

Do We Need a Permanent International Criminal Court?
A lesson using resources from the Constitutional Rights Foundation

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Purpose:

- Using both historical and contemporary case studies, students will analyze the pros and cons of using an international criminal court to try individuals accused of war crimes.
- Students will then develop a position they believe their country should take on the establishment of a permanent international criminal court.

Materials:

- Handout #1: Constitutional Rights Foundation: *Do We Need a Permanent International Criminal Court? America Responds to Terrorism*.
Available at: http://www.crf-usa.org/terror/War_Crime.htm
- Handout #2: Constitutional Rights Foundation, Bill of Rights in Action, Summer 2002 (18:3), Victims of War, The Rape of Nanking.
Available at: http://www.crf-usa.org/bria/bria18_3.htm#nanking
- Handout #3: Structured Academic Controversy (provided at end of this lesson)

Procedure:

1. Students read the background on international war tribunals since WWII (Handout #1).
2. Class completes a KWL chart on international criminal courts.
3. Using the KWL, class develops a set of questions about international war crimes courts (i.e., What acts should be considered war crimes? Who should be held responsible? What kind of evidence is needed? What role should the families of victims have? How do we keep war crimes trials from becoming a way for “winners” to get revenge on “losers” in a conflict?).
4. Students read the Rape of Nanking and the trial of General Matsui (Handout #2).
5. Using information from the readings, students conduct a structured academic controversy on the establishment of an international war crimes court. (See attached instructions.)
6. Students write a personal response stating whether they believe their country should support a permanent international criminal court.

Handout #3: Structured Academic Controversy Procedure

1. Students are arranged in quads with desks side by side facing the opposing two desks. Have them pick their own partner or assign the pairs.
2. Student teams are assigned a position regarding a controversial issue. Two students (sitting beside one another) will work as a team. The opposite team will be assigned the opposing viewpoint.
3. Reading for each position (should be equal in length, one page is ideal) will guide their argument (especially when they have difficulty arguing the position assigned to them.) You may assign positions and readings the night before as homework.
4. Teams will work together to outline an argument for their position. Encourage them to outline their argument through at least 3-5 main points. Have them write out these main points. Allow approximately 15 minutes for this.
5. Students will have a chance to argue their position regarding the issue:
 - Begin by choosing the side that will go first. The viewpoint will have 2-3 minutes (your choice- be sure to time) to express their position. At this time, the opposing team may not interact with the team who has the floor. The opposing team must take notes regarding the viewpoint being expressed (have them draw a line on their paper between the original argument and the notes they are taking).
 - After the initial arguments, the opposing viewpoints will conduct their argument for 2-3 minutes while the first team takes notes regarding the issue.
6. Students will be able to ask questions only regarding the clarification of the argument presented to clarify notes and positions. Only allow about 5 minutes for this. Make sure that students understand the parameters. **This is not time for a debate.**
7. Using the notes (based on the viewpoint that they heard), teams will switch perspectives and take turns arguing the opposing viewpoint using the notes that they heard during the other team's presentation and adding arguments not heard. Again, taking turns of 2-3 minutes.
*** As a transition, you may allow the teams time to build upon the argument of the opposing team to include points not covered in the original presentation before doing this step (for 3-5 minutes).
8. Each group will briefly present their consensus point to the whole class.

9. Have students turn in their argument, the notes they took, the point of consensus, and a brief reflection about what they learned or new insights gained on the issue. You may have each team evaluate the opposing team to add an important piece of evaluation including both the strength and weaknesses of their peers' efforts.