INSTRUCTIONS and PERFORMANCE ORDER

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PARTICIPANT ASSIGNMENTS

Each participant is allocated a "T" number (e.g. T1, T2, T3, etc.).

Be prepared to carry out the exercise allotted to your assigned T number.

- Those allocated numbers **T1 to T4** will **PROSECUTE**.
- Those allocated numbers **T5 to T8** will **DEFEND.**

The performance order can be found on page 6 of these materials; it is organized by topic.

T number assignments are found in a separate document and in the course portal.

INSTRUCTIONS

Please review all the instructions and information in this document before diving into the fact pattern!

1. **Performance Timing:**
    - The time allocated for each performance will vary depending on the exercise please refer to the Training Outline document for details
    - Replays will be 5 minutes per participant.

2. In **Exercises 2 and 3** the performance will be organized as follows:
    - Before either examining or cross-examining the advocate may be asked to explain to the trainer what they hope to achieve when questioning the witness.
    - Thereafter, unless otherwise indicated at the start of the session, the advocate will question the witness for around 7 minutes.
    - Replays will be shorter, closer to 2 to 3 minutes.

3. **Directions:** The length of the statements, (which mirrors those taken in real trials), means that the advocate may not be able to do a full examination or cross-examination. The trainers will tell the advocate the part on which he/she should concentrate.

4. **Dates of the *Case Materials*:** The dates in the *Case Materials* are set out as YR-1 etc. in order to make the exercise applicable to the year in which it is being used. The trial is taking place in the present year i.e. YR-0. The previous year will therefore be described as YR-1. When doing an exercise please use the real dates e.g. if YR-0 is 2024, then YR-3 will be 2021.

5. **Preparation:** In order to obtain any benefit from this training it is important to have prepared in advance of the course. You should allow at least one day, although we recommend 2 - 3, to assimilate the papers fully and to prepare for the exercises.

6. **Stay in Your Lane:**

    - Although you have been given both prosecution and defense papers; when conducting a direct examination of prosecution witnesses, ***your questions should not try to anticipate lines of defence which in real life would not be apparent***.

    - Equally, when cross-examining the defendant or his witness, ***you may not cross-examine them about matters which are recorded in the proofs / statements***, as in real life you would not have copies of those documents.

APPLICABLE LAWS

The pertinent portions of the fictional Statute of the World Criminal Court are as follows:

Article 7 – Crimes Against Humanity: The Statute

1. For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:
    1. Murder;
    2. Extermination;
    3. Enslavement;
    4. Deportation or forcible transfer of population;
    5. Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
    6. Torture;
    7. Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
    8. Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
    9. Enforced disappearance of persons;
    10. The crime of apartheid;
    11. Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

2. For the purpose of Paragraph 1, "Attack directed against any civilian population" means a course of conduct involving the multiple commission of acts referred to in Paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack.

Article 7 – Crimes Against Humanity: Elements

Introduction

1. Since Article 7 pertains to international criminal law, its provisions – consistent with Article 22 – must be strictly construed, taking into account that crimes against humanity (as defined in Article 7) are among the most serious crimes of concern to the international community as a whole. They warrant and entail individual criminal responsibility, and require conduct, which is impermissible under generally applicable international law, as recognized by the principal legal systems of the world.

2. The last two elements for each crime against humanity describe the context in which the conduct must take place. These elements clarify the requisite participation in and knowledge of a widespread or systematic attack against a civilian population. However, the last element should not be interpreted as requiring proof that the perpetrator had knowledge of all characteristics of the attack or the precise details of the plan or policy of the State or organization. In the case of an emerging widespread or systematic attack against a civilian population, the intent clause of the last element indicates that this mental element is satisfied if the perpetrator intended to further such an attack.

3. "Attack directed against a civilian population" in these context elements is understood to mean a course of conduct involving the multiple commission of those acts referred to in Article 7, Paragraph 1 of the Statute against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack. The acts need not constitute a military attack. It is understood that "policy to commit such attack" requires that the State or organization actively promote or encourage such an attack against a civilian population.

Article 7(1)(a)– Crimes Against Humanity: Murder

The elements include:

1. The perpetrator killed one or more persons.

2. The conduct was committed as part of a widespread or systematic attack directed against a civilian population.

3. The perpetrator knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack against a civilian population.

PERFORMANCE ORDER*

Participants allocated numbers T1 to T4 will **PROSECUTE**; T5 to T8 will **DEFEND.**

CASE ANALYSIS

- All prosecution (T1 – T4) and all defense (T5 – T8) will be together in one group session.

Exercise 1: CLOSING SPEECHES

- T1: Prosecution Closing
- T5: Defense Closing
- T2: Prosecution Closing
- T6: Defense Closing
- T3: Prosecution Closing
- T7: Defense Closing
- T4: Prosecution Closing
- T8: Defense Closing

Exercise 2: DIRECT AND CROSS-EXAMINATION OF PROSECUTION WITNESSES

- T2: Call **Tarlenheim**
- T7: Cross-examine **Tarlenheim**
- T4: Call **Tarlenheim**
- T6: Cross-examine **Tarlenheim**
- T1 Call **Reeve**
- T8: Cross-examine **Reeve**
- T3: Call **Reed**
- T5: Cross-examine **Reed**

Exercise 3: DIRECT AND CROSS-EXAMINATION OF DEFENSE WITNESSES

- T6: Call **Hentzau**
- T4: Cross-examine **Hentzau**
- T8: Call **Hentzau**
- T1: Cross-examine **Hentzau**
- T5: Call **Hentzau**
- T3: Cross-examine **Hentzau**
- T7: Call **Rassendyll**
- T2: Cross-Examine **Rassendyll**

Exercise 4: CLOSING SPEECHES REVISITED

- Performance order will be the same as Exercise 1 (Closing Speeches)

Short videos to refresh your memory on the four basic trial elements (direct and cross- examinations, and closing arguments) can be found in the NATP course portal.

TRAINERS

All NATP "faculty" are the highest-level trainers the Inns of Court College of Advocacy (ICCA) has to offer. They are well-trained in and adept at the Hampel Method of training and each of them has considerable experience in conducting international advocacy training. They are all stellar advocates and legal stars in their own right: we strongly encourage you to Google them and find their "official" biographies online…a fascinating group of individuals!

2025 Trainers

(1) CHRISTOPHER MELTON KC
(2) REHANA AZIB KC
(3) SCOTT MATTHEWSON
(4) BIBI BADEJO