



# ARENAMUN'26



US CRIMINAL COURT

RULES OF PROCEDURE



PREPARED BY;

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## **GENERAL PROVISIONS OF THE CONFERENCE**

### **Article 1: Scope**

1-) *Rules of procedure is adopted prior to the Oral Proceedings before the conference and cannot be appealed.*

2-) *The provisions of Rules Of Procedure shall be relevant throughout all sessions of Arenamun'26 Conference.*

3-) *The Rules of Procedure shall be explained to all court members, at the beginning of the first session by chosen members of the Chairboard or the Under Secretary General. The Court members shall not act different from these rules specified by the Academic team of the Court .*

4-) *The President of the Court are essentially chosen to explain the specified rules in accordance with the purpose and the spirit of the Rules of Procedure.*

### **Article 2: Official Language**

*English shall be the official language of this Conference. No other language would be accepted.*

### **Article 3: Dress Code**

*The dress code is formal business attire during the Conference.*

### **Article 4: Participations**

1-) *All judges shall have equal vote in the inside of the court.*

2-) *Motions and all of the decisions that will make should always pass with majority.*

3-) *During the debates, Judges shall decide with agreement in the Court. In order to keep the votes equal President Judge will be the tiebreaker.*

### **Article 5: Courtesy**

*All the participants in this committee holds the responsibility to show diplomatic courtesy and respecting every member of the Court during all of the sessions.*

**Article 6: Note passing**

*1-) The communications between Judges and the President and Vice Judge shall be made by note passing with the deliverance of Administrative Staff. Note passing shall be made with Message Papers provided from the Arenamun'26.*

*2-) Note passing among the Parties and the Judges (except the President Judge) or between the Claimant and the Respondent are strictly prohibited.*

**Article 7: Electronical Devices**

*1-) During the sessions President Judge has right to allow fellow judges to use electronical devices, however they can also prohibit usage of electronic devices in the committee if they found it necessary.*

*2-) Electronic devices can be used in the benefit of the Court actions.*

**Article 8: Quorum**

*1-) The Quorum is met when the simple majority of the registered Judges (including the President Judge), the Rapporteur and one of the Counsels for each side are present at the beginning of each session.*

*2-) Members, who arrive late to the session, needs to pass a message paper to the President Judge in order to get counted as present and added to the Roll Call.*

*3-) The required majorities must be calculated according to members addressed as present in the Roll Call.*

*4-) If one of the Parties is late more than thirty minutes according to schedule President Judge has the authority to start the session.*

**B.COMPOSITION OF THE COURT**

**Article 9: Members of the Court**

*The Court includes a President Judge, Vice President Judge, Rapporteur, the Judges, and the Advocates of two opposing parties.*

### **Article 10: President Judge**

- 1-) *The President Judge will be the moderator of the Oral Proceedings and the representative of the Under Secretary General. They're responsible for applying the Rules of Procedure during the sessions.*
- 2-) *The President Judge must maintain their neutrality throughout the Conference.*
- 3-) *The President Judge is tasked with notifying the Secretariat of any issues or breaches of the rules by members of the Court.*
- 4-) *Vote of the President Judge should be equal with the other Judges.*
- 5-) *The President Judge holds the authority to omit the voting procedure for motions raised by the Counsels. They retains full discretion in determining these motions.*
- 6-) *The President Judge shall furthermore act in line with the established provisions of the Rules of Procedure.*

### **Article 11: Vice President/Vice Judge**

- 1-) *The Vice President Judge shall serve as the deputy to the responsible President Judge.*
- 2-) *In the absence of the President Judge, the Vice President Judge shall have the ultimate authority to moderate the sessions.*
- 3-) *In the absence of the Rapporteur, the Vice President Judge will be the one who's responsible for taking notes of the oral proceedings.*
- 4-) *The Vice President Judge shall also act in line with the established provisions of the Rules of Procedure.*

