

Handout 5: Guidelines for writing the preliminary judgment

While judges are asked to think about their verdict and come to some conclusion in the preliminary judgments, they are also advised to keep an open mind and be willing to change their judgment depending on the arguments presented during trial.

Form

Judgments written for the Model International Criminal Court shall not be longer than one A4 page. The style should be formal but concise, without slang or vague terms.

Contents

A judgment should consist of two sections: conclusion and reasoning.

Conclusion (What did the judge decide?)

Conclusion is the judge's decision: is the accused guilty or not? In case of conviction, the resolution shall also include a punishment. There are no limits to punishments in the simulation and each judge should follow his/her own sense of justice.

The resolution should be concise, separated from the rest of the text and placed at the beginning or end of the judgment.

Reasoning (Why did the judge make this decision?)

The aim of the judgment is not only to announce conviction or acquittal but also to provide the best possible justification. The reasoning should convince the representatives of both parties as well as persons who were not present at the hearing but are aware of the circumstances of the case, that the judgment is fair and correct.

Legal reasoning can only be based on a clear opinion of what really happened. The judgment does not have to include factual circumstances which were not disputed by either party at the hearing.

Next, the judgment should include the legal reasoning. Due to limited length, the judgment cannot include all reasons and logical connections leading to the decision. Only the most important parts have to be selected.

To ensure logical reasoning, the writer should focus on the scheme of application. Disputes over factual circumstances and contents of provisions need to be resolved before answering the question of whether a given factual circumstance matches what has been provided in the law.