

IPMUN 2024 ICC Study Guide and Rules of Procedure

Introduction

Dear participants, below you may find a rather extensive introductory document to this year's IPMUN International Criminal Court, its topic, proceedings, evidence and other peculiarities. I sincerely hope, that you will find this information helpful and that it will provide you a sufficient basis for further research.

The topic

The ICC will concern itself with the case of Ratko Mladić, a Bosnian Serb, who was the leader of the armed forces of Republika Srpska, a breakaway region of Bosnia and Herzegovina after it declared its independence from Yugoslavia on 3rd of March 1992. Republika Srpska consisted of territories inhabited mostly by Serbs, who did not wish to be parted from Serbia (or Yugoslavia, which, however, at this point consisted mostly of Serbian territories) and thus began an armed resistance against the new Bosniak government and state. While some may have originally viewed this as a struggle for self-determination, any such hopes quickly faded, since both the Serbian militias of the self-proclaimed and internationally unrecognized Republika Srpska, but also Bosniak and Croat militias (Croats mainly coming from Hercegovina, a mainly Croat inhabited part of Bosnia and Hercegovina) but also armed forces of the Republic of Croatia, which sought to gain control of Hercegovina from Bosnia and Hercegovina.

If you are confused already, you are feeling the authenticity of this whole conflict. To summarise, everyone in the former Yugoslavia decided to fight (and attempt to exterminate) everyone. People in mixed villages often murdered their neighbours, various militias burned whole towns to the ground and no one hands in this conflict remained truly clean. Yet, the whole conflict is not the subject of the trial. We shall further only concern ourselves with the role of Ratko Mladić in the conflict (though much of the research will be up to you, as stated further).

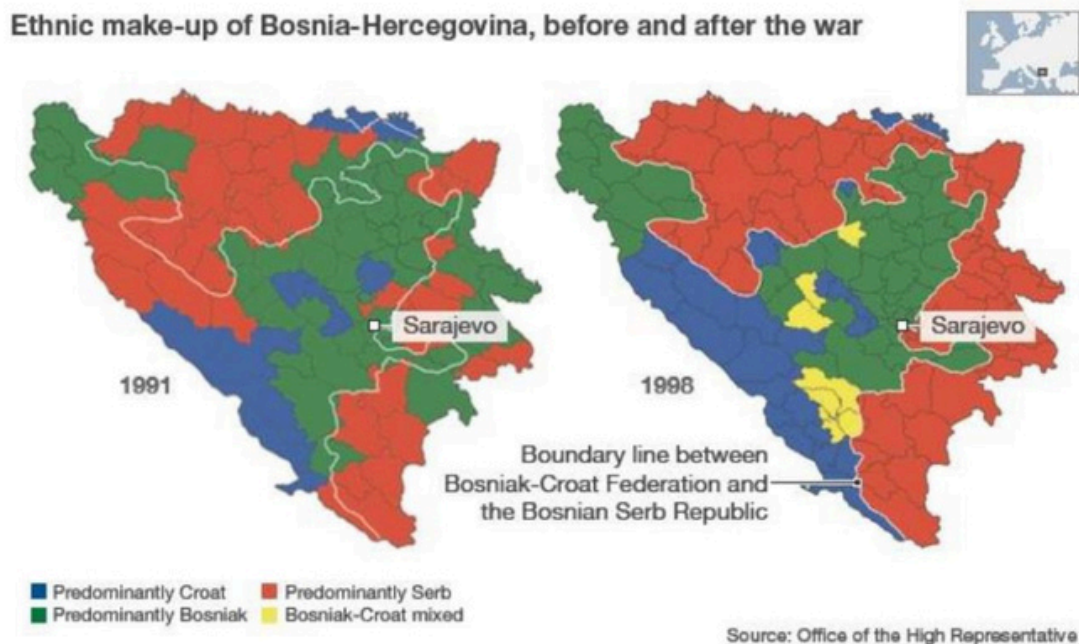
For further reading on the whole Bosnian-Croat-Serbian conflict, you may find useful the following links:

