



Rule Book

**The Mafia Commission
Trial, 1985**

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Introduction

The Mafia Commission Trial follows a contrasting procedure from all other committees at CMUN 2023. Follow all guidelines mentioned in this rulebook, so as not to obstruct the flow of the committee. To read about the history of the court, refer to the study guide provided to you on the website.

In this rulebook, the defendants and plaintiffs will be referred to as separate advocacies, however, the defendants will have individual verdicts during committee.

Laws of the Court:

For the Laws of the Court in this committee, you are requested to refer to the citation at the end of the document.

Rules of the Court:

For the rules of the Court in this committee, you are requested to refer to the citation at the end of the document.

Composition of the Court:

4.1 – Prosecution/ Plaintiff:

The party (at CMUN 2023, this will be a group of 11 American federal prosecutors – with 11 advocates) that initiates a lawsuit before a Court. The plaintiff’s primary objective is to present their case, prove the defendant's liability, and ultimately obtain a favourable judgement or settlement that addresses their grievances.

4.2 - Respondent Party/Defendant:

The party (at CMUN 2023, this will be Mafia members defending themselves– with 11 advocates) who is accused of committing a crime in criminal prosecution and must defend themselves. Their primary objective is to present a strong defence and persuade the court or jury that they are not legally responsible for the alleged wrongdoing or harm.

4.3 – Jury:

A criminal court typically has 12 jury members; however, the MCT at CMUN 2023 will have 8. After listening to all statements, and debates, and looking over evidence and other paperwork – the 8 jury members shall deliberate upon what has been presented in committee and vote on who has won the case. Following this, they shall reveal their verdict.

Communication:

When referring to oneself, speak in the first person (e.g., “I, Rudolph Giuliani, ...” or “I, Anthony Salerno, ...” or simply, “I...”). When referring to another advocate, please refer to them as “Defendant Anthony Corallo...” or “Prosecutor Michael Chertoff...”; however, if an advocate intends on showing aggression, the title may be omitted. Terms such as lawyer, attorney, counsellor, and so on are also acceptable. When referring to a delegation, please use, “The Defendants/Plaintiffs...”. Alternatively, respondent/prosecution may also be used. Apart from the aforementioned terms, advocates/delegations may be referred to using other terms as well. However, no slurs are permitted and disrespect on a personal

level or towards an allocation is strictly forbidden. Jury members must be referred to as “Respected Jury member” followed by their names. Witnesses must be addressed as “The witness”, “Mr/Mrs/Ms/Dr/Other titles they have chosen Family name”, or by their full name. Chairs may be addressed as “The EB/executive board”, “the chairs”, or “Respected Judges” by their position (“Assistant Director 1”), or by their name. Conversations between advocacies are not recommended while court is in progress. Jury members may speak to each other unless told not to; however, voting (during the final committee session) may not be influenced by talking to each other privately. Advocates may not speak to judges unless lobbying has been permitted. In any case, causing disruption in committee will lead to barring or another punishment – chosen by the chairs. During opening and closing statements, the total time will be split between advocates as recommended by the chairs in committee. No delegate shall interrupt another and no questions shall be asked unless permitted by the chairs.

Court Proceedings:

The schedule for committee sessions is on the CMUN website for all delegates. Here is a detailed breakup of the order committee shall move in:

6.1 - Opening Statements:

A speech given by both defendants and plaintiffs, lasting 33 minutes per side. Since there are 11 delegates a side, the recommended speech length is 3 minutes. However, advocates may tweak this ‘3-minute rule’. Since this is a SINGLE speech, there must be continuity. Further, if the advocate speaking last lodges a

complaint that any advocate before had overstepped their time limit by a large margin (leaving them with less than the decided speaking time), appropriate action shall be taken by the Executive Board. The content of an opening statement is comparable to a GSL speech, but with regards to evidence, and individual policy of an advocate. The plaintiffs shall speak before the defendants. Questions may not be asked by the opposing advocacy. After the advocates, jury members shall give a 2-minute speech of their own opinion on the topic. Please note that since jury members are supposed to be utterly and completely unbiased, they may use the study guide (and only the study guide) as a base for forming their opinion on the case. Jury members must not show any form of bias during opening statements; however, a change in this neutral policy (as the committee moves forward) shall be looked upon favourably, and no jury members shall face retribution for the same. The identity of a jury member should NOT influence decisions.

6.2 - Presentation of Stipulations and Memorandums:

One or more member(s) of the EB shall read out the stipulation and memorandums.

