



SECTION 1: RULES GOVERNING THE COURT

1 RULES OF PROCEDURE GOVERNING THE CONFERENCE

Sections 3-9 of the LSEMUN High School Rules of Procedure have been suspended. The Rules of Procedure stipulated in this document, published on the LSEMUN High School website, shall apply to the International Criminal Court (ICC). Sections 1 & 2, covering General Rules will still apply, as well as Sections 11 & 12.

2 AUTHORITY OF THE SECRETARY-GENERAL

The LSEMUN High School Secretary-General may, at any time, make either written or oral statements to the Court. Interpretation of the rules shall be reserved exclusively to the Secretary-General. The Secretary-General shall rule on matters not specified by the Rules of Court. Any deviation from the provisional agenda is at the approval of the Secretary-General. The Secretary-General has ultimate authority over any decisions and rulings made in regard to the Court and their decisions are final and not subject to appeal. The Secretary-General may delegate members of the Secretariat to exercise their authority under this rule or any duties or prerogatives specified elsewhere in the Rules of Court.

3 LANGUAGES OF THE COURT

The official and working language of the ICC will be English. Communication with the LSEMUN High School Secretariat and Staff is restricted strictly to English. Any Judge, Advocate or Witness/Legal Expert wishing to communicate in any language that is not English, shall have to provide a translation, either via a translator or any relevant document, into English. Any attempt to address the court or the presidency in a different language will not be recognised by the President of the Court.

4 INTERPRETATION OF THE RULES OF COURT

The Secretary-General reserves the exclusive right to interpret the Rules of Court of LSEMUN High School. This right can also be designated to members of the Secretariat. This interpretation will be in line with the mission and mandate of the LSEMUN High School and the aims of the Conference. The Secretary-General reserves the right to alter the interpretation of said Rules.



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5 PRESENCE OF NON-PARTICIPATING ATTENDEES

Faculty Advisors, Observers, and Guests can be accredited as non-participating attendees at the Court. All non-participating attendees must adhere to the general rules of etiquette and behaviour and must be accredited by the Secretariat. Non-Participating Attendees are not allowed to take part in the activities of the Court, are not allowed to make recommendations to any member to the Court during the session and do not have the right to raise objections, admit evidence, speak during oral proceedings, vote, or appeal any decisions of the Court. Any erring attendee will be expelled by the Secretary-General or the Secretariat.

6 GENERAL AUTHORITY OF THE CHAIRING STAFF

With the authority extended to the Chairing Staff by the Secretary-General, the Chairing Staff shall have complete control of the proceedings of the committee and over the maintenance of order during its sessions. In the discharge of these functions, the Chairing Staff is at all times subject to the rules and accountable to the Secretary-General and other designated members of the LSEMUN High School Secretariat. The Chairing Staff may exercise their prerogative to suspend rules in order to clarify a certain substantive or procedural issue.

7 APPEALS TO THE AUTHORITY OF THE CHAIRING STAFF

An Advocate or Judge may appeal any decision of the Chairing Staff, unless otherwise stated in the rules, in the form of a motion to appeal the decision of the Chairing Staff. This motion requires a second from another Judge or Advocate. The Chairing Staff may make an oral statement to the Committee in defence of the ruling. The Judges will then move directly to vote on this motion. A majority is required to overrule the Chairing Staff's decision.

The Chairing Staff's decision not to approve a piece of Evidence or Verdict is not open to appeal. Furthermore, the Chairing Staff's ruling on the order on which counsels speak, whether to allow Judges Questions of Advocates or Witness, order of Rebuttals, closing of a counsel's body of their case, Adjournment of the Court, and whether counsel will be given an opportunity to defend an objection is not open to appeal. The Chairing Staff' reserves the right, without appeal, to stop entertaining objections at any time and to move to the next section of Oral Proceedings; Judges can also not appeal the Chairing Staff's decision on allowing follow-up questions to the questions asked by Judges.



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It is advised that since this brings into question the competency of the Chairing Staff of the Court, it should be used as a last resort. During the vote of an appeal to the authority of the Chairing Staff, all Judges must vote.

8 QUORUM AND ATTENDANCE

The Chairing Staff may declare the court open when at least two-thirds (2/3) of Judges and a minimum of one advocate per counsel are present. At the beginning of the opening session and other sessions, at the discretion of the Chairing Staff, the Chairing Staff will call on Judges and Counsel in English alphabetical order to state their attendance. Members of the Court will reply as 'present' with non-members – such as witnesses and legal experts – not stating their attendance.