### **Article 12: Rapporteur/Clerk**

- 1-) *The Rapporteur shall be tasked with taking the notes of court proceedings, including the arguments of the parties, key deliberations of the Judges, witness testimonies, and procedural decisions made by the President Judge. When necessary, these notes shall be utilized during deliberations and in the drafting of the Verdict.*
- 2-) *The Rapporteur is not a Judge and therefore holds no right to take part in deliberations or oral proceedings. During the voting process, the Rapporteur shall not be permitted to express any opinions.*

3-) *The Rapporteur is expected to thoroughly understand the case and shall only be consulted with respect to motions raised by the Judges.*

### **Article 13: Judges**

1-) *The Judges are required to identify the relevant facts of the case and apply the appropriate law accordingly. The statements of the Judges should be supported by a legal basis.*

2-) *The arguments presented by the Judges during the Deliberations are expected to be incorporated into the Verdict.*

3-) *The Judges shall draft the Verdict. The President Judge shall declare the Verdict in the final session of Arenamun'26. The Verdict shall be shared with all members of the Court upon request.*

4-) *The Judges, in line with their solemn undertaking, are expected to remain impartial throughout the proceedings. Should any Judge fail to uphold impartiality, the President Judge shall issue an official warning with the accord of the Secretariat.*

5-) *The Judges must avoid breaching the confidentiality of the proceedings. The Judges shall refrain from breaching the confidentiality of the proceedings accordingly, they are strongly expected not to disclose any related information from the Deliberations or other Court Proceedings. Judges may be issued a warning by the Secretariat should they demonstrate partiality or reveal any confidential information.*

6-) *All Judges shall hold an equal vote in both substantive and procedural matters.*

7-) *During the Oral Proceedings, the Judges may be permitted to raise questions to the Counsels.*

### **Article 14: Advocates**

1-) *The Advocates are representatives of the Claimant and the Respondent.*

2-) *The Advocates are required to serve in the best interests of their party in all actions relating to the proceedings.*

3-) *The Advocates are not available for voting in substantive or procedural matters.*

4-) Advocates must strictly follow of the directives of the President Judge and the Secretariat, as well as the Rules of Procedure. Disobedience or improper conduct may result as a Official warning from either the President Judge or the Secretariat.

5-) The Advocates are required to make all of their statements standing before the Court.

### **C. ORAL HEARINGS BEFORE THE COURT**

#### **Article 15: Oaths**

1-) Before exercising their functions under the Rules of Procedure, the Oaths given in the following paragraphs shall be made by the Board, and the Judges. The Registrar shall take the Oaths prior to the Oral Proceedings.

2-) The Registrar shall take the Oaths prior to the Oral Proceedings. In their absence, the administrative staff or any other party authorized by the Secretariat can also take the Oaths.

3-) The Oath for the President Judge/Vice President Judge shall be taken as follows:

*“I solemnly undertake that I will perform my duties and exercise my powers as the President Judge honorably, faithfully, impartially and conscientiously, and that I will respect the confidentiality of the submissions and the secrecy of Deliberations.”*

4-) The Oath for the Judges shall be taken as follows:

*“I solemnly undertake that I will perform my duties and exercise my powers as a Judge honorably, faithfully, impartially and conscientiously, and that I will respect the confidentiality of the submissions and the secrecy of Deliberations.”*

5-) The Oath for the Advocates shall be taken as follows:

*“I solemnly declare upon my conscious and honor that I will speak the truth, the whole truth and nothing but the truth.”*

#### **Article 16: Opening Speeches**

1-) *After the solemn undertaking of the Judges and the Parties, the Court shall proceed with the opening statements.*

2-) *The Applicant Party shall be the first to make an opening statement, to be followed by the Respondent.*

3-) *The opening speeches shall briefly summarize the arguments of each Party mentioned in the Memorials, and what they will pursue during Oral Proceedings.*

4-) *The time allocated for opening statements (equal for each Party) will be determined by the Presidency before the commencement of speeches.*