6.3 - Presentation of Evidence:

The presenting advocacy shall read out the piece of evidence (not an entire article, but only one or more specific important paragraph(s). Following this, an optional 30-second speech may be made on why the piece of evidence is relevant (by any 1 member). The opposing advocacy may criticise the evidence (through an objection) on grounds of authenticity, bias, relevance, reliability, and accuracy. Following the 30-second speech given by the presenting advocacy, one member of the opposing

advocacy reserves the right to an optional 30-second speech against the evidence.

6.4 - Weighing of Evidence:

The session for weighing of evidence shall be open only to the jurors and the EB. All 8 jury members reserve the right to a 1.5-minute optional speech on each evidence packet: a minimum of 5 jurors are expected to speak. They shall judge the evidence packets on authenticity (20), immoderate bias (20), relevance (20), reliability (10), accuracy (10), and sustained objections (20). Marks shall, then, be awarded on 100. An average of all judges' scores shall be taken.

6.5 - Witness Examination:

Witness examination is a process in which a maximum of 3 witnesses are called to court by each party (members of the CMUN secretariat). There shall be 2-minute testimony given by each witness. Following this, a direct examination shall take place; in this, members of the presenting advocacy shall ask pre-prepared questions to the witnesses. They shall use these to prove their point. For example, if a defendant was trying to prove that they were in a school in Australia when a murder occurred in Chicago, they might call upon a student who was present there to corroborate their story. They might ask him to describe the person they saw in the school and so on. Prior to this direct examination, the defendants would have essentially had to give this student the question they would be asking and the answer he is supposed to give. After 20 minutes, the cross-examination commences. The plaintiffs must try to convince the judges that the defendant was not present there, and that the witness may be lying or talking about a different person. For example, they may ask the witness whether they caught the name

of the defendant in Australia. If the witness replies with the correct name (because the defendant has prepared them for this question), this would tilt favour towards the defendant when the jury is coming to a decision. However, if they reply that they do not know (having not been prepared), this makes the evidence and the witness less credible. This would benefit the plaintiffs when the jury is coming to a verdict. If the witness was listed by the defendants as an expert witness (minimum 1 on each side), the plaintiffs may ask more complicated questions. If the witness is unable to answer, for example, asking a doctor about scars and him not validating their nature, this makes the witness far less credible and the effect on the jury and the EB is essentially negligible. However, if the witness succeeds in answering such a question, credibility becomes extremely hard to question when the jury is settling on a verdict. On the other hand, a regular witness (not an expert) may simply refuse to answer such a question and state that they are not an expert; in this case, no credibility shall be lost as the witness is not an expert. This process lasts for 20 minutes. Finally, the 20-minute jury examination. Jury members may ask questions during this period. They should preferably try not to repeat what advocates have already discussed. Do remember that all witnesses should be real people, connected to the event in some form. Please note that no rhetorical questions may be asked, except the jury. Delegates are free to follow-up, as long as they finish within the time they have been allotted (2 minutes at all points in time). Objections that may be raised by advocates during questioning are hearsay (when the opposing advocate states something about the witness or the situation that is not a fact, but simply something they have heard, e.g., asking Anthony Salerno, is it true that you lead a racketeering

operation”), leading question (using a question tag, or stating a rhetorical question, e.g., “You want them all dead, don’t you?”), speculation (the witness predicts an event during their testimony, e.g. “I know, for a fact, that the defendant was present at the scene of the crime”), irrelevance (if an advocate asks a question unrelated to the topic, e.g., “What do you think of the criminal network in China?”), competence (asking a regular witness something only an expert witness can answer, e.g. “What is the weight of a regular pistol?”), and badgering (the advocate is domineering, e.g., “When has your organisation ever done good work? When will you stop lying? When will you stop being hypocrites?”). Taking badgering too far will result in temporary/permanent barring from the committee.

6.6 - Witness Deliberation:

Only the judges shall be present for this session. Their primary objective is to comment on the credibility, knowledge, relevance, and important points that would prove one side’s innocence and the other’s guilt. There shall be a 90-second speech given by each jury member; however, no paperwork shall be prepared for this session as the final paperwork – judgements – are written after listening to closing statements.

6.7 - Closing Statements:

After witness examination, Closing Statements shall last 20 minutes for each advocacy. This is the penultimate stage. Advocates may use this time to summarise their arguments and conclude with a short explanation of each of their main points. Advocates may state any points they failed to bring up previously, rebut arguments made by the opposing advocacy, and convince jury members about their point. Finally, they may state what they believe the outcome of the trial should be (including

defendants talking specifically about their verdict); following this, the task of the advocates is complete.

6.8 - Final Deliberation:

Final deliberation is the ultimate stage of the committee, where jury members declare their individual verdicts and explain why – in a 2-minute speech. The verdicts are then written out as a judgement.

