)

Source: Base map adapted from Natural Earth (Public Domain). Additional annotations by the author.

Charges:

- Crimes against humanity:
 - murder;
 - rape.
- War crimes:
 - murder;
 - rape;
 - pillaging.

Ukraine versus Russian Federation (Immunity of Naval Vessels)

While the first case falls within the jurisdiction of the International Criminal Court, the second has been selected to reflect THIMUN's overall conference theme. It is based on proceedings before the International Tribunal for the Law of the Sea (ITLOS).

Unlike the ICC, ITLOS settles legal disputes between States rather than determining the criminal responsibility of individuals.

For the purposes of THIMUN, the case has been adapted to follow the format and procedural rules of the Model ICC. The applicable law remains the United Nations Convention on the Law of the Sea (UNCLOS).



Figure 3. Courtroom of the International Tribunal for the Law of the Sea

Source: International Tribunal for the Law of the Sea (ITLOS), "Case No. 26: The Courtroom."

Applicant: Ukraine

Respondent: Russian Federation

Incident: Detention of three Ukrainian naval vessels and twenty-four servicemen by the Russian Federation in the Kerch Strait on 25 November 2018.

Claims: Ukraine alleges that the Russian Federation violated the immunity of its naval vessels and detained their crews in breach of international law. The Russian Federation contests the Tribunal's jurisdiction and argues that the incident falls within the military activities' exception under UNCLOS.

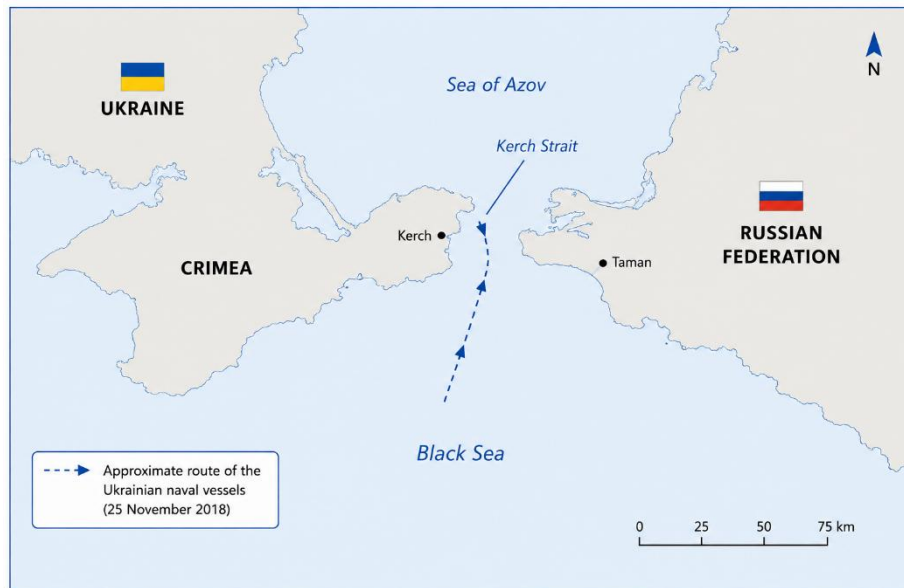


Figure 4. Location of the Kerch Strait and the 25

November 2018 incident.

Base map adapted from Natural Earth (Public Domain). Additional annotations by the author.

The boundaries and names shown on this map are for illustrative purposes only and do not imply any position on questions of sovereignty or maritime delimitation.

References

Primary Legal Instruments

- Rome Statute: <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>
- Rules of Procedure and Evidence: <https://www.icc-cpi.int/sites/default/files/RulesProcedureEvidenceEng.pdf>
- Elements of Crimes: <https://www.icc-cpi.int/sites/default/files/ElementsOfCrimesEng.pdf>
- UNCLOS: https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