<https://www.icty.org/en/about/what-former-yugoslavia/conflicts>
<https://www.britannica.com/event/Bosnian-War/War-crimes-and-trials>
<https://srebrenica.org.uk/what-happened/history/bosnian-war-a-brief-overview>
<https://www.youtube.com/watch?v=z2wF6K4wsv0>
<https://www.youtube.com/watch?v=YllzdGa3E5A>
<https://www.youtube.com/watch?v=czQrU0OPIR8>

Ratko Mladić

Mladić had a reasonably successful career in the Yugoslav army before the breakup of the socialist state. In 1991 he participated in the Croatian war, an attempt by the Serb-dominated Yugoslavia to stop the breakaway of Croatia or at least take control of the territories with Serbian majority, namely the self-proclaimed Republic of Srpska Krajina. Ultimately, the Yugoslav army would not be successful in this struggle, but Mladić attained the rank of Lieutenant Colonel General and attained wide respect throughout the Serb-dominated Yugoslav armed forces. Thus, in April 1992, it was him and the troops under his command who were mainly responsible for blockading the Bosnian capital of Sarajevo, after Bosnia declared its independence. All traffic, water, electricity and food supplies to the city of 340.000 people were cut and the siege, as it began to be called, lasted for four years, with indiscriminate shelling of all parts of the city, civilian and military targets alike.

In May 1992 Bosnian serb parliament, a semi-autonomous body controlled mainly by the Serbian minority, declared independence from the Republika Srpska and created its own armed forces, mainly consisting of former Yugoslav army units located on the territory of Bosnia. Ratko Mladić was made the leader of this well-equipped militia and held this position until December 1996. The ultimate goal of the Serbian forces was to attain independence from the newly proclaimed Bosnia and reunite with the Serbian homeland, ie. the remainder of Yugoslavia. Furthermore, since the territory of Republika Srpska was broken into various smaller pieces, the Serbs also wanted to create corridors between these territories. Naturally, population in those corridors was often not majority Serbian, yet, no one asked them their opinions.



(Source: Office of the High Representative in Bosnia and Herzegovina)

On the map attached above you can see the distribution of Serbs, Croats and Bosniaks in Bosnia in 1991 and in 1998. Note, that the majority of the colour shifts represent massive efforts by all sides to exterminate or relocate other nationalities in the various areas affected. You can also clearly see what was the “corridor” goal of the Republika Srpska. The costs of this goal, however, were horrible.

Mladić orchestrated many atrocities in his role as commander-in-chief of the armed forces of Republika Srpska, these include, but are not limited to:

The killing of Bosnian Muslims and Bosnian Croats, including leading members of these groups; for example the killing of at least 144 people in Biljani (Ključ municipality), the killing of over 200 detainees at prison facilities in Foča, approximately 150 people at Keraterm camp, near Prijedor, and the killing of up to 140 detainees in Sušica camp, near Vlasenica.

The detention of thousands of Bosnian Muslims and Bosnian Croats in detention facilities in living conditions calculated to bring about their physical destruction. The facilities listed are Manjača camp (near Banja Luka), Omarska, Keraterm and Trnopolje camps (near Prijedor), prison facilities in Foča and Batković camp, near Bijeljina.

The killing of over 7,000 Bosnian Muslim men and boys of Srebrenica through both organised and opportunistic executions including the killing of over 1,000 men in a large warehouse in the village of Kravica and the execution of another 1,000 Bosnian Muslim men near the school in Orahovac.

The wanton destruction of private and public property including cultural monuments and sacred sites, such as a number of mosques across the country. Acts of murder that formed part of the objective to spread terror among the civilian population of Sarajevo through a campaign of sniping and shelling carried out between 12 May 1992 and November 1995 including the shelling of “Markale” market on 5 February 1994, when 66 people were killed and over 140 wounded.

Of these, the worst was the Srebrenica massacre. Most likely in an attempt to create international pressure against NATO, which was conducting airstrikes against Mladić’s forces besieging Sarajevo, Mladić ordered some of his units to breach the UN safety corridor around the town of Srebrenica, where over 40.000 Bosniaks were seeking safety from the conflict and hoped for protection from the UN forces stationed there. Of these, over 8.000 men and boys were indiscriminately executed on Mladić’s orders.

