

# European Court of Human Rights



Memorial  
Guide

# European Court of Human Rights Memorial Guide

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## **I. WRITTEN PROCEEDINGS**

This chapter shows how you should write your memorial/counter-memorial as an advocate. You will also see an example after being informed about the structure of the memorial/counter-memorial.

### **1. INTRODUCTION**

This part must be a quick summary of the case. It helps judges and other advocates to remember the case and give information about the general principles of the case. Also, this part of the memorial has clues about the perspectives of the applicant party and the respondent party.

### **2. JURISDICTION**

This part of the memorial gives a chance to parties to object to the court. If one of the parties thinks that the court has no jurisdiction over the case can object to the memorial with valid justifications. Usually the respondent party objects. If there is an objection to the court's jurisdiction, the Secretariat would put the objection in a process and decide if it is legitimate.

### **3. FACTS**

Facts are certain information about the case. Their validity has been accepted by earlier courts and experts. They usually have been proved in scientific ways. The applicant party and the respondent party built their claims on the facts of the case. Earlier court judgments also can use as facts of the case.

### **4. APPLICABLE LAW**

Specify the law about the case. Every court accepts different types of cases; that is why there is no certain law applied to every country and court. For instance, the European Court of Human Rights' applicable law is based on the European Convention on Human Rights. Also, the applicable law of the case is selected articles from laws. Nearly whole court proceedings are about if there is a violation of the applicable articles.

### **5. CLAIMS**

In this section, parties are expected to make a synthesis of the facts and the applicable law while they are finally stating their official claims. The facts should be explained with the law. Respondent Party may challenge what is provided and propose their own claims.

## **6. SUBMISSION**

A submission contains the request of the parties from the Court to act and decide in their favour; parties to the case should briefly describe what conclusion they hope the Court will reach. (You will see the submission section as “Prayer” below.)

## **7. EVIDENCE**

Evidence can be submitted as attached to the memorial/counter-memorial or as a separate document. Parties shall submit their evidence at the specified date determined by the Secretariat. Evidence can include international treaties, legal sources, reports, resolutions of international organizations, news articles, maps, charts, videos, photographs, written Statements of Experts, or anything in essence that supports the construction of the case.



IMPEACHMENT OF RONALD WILSON  
REAGAN  
PRESIDENT OF THE UNITED STATES

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MEMORIAL

OF THE

THE EXECUTIVE  
BRANCH

ATT. İŞİL BEYZA BALA



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## I. INTRODUCTION

The Second World War was a milestone for the relationship between the United States of America (the USA) and the Union of Soviet Socialist Republics (hereinafter the USSR or the Soviet Union). It can be clearly seen that after the Second World War, USSR and communism openly started to be a threat to the United States of America. After the War, the events to date, communism exercisers and USSR have been running a series of propaganda against the USA, especially its sovereignty.

The conflicts between these two States began with Stalin's statement indicating that 'a war with the West is inevitable' in the first place while the United States had no intention of such a war as Stalin mentioned. After the statement abovementioned, the Soviet Union caused the Iran Crisis on March 2, 1946, however, they could not resist the international pressure and had to leave Iran. Again, the United States was doing nothing, but the Soviet Union wanted to try to push the limits. The aggression of the Soviet Union was so much that it even cut the logistical lines to West Berlin and left West Berlin for dead. However, the United States of America dealt with the issue very quickly and found an effective solution under that circumstances. The air forces of the United States and the United Kingdom airlifted needed supplies each day to over two million people **for eleven months**. It is a simple way to understand the Soviet Union and its cruelty by looking at the Berlin Airlift event. Afterward, the occurrence of the various events was not only between the United States and the Soviet Union, the Soviet Union and its communist ideals were fighting against the U.S together. The United States combated communism and communist dictatorship on several occasions such as the war in Vietnam, the Korean Civil War, and the Cuban revolution,

It must be evaluated as unacceptable that the one who is the president of the United States of America would do nothing to prevent such evil and protect American sovereignty and interests. Therefore, President Ronald Reagan has done his best so far to protect American interests and sovereignty as can be seen in the reality and facts.