Official Court Resources

- International Criminal Court: <https://www.icc-cpi.int/>
- International Tribunal for the Law of the Sea: <https://www.itlos.org/en/>
- How the Court Works: <https://www.icc-cpi.int/about/how-the-court-works>
 - ICC Fact Sheets
 - Judges: <https://www.icc-cpi.int/sites/default/files/2024-03/JudgesENG.pdf>
 - Prosecutor: <https://www.icc-cpi.int/sites/default/files/2022-12/factsheet-otp-web-v.3-eng.pdf>
 - Defence: <https://www.icc-cpi.int/sites/default/files/2025-03/DefenceENG.pdf>
 - Victims: <https://www.icc-cpi.int/sites/default/files/2025-03/VictimsENG.pdf>

- Court Today: https://www.icc-cpi.int/sites/default/files/2025-03/TheCourtToday-Eng_0.pdf

- **THIMUN 2027 Case Materials**

- **Bemba:**

<https://www.icc-cpi.int/car/bemba>; <https://www.icc-cpi.int/sites/default/files/CaseInformationSheets/BembaEng.pdf>

- **Ukraine v. Russian Federation (Naval Vessels):**

<https://www.itlos.org/en/main/cases/list-of-cases/case-concerning-the-detention-of-three-ukrainian-naval-vessels-ukraine-v-russian-federation-provisional-measures/>

- **Further Reading**

- **Human Rights Watch:**

<https://www.hrw.org/topic/international-justice/international-criminal-court>

- **ICC Process video:**

<https://www.youtube.com/watch?v=ydtgSB9jROw>

- **Philippe Sands**, East West Street: *On the Origins of “Genocide” and “Crimes Against Humanity”*, New York 2016

Glossary of Legal and Procedural Terms

Accused

The **Accused** is the person charged with committing crimes before the International Criminal Court. During the proceedings, the Defence represents the accused.

Admissibility

Admissibility refers to whether evidence or a question may properly be considered by the Court under the Rules of Procedure.

Advocate

An **Advocate** represents one of the parties before the Court. Depending on the case, an advocate acts for the **Prosecution** or **Defence** (ICC), or for the **Applicant** or **Respondent** (ITLOS).

Applicant

The **Applicant** is the party that brings a case before the International Tribunal for the Law of the Sea (ITLOS).

Authenticity

Authenticity refers to whether a document, photograph or other piece of evidence is genuine and can be accepted as what it claims to be.

Bench

The **Bench** refers collectively to the judges hearing the case. Questions from the Bench are questions asked by the judges to clarify factual or legal issues during the proceedings.

Bias

Bias is any factor that may affect the neutrality or objectivity of a witness or a piece of evidence. Judges should consider whether bias influences the reliability or weight of the evidence.

Burden of Proof

The **Burden of Proof** determines which party must prove a disputed fact or legal claim before the Court. In ICC proceedings, the burden of proving the accused's guilt rests on the Prosecution.

Charge

A **Charge** is a formal allegation that the accused committed a specific international crime. The judges decide separately whether each charge has been proved.

Claim

A **Claim** is a legal argument or request made by a party in ITLOS proceedings. The Tribunal decides each claim on the basis of the applicable law and the evidence presented.

Closing Statement

A **Closing Statement** is the final presentation made by each party. It brings together the evidence and legal arguments presented during the hearing and explains why the Court should decide in that party's favour.

Crimes against Humanity

Crimes against Humanity are serious offences committed as part of a widespread or systematic attack directed against a civilian population. They fall within the jurisdiction of the ICC.

Cross-Examination

Cross-Examination is the questioning of a witness by the opposing party after the direct examination. Its purpose is to test the witness's testimony, clarify disputed facts and challenge credibility where appropriate.

Defence

The **Defence** represents the accused in ICC proceedings. It challenges the Prosecution's case and may present its own legal arguments, evidence and witnesses.

Direct Examination

Direct Examination is the questioning of a witness by the party that called the witness. Its purpose is to allow the witness to present relevant facts clearly and logically.

Documentary Evidence

Documentary Evidence consists of documents or other recorded material presented to support a party's case. It may include reports, photographs, maps, videos or official documents.

Evidence

Evidence is the information presented to the Court to establish or challenge the facts of a case. Judges evaluate the evidence by considering its authenticity, relevance, reliability, possible bias and the weight it should be given.

