

2. GUIDING MATERIALS FOR TEACHING

2.1 About the method

This part describes how to carry out MICC Courses as an educator.

MICC Courses consists of three basic components: preparatory work, trials, and debriefing (see Table 1). Preparatory work takes place by way of lecturing, facilitating group discussions and homework done either individually or in teams – as the educator prefers. The trials require homework in preparing cases and verdicts and their presentation in class. Debriefing consists of facilitating a discussions over the MICC experience and how that relates to the students civic life.

These components can be spread out over a varying amount of time, based on the educators experience, the preliminary knowledge of the students and the size of the group. For the purposes of this handbook, hoerver, the course material is designed to be covered in 4 x 90 minutes.

A more detailed lesson plan of the MICC Courses components is presented on the following pages.

2.2 Lesson plan (4 x 90 minutes)

Lesson #1 - Introduction to the MICC method and international criminal law				
Section	Activity	Materials	Content	Result
Introduction 5-10 min	Introduction of participants (if necessary) What is MICC?			
Lecture on theory of criminal law 25-30 min	Lecture on criminal law, international criminal law and the ICC.	No hand-outs are meant to be distributed. A summary of the background information for this lecture is included in the handbook.	While called a lecture, this part should ideally be interactive and as much a discussion with the students as it is a lecture by the teacher/trainer.	The goal is to jump into the world of ICC and MICC, but first build a bridge from common everyday knowledge of students like the fact that the state punishes people for killing.
Work on cases 15-20 min	Divide students into equal groups of 3-5 people. Read through the cases Think about it on your own – should the person be found guilty? Can we condemn what was done? Discuss this in groups and see if you can reach a common opinion.	Case descriptions	What do you think about the culprits and their role in the crimes? Do you think they are guilty?	The aim is for the students to get a little bit familiar with the case and develop a first impression of the circumstances that the accused was in. Students should think not yet as lawyers but rather as themselves: would they punish the accused?
Lecture on the background of the cases 15-20 min	Background of the situations or conflicts in which the crimes discussed were committed.	No hand-outs are meant to be distributed. Background information for this lecture is included in the handbook.	E.g. development of Rwandan genocidal conflict - what lead to it?	The goal of this part is not to help students with arguments for the trials but to give them knowledge and understanding of some of the biggest atrocities of the 20 th century.
Role division and home assignment 5 min	Give each group a role: prosecutors, defence lawyers and judges. Tell the students to start preparing their case so that there would be something to work with during the next lesson.		Teams of prosecutors/ defence lawyers should be of equal size, teams of judges may consist of less people	

Lesson #2

Section	Activity	Materials	Content	Result
Structure of crime according to Rome Statute 10-15 min	Give students guidelines on how to work with a criminal case: what are the aspects that must always be taken into account when working a criminal case?	No hand-outs are meant to be distributed. Background information for this lecture is included in the handbook.	Analyse crimes step-by-step - 4 prerequisites <ul style="list-style-type: none"> ◦ Material element (act, kind of crime) ◦ Connection between defendant & crime ◦ Mental element ◦ No grounds for excluding criminal responsibility Educators should actively guide teams working on cases, especially if several cases are discussed simultaneously	Make it easier for students to structure their arguments and thought and give them knowledge of how criminal law works.
Roles for Prosecutors, Defines & Judges 5-10 min	Guidelines on what is expected of each role and how that may differ from the popular opinion		Prosecutor – provide a fair, not always a maximum punishment Defence – guaranteeing fair trial & fair punishment (eg show mitigating circumstances), not acquittal necessarily Judges – fair verdict, base decision on all content from teams + background info.	
Work on the cases 15 min	Teams prepare their case. Students should be instructed to ask any questions that they have when working on the case. This lesson is their last chance to get help from the trainer/teacher.			