## II. JURISDICTION

Although the United States Senate has the power to have an impeachment trial to decide whether to remove the President of the United States from office, the required conditions to do that have not been fulfilled by the facts. In order to have an impeachment trial, the federal official should have committed a crime or otherwise acted improperly, however, Ronald W. Reagan's administration has not committed a crime or otherwise acted improperly.

## III. FACTS

1. Ronald Wilson Reagan, the 40th President of the United States, was born on February 6, 1911. He was elected Governor of California by a margin of a million votes in 1966, and he was re-elected in 1970. During these years, Ronald Reagan successfully governed California and he got the support of the California people with his management style and achievements.
2. Reagan received the highest number of electoral votes ever won by a non-incumbent presidential candidate and won the election by a landslide, taking 489 electoral votes to 49 for President Jimmy Carter.
3. In the American presidential election that was held on November 6, 1984, Ronald Reagan was elected to a second term. Reagan won 49 states en route to amassing 525 electoral votes to Mondale's 13—one of the biggest landslides in U.S. election history. **No other candidate in United States history has matched Reagan's electoral vote total in a single election. It can be clearly seen that Ronald Reagan gets the support and trust of the American people.**
4. Reagan achieved various successes so far during his presidency, he strengthened the US military and small businesses, brought America out of a recession, and lowered taxes as well as many other successes. Moreover, he has been carrying out very successful



foreign policy, his anti-communist policy is damaging progressively the Soviet Union and communism.

5. In Nicaragua, on July 29, 1979, a group of armed communists known as the Frente Sandinista de Liberación Nacional (the FSLN) seized the nation's capital and toppled the Somoza government, which had been legitimately elected.
6. On the other hand, on November 4, 1979, a group of militaristic Iranian college students who supported the Iranian Revolution seized control of the U.S. Embassy in Tehran and took hostages, resulting in the hostage-taking of 52 American diplomats and citizens.
7. These two events abovementioned (par. 5 and 6) occurred while the Carter administration was in charge. The election in which Ronald Reagan was elected as President of the United States of America for the first term was held on November 4, 1980.
8. On November 3, 1986, two Lebanese newspapers claimed that the United States sold weapons to Iran for hostages in return.

#### IV. APPLICABLE LAW

##### 1. Constitution of the United States of America

###### *a. Article II, Section II*

*He (President) shall have Power, by and with the Advice and Consent of*

*the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.*

*b. Article II, Section II:*

*The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United State.*

2. National Security Act of 1947

*Section 101: The President of the United States shall preside over meetings of the Council: provided, That in his absence he may designate a member of the council to preside in his place. The function of the Council shall be to advise the President with respect to the integration of domestic, foreign, and military policies relating to national security so as to enable the military services and the other departments and agencies of the Government to cooperate more effectively in matters involving national security.*

*(b) In addition to performing such other functions as the President may direct, for the purpose of more effectively coordinating the policies and functions of the departments and agencies of the Government relating to the national security, it shall, subject to the direction of the President, be the duty of the council— (1) to assess and appraise the objectives, commitments, and risks of the United States in relation to our actual and potential military power, in the interest of national security; for the purpose of making recommendations to the President in connection therewith; and (2) to consider policies on matters of common interest to the departments and agencies of the Government concerned with the national security, and to make recommendations to the President in connection therewith.*

3. Unitary Executive Theory or Imperial Presidency Theory

According to the unitary executive theory, the president holds total control over the executive branch. Some who are advocates of this theory believe that the president holds broad power. This theory is based on a passage from Article II, Section 1 of the U.S. Constitution:

*The executive Power shall be vested in a President of the United States of America.*

And from Section 3:

*He shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.*

V. CLAIMS OF THE EXECUTIVE BOARD

- 1- The power of Congress to impose penalties upon conviction of impeachment is limited to removal from the office, therefore, the accusations against Robert McFarlane, Oliver North, and Casper Weinberger cannot be admissible in this Court, but they can be only considerable. Consequently, the Senate's duty is to decide whether Ronald Reagan should be removed from office or not. The Senate lacks jurisdiction to hear or to decide on a criminal trial, the Senate can only evaluate the claims while deciding about whether the President should be impeached or not.
- 2- **Because the President himself is vested with the authority of an entire branch of the federal government, his removal would cause extraordinary disruption** to the Nation. Ronald Reagan, the President who has the support of the vast majority of the American people, has been carrying out very successful policies in the United States. He is popular, and successful as well as being a nightmare of the Soviet Union, therefore, his **removal would cause extraordinary disruption.**
- 3- Ronald Reagan is such a self-sacrifice leader that he even did not give up to manage his country when he was suffering from cancer. He was full of pain, he even went under a knife because of his cancer. However, he did not think about letting his country down just for a second. When the plan of shipment of arms to Iran was discussed with Ronald Reagan on the 18th of July 1985, Ronald Reagan had surgery on the 13th of July 1985 and he still had anesthesia. Ronald Reagan's orders and approvals never had illegality, he only asked for releasing the hostages.
- 4- It has never been a secret that Ronald Reagan was firmly against communism. In his well-known State of the Union address in 1985, he clearly called upon Congress and the American people to stand up to the Soviet Union, which he had previously called the

“Evil Empire”. It should be underlined that anti-communist policy does not only belong to the administration of Ronald Reagan, Congress has had this policy, as it exactly should be, since the 1950s. For instance, Congress passed the Communist Control Act in response to the growing anti-communist hysteria in the United States in 1954.

- 5- There is no evidence about the claims of “cocaine trafficking”. This is standing only as a ‘claim’ as well as being far from reality. Ronald Reagan enhanced and strengthened many of the anti-drug initiatives. For instance, The Anti-Drug Abuse Act was signed in 1986 by Reagan. In addition to establishing mandatory minimum jail terms for particular drug offenses, the Act allocated \$1.7 billion to wage the War on Drugs.
- 6- American hostage crisis and the events in the ongoing process are mostly a part of international and national policy. The events cannot be considered only from the view of Senates. The events need to be looked at as an American citizen, as a relative of American hostages, and as a President of the United States. Ronald Reagan as the President of the United States holds broad power **according to the Constitution and has the power to decide about executive matters.**

## VI. SUBMISSIONS

The Senate should acknowledge that;

Ronald Reagan and his administration did not break the law and the events in question occurred under the law since the Constitution gives the President that power,

Ronald Reagan should not be impeached because of his well-known reputation and very successful policy against the Soviet Union.

Ronald Reagan’s impeachment is only looked forward to by the Soviet Union and communism exercisers, therefore the impeachment would only answer their purposes against the United States.

## VII. PRAYERS

We, as the Executive Board, believe in the power of the United States and its justice. Thus, we can clearly say that Ronald Reagan did what he believed, and he has the authority to do that. Further, Ronald Reagan did not do anything against the Constitution or law. Even Senate has the power to impeach the President of America, the requirements to impeach Reagan were not fulfilled. Ronald Reagan, despite his cancer, very successful and the most-supported leader in

the United States. His excellent policy against the Soviet Union and communism exercisers are weakening this evil and its aims day by day. We believe that Senate will decide the right one and understand Reagan's success in the managing country.

All allegations against Ronald Reagan and his administration by the House of Representatives should be rejected by Senate.

“God save the United States and this Honorable Court!”

Submitted respectfully, on behalf of

**the Executive Branch**

**by**

Işıl Beyza Bala

EUROsimA  
2024



**EVIDENCE**

i.