A substantial amount of evidence was gathered against Mladić, including phone intercepts, eyewitness testimonies, material evidence, including exhuming thousands of bodies with gunshot wounds and in many cases signs of torture, documentary evidence and many more materials. This led to Ratko Mladić being indicted in 1995 for the crimes of genocide, crimes against humanity and war crimes on many counts.

Yet, since the whole case against Ratko Mladić is truly massive, we shall mainly focus on the massacre in Srebrenica and neighbouring villages (and really fields, forests etc.).

And while we now know, that the above-mentioned are facts, for the purposes of the IPMUN 2024 ICC proceedings, we will have to disregard that knowledge and instead approach all of this information as rumors and accusations, which are yet to be proven in a court of law. How shall we do that? Find out in the guide below.

IPMUN 2024 ICC proceedings

All documents including evidence, indictments and rulings can be found here for free

<https://ucr.irmct.org/> you only need to create an account and log in.

Now I cannot stress that enough, you need to do that to be able to participate in the IPMUN 2024 ICC proceedings. That is because I will not provide you with any evidence here in the study guide. And both defence and prosecution will need evidence to be able to successfully present their arguments. The evidence is freely available, so please, do your research properly. I am aware, that there are thousands upon thousands of documents at the site listed above, yet the important things can be rather easily isolated since the relevant exhibits (evidence) are usually photographs, videos or written testimonies which are well described and distinguished from each other.

Basic guide to the page

Since I myself am rather incompetent when it comes to computer technology, I will provide you with basic tips how to handle the site.

After you register and log in (I hope that is simple enough, if anyone has any problems, please do not hesitate to contact me at martin.dlouhy309@gmail.com) you will see this tab.

TITLE SEARCH

FULL TEXT SEARCH

The Title Search tab can be used to search for a word or phrase in the title of a record and/or other [metadata](#) attached to a record, such as accused name, case number or exhibit number using the specific fields below.

To search for keywords in the content of a record, use **Full Text Search**.

For further guidance, please refer to the [UCR User Guide](#).

Title Search

Accused

Language Collection

Document Type

Document Source

Document Format

Case Number / Case Name

From Date

To Date

Exhibit Number

You can either use full-text search or title search, both come with the handy filters which you can see below the main search tab. Mind you, the full-text search only works for PDF documents, of which there are not many, most are JPEG or similar formats (usually scans of documents). Now unless you speak French or Bosnian the language tab is obvious, as for the accused, again, obviously type in Ratko Mladic and select his name from the roster. In the other tabs, you can choose from a list of options, which hopefully are self-explanatory. You will probably mainly use the “document type” tab, specifically mostly exhibits. I am aware that over 19.000 results look terrifying. Yet, do not despair.

In the first place, you can select the document source (originator), which is useful, since usually, evidence supporting the argument of the prosecution (ie. conviction of Ratko Mladić) will usually originate from the prosecution or investigators, whereas evidence supporting Ratko Mladić will usually come from him (“accused”) or his defense. Also, you definitely do not need to work with all the evidence. The most important exhibits will be those testifying to the mass murder in Srebrenica, which shall be the main focus of this trial. There, you mainly want to look for photographic evidence (mass graves, bodies, bullets - obviously these will be some very graphic photographs, therefore prosecution and defense may want to choose which team member handles these photos, if anyone does not feel up to it, trust me, there is no shame in that) and for eyewitness testimonies. Here trying your luck with document title tab (only appears after you start the search, then you get more filter options, picture below) is definitely worth it. Word of warning, however, sometimes it might be better to type in only parts of the word or phrase desired, eg. instead of photographic evidence Srebrenica you might want to type

in just “sre” or just “grave”, “execution” etc. and then go through the results based on descriptions. You can also attempt to search based on file type, which may be useful for video or photographic evidence.