6.9 - Yields during witness examination and statements:

During opening and closing statements, delegates may yield available time to the next immediate advocate speaking (unless one is the last speaker of the advocacy, in which case – time can be yielded to questions and comments or to the chair if at least half of the advocacy agrees to either). If questions and comments are voted for, 3 opposing advocates reserve the right to ask questions, as well as 2 jury members. During witness examination, delegates may yield their time to ask questions to anyone in their advocacy, or to the chair. If the last delegate still has time, and no one from their advocacy intends on speaking, the time is directly yielded to the chair

Note: In the MCT at CMUN 2023, after important crises, the EB may allow a ‘Crisis Conundrum List’ so delegates can speak on the updates. This will be introduced by the EB only, with a time frame being decided during the committee.

Paperwork

7.1 - Position Papers:

Please refer to the Study Guide for Information on position papers and their requirements. Please note that all Position papers must be submitted to mct.cmun2023@gmail.com by 10th August 2023.

7.2 - Evidence Packet:

(Written by advocates, weighed by jury members):

An evidence packet is a document with evidence against the opposing party/in favour of the presenting advocacy. It consists of a table of contents with three columns – title, author, website link/book name, and the date, followed by citations. Do note that only reliable sources are acceptable (Reuters, state/government websites, books by well-known students of international law or politics, UN and related websites, and so on) and biased evidence (e.g., an article by the BBC about British colonialism in India, as compared to an article by Time, is considered biased and will be marked lower, even though BBC is a reliable source. Further, jury members will likely give this piece of evidence less importance during the weighing of evidence). At CMUN 2023, each side will be allowed a maximum of 7 pieces of evidence, divided between defendants however they want to do so. Since this is a historical committee, the EB will be allowing web articles from after the freeze date, provided that the information in the article consists of factual statements from before the freeze date. In this case, the paragraph selected must be highlighted for

the rest of the committee to see. The EB will also be allowing manufactured evidence. Defendants and plaintiffs will be allowed to send in communiques, which if ratified, can act as evidence in the evidence document. A maximum of 3 manufactured pieces of evidence will be allowed.

7.3 - Communiques:

The MCT at CMUN 2023 will be allowing communiques during certain periods. These will function as normal ones like any other specialised committee, in which they are essentially documents submitted by delegates which relay communications between a delegate and any other individual or organization. Delegates must be aware of their standing in committee before they submit communiques, ensuring that they don't take action that they do not have the authority to do. Communiques are of two types, closed and open. Open communiques are usually documents relaying information from a delegate, with no recipient. If approved by the Executive Board, they will be read out to the committee. Closed Communiques provide instructions for the recipient to carry out, and if approved by the Executive Board, these actions will be either partly or entirely relayed to the committee, to whatever extent the Executive Board wishes to do so. In the MCT, through Closed Communiques, advocates will be allowed to take any illegal action, even with the jury.

Note: The EB will be informing advocates when they can send in communiques with manufactured evidence, and will be providing the format to do so in committee.

7.4 – Advocates:

7.4.1 - Memorandum:

Each advocacy shall submit a memorandum before the committee begins. A memorandum requires each advocacy to submit a single document (under 1 page), describing the policy of their advocacy as a whole. It must contain anything the entire advocacy agrees on, including individual policy. One author and one co-author may be listed on each memorandum.

7.4.2 – Stipulations:

The stipulation is a single document submitted by the plaintiff and defendant parties, TOGETHER. It consists of definitions of key terms, notable events, dates, the current state of the situation, and formerly established facts that both parties accept regarding the trial. The stipulation may be used by either party (or both parties) to establish a fact(s) that has not previously been established that both countries agree

on. For example: “Commission members will be tried on illegal gambling charges only, not racketeering.” The Chairs shall inform the delegates of when they can start preparing stipulations. Do note that the stipulations must be submitted during the first committee session. The stipulation may have 2 authors (1 from each advocacy) and no co-authors.

7.5 - Jury Members:

7.5.1 - Evidence Critique:

Please refer to weighing of evidence (under Court Proceedings).

Format:

1. Authenticity (20)
2. Immoderate bias (20)
3. Relevance (20)
4. Reliability (10)
5. Accuracy (10)
6. Sustained objections (20)

Total (100)

Sample Paperwork

8.1 – Position Paper:

Please refer to the CMUN Handbook, keeping in mind that subtopics may be different.