9 PARTICIPATION OF OBSERVER STATES/ENTITIES

Witnesses, Legal-experts, and Representatives of accredited observer states or entities will have the same rights as those of full members.

A representative of any organisation that is not a member of the United Nations, a member of a simulated committee, may be examined in the Court with only prior approval of the Presidency.

The status of Non-Members is on a case-by-case basis, subject to relevance and ICC jurisdiction.



SECTION 2: PARTIES TO THE COURT

10 THE JUDGESHIP

There will be 11 Judges Party to the Court. They will each represent a judge presiding over the case decided for the session of LSEMUN High School. Due to this reason, requests for Ad-hoc judges will not be entertained.

Judges are expected to be making continuous notes **throughout** the proceedings, as it is improbable that any one judge will remember how every piece of evidence is presented. For a fair and equitable trial to occur the Judges must be active and focused.

10.1 THE PRESIDENCY

The 'Presidency' encapsulates both the President and the Vice President. The Assistant Chair of the Dais will assume the role of the President of the ICC and will have final say – alongside the Vice-President – on when Advocates will be permitted to speak, and when Objections voted on by the Judgeship need tiebreaker votes. If both the President and Vice-President cannot agree on a tiebreaker for an objection, the President will make the final call.

The Presidency is the final authority on what evidence will be permitted in court – subject to consultation by the Chairing Staff – as well as deciding when to move to the next section of Oral Proceedings or suspend the Court.

Both the President and the Vice-President will assume roles as Judges in order to moderate both the Judges and Advocates.

10.2 THE VICE-PRESIDENT

The Vice President will be elected at the start of every court session by the cohort of Judges, the Vice President may run for election again at the start of each court session with no limit on terms.

12 ADVOCATES

Advocates are the de-facto lawyers within the Court. They are split into two counsels, Prosecution and Defence. Advocates are responsible for presenting their counsels' arguments during the session.



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Speaking time is distributed amongst Counsels and not individual Advocates. Counsels should therefore make adequate plans to ensure all Advocates on the same Counsel have equal opportunity to speak and present arguments to the court.

12.1 THE PROSECUTION

The Prosecution is the party responsible for first bringing the case to the ICC, acting as what would be the prosecution in a common law court. Prosecution typically goes first for all sections of Oral Proceedings.

12.2 THE DEFENCE

The Defence acts in defence against the claim made by the Prosecution, acting as what would be the defence in a common law court. The Defence typically goes second for all sections of Oral Proceedings.

13 WITNESSES

Witnesses are temporary parties to the Court and should only gain recognition from the Judgeship and Counsels, once the Witness has been shown to the stand by the Registrar.



SECTION 3: RULES GOVERNING EVIDENCE

14 OBJECTIONS TO EVIDENCE

Objections may only be raised during the introduction/admission of Real Evidence, or alternatively, during the examination/cross-examination of witnesses. All objections raised to Real Evidence will be voted on during the **Admission of Evidence** portion of Oral Proceedings regardless of when it was raised.

Voting on Objections during witness examinations, which are governed under the same rules as objections to Real Evidence, will be voted upon immediately, subject to a **1-minute maximum** discussion time between judges at the discretion of the Presidency. All Judges will be required to vote for all objections and abstentions will not be in order.

Advocates may be granted time to explain their objection, or opposition to one. This cannot be motioned by advocates, only by Judges, and is at the discretion of the Presidency.

A full list of accepted objections along with their use cases can be found in **SECTION 5** of the procedure.

15 REAL EVIDENCE

For the intents and purposes of the ICC at LSEMUN High School, 'Real Evidence' will be defined using these four contingent properties:

- i) Physicality – The evidence should be able to be represented as a physical document or transcript and thus can easily be presented to the Court;
- ii) Relevance – The evidence presented should be relevant to the case and the defined jurisdiction of the Court;
- iii) Authentic – The evidence is in its original form and is not falsified;
- iv) Unbiased – The evidence should be as free as possible from external bias which might impact its validity.

15.1 RULES FOR WRITTEN EVIDENCE

Typically the most common form of evidence, written evidence can be anything from a quote from the UN Charter to a Human Rights report by the UNHCR.



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Advocates should not be admitting full documents unless they are short (**2 pages maximum**). Instead, Counsels should extract the relevant pages from the document they would like to reference, and highlight the most relevant sections. A page before the highlighted text and after should also be available to ensure that the appropriate context is given to written statements presented to the Court.

