

11-12th Grade International Law Inquiry

Who should be held responsible for the 2020 Nagorno-Karabakh crisis?

Wisconsin Model Academic Standards 2018	<p>PS3.c.h: Power in government: Evaluate the structure and functions of governments at the local, state, tribal, national, and global levels. Evaluate the purpose of political institutions at the local, state, tribal, national, global, and supranational or non-government organization (NGO) levels distinguishing their roles, powers, and limitations.</p> <p>SS.PS4.a.h Create arguments by researching and interpreting claims and counterclaims.</p>
Staging the Question	Watch a video clip about the post-1990 history of conflicts between Armenia & Azerbaijan, and a second clip about the 2020 conflict.

Supporting Question 1	Supporting Question 2	Supporting Question 3	Supporting Question 4
		Research Opportunity	Research Opportunity
How have suspects been held accountable for criminal actions since World War Two?	What punishments to do modern criminal face for committing genocide, war crimes and crimes against humanity?	Is the International Criminal Court (ICC) the proper venue for holding individuals accountable for these crimes?	Whom from the 2020 Nagorno-Karabakh crisis should face justice at the ICC?
Formative Performance Task	Formative Performance Task	Formative Performance Task	Formative Performance Task
<p>Watch the PBS documentary “Nuremberg” and complete a note sheet looking at several factors of the case, namely:</p> <p>Use of witness, physical & video testimony</p> <p>Charges against the defendants</p> <p>Venue used</p> <p>Role of winning WWII countries</p>	<p>Write 1–2 sentence summaries of the definitions of genocide, crimes against humanity and war crimes and potential punishments— noting past and present-day examples.</p>	<p>Develop a claim about whether leaders from one or multiple governments should face justice in the International Criminal Court, at an independent tribunal, or within their home states.</p>	<p>Develop a claim about whether leaders, soldiers or citizens from one or multiple governments should bear responsibility for the instigation, conduct and/or effects of the 2020 Nagorno-Karabakh crisis.</p>
Featured Sources	Featured Sources	Featured Sources	Featured Sources
<p>Source A: PBS “The Nuremberg Trials”</p> <p>Source B: PBS “Nazis on Trial in Nuremberg” article</p> <p>Source C: “International Criminal Court Timeline” article</p> <p>Source D: CFR “The Role of the International Criminal Court”</p> <p>Optional Extension: “Prosecuting Evil” film</p>	<p>Source A: BBC News “How do you define genocide?”</p> <p>Source B: US Holocaust Memorial Museum “Definitions: Types of Mass Atrocities” site</p> <p>Source C: BBC Ethics Guide: “War Crime” article</p>	<p>Possible case study sources for the following issues:</p> <ul style="list-style-type: none"> *ICC & Thomas Lubanga Dyilo *Yugoslavia tribunal & Radovan Karadzic *Chile & Augusto Pinochet *Rwanda & Reconciliation commissions <p>Source A: “Accused of War Crimes, and Living with Perks,” The New York Times</p>	<p>Possible case study sources for an ICC trial from one or more of the following groups (student-selected) from either (or more than one) Armenia, Azerbaijan or others:</p> <ul style="list-style-type: none"> *A president/prime minister *A general *A soldier *A civilian <p>Source A: The Rome Statute – Articles 6-8</p>

		<p>Source B: “The Judge & the General” film</p> <p>Source C: “As We Forgive” film</p> <p>Source D: PBS Frontline “Karadzic: The World’s Most Wanted Man”</p> <p>Source E: US Holocaust Memorial Museum “Country Case Studies” site</p> <p>Source F: “How the ICC Works”</p>	<p>Source B: Human Rights Watch “Armenia”</p> <p>Source C: Human Rights Watch “Azerbaijan”</p> <p>Source D: Human Rights Watch “Armenian Prisoners of War Badly Mistreated”</p> <p>Source E: AZER News “Civilian Death Toll in Armenian attack reaches 93”</p>
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Summative Performance Task	<p>ARGUMENT Who should be held responsible for the 2020 Nagorno-Karabakh crisis? Construct an argument (e.g., Google Slide presentation, essay) that addresses the compelling question using specific claims and relevant evidence from contemporary sources while acknowledging competing perspectives.</p>
	<p>EXTENSION To better understand the larger issue and connect to the International Criminal Court, conduct an ICC trial putting one or more members from one or more groups on trial for one or more charges.</p>
Taking Informed Action	<p>UNDERSTAND Investigate the challenges surrounding the charging, prosecuting, arresting and detaining of suspects at the ICC.</p> <p>ASSESS Debate whether the ICC is the proper forum for charging members from one or more groups for the 2020 Nagorno-Karabakh crisis.</p> <p>ACT Write a letter to the U.S. State Department defending your views on who should be held responsible and ask that the Department take action (write a memo, publish a position, take a side in a potential court case, etc.)</p>