8.2 – Memorandum:

Author: Robert Shapiro

Co-Author: Robert Kardashian

- 1) Mark Furhrman was acting on racial prejudice.
- 2) The glove found in the kitchen of OJ Simpson, is too small for his hand.
- 3) The police planted evidence under racial prejudice to frame OJ Simpson.
- 4) There was contamination and mishandling of DNA Evidence at the crime scene.
- 5) OJ Simpson had no motive to commit the murder of his wife, Nicole Brown Simpson.
- 6) Nicole Brown Simpson was associated with drug dealers, and one of them is a more likely killer.
- 7) Carol Connors saw OJ Simpson and Paula Barbieri at a fundraising dinner.
- 8) Dr Vincent Di Maio can prove that the sequence of events suggested by the prosecution is incorrect.

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8.3 – Stipulations:

The International Court of Justice;

Case: *'Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide', Ukraine v. Russian Federation*

The advocates of Ukraine:

1. With regards to the Present Genocide Convention “Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national ethnic, racial or religious group as such:
 - a. Killing members of the group;
 - b. Causing serious bodily harm or mental harm to members of the group;
 - c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destructions in whole or in part;
 - d. Imposing measures intended to prevent births within the group;
 - e. Forcibly transferring children of the group to another group;
2. The responsibility to protect or R2P is defined by paragraph 138 of the 2005 World Summit Outcome Document as “Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means.”
3. The intrusion of sovereignty is deemed to occur when one state infringes the sovereignty of another state by:
 - a. Providing assistance to rebel groups and protestants in the territory,

4. In December 1991, Ukraine achieved full independence as a state and international recognition as a sovereign state and in June 1996, Ukraine's parliament ratified their constitution.
5. On the same day, i.e., 21st of February, President Putin signed an Executive Order on the recognition of the states of DPR and LPR as independent and officialised the declaration. On the 22nd of February Russia signed a Treaty of Friendship, Cooperation and Mutual Assistance with DPR and LPR.
6. On the 25th of February, 2022 President Putin announced that he had decided to carry out a 'special military operation' in the state of Ukraine on the basis of purported genocide by the Ukrainian government against ethnic Russians in the Donbas region and to denazify and decentralise Ukraine and protect Russia from the spread of NATO at its borders.
7. On 25th February, 2022, Russian Foreign Minister Sergey Lavrov justified the military actions undertaken by Russia against Ukraine to prevent the neo-Nazis and those who promote methods of genocide from ruling this country.
8. Russia and Belarus began a special military operation on Feb. 10, with some 30,000 Russian troops stationed in the country along Ukraine's northern border. Feb. 11. Biden announces the deployment of another 2,000 troops from the U.S. to Poland.
9. The Russian people in the Donbas region need to be present in a Russian zone as to avoid clashes with the Ukrainians
10. On 27th February 2022, the Russian Federation and Ukraine agreed to send delegations to Minsk for peace talks.

8.4 – Evidence Packet:

Agenda: *'Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide', Ukraine v. Russian Federation*

Author: Iryna Vereshchuk, Minister of Reintegration of Temporarily Occupied Territories.

Co-Author: President Zelenskyy

Special Signatory: Prime Minister Denys Shmyhal

Sr. No	Evidence	Website	Contribution	Type	Author	Date
1	President Putin denies Ukraine fits the criteria of statehood	Time - https://time.com/6150046/ukraine-statehood-russia-his-tory-putin/	Iryna Vereshchuk,	Report of a Statement	Billy Perrigo	22nd February 2022
2.	Attribution to Conduct of a State	UN website - https://legal.un.org/ilc/texts/instruments/english/draft_a	Iryna Vereshchuk	Legal Document	UN	2001

		rticles/9_6_20_01.pdf				
3.	President Putin denies Ukraine fits the criteria of statehood	Time -https://time.com/6150046/ukraine-statehood-russia-his-tory-putin/	Olha Stephanyshyna	Report of a Statement	Billy Perrigo	22nd February 2022
4.a	Siege of Ukrainian cities, death of civilians and the destruction of Ukraine facilities proving the intent to commit genocide	Aljazeera - https://www.aljazeera.com/news/2022/2/27/russias-invasion-of-ukraine-list-of-key-moments-from-day-4	Iryna Vereshchuk	Online article	Aljazeera	27th February 2022
4.b	Article 2 and 3 of the Genocide Convention lists the meaning of genocide and punishable acts	UN website - https://treaties.un.org/doc/publication/unt/s/volume%2078/volume-78-i-1021-english.pdf	Serhiy Marchenko	Legal Convention	UN	December 1948

