

LESSON 1: How were suspects held accountable for genocidal actions in World War Two Europe?

OVERVIEW:

In this activity, students will research and watch a video on the Nuremberg trials. Students will take notes on historical background on the issues as well as the trial itself. Students will complete the activity by engaging in a reflective discussion that merges the information from Nuremberg with present-day questions on international criminal law.

STANDARDS:

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.

SS.PS4.a.h Create arguments by researching and interpreting claims and counterclaims.

OBJECTIVES:

Students will be able to:

- I. Read a background article on the Nuremberg trials and take notes in preparation for watching a video on the topic.
- II. Watch a video on Nuremberg and take notes on background information on the trial.
- III. Begin constructing and understanding of the definitions of genocide, war crimes and crimes against humanity in relation to the Holocaust.
- IV. Construct and evaluate claims about the procedures employed at the Nuremberg Trials.
- V. Hypothesize potential solutions or future challenges to international law in a post-Nuremberg world.

ESSENTIAL KNOWLEDGE: Students should be able to define and begin to find the significance of:

World War II
Nazis
Nuremberg Trials
Herman Goering
Benjamin Ferencz

DURATION: 2 class periods

MATERIALS (one per student):

- One copy of “Nazis on Trial in Nuremberg” article from PBS American Experience
- Video – PBS American Experience – “The Nuremberg Trials”
- One copy of **Handout 1: PBS American Experience – “The Nuremberg Trials” Video Guide**
- One copy of **Handout 2: “The Nuremberg Trials” Reflection**

PROCEDURE – DAY 1:

- I. Before class, assign the article “Nazis on Trial in Nuremberg” for background reading: American Experience. “Nazis on Trial in Nuremberg.” *American Experience*
<https://www.pbs.org/wgbh/americanexperience/features/nuremberg-nazis-trial/?linkId=77335402>
- II. At the beginning of class, ask students to recall what they read in the article and ask what questions students have or topics they are interested in.
- III. As a whole class, watch the PBS broadcast video of “The Nuremberg Trials” from the American Experience series. All students should use **Handout 1: PBS – American Experience – “The Nuremberg Trials” Video Guide** to take notes. Have students read the top of the handout so they know what to look for in the video and how it will apply to future classes.
- IV. As the video plays, students should take notes on both the historical content of the trials and the trial procedures themselves. The note sheet does not go in chronological order and so students will need to pay close attention to fill it in.
- V. The video will take the entire class period. Depending on administrative tasks, you may need the first 5-10 minutes of the next class period to finish the video.
- VI. Conclude the class by reminding students that their video guide should be completed to the best of student ability and it will be reviewed and reflected on by the class tomorrow.

PROCEDURE – DAY 2:

- I. After having watched “The Nuremberg Trials” video and read accompanying resources, class will engage in a discussion about the Nuremberg trials and legal questions.

- II. Separate the class into six small groups – one for each of the topics on Handout B. Students should have their notes from their readings and Handout A prepared to reference.
- III. Give each group five minutes to review their notes from **Handout 1** and the film and seek clarity from their peers.
- IV. Give each group 10-15 minutes to discuss the section they were assigned from **Handout 2**. Students should engage in a robust discussion on these provocative questions and take notes for their own understanding. This reflection is meant to accomplish several things:
 - a. Summarize the events that unfolded during the Nuremberg Trials
 - b. Examine and/or criticize elements of the trial & convictions
 - c. Determine how future trials on these types of international crimes should change
 - d. Demonstrate potential issues or problems with prosecuting suspects for these crimes
- V. At the end of time, reassign students into six different groups with each having at least one person from each of the previous groups. Give each group 20 minutes (3-4 minutes per topic) to discuss the topics from **Handout 2**. Each student from the different groups should share what their first group discussed with the new group. Other students should pose questions to the student from that first group or to the entire group to continue the discussion.
- VI. At the end of the group discussion, ask each group to present one comment, wondering or question that they had about the categories on the notes. Conclude class by asking students to predict where these topics could come up again in post-Holocaust crimes of atrocities.