15.2 RULES FOR VIDEO EVIDENCE

Video evidence will be allowed in the Court however it must first be approved by the Chairing Staff. Video evidence will not be approved where relevant written transcripts are available. Graphic, or irrelevant videos will also not be approved, pursuant to the Sensitive Topics Policy. The usage of video evidence should be treated as exceptional and only to be requested if absolutely necessary for a counsel's argument.

15.3 RULES FOR AUDIO RECORDED EVIDENCE

Audio recorded evidence will follow the same rules as video evidence, requiring prior approval from the Chairing Staff. However, it is very unlikely to be approved, as the Chairing Staff will request that short recordings be transcribed by Counsel and admitted as written evidence. Audio recorded evidence will not be approved where relevant written transcripts are available. Graphic, or irrelevant recordings will also not be approved, pursuant to the Sensitive Topics Policy. The usage of audio recorded evidence should be treated as exceptional and only to be requested if absolutely necessary for a counsel's argument.

15.4 WITNESS STATEMENTS AS REAL EVIDENCE

Should advocates find statements made by Witnesses during examination to be of important note to the case, they may formally introduce that short segment of testimony as Real Evidence. However, this is subject to three criteria:

- i) The transcript is titled with the Witness' name and whether they are a **Witness** or **Expert Witness**;
- ii) The transcript is accurate to what was stated within the court when the Witness was giving testimony;



- iii) Before leaving the court, the witness must sign the transcript therefore confirming it is closely accurate and represents the spirit of the testimony given.

Once those criteria have been met the Witness Statement may be introduced as real evidence and is subject to the same rules of Objections as all other pieces of real evidence. It should also be marked accordingly.

15.5 OBJECTIONS TO REAL EVIDENCE

Objections may be raised to Real Evidence with a full list of objections in **SECTION 5**. Objections should be stated after the evidence is done being presented to the Judges and should be stated as follows:

*“Objection, Mr/Madam President [**Objection Type**]”*

Any Objection to Real Evidence will not be voted on until the **Admission of Evidence** portion of Oral Proceedings. The objection however will be noted and therefore be able to be considered for longer before judges vote on it.

16 TESTIMONY EVIDENCE

For the intents and purposes of the ICC at LSEMUN High School, ‘Testimony Evidence’ will be defined as any spoken testimony given as a result of examination/cross examination of a Witness/Legal Expert within the Court. Procedurally the term ‘Witness’ will refer to both Witnesses and Expert Witnesses, however a distinction should be made during examination to differentiate between them.

Both Witnesses and Expert Witnesses should have three characteristics to make their testimony pertinent:

- i) Existence – The witness should exist in real life outside of the simulation of the ICC at LSEMUN High School;
- ii) Relevant – The witness should have testimony to offer that is within the jurisdiction of the court and pertinent to the case;
- iii) Qualification – The witness should be well equipped – in theory – to speak on the case, either by having legal expertise or being present as a witness at an event pertinent to the case.



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16.1 WITNESS DECLARATIONS

All Witnesses must make a declaration before examination can begin:

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

16.2 EXPERT WITNESS DECLARATIONS

All Expert Witnesses must make a declaration before examination can begin:

“I solemnly declare upon my honour and conscience that I will speak the truth, the whole truth and nothing but the truth, and that my statement will be in accordance with my sincere belief.”

16.3 OBJECTIONS DURING WITNESS TESTIMONY

Counsels may object to both lines of questioning by opposing counsel and the substance of testimony being spoken. The objection will be immediately voted on by the Judgeship.

17 MARKING OF EVIDENCE

Before any Real evidence may be presented to the Court it must first be Marked. Each piece of Real evidence should be marked separately and should be able to be distinguished as the evidence of a particular counsel:

- The Prosecution should mark each piece of evidence numerically ‘1, 2, 3’;
- The Defence should mark each piece of evidence alphabetically ‘A, B, C’.

Counsels should mark each piece of real evidence in the order they wish to present it to the Court.



SECTION 4: ORAL PROCEEDINGS

18 RULES GOVERNING ORAL PROCEEDINGS

The right to speak during Oral Proceedings is given by the Presidency and may be revoked at any time. It is imperative for the swift functioning of the court that this is adhered to.

It is expected that counsels plan their speaking time equitably such that all advocates of a counsel may have equal time to speak, present evidence and witnesses. Judges should also not interrupt advocates when speaking with questions. There will be opportunities for Judges to ask questions about evidence or to witnesses, as well as general questions at designated points throughout Oral Proceedings.