5-) *Immediately after the announcement of the time, Advocates may raise a Motion once to alter the speakers' time. A simple majority of the Judges present (including the President) is required for the Motion to pass. Should the Court accept the Motion, the speakers' time will be altered for both Parties.*

6-) *Unless decided otherwise, the default duration of the Opening Statements is fifteen minutes for each party.*

7-) *Advocates may split the time allocated for their Opening Statement among themselves.*

### **Article 17: Evidence Presentation**

1-) *The Claimant shall be the first to present Evidence Material, followed by the Respondent.*

2-) *Parties shall present any evidence material such as, legal sources, reports, resolutions of international organizations, news articles, maps, charts, videos, photographs, written statements of Experts or anything in essence that supports the construction of the case, or they deem as relevant to the case.*

3-) *Each piece of Evidence shall be submitted to the Court before its presentation. Evidence not submitted during the Written Proceedings, shall not be regarded during the Oral Proceedings.*

4-) *The Court shall have the authority, in accordance with their discretion, to freely evaluate all Evidence submitted in order to determine its relevance or admissibility.*

5-) *The time allocated for Evidence Presentation shall be announced by the President Judge equal to both Parties and the motion to alter the time will be accepted after the announcement.*

6-) *During the Evidence Presentation, the Advocates are expected to introduce the evidence and then explain the context and the relevancy of the material. The Counsels shall be granted to use the projector.*

7-) *Following the Claimant's Presentation of Evidence, the Court shall then move onto the presentation by the Respondent, where the same rules of Evidence Presentation by the Claimant will be applied to the Respondent.*

8-) *The Objections from the Opposing Party shall be accepted during the Evidence Presentation of the other Party. Objections may interrupt the speaker.*

9-) *During the Evidence Presentation, the Objections stated below shall be in order*

*- Immaterial*

*- Irrelevant*

*- Prejudicial*

10-) *If the issues were not known at the time when the Evidence was submitted, the Opposing Party may state it in a written form via Message Paper without interrupting the speaker.*

11-) *Evidence ruled Immaterial shall not be considered by the Court. The Judges cannot refer to an evidence ruled Immaterial in the Verdict.*

12-) *Parties may divide the phase into two between the advocates. However, a Advocate cannot be granted twice during the Evidence Presentation.*

13-) *For the ICC, the parties may present relevant case law to support their arguments.*

### **Article 18: Witness Testimonies**

1-) *During the Hearing, both Parties may present witnesses. A Party may introduce two witnesses only.*

2-) *Questioning of the witnesses shall start with the Claimant and the Court will then entertain the witness testimonies of the Respondent and the order will follow as started*

3-) *The parties cannot introduce their Clients in addition to two witnesses. The Clients will be counted as a witness also.*

4-) *The list of the witnesses should be submitted during the Written Proceedings stating their names, professions, and their relevancy to the case. The court shall not regard a witness submission during the Oral Proceedings.*

5-) *The time allocated for witnesses (equal for all witnesses) will be announced by the President Judge. The extension motions will be accepted after the announcement.*

6-) *Prior to the questioning of a witness by Parties it is expected from the advocates to introduce the witness to the court where stating their names, professions, age and the witness relevancy to the case.*

7-) *The witness testimonies shall proceed in the stated order below:*

- Witness #1 by the Claimant*
- Witness #1 by the Respondent*
- Witness #2 by the Claimant*
- Witness #2 by the Respondent*

8-) *The Witness Testimony starts with the direct examination of the Party who called the witness by asking questions. As soon as the Party indicates that it does not have any questions to the witness it must state "your witness" to the opposing party. Then the opposing Party will have the right to cross examine the witness by asking questions. The content of cross examination shall be limited to the questions asked and the answers given during direct examination. As soon as the party indicates that it does not have any questions to the witness it must state "no further questions."*

9-) *The Advocates may only ask questions. Explanations or leading argumentations are strictly prohibited.*

10-) *For each Witness Testimony, one counsel may do the direct examination and same rule will apply to the cross examination. Dividing the phase is strictly out of order.*