1. Proves Genocidal Intent is punishable.

According to the international criminal jurisprudence, direct and public incitement to commit genocide is a crime in and of itself under the Genocide Convention, irrespective of whether or not genocide or genocidal acts follow (as opposed to instigation). A finding of incitement rather depends on “the potential of the communication to cause genocide.” In the individual criminal context, the four elements of the crime include: (1) public,

(2) direct, (3) incitement (encouragement or provocation to commit genocide), and (4) the intent to destroy, in whole or in part, the protected group, as such. The case of Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwiza, Hassan Ngeze (Media Case), (Judgement and Sentence, Case No. ICTR-99-52-T (3 December 2003), para. 1015)

2. Attribution to Conduct of a State.

Responsibility of States for Internationally Wrongful Acts, 2001, Article 4, Conduct of organs of a State, provides: “1. The conduct of any State organ shall be considered an act of that State under international law, whether the organ exercises legislative, executive, judicial or any other functions, whatever position it holds in the organization of the State, and whatever its character as an organ of the central Government or of a territorial unit of the State.

3. President Putin denies Ukraine fits the criteria of statehood.

As Russian President Vladimir Putin ordered troops into two rebel-held regions in eastern Ukraine late Monday night, recognizing the regions as independent, he returned to a familiar argument that the Kremlin has pushed for years: that Ukraine’s claim to statehood is entirely baseless. In a televised address to the nation, Putin explicitly denied that Ukraine had ever had “real statehood,” and said the country was an integral part of Russia’s “own history, culture, spiritual space.”

In it, Putin set out his belief more forcefully than ever before that Ukraine is intrinsically Russian, that its three decades as a nation-state have been incoherent, and that the country owes its existence to a series of mistakes by bumbling Soviet leaders.

1. Intent to commit genocide.

- a. Siege of Ukrainian cities, death of civilians and the destruction of Ukrainian facilities proving the intent to commit genocide.
Two cities besieged - Moscow says its

forces have “entirely” besieged the southern Ukrainian city of Kherson and Berdyansk in the southeast on the Sea of Azov. Attack on oil and gas facilities - Russia attacked Ukrainian oil and gas facilities, sparking huge explosions. A blast was heard after an air raid siren in the capital Kyiv. 198 civilians dead - A UN relief agency said at least 64 civilians were among the 240 killed.

- b. Article 2 and 3 of the Genocide Convention lists the meaning of genocide and punishable acts.

Article II

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- i. Killing members of the group;
- ii. Causing serious bodily or mental harm to members of the group;
- iii. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- iv. Imposing measures intended to prevent births within the group;
- v. Forcibly transferring children of the group to another group.

c. Article III

- i. The following acts shall be punishable:
- ii. Genocide;
- iii. Conspiracy to commit genocide ;
- iv. Direct and public incitement to commit genocide;
- v. Attempt to commit genocide ;
- vi. Complicity in genocide.

2. Russia's Declaration of DPR and LPR as independent is against the Montevideo Convention on the Rights and Duties of States
 - a. Montevideo Convention on the Rights and Duties of States - sets criteria a state must fit to achieve statehood

Article I

The state as a person of international law should possess the following qualifications:

- i. a permanent population;
 - ii. a defined territory;
 - iii. government; and
 - iv. capacity to enter into relations with the other states.
- b. DPR and LPR's reliance on Russia proving it does not fit the criteria for statehood.
That feeling of disenfranchisement

among eastern Ukrainians is real, and the rebels likely do have some organic, local support. Still, the rebels were armed and supported by Russia's government. One of the most important rebel leaders, Igor "Strelkov" Girkin, is a Russian citizen and military veteran who retired from Russia's internal security services just weeks before he began leading the rebels, who are widely thought to include unmarked Russian special forces. Russia denies it is invading, but the evidence is overwhelming: on August 15, Ukraine said its military engaged Russian tanks crossing the border; on August 16, the leader of the Russian-backed rebels announced he had received 1,200 troops from Russia; on August 21, satellite imagery spotted Russian artillery crossing the border to fire at Ukrainian forces; on August 26, someone in Ukraine took a video of Russian tanks crashing through town, and so on.

8.5 – Judgements:

The format for judgments will be explained in the committee

General Instructions

Phones may not be used by any delegates inside the room unless any of the chairs grants permission on request.

Note: No defendant is allowed to settle this case outside the Court.

Note: Since this may be a new format for some, if there are any questions on *paperwork or procedure*, feel free to email the Executive Board at mct.cmun2023@gmail.com with any questions.

References

1. “U.S. Code: Title 28.” *Legal Information Institute*, www.law.cornell.edu/uscode/text/28.
2. “Rules of the Court of the Southern District of New York.” *Local Rules / U.S District Court*, nysd.uscourts.gov/rules.