DAY 1: Historical Background

WWII & Nuremberg

Post-WWII Independent Commissions

- Rwanda
- Yugoslavia

Rome Statute & Creation of ICC

Watch PBS “The Reckoning: The Battle for the International Criminal Court” – 45 minutes or excerpts; <https://www.youtube.com/watch?v=OmvVCrX9uag&list=PLF39Widy0VoGsk87uuFn70f6gSNCJm5rt>

DAY 2: Nuremberg Trial

Watch PBS “The Nuremberg Trial” – 50 minutes; <https://www.dailymotion.com/video/xndduj>

Background pre-movie read: “Nazis on Trial in Nuremberg”; <https://www.pbs.org/wgbh/americanexperience/features/nuremberg-nazis-trial/>

Complete in-class notes

DAY 3: ICC Charges, Definitions & Examples

What came out of Nuremberg & other trials to construct the charges used in the ICC

- Genocide
 - “USHMM: What is Genocide?” <https://www.ushmm.org/genocide-prevention/learn-about-genocide-and-other-mass-atrocities/what-is-genocide> and <https://encyclopedia.ushmm.org/content/en/article/what-is-genocide>
 -
- Crimes Against Humanity
- War Crimes
- “BBC Ethics Guide: War Crimes”; http://www.bbc.co.uk/ethics/war/overview/crimes_1.shtml
- “BBC News: What is a War Crime?”; <http://news.bbc.co.uk/2/hi/europe/1420133.stm>

Primary Source document: “The Rome Statute” especially Articles 6-8; https://www.icc-cpi.int/NR/rdonlyres/EA9AEFF7-5752-4F84-BE94-0A655EB30E16/0/Rome_Statute_English.pdf

Contemporary Examples

- Joseph Lubanga Dyllo & DRC
- Omar Al-Bashir - Sudan

Article: “Accused of War Crimes, and Living With Perks”, The New York Times, June 3, 2010; <https://www.nytimes.com/2010/06/04/world/europe/04iht-hague.html> and <https://archive.globalpolicy.org/international-justice/the-international-criminal-court/general-documents-analysis-and-articles-on-the-icc/49200.html>

“USHMM: Country Case Studies”; <https://www.ushmm.org/genocide-prevention/countries>

Extension Activity – “Prosecuting Evil” 2018 Documentary on Ben Ferencz

- “IMDB Review: Prosecuting Evil”; <https://www.imdb.com/title/tt7616974/>
- Article “Ben Ferencz and the Fight for International Justice” <https://encyclopedia.ushmm.org/content/en/article/ben-ferencz-and-the-fight-for-international-justice>

ICC & USA

Historical Background

- Clinton & signature
- Bush & 9/11
- Obama
- Trump/Pompeo & sanctions on ICC prosecutors

ICC Present issues & Problems

TRIAL

Intro Trial

Set Roles

Classroom “courtroom” setup

Preview Case 2020 Armenia-Azerbaijan Conflict

2 Work Day (s)

Background on 2020 Armenia-Azerbaijan Conflict

“PBS Newshour: Nagorno-Karabakh” <https://www.pbs.org/newshour/tag/nagorno-karabakh>

Armenia

“Human Rights Watch: Armenia” <https://www.hrw.org/europe/central-asia/armenia> and <https://www.hrw.org/world-report/2021/country-chapters/armenia#b4f0cb>

Azerbaijan

“Human Rights Watch: Azerbaijan” <https://www.hrw.org/europe/central-asia/azerbaijan> and <https://www.hrw.org/world-report/2021/country-chapters/azerbaijan#b4f0cb>

Pros & Judges

Set charges together against defendant(s) – share with Defense

Pros meets with witnesses

Defense

Gets charges

Meets with witnesses

Witnesses

All evidence gathered by Pros & Def submitted to teacher for previewing

Trial Day 1

Judges read charges, Defendant(s) enter(s) plea(s)

Pros Opening Statement

Def Opening Statement

Pros directs witnesses & Def cross-examines

Pros rests

Witnesses not on the stand engage in digital backchannel reflection

Trial Day 2

Def directs witnesses & Pros cross-examines

Def rests

Witnesses not on the stand engage in digital backchannel reflection

Trial Day 3

Pros Closing Statement

Def Closing Statement

Judges deliberate, return & issue verdict

Witnesses not on the stand engage in digital backchannel reflection

1 DAY: Whole class de-brief

What went well/what didn't go well

Connect to real-world – Nuremberg, present-day ICC

Film Synthesis – “Prosecutor”

PROSECUTOR Day 1

PROSECUTOR Day 2

PROSECUTOR Day 3

PROSECUTOR + ICC Trial Combination summative reflection/assessment

Call to Action / Advocacy