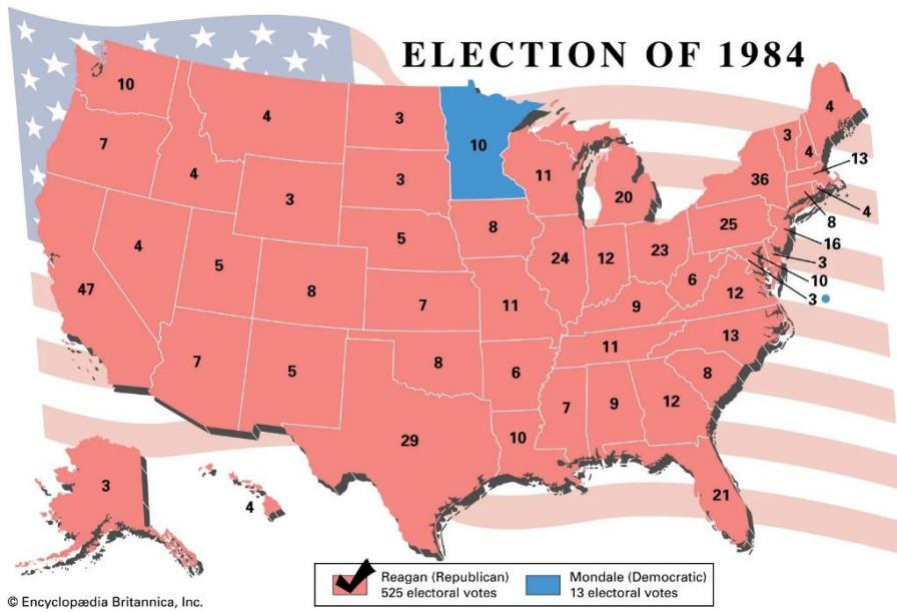


“Reagan’s Doctors Find  
Cancer in Tumor”

“Cancer of Colon: A Leading Killer”

July 16, 1985.

ii. Election results of 1984 American President Election.



iii. July 1985.



- iv. August 1954, “Text of Amended Communist Control Act Outlawing Red Party”



- v. Communist Control Act, 1954

<https://www.govinfo.gov/content/pkg/STATUTE-68/pdf/STATUTE-68-Pg775.pdf#page=1>



vi. McCarran Internal Security Act of 1950

**WILL  
YOU  
REGISTER**

*Under the McCarran Act?*

**卐 REMEMBER THE NAZIS — They started with outlawing Communists, then trade unions, church groups— and ended with wholesale persecution.**

**THE McCARRAN ACT**, originated by the House Un-American Activities Committee; passed over Truman's veto, fought in the courts for 11 years and finally upheld by the Supreme Court in June, 1961—in the name of requiring registration of Communists—could lead to the same kind of wholesale persecution.

Perhaps you have held views similar to those held by Communists?  
Maybe your activities in your union are considered "radical"?  
Have you been too "impetuous" in your work for integration?  
Have you been contemptuous of fall-out shelter?  
Do you reject rubber-stamp thinking?  
Do you belong to an organization that works for change?

**The McCarran Act — Today's McCarthyism**

- registers organizations and their members—not only "Communist Action," but also "Communist Front" and "Communist Infiltrated"—so designated by an appointed Board of the Federal Government (SACB).
- requires labeling as "Communist" all mail material.
- prohibits travel—by withholding passports from members of designated organizations.
- endangers right of association—the Board can designate trade union and other groups as "Communist Infiltrated."
- threatens detention in concentration camps when the President declares an "emergency."

**IMPOSES FINES OF \$10,000 AND FIVE YEARS IN JAIL FOR EACH DAY of noncompliance**

**The Supreme Court By-passed the Constitutional Issue**

Chief Justice Warren said . . . "I believe that the Act does constitute a violation of the Fifth Amendment." Justice Douglas said . . . "The great injustice of what we do today lies in compelling the officials of the party to violate the law before their constitutional claims can be heard and determined." Justice Black said . . . "When the practice of outlawing parties and various public groups begins, no one can say where it will end."

**THE SUPREME COURT JUSTICES AND OTHER EMINENT LEGAL AUTHORITIES HAVE MADE IT CLEAR THAT REGISTRATION MEANS SELF-INCRIMINATION AND DESTROYS THE PRECIOUS GUARANTEE OF THE FIFTH AMENDMENT.**

**THE FIGHT HAS JUST BEGUN**

WHEN THE PEOPLE'S RIGHTS WERE VIOLATED by Alien and Sedition, Fugitive Slave and anti-New Deal Supreme Court decisions, Presidents Jefferson, Lincoln and Roosevelt asserted their power and responsibility under the Constitution to reverse the Court's action. PRESIDENT KENNEDY CAN DELAY PROSECUTIONS UNDER THE McCARRAN ACT until the Constitutional issues have been resolved.