11-) *After each witness testimony, the Judges will ask further questions to the witnesses. The President Judge may limit the Questioning time, if necessary. There would not be a limited number of questions for Judges, yet they may ask only one question at a time. The President Judge shall moderate the process.*

12-) *If a Judge wishes to ask an additional question right after the answer, They can raise a motion to follow up. The President Judge may grant it or overrule it. The follow up question should be related to the previous question of the Judge.*

13-) *The Objections stated below shall be in order during the Witness Testimonies:*

- *Ambiguous*
- *Argumentative*
- *Badgering*
- *Composed*
- *Incompetent*
- *Leading Question*
- *Nothing Pending*
- *Prejudicial Speculation*

#### **Article 19: Rebuttal and Surrebuttal**

1-) *The Rebuttal/Surrebuttal phase consists of rebutting the Opposing Party and compensating the lack sections of the arguments provided by the Parties. themselves. The context of the Rebuttal/Surrebuttal shall be evidence presented, questions asked by Judges, counter claims, witness testimonies and memorials.*

3-) *Allocated time for Rebuttal and Surrebuttal (equal for both) will be notified by the President Judge and a motion to alter the time shall be granted respectively*

4-) *During the Rebuttal/Surrebuttal, presentation of new arguments is strictly prohibited.*

5-) *Parties may divide the phase into two between the Counsels. However, a Advocate cannot be granted twice during the Evidence Presentation.*

6-) *The Judges may interrupt the Advocates with questions during the Rebuttal and Surrebuttal.*

7-) *The scope of surrebuttal shall be limited to the content of Rebuttal.*

#### **Article 20: Questioning of Parties by Judges**

1-) *Each judge could ask only one question but the number of questions per Judge cannot not be limited.*

2-) *Presidency may allow follow up questions if the Judge whose question has just been answered raises the request. Presidency shall have absolute discretion on this matter.*

3-) *Objections will be explained in further parts of the ROP.*

4-) *Only one Advocate at a time shall answer a question. During the Judge's Questioning, the responding Advocate may raise a request to consult to its Co-Advocate. The time allocated for consulting cannot exceed thirty seconds. The President Judge has the full discretion on granting or overruling such requests.*

5-) *The Judges cannot ask leading questions their duty is to enlighten the facts provided by both Parties.*

6-) *The Judges must judicially knowledge all the materials and speeches submitted within the Court Proceedings.*

### **Article 20: Statements of Experts**

1-) *Judges must be entitled to call Experts before the Court. The Rapporteur/Clerk shall take the Oath of the Expert which must be taken as follows:*

*"I solemnly declare, upon my honour and conscious that I shall speak the truth, the whole truth and nothing but the truth."*

2-) *Experts hold the responsibility to have the legal capability to give their statements under the Oath.*

3-) *Experts before the Court must state their opinion regarding the subject that they have been requested for this action.*

4-) *Time allocated for this period cannot be limited, the Board may decide upon the matters such as time and termination of the phase.*

### **Article 21: Closing Statements**

1-) *During the Closing Statements, Parties needs a brief summoning of what they have proven and discussed on the previous phases.*

2-) *Claimant shall start with their Closing Statements, followed by the Respondent.*

3-) *Closing Statements cannot be divided into two for each Party. Only one Advocate is allowed to make the statement.*

4-) *The Judges cannot interrupt the speaker for questions at any time during the Closing statements.*

5-) *The allocated time for Closing Statements will be announced by the President Judge*

#### **D. PROVISIONS GOVERNING DELIBERATIONS**

##### **Article 22: Deliberations**

1-) *The Deliberation shall start after every Oral Hearings Opening and Closing Statements, Evidence Presentation and Witnesses Testimonies etc.*

2-) *The Deliberation phase must hold in secrecy. Press team members will only be allowed in the Courts with the decision of the President Judge during this phase.*

3-) *Judges are not required to stand up while making statements*

4-) *The Deliberation will start with the determination of the topic to be discussed with a motion raised by the Judges. The President Judge may consider suggestions of the Judges when addressing the topics.*