FILTER OPTIONS

Accused

Language Collection

Document Type

Document Source

Document Title

Case Number / Case Name

Date

Exhibit Number

Showing 1 to 10 of 534 entries (filtered from 37,090 total entries)

IT-95-5/18 Karadzic and Mladic	Statement of witness Gojko Klickovic, signed, dated 7 February 2014 (English, 4 Pages)	Exhibit D04313.E Accused
IT-95-5/18 Karadzic and Mladic	Statement of witness Gojko Klickovic, signed, dated 7 February 2014 (BCS, 5 Pages)	Exhibit D04313 Accused
IT-95-5/18 Karadzic and Mladic	Map of Sanski Most municipality, marked and signed by witness Mile DOBRJEVIC, dated 6 December 2013 (BCS, 1 Pages)	Exhibit D04173 Accused
IT-95-5/18 Karadzic and Mladic	Map of Sanski Most municipality, marked by witness Mikan DAVIDOVIC, signed, dated 5 December 2013 (BCS, 1 Pages)	Exhibit D04168 Accused
IT-95-5/18 Karadzic and Mladic	Map of Sanski Most municipality, marked by witness Boro TADIC, dated 4 December 2013, signed by TADIC (BCS, 1 Pages)	Exhibit D04164 Accused
IT-95-5/18 Karadzic and Mladic	Aerial photo - Batkovic Prison (Annotated by witness in the Tolimir trial) (English, 1 Pages)	Exhibit D04126 Accused
IT-95-5/18 Karadzic and Mladic	Map marked by witness Momcilo Krjnsnik, signed, dated 7 November 2013, based on original 65ter 1D03931 (BCS, 1 Pages)	Exhibit D04001

Secondly, witness statements (and also further advice on photographs). I do encourage you to utilize the document titled Judgment - Volume III of V (English, 671 Pages) in the Mladić case. Now, while I cannot ensure that, I do ask you not to study that document in too much detail, since it might give you a lot of hindsight, which we must try to eliminate. However, in the judgement (from page 1210 to page 1583, chapter 7. Srebrenica) you can find all the evidence the ICC considered relevant. It may help you to find the most relevant witness statements, especially for the prosecution. Please, do avoid studying Chapter 8. and the following of the judgement, since the legal findings on the crimes described in the judgement (ie. chapter 7. Srebrenica) will be what we will determine together during the procedure at IPMUN 2024.

Submitting evidence

Now, finally, how much evidence do I expect you to submit? Obviously, there is no chance we can go through hundreds of photos, documents and witness statements in just a few days, especially since the first day we will mostly spend getting to know each other, the procedure and we will certainly conduct a mock debate. Also, we will probably be bothered by the HSC from time to time (since their topic is the Yugoslav Civil War). **Therefore, I do not expect the prosecution to submit more than 10 witness statements and 10 relevant photographs.** Defence, obviously, does not need to submit any photographic evidence, since their main weapon are witness statements, especially soldiers and other principal actors who could testify, that they were not acting on Mladić’s orders (however, do keep in mind that you cannot force them to self-incrimination). Thus, **defense only needs to submit 10 witness statements.**

To be more precise, we will, of course, conduct questioning of the witnesses live at the IPMUN 2024 ICC, since that is the most fun. You will be able to ask questions, object to your opponents and of course motion for witnesses to be dismissed, or alternatively admitted if you happen to find a new important witness after the procedure has begun (more of that later). I will attempt to provide actors for these witnesses myself (with a bit of luck, they will all be students of law, so they will know what is expected of them and how to conduct themselves), which is why I need the witness statements so that I can provide them with information on what they are supposed to say. Of course, you may feel free to ask any questions, not only those asked in the witness statements. Furthermore, the opposing party will not have access to the witnesses submitted by the other party, thus there will be a lot of space for maneuvering for both defence and prosecution (yes, this is unfaithful to reality, but without this measure, we would just be dull reenactors, we need to bring some initiative and moment of surprise into the proceedings).

To conclude this part, **you may feel free to submit more evidence than the minimum.** However, it cannot be guaranteed that we will manage to go through all of it in the time we have. Thus, if you do submit more than the specified amount of evidence, please mark the evidence you consider to be most important for your arguments. Also, **if you have any trouble identifying relevant evidence, do not hesitate to contact me (email above),** I will be more than happy to help.

The procedure

The documents

The procedure of the 2024 IPMUN ICC will be governed by the Rome Statute of the ICC, Rules of Procedure of the ICC and Elements of Crimes of the ICC. All of these are provided as annexes to this document. Yes, it is the whole real thing. But do not worry. I will provide you with the most important parts below, and you definitely do not need to study the entirety of the three documents. However, since any part of the document might become useful at some point during the procedure, I do not want to take away from you the chance to utilize it as an argument.