**PRESERVE YOUR DEMOCRATIC RIGHTS BY REGISTERING PROTESTS, NOT ORGANIZATIONS**

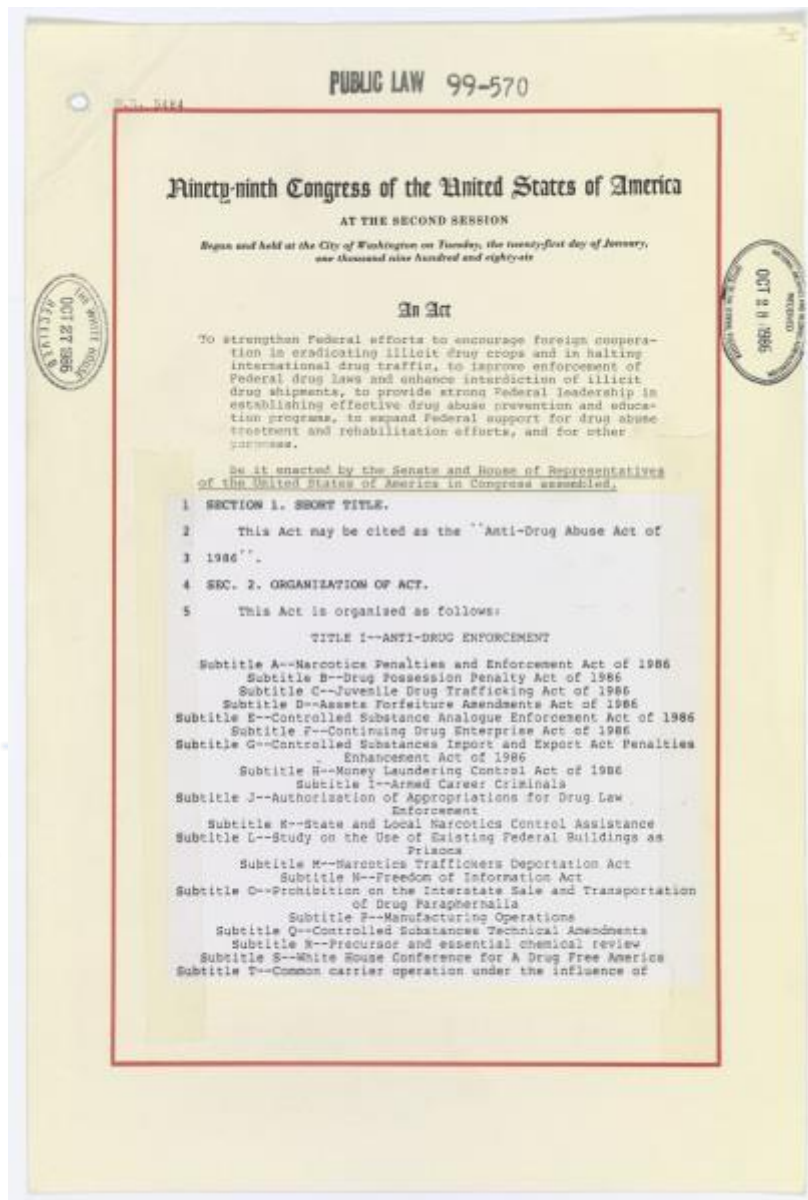
Issued by: Delaware Valley Committee for Democratic Rights



vii. Senate Approves \$100-Million Aid Plan for Contras: 53-47 Vote a Critical Reagan Victory; 2 Democratic Alternatives Rejected (March 28, 1986)

<https://www.latimes.com/archives/la-xpm-1986-03-28-mn-625-story.html>

viii. Anti-Drug Abuse Act 1986 by Ronald Reagan.



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