Evidence may take different forms, including witness testimony, documentary evidence, photographs, maps, videos and other exhibits.

Exhibit

An **Exhibit** is an item of documentary or physical evidence formally presented to the Court during the proceedings.

Hearing

A **Hearing** is the formal court session during which the parties present their arguments, evidence and witnesses before the judges.

International Criminal Court (ICC)

The **International Criminal Court (ICC)** is an independent international court established by the Rome Statute to prosecute individuals accused of genocide, crimes against humanity, war crimes and the crime of aggression.

International Tribunal for the Law of the Sea (ITLOS)

The **International Tribunal for the Law of the Sea (ITLOS)** is an independent international tribunal established under UNCLOS to settle disputes concerning the interpretation and application of the Convention.

Judicial Deliberations

Judicial Deliberations are the private discussions during which the judges evaluate the evidence, apply the law and reach their decision.

Jurisdiction

Jurisdiction is the legal authority of a court or tribunal to hear and decide a case.

Memorandum

A **Memorandum** is a written submission prepared before the hearing setting out a party's legal arguments, supporting legal sources and Prayer. At THIMUN, memoranda are submitted before the conference and form the basis of the oral proceedings.

Objection

An **Objection** is a request asking the Presidency to rule that a question or procedure is inconsistent with the Rules of Procedure.

Opening Statement

An **Opening Statement** is the first presentation made by each party during the hearing. It introduces the case, identifies the issues in dispute and explains what the party expects the evidence to show.

Oral Pleadings

Oral Pleadings are the legal arguments presented by the parties during the hearing in support of their case.

Prayer

A **Prayer** (or **Prayer for Relief**) is the specific decision or remedy that a party asks the Court or Tribunal to grant.

Presidency

The **Presidency** is responsible for organising and conducting the proceedings, ensuring that the hearing is fair, orderly and conducted in accordance with the Rules of Procedure.

Prosecution

The **Prosecution** represents the interests of the international community in ICC proceedings. It bears the burden of proving the accused's guilt beyond reasonable doubt.

Questions from the Bench

Questions from the Bench are questions asked by the judges during the hearing to clarify factual or legal issues. They are intended to assist the Court in understanding the case and are not intended to favour either party.

Registrar

The **Registrar** supports the Presidency in the administration of the Court. The Registrar manages exhibits and records, assists with the organisation of the proceedings and helps ensure the smooth conduct of the hearing.

Relevance

Relevance refers to the extent to which evidence helps prove or disprove an issue before the Court. Only relevant evidence assists the judges in deciding the case.

Reliability

Reliability refers to the extent to which evidence or testimony can be trusted as accurate and dependable.

Respondent

The **Respondent** is the party responding to the Applicant's claims in proceedings before ITLOS.

Standard of Proof

The **Standard of Proof** determines how convincing the evidence must be before the Court can decide in favour of a party. In ICC proceedings, the Prosecution must prove the accused's guilt beyond reasonable doubt.

Stipulation

A **Stipulation** is a fact or legal issue that both parties agree upon before the hearing. Once accepted by the Court, it does not need to be proved during the proceedings.

Swearing-in

Before testifying, each witness is asked by the Registrar to take an oath (or affirmation) to tell the truth.

Theory of the Case

The **Theory of the Case** is a concise explanation of what happened, why it matters legally and why the Court should decide in a party's favour. It provides the framework for all legal arguments, evidence and witness testimony.

Weight (of Evidence)

Weight (of Evidence) refers to the importance or persuasive value that the judges attach to a particular piece of evidence after considering its authenticity, relevance, reliability and any possible bias.

Witness Brief

A **Witness Brief** is a short document prepared by an advocate to help a witness understand their role, the relevant facts and the purpose of their testimony. At THIMUN, it is intended to guide the witness rather than provide a script to memorise.

Witness Testimony

Witness Testimony is the oral evidence given by a witness during the hearing in response to questions from the parties and, where appropriate, the judges.

This Glossary explains the principal legal and procedural terms used throughout this Guide. It is intended as a practical reference for participants and should be read alongside the relevant chapters of the Guide and, where appropriate, the applicable legal instruments.