Starting with the elements of crimes, these are basically the legal definitions of international crimes. Only if Ratko Mladić is found to have fully and beyond a reasonable doubt fulfilled these definitions by his actions can he be pronounced guilty and sentenced. As for which you should definitely study, they are Genocide by killing, Genocide by deliberately inflicting conditions of life calculated to bring about physical destruction, Crime against humanity of murder, Crime against humanity of extermination, Crime against humanity of deportation or forcible transfer of population, War crime of wilful killing, War crime of inhuman treatment, War crime of unlawful deportation and transfer, War crime of murder and War crime of outrages upon personal dignity. Yet, we do encourage mainly the prosecution to also take a look on the other crimes and think whether they potentially could indict Ratko Mladić in relation to the events in Srebrenica from these crimes (again, reference chapter 7. of the judgement).

As for the ICC Rules of procedure, we will mainly utilize the rules 63 - 99 (evidence), 140 - 148 (parts of the procedure and rules on sentencing) and rules 162 - 172 (governing misconduct of parties during the procedure). I do, honestly, consider studying the further rules to be mostly unnecessary since they do not govern the procedure itself. Therefore, unless you really want to, do not bother with the rest of the document.

Finally, the Rome statute. Here, especially if you are not particularly accustomed to criminal law, I highly recommend you study the parts 2 and 3 of the Rome statute before anything else. Here you can find the basic principles of criminal law and also the powers of the ICC. Next, basically only parts 6 and 7 of the Rome statute will be important for us. Yes, technically we could also use the pre-trial part, but the pre-trial part will be done mostly via email or WhatsApp and in an informal fashion (details below), thus it is not necessary to utilize the very strict rules of the ICC for this part.

Pre-trial phase This phase will run from the moment you get your position within the ICC assigned until the moment the conference begins. Now, it will be more time-consuming than your regular MUN conference. You will be required to prepare your own indictment and defense, find your own evidence and most importantly, do so together as the prosecution and defense team (the defence team includes the person posing as Ratko Mladić). For those, who are assigned the position of a judge, it is a bit simpler, you only need to study the rules of procedure very thoroughly, since we will rotate in presiding over the court.

We will require the prosecution to submit the indictment two weeks before the conference begins. We will provide you with a template of an indictment, in which you only have to type the text itself. After the indictment has been redacted (ie. the suggested witness statements have been removed) we will provide it ASAP to the defence team, so that they can prepare their reply and defense strategy. This will suffice to be ready and on my email on the day the conference begins. The defense's reply will only be provided to the prosecution on the day the ICC session starts. Of course all documents will be provided to the judges as I receive them.

I am, of course, available for consultation over your indictment or reply at any point during your preparation. We will provide you with emails on the other members of the team, so that you can coordinate with each other. If any team member is unresponsive, please do not hesitate to contact me (see email above).

Trial phase

First, the prosecution will be provided with the reply of the defense. Afterwards (when the mock debate is concluded), the presiding judge will formally begin the court's session and read out the indictment. After the indictment has been read out, the defendant may either make an admission of guilt or plead not guilty. (Obviously, it is expected that Ratko Mladić will plead not guilty, otherwise it would be no fun).

Afterwards, the court shall open evidence and begin with oral statement given by the accused. The accused does not give this statement under oath. After the accused has finished his statement to the crimes he is being charged with (the statement may be up to 10 minutes long), first, the judges may examine the accused, followed by the prosecution and followed by the defense. The prosecution and defence may object any examiners leading or deceptive questions (eg. But you did kill them, didn't you? (leading). All your soldiers already gave you up, they all say you gave the order, so, did you? (deceptive, any question based on a lie is deceptive, any question based on an uncertainty may be deceptive)). After finishing the examination of the accused, the court shall move to the photographic or documentary evidence, when each party that has submitted the evidence may give a short speech presenting the evidence and stating grounds for its admission by the court. The other party may then speak against the admission of said evidence. Afterwards, judges shall rule whether the evidence is admitted or not.