5-) *The Deliberations must continue with moderated or unmoderated discussions.*

6-) *In moderated caucuses, the President Judge could grant the permission to speak to Judge who wishes to deliver a speech.*

7-) *During the unmoderated caucuses, the Judges may speak without a permission, however a Judge cannot interrupt one another. When the speech of a Judge takes excessive time and blocks the negotiation process, the President Judge may ask the Judge to end their speech.*

8-) *Time allocated or each Deliberation and if there will be a speaker time within the discussions must be determined by the President Judge in accordance with the movement of the discussions.*

9-) *If the outline is not exhausted in a deliberation, the President Judge may choose to terminate the deliberation to go back into the Oral Hearings and revive the remaining outline at the beginning of the following Deliberation.*

##### **Article 23:Points of Personal Privilege**

1-) *Point of Personal Privilege is raised to express a personal inconvenience or discomfort that has an effect on their participation to the committee (i.e. room temperature etc).*

2-) *This point may not interrupt the speaker unless it is raised due to silence.*

3-) *If a Court Member wishes to leave the Courtroom, they need to get the permission of the President Judge via Message Paper (i.e. using the restrooms, having a phone call etc).*

#### **Article 24: Moderated Caucus**

1-) *A Judge may suggest moving to a Moderated Caucus by raising a Motion during Deliberation, in order to promote the debate on a specific issue, when the President Judge announces the floor is open for Motions.*

2-) *The Judge raising the motion must state the purpose of the moderated caucus and specify a total time for the caucus, not outgoing twenty minutes. The President Judge may grant or overrule the motion. The decisions of the Presidency may not be appealed upon this matter.*

3-) *Adoption of the Motion requires the approval of the simple majority of the Judges.*

4-) *If the motion regarding Moderated Caucus perfectly passes, the Judges must raise their placards to be recognized by the President. The Judge who has been recognized by the President Judge starts to talk and the order must be followed by this way.*

#### **Article 25: Unmoderated Caucus**

1-) *A Judge may suggest moving to an unmoderated caucus by raising a motion. Such a motion may be raised during Deliberations when the President Judge announces the floor is open for motions.*

2-) *Judge who raises the motion must specify the topic and determine the length of the caucus.*

3-) *The President Judge holds the ultimate authority to rule the motion.*

4-) *Adoption of the Motion requires the approval of the simple majority of the Judges.*

5-) *If the motion regarding Unmoderated caucus perfectly passes, Judges do not have to be picked by the President Judge. They can discuss freely unless not to interrupt each other's conversation.*

#### **Article 26: Points of Order**

1-) *If a court member notices an improper application of the Rules of Procedure may raise a point of order directly to the Board.*

2-) *The President Judge takes the point into consideration and evaluates the implementation of the rule according to the Rules of Procedure.*

3-) *The President Judge gives the final decision on the point by themselves.*

4-) *The Point of Order may not interrupt the speaker, unless it will affect the committee's proceeding if the mistake is not corrected.*

### **Article 27: Points of Parliamentary Inquiry**

1-) *Point of Parliamentary Inquiry may raise directly to the President Judge if there is a question regarding the Rules of Procedure. The President Judge must clarify the matter*

2-) *This point may not interrupt the speaker.*

### **Article 28: Tour de Table**

1-) *It is up to the decision of the President Judge or to a motion to set a Tour de Table during the Deliberation.*

2-) *In a Tour de Table, the Judges shall express opinions on the matter stated by the President Judge.*

3-) *The speeches must start and follow the alphabetical order of the last names and the President Judge shall make the last speech.*

4-) *The President Judge has authority to determine the speakers time being equal to all Judges.*

### **Article 29: Suspension and Adjournment**

1-) *Before the Coffee Breaks arranged by the Secretariat, the meeting must be formally suspended by the decision of the President Judge.*

2-) *At the end of the announcement of the Verdict in the last session, the President Judge shall declare the adjournment of the court.*