19 ORDER OF ORAL PROCEEDINGS

The order of Oral Proceedings will function as the de facto agenda for the court; an overall linear progression from start to finish, following this order:

- i) Opening of the Court
- ii) Opening Statements
- iii) Body of the Case
- iv) Witness Examinations
- v) Rebuttals
- vi) Judges Questions
- vii) Admission of Evidence
- viii) Closing Arguments
- ix) Judges' Deliberation
- x) Verdict Presentation

Should the Court arrive at the end of the Oral Proceedings, this will signal the closure of the case, Court, and the session.

20 OPENING OF THE COURT

The President will, after ascertaining that all Judges and Advocates are present, declare the sitting of the court open with this statement:

"Please be seated, the sitting is open."



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Judges and Advocates should remain standing so that they may be asked to be seated. The President will then briefly introduce the case to the court.

21 OPENING STATEMENTS

The Prosecution will be called upon by the President to begin their opening statement followed by the Defence:

“Now I give the floor to the Prosecution/Defence to present their Opening Statement to the Court.”

Counsel may finish their opening statement like so:

“Mr./Madam. President, distinguished Members of the Court, with this I conclude my presentation. I would like to thank you for your kind attention.”

Counsel will be allocated **20 minutes** to make their Opening Statements. This time may be split between Advocates of a Counsel at their discretion.

It is advised that Opening Statements consist of a brief outline of the Counsel’s case, and the Legal Issues a Counsel wishes to touch upon. Counsels will not be allowed to introduce evidence during opening statements and should not reference any they intend to present – in detail – during the body of their case.

22 BODY OF THE CASE

During the Body of the Case, Counsels will take in turns presenting pieces of evidence, during this time they will be directed to speak by the presidency. Each side will take in turns presenting a piece of evidence until all evidence is exhausted. At this point the proceedings will move to witness examination

The Prosecution will always commence first and will be asked to begin to present their first piece of evidence by the President:

“Thank you to both Counsels for presenting your Opening Statements to the Court. I will now give the floor to the Prosecution to present their first piece of evidence of the trial.”



22.1 PRESENTATION AND REFERENCING OF REAL EVIDENCE

During the body of their case counsels will begin to present evidence. When an advocate wishes to begin referencing a piece of evidence, they should make sure it has been introduced to the Judgeship first. Advocates should do as follows when presenting evidence:

- i) Announce the piece of marked evidence (see section **IV.4**); the advocate should say as follows:

"...[preceding argument] I would now like to introduce marked piece of evidence [number or letter]"

The Registrar will then make sure that all Judges have access to the evidence, before allowing the advocate to continue;

- ii) Opposing counsel will be asked if there are any objections to this piece of real evidence. If there are objections they may be raised as discussed in section **IV.2.5**.

"Objection, Mr/Madam President [Objection Type]"

- iii) The advocate should now give a brief overview of the introduced piece of evidence; giving information as to its authenticity, relevance, and bias.

Once this is done counsel are then allowed to reference this piece of evidence in arguments made during the body of their case.

22.1.1 PRESENTATION OF WRITTEN/PHOTOGRAPHIC EVIDENCE

At the Registrar's discretion they may direct the advocate wishing to present written evidence to read the relevant sections out loud or alternatively with photographic evidence, a brief description as to the context of the picture.

22.1.2 PRESENTATION OF AUDIO/RECORDED EVIDENCE

Audio/Recorded evidence will be first played and shown to the Judgeship by the Registrar before the advocate is allowed to start presenting the evidence. The Registrar may also award time just after



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the playing of evidence for judges to discuss or make notes (maximum of **2 minutes**).

22.1.3 JUDGES QUESTIONING OF REAL EVIDENCE

After real evidence has finished being presented, the Presidency, at their discretion, may ask judges if they have any questions. A maximum of **2 questions** may be asked by judges per piece of evidence. Follow up questions may be granted by the Presidency if they believe that the question has not been answered sufficiently.

23 WITNESS EXAMINATIONS

After both counsels have finished presenting all their real evidence during the body of the case the Presidency will direct the Chairing Staff to begin to pull witnesses in for Examination. The counsel witness list that the witness belongs to will be examined first by that counsel. The order of witness examination will be as follows:

- i) Examination by Witness' Counsel
- ii) Cross-Examination by Opposing Counsel
- iii) Judges' Questions/ Examination

If a motion for further examination is approved by the Presidency, then only counsel will re-examine the witness:

- i) Re-Examination by Witness' Counsel
- ii) Re-Cross-Examination by Opposing Counsel

Counsel and Judges will have **7 minutes** each to examine and question witnesses (not including further examination time), this is including time for objections however not time taken to vote on them.