After the photographic and documentary evidence (if there is any since submission of documentary evidence is voluntary), we shall move to the witnesses. The presiding judge shall briefly introduce the witnesses called by the prosecution and by the defense. Afterwards, both defense and prosecution will have time to prepare questions for the opposing party's witnesses. This is the first time when both parties will know what witnesses the other party has called. We do ask you not to use the ICC database to prepare the questions for the witnesses, use your imagination and skills.

When both parties are ready, witnesses will be called one after another into the courtroom. First, the presiding judge shall instruct them on their rights and responsibilities (do not worry, I will prepare a basic outline of how to preside over the court for the judges), and afterwards the witness will be allowed to deliver a statement to the events they are supposed to testify to. After that, same procedure of

examination as with the accused shall apply. However, the accused themselves may also address the witnesses and ask them questions. The witnesses may be confronted with the photographic or documentary evidence or with statements made by other witnesses to assess their credibility. The judges always conduct the examination first (although they are encouraged not to steal the show from the prosecution and defense, judges should always try to ask balanced questions that serve the most to reveal the truth, the prosecution and defense are of course expected to be a lot more fiery), after them goes the prosecution and finally defense and the accused (defendant). If the witness wishes so, the defendant may be removed into a separate room with a two-way mirror and address the court either via microphone (if the technology works) or via slips.

After all the witnesses have been examined, the presiding judge shall ask the parties for the last time whether they wish to submit any further evidence. If they do wish so, the same procedure for the admission of evidence as with the photographic and documentary evidence will apply. Since no further witnesses can be called, only witness statements can be admitted and read at this point. If there are no further evidence submissions, the presiding judge shall close the evidence.

When the evidence is closed, both parties will be given time to prepare their final remarks. It is expected that the prosecution as a whole, the defense as a whole and also the accused (defendant) all present their final remarks. Remarks in just a name, of course, since this speech (or speeches, if more people will deliver them, every member of defense and every member of prosecution has the right to deliver a part of the final remarks, but also one speaker may be designated) should in detail summarize the procedure, point out the evidence each party views as the most important, remind the judges of the findings during the trial and, finally, suggest what ruling the judges should deliver.

After the closing remarks are finished, the judges shall deliberate on the final verdict. When the verdict is ready, it shall be formally read in session of the court, that is whether the accused is guilty or not guilty, his punishment, reparations to victims and a short summary for such grounds for the judgement. That shall mark the end of the formal procedure.

General information

Information about the judges

As you may have figured out from the matrix, there will be three judges - myself and two participants. With all likelihood, I will lead a majority of the mock debate, since I already know the procedure well. Afterwards, however, I do expect that the other two judges - participants - will rotate in the position of the presiding judge and I shall only relegate myself to the role of an advisor (not only for the judges, but for any of the parties) and only step in when necessary. The same applies to the final verdict, the two judges - participants will have to strive to persuade each other about whether the accused (defendant) is guilty or not guilty and if found guilty, about the punishment. I shall again only be there to lend advice and, if the judges simply cannot find a middle ground, cast my vote to break the tie.

Information about the templates

As for the templates promised above (template for indictment, template for defense reply), they will be prepared during October, so that you can begin using them. In the meantime, if anyone begins their research so soon, feel free to focus on the evidence, since that will probably be the most time-consuming process.

As for the guide for the judges, that will be hopefully prepared around the same time.

Information about the courtroom

As already hinted in other texts, the ICC will (hopefully) take place in a mock courtroom located at the Faculty of Law in Prague. The courtroom is a realistic depiction of a Czech courtroom, thus it should have everything we need, including the two-way mirror. If the faculty indulges us, we will also provide

you with realistic gowns, blue for defense, red for prosecution and purple for the judges. A word of warning, the gowns are rather thick and the room is usually overheated, thus do not wear too thick of a suit.

Conclusion

With all that said, I have exhausted myself. Therefore, I wish you all, dear readers, dear delegates, to have a great time during your research and preparation and I look forward to seeing you in Prague in person. again, if you were experiencing any trouble, could not contact your teammates or wanted to ask any questions (be it legal or non-legal), do not hesitate to contact me via my email (martin.dlouhy309@gmail.com) or via a WhatsApp group we will hopefully have sometime during November.

Yours sincerely

Martin Dlouhý

Chair/Judge of IPMUN 2024 ICC