### **Article 30: Judgement / Verdict**

1-) *The substantive issues must be resolved with the simple majority of the Judges. The Judges are not allowed to abstain in substantive voting procedures.*

2-) *The Judges should write the Verdict. The Decision and the last word shall be written by the President Judge*

3-) *The President Judge of the Court shall announce the Verdict in the presence of the Press and the Advocates.*

### **Article 31: Summons for the Advocates**

1-) *Upon the Motion of a Judge or the discretion of the President Judge, the Court may summon the Advocate to the Court to be questioned one more time. A motion to summon the advocates shall pass with the simple majority of the Judges.*

2-) *During the Summons, Advocate shall join the Deliberation of the Court. The following rules shall apply:*

*Advocate participation shall be strictly limited to:*

- i. Answering questions posed by Judges, upon the explicit referral of the President Judge.*
- ii. Asking questions to fellow Advocates, upon the explicit authorization of the President Judge.*

3-) *There shall be no time limitation for this phase yet, the Board shall have the discretion to end the Summons in accordance with the flow of the discussions.*

## **E. OBJECTIONS**

### **Article 32: General Provisions General Objections**

1-) *Parties may raise objections to challenge the legal propriety of the opposing party.*

2-) *The participant who is willing to raise an objection must stand up first, state the type of the objection and their legal ground.*

3-) *Objections can interrupt the speaker.*

4-) *The President Judge has the ultimate authority to grant or overrule the raised objection. Decisions of the Presidency shall not be appealed.*

5-) *If the objection is granted by the Presidency, the assertion subject to objection shall be removed from the Court proceedings and Parties shall refrain from referring to that specific assertion.*

### **Article 33: Objection Material**

1-) *Parties may raise Objection Immaterial if they conceive that any piece submitted by the opposed party lacks legal grounds or its authenticity is not proven.*

2-) *The decision of the President Judge upon this objection is open for appeal by a Judge or the opposing Party.*

3-) *This objection can be raised during Evidence Presentation, Rebuttal and Surrebuttal*

**Article 34: Objection Ambiguous**

*During direct or cross examination, Parties must ask precise questions. If the questions are vague or confusing and preventing the witness to give a proper answer, objections shall be in order.*

**Article 35: Objection Argumentative**

*If Parties give statements during direct or cross examination instead of asking a question objection must be in order.*

**Article 36: Objection Badgering**

*During examination of witnesses, Parties must refrain from distressing the witness*

**Article 37: Objection Compound Question**

*Parties can ask one question at a time. If any Party combines multiple questions, objection must be in order.*

**Article 38: Objection Incompetent**

*Where a speaker is requested to make a statement or assessment outside the scopes of their technical knowledge or solely during indirect examination, outside the content of the direct examination, competence objection may be raised by the opposing Party.*

**Article 39: Objection Irrelevant**

1-) *All statements made by the Parties must be directly related to the case being discussed.*

2-) *This objection may be raised during Evidence Presentation, Rebuttal and Surrebuttal.*

**Article 40: Objection Leading Questions**

1-) *Objection Leading Question cannot regard all yes or no questions. This objection may only be raised if the question asked by the Advocate strictly leads the witness to answer via yes or no.*

2-) *Refers to Witness Testimonies.*

3-) *This objection can only be raised during cross examinations.*

4-) *The President Judge must determine whether the question unfairly encourages the witness to answer in a way that supports the Advocate's assertion.*

#### **Article 41: Objection Nothing Pending**

*Should a witness make a statement which does not answer the question asked during direct or cross examination, the Party not questioning the witness can make an objection.*

#### **Article 42: Objection Prejudicial**

1-) *Prejudice refers to forming an opinion or judgment about someone or something without sufficient evidence or facts, often based on strong personal bias.*

2-) *All assertions of law and facts shall respect the personal integrity of the Members .*

3-) *This objection may be raised in all sessions.*

#### **Article 43: Objection Speculation**

*Speculation happens when a witness is asked to predict the possible outcome of a situation, theorizing about them without their certain knowledge.*