The Presidency reserves the right to call to order any advocate or judge asking inappropriate questions beyond the scope of the relevant objections.

23.1 JUDGES' QUESTIONS

Judges' Questions will be moderated by the Presidency who will select judges one by one to ask questions of the Witness. The questions of the Judges are not open to objections and follow up questions may be granted at the discretion of the Presidency.



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23.2 MOTION FOR FURTHER EXAMINATION

This motion must be raised by one counsel and requires the support of the other, the Presidency will then allocate time for additional examination (maximum **3 minutes** per side). At the Presidency's discretion this motion may be rejected due to time constraints or if the Presidency believes that further examination is not pertinent to the case.

24 REBUTTALS

Once all the Witnesses have been put on the stand the Court will move into Rebuttals. Rebuttals will be moderated by the President, so as to allow the Chairing Staff to assign evidence to judges for judges' questioning.

During this period counsel will rebut previous arguments made during the body of the case. For each argument rebutted the opposing counsel will be granted time for a short response before then having an opportunity to rebut an argument themselves. The Vice-President is the authority on who has been given the right to speak during this period.

Rebuttals can be called to closure at any point by the Presidency or the Chairing Staff when they believe it is important for the timings of the Court, this decision is not subject to appeal..

24.1 INTRODUCING EVIDENCE DURING REBUTTALS

The only evidence that may be introduced during rebuttals are witness statements collected during witness examination. Once marked, these statements may be introduced immediately – **subject to objection** – without introduction and can be therefore referenced in rebuttal arguments as soon as they are introduced.

25 JUDGES' QUESTIONS

During Judge's Questions each judge should be assigned between 1-2 pieces of evidence to ask questions on. The questions should aim to clarify issues, facts, and points of law.

The Presidency and Chairing Staff will monitor the time and will either close Judge's Questions when there are no more questions, or when there is time pressure to move to the next section of Oral Proceedings.



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26 ADMISSION OF EVIDENCE

Once the rebuttals have been completed, all previously marked pieces of evidence may be submitted to the judges by counsel for admission into evidence, subject to objection by opposing counsel. Advocates should not raise objections that have been previously overruled by the President unless they have produced evidence during the body of their case or rebuttal which might validate previous said objection. The Prosecution will admit their evidence to the judges stating:

“Prosecution moves to admit marked evidence 1,2,3.etc (or 1 to x)”

Defence may object stating:

“The Defence objects to evidence 2,6,7 (relevant evidence numbers)”

Then the judges will observe the reason for each objection in numerical or alphabetical order, before sustaining or overruling the objection. The same process will apply for when Defence admits their evidence as well, except marked evidence will be ordered alphabetically instead.

27 CLOSING ARGUMENTS

After all the evidence has been admitted, the Counsels will be invited to make their Closing Arguments with the Prosecution going first. Each Counsel will be granted **30 minutes** with the Prosecution given the option to split their time in half, speaking for **15 minutes** before the Defence and then for **15 minutes** after. It is more than acceptable if more than one Advocate wishes to present their respective Closing Argument. If this were to be the case, the President should be made aware of how long each Advocate intends on speaking for so they may be invited individually to present their argument.

At this point, no new evidence should be presented to the Court, and reference should only be made to admitted pieces of evidence. During Closing Arguments each Counsel should aim to sum up its case and tie up any evidence and legal elements. During this time Counsels should state what you are wishing from the Verdict. At this point in the trial the advocates should also feel at liberty to expand on their case, insinuating what evidence might suggest and hint on the failures of the opposing counsel's arguments.



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28 WEIGHING OF EVIDENCE

Judges will be granted additional time after closing arguments to further review their assigned pieces of evidence post-questioning of advocates. It is during this period each judge should assess what recommendation they will give to the other judges as to how their evidence should be weighed.

Each judge will then have an opportunity to present their assigned piece of evidence to the rest, summarising how relevant, accurate, biased they deem it to be.

29 JUDGES' DELIBERATIONS

Once each judge has presented their assigned evidence to the rest, then deliberations will begin. Judges should talk freely during deliberations; however, the Presidency may choose to guide conversation or halt unmoderated discussion with the aim of expediting deliberations.