Section	Activity	Materials	Content	Result
<p>How to argue law 5-10 min</p>	<p>Teach the students the define-match scheme and encourage them to acknowledge it in every legal argument they have already thought of and use it when constructing new arguments.</p>	<p>No hand-outs are meant to be distributed. Background information for this lecture is included in the handbook</p>	<p>Define: what does the law say? Describe: what are the specific facts of the case? Match: do the facts match what the law says?</p>	<p>Students don't have to make every argument strictly adhere to this structure. Present this as something that will make it easier to think of legal arguments. Hopefully students will be able to use it right away.</p>
<p>Analysis of the specific articles of the Rome Statute 10-15 min</p>	<p>Gather half of the class that are working on the same case and go through the relevant articles of the statute together with them. The other half of the class should be working on their own case at same time. Then switch and talk to the others about their case and relevant articles.</p>	<p>No hand-outs are meant to be distributed. Background information for this lecture is included in the handbook</p>	<p>It is not necessary to go into the depths of legal mystery of the articles but rather just ask students what the article talks about. For example when talking about article 7 and crimes against humanity, make sure all the students understand the same way what are the necessary conditions for something to be called a crime against humanity.</p>	<p>The purpose is to make sure that students have an understanding of the articles and are not leaving out something crucial in their argumentation.</p>
<p>Work on the cases 15-20 min</p>	<p>Teams prepare their case. Students should be instructed to ask any questions that they have when working on the case. This lesson is their last chance to get help from the trainer/teacher.</p>			
<p>Description of Trial Procedures 5 min</p>	<p>Give the students an overview of what the trial will be like.</p>	<p>According to lesson plan for Lesson #3</p>		
<p>Home Assignment</p>	<p>Prosecutors & defence lawyers: prepare your argumentation and speeches for the trial and write a position paper (length of either 1 or 2 A4 sheets – discretion of the educator) outlining your arguments. Judges: make sure you are prepared to listen to the argumentation and to ask questions.</p>			

Lesson #3

Section	Activity	Materials	Content	Result
Preparation for trial 5-10 min	Rearrange the classroom for a formal environment; discuss, entering/leaving room, standing up/sitting down, presenting trial at hand, giving the floor, etc Judges determine "presiding judge" who will lead the hearings			
The trials 75 min	Have 2 trials according to the time structure presented here and in the last chapter of the handbook (under the instructions for trial). Small deviations from the time structure are possible. For example if the prosecution uses only 6 minutes instead of 12 for the speeches, the educator might give more time to the judges to ask questions.		<ol style="list-style-type: none"> 1. Speech of the prosecution 2. Speech of the prosecution 3. Speech of the prosecution 4. Speech of the defense 5. Speech of the defense 6. Speech of the defense 7. Judges' questions to both sides 8. Prosecution's reply speech 9. Defense's reply speech 	<ol style="list-style-type: none"> 4 minutes
Home assignment 5 min	Judges are asked to write the verdicts (this should be equal in length to the position papers that were required from the defense/prosecution)		All together	36 minutes

Lesson #4

Section	Activity	Content	Result
Verdicts 15-20 min	Judges read out the verdicts (prepared as home assignments)		
Group discussion on verdicts 20 min	Class discusses the verdicts. The idea is to get students to discuss justice and why they think one or the other punishment is just or unjust.	What was the punishment? Is it a fair punishment, considering the reasons for punishment? Is this what you expected?	The purpose of this is to get initial feedback from the participants to the judgements and then start coming out of the role of a lawyer back into the role of a student and member of the civil society.
Reasons for punishment 15-20 min	Tell the students what are usually considered to be the reasons to punish someone. Discuss whether they think those reasons are valid. Also, ask students who they think should punish and discuss whether it should be the people, the government or the court and why.	Incapacitation Deterrence ◦ Direct ◦ Indirect Retribution Rehabilitation Expression Proportionality	
Further discussion on justice 15 min	So far it has been a lot about how to punish but the assumption is always there that if somebody is guilty, they should be punished. Ask students whether sometimes they think even a perpetrator should not be punished.	This discussion is not bound to any topic but should ideally flow freely. Good things to bring up are for example the truth and reconciliation commissions of the Republic of South Africa after apartheid or amnesties that are sometimes given to dictators for stepping down. The idea is to present the ongoing peace vs justice debate to the students and have them think about their opinion.	
Debriefing & relation to students' civic life 15 min	What did students learn and how will the apply it in life	What did you learn? What did like/dislike? What is your role as a citizen to defend rights of yourself & others What will you do next? How to get involved in MICC? Joining MICC newsletter & FB pages ◦ Other ways of being active in civic life	