Handout 1: PBS – American Experience – “The Nuremberg Trials”

Video Guide

As you watch the video, take guided notes on following topics. They will come up at various points of the video and are not in sequential order. Taking detailed notes here will help you should you wish to reference them later:

- I. As a case study to compare/contrast with other conflicts
- II. As part of your pre-ICC trial preparation – recognizing what was effective and not effective in the Nuremberg Trial, so that you learn from it and use it to your advantage in your trial preparation as a lawyer, judge, defendant or witness
- III. As part of your post-ICC trial reflection and class discussion – recognizing what was effective and not effective in the class simulation, and how the class simulation compared to the Nuremberg Trial shown on the video

<p style="text-align: center;"><u>Role of the Winning Countries</u></p> <ol style="list-style-type: none"> I. Trial legitimacy, layout & rules II. Prisoner treatment & evidence handling 	<p style="text-align: center;"><u>Trial Proceedings</u></p> <ol style="list-style-type: none"> I. Reason for the venue - Neutral? II. Selection of judges & lawyers
<p style="text-align: center;"><u>Defendants</u></p> <ol style="list-style-type: none"> I. Positions/roles pre-arrest II. Their defense of their actions 	<p style="text-align: center;"><u>Charges</u></p> <ol style="list-style-type: none"> I. What they mean II. Sources of international law
<p style="text-align: center;"><u>Effectiveness of Evidence</u></p> <ol style="list-style-type: none"> I. Witness testimony II. Physical evidence – documents & artifacts III. Video evidence 	<p style="text-align: center;"><u>Verdict & Aftermath</u></p> <ol style="list-style-type: none"> I. Punishment – Fair? II. Future effects on international law

Handout 2: “The Nuremberg Trials” – Reflection

Below are several sets of questions that ask you to reflect on what you have previously seen and researched on the Nuremberg Trials and connect it to potential future challenges in international law. Use these questions to:

- I. Summarize the events that unfolded during the Nuremberg Trials
- II. Examine and/or criticize elements of the trial & convictions
- III. Determine how future trials on these types of international crimes should change
- IV. Demonstrate potential issues or problems with prosecuting suspects for these crimes

These questions are designed to be provocative and inspire discussion.

<p style="text-align: center;"><u>Role of the Winning Countries</u></p> <ol style="list-style-type: none"> 1. Could the role of winning countries in the execution of a trial such as this lead to a pre-determined outcome? 2. How would the handling of the following items have been different had a neutral party have been in charge of them: <ol style="list-style-type: none"> a. Setting the rules & venue for the trial b. Charges levied against the suspects c. Treatment of the prisoners d. Handling the evidence e. Post-verdict punishment f. Costs for administering a trial 	<p style="text-align: center;"><u>Trial Proceedings</u></p> <ol style="list-style-type: none"> 1. How should the following items be selected for future trials: <ol style="list-style-type: none"> a. Venues for holding trials & suspects b. Judges c. Prosecution & Defense lawyers 2. Could an individual country be trusted to impartially act in this kind of a trial? 3. Can lawyers and judges act based on the rule of law, setting aside personal feelings? 4. These trials had no citizen juries. Should future similar trials have juries?
<p style="text-align: center;"><u>Defendants</u></p> <ol style="list-style-type: none"> 1. Why were these defendants chosen and not others? Should others have been put on trial? 2. Should defendants be put on trial “in absentia” – meaning the trial should go ahead even if the defendant is missing from court? 3. What legal rights should defendants have? 4. These trials featured defendants from many backgrounds. Should Prosecution lawyers in future trials focus on charging: <ol style="list-style-type: none"> a. Political leaders b. Military leaders c. Business & industry leaders d. Rank-and-file soldiers e. Civilians 	<p style="text-align: center;"><u>Charges</u></p> <ol style="list-style-type: none"> 1. Were these the “right” charges for the trial? 2. What charges are acceptable for these types of crimes? What latitude should Prosecution lawyers have in proving the charges? 3. How many charges is too many? 4. Should Prosecution lawyers focus on charging & convicting suspects: <ol style="list-style-type: none"> a. On the largest number of charges b. On the most serious charges c. On charges that they know they can get a conviction on
<p style="text-align: center;"><u>Effectiveness of Evidence</u></p> <ol style="list-style-type: none"> 1. What specific evidence was used that helped or hurt the Prosecution? The Defense? 2. Should there be limits on what evidence should/should not be included in future cases? <ol style="list-style-type: none"> a. Eyewitness testimony by children (ex. child soldiers) b. Extremely violent images (ex. Nuremberg & videos of mass graves) c. Physical evidence of violence (ex. Nuremberg & the shrunken head) d. Taking the judges to the site of a crime 3. Is evidence of violence and brutality necessary to prove charges of violence and brutality? 	<p style="text-align: center;"><u>Verdict & Aftermath</u></p> <ul style="list-style-type: none"> • Were these verdicts and sentences acceptable in bringing these criminals to justice? • Should life in prison and/or the death penalty be applicable punishments for those convicted of genocide, crimes against humanity or war crimes? • How can these cases be changed to bring more global attention to the issues? • Will holding criminals accountable for these crimes act as a deterrent to stop future suspects from doing the same thing?