At the end of deliberations each judge must vote on each count the defendant is accused of deciding on whether - based on the evidence presented - that they are guilty.

Once the counts have been decided the Judges will have to agree on a sentence for the accused's crimes.

30 VERDICT PRESENTATION

At the end of Proceedings, the Presidency will invite back into the chamber the advocates from both counsels for the presentation of the Verdict. The president will read out aloud the Verdict, including each count that the accused is being trialled for and whether they have been found guilty and their sentence.



SECTION 5: FULL LIST OF OBJECTIONS

31 TABLE OF ALL OBJECTIONS

Objection	Can it be used for Witness Testimony?	Can it be used for Real Evidence?
Relevance	Yes	Yes
Unfair/prejudicial	Yes	Yes
Leading question	Yes	No
Compound question	Yes	No
Argumentative	Yes	No
Asked and answered	Yes	No
Vague	Yes	No
Foundational issues	Yes	No
Non-responsive	Yes	No
Speculation	Yes	No
Opinion/Bias	Yes	Yes
Hearsay	Yes	Yes*

*Hearsay can only be applied to real evidence if there is a strong issue of contention as to the authorship of the evidence, and as with all objections is at the discretion of the President.

32 DESCRIPTION OF ALL OBJECTIONS

32.1 RELEVANCE

Objections to relevance should be used when a piece of evidence or witness statement has nothing of pertinence to the case, therefore not important in the outcome and ruling of the case.



32.2 UNFAIR/PREJUDICIAL

Unfair/Prejudicial objections are for when evidence or a witness statement may unfairly bias the Jury or Judgeship against the opposing counsel. This objection may effectively be used on relevant evidence if it would act to sufficiently bias those who it is presented to.

32.3 LEADING QUESTION

Leading questions can be objected to on the premise that they present a false dichotomy to the witness during questioning. E.g. 'The animal you saw was a bear, right?' Instead of correctly asking 'What animal did you see?'

32.4 COMPOUND QUESTION

A compound question can simply be defined as multiple questions strung in a single sentence during witness questioning. It can be objected to on the grounds that it is both confusing to follow for the Witness, who may say something in error, and for the Jury or Judgeship who might be confused with the details.

32.5 ARGUMENTATIVE

Examination or Cross-Examination is considered argumentative when the witness is being 'badgered' into providing an alternative response to the original one given. This objection is different to Asked and Answered **A.2.6** in that it is a deliberate attempt to goad the witness into providing a different answer during questioning.

32.6 ASKED AND ANSWERED

Asked and answered is when counsel asks the same question in slightly adjusted ways in order to get an improved response out of a witness. With the hope that by slightly adjusting the subject matter of the question a different answer may be given. Once a question is answered all further attempts are objectionable.

32.7 VAGUE

Questions can be defined as vague when it is unclear what the question asked is referring to. This can be either attributed to imprecise language such as 'this' or 'that' or lack of context to the content of the question.

32.8 FOUNDATIONAL ISSUES

Foundational issues can be raised when background information is left out by witnesses, either through their own accord, or through wording of questioning. For example, a witness cannot testify that a document appears genuine without explaining that they have years of experience with said documents at an organisation.

32.9 NON-RESPONSIVE

This can be used when witnesses give answers that are completely unrelated to the line of questioning. It should be noted that this objection type is used on witnesses as opposed to lines of questioning pursued by advocates.

32.10 SPECULATION

Speculation can be objectionable in two different ways. If witnesses themselves assume or speculate on details they do not have the factual basis to comment on. Or alternatively, if an Advocate asks a question of a witness that could only possibly be answered using speculation.

32.11 OPINION/BIAS

Only Expert Witnesses (see sections **II.4/II.4.1** and **IV.3**) may give their opinion to the court, provided questions posed to them are answerable within their expertise. If a non-Expert Witness were to give their opinion unprompted, or prompted by an Advocate then that would be objectionable alongside an Expert Witness providing an opinion on a non-qualified field.

32.12 HEARSAY*

Witnesses can only testify as to what they purport to be true, not what they heard from someone else. If a witness tries to testify about what a non-party told them to do or tries to enter into evidence something in writing that a non-party wrote, then the testimony or written evidence is objectionable as



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hearsay. Hearsay can only be applied to real evidence if there is a strong issue of contention as to the authorship of the evidence, and as with all objections is at the discretion of the President.