Module 3
The law in action

3

Which rules are most often violated and why?
What dilemmas do combatants face?
Who is responsible for respecting IHL?

EHL | Exploring Humanitarian Law
EDUCATION MODULES FOR YOUNG PEOPLE

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Module 3

The law in action

EXPLORATIONS (7 sessions)

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CONCEPTS

Violation of IHL
Civilian/combatant distinction
Chains of consequences
Illegal order

In all modules:
Human dignity
Obstacles to humanitarian behaviour
Dilemmas
Consequences
Multiple perspectives

SKILLS PRACTISED

Perspective taking
Brainstorming
Working in groups
Dilemma analysis
Identifying consequences

If you have limited time and are unable to work through all the explorations, we recommend that you follow at least the short pathway of explorations marked with this icon.

Exploration 3A: Identifying violations of IHL

In Module 2, students explored why rules are needed to regulate armed conflict. They also learned about the basic rules of international humanitarian law (IHL) and explored the consequences for victims when these rules are violated.

In Module 3, students go on to consider why people violate IHL and who bears the responsibility for ensuring that the rules are respected.

Using statements from people involved in armed conflicts, Exploration 3A prompts students to identify violations of IHL and to reflect on the reasons given for those violations. Students trace the way in which one violation can set off a chain reaction and brainstorm ways to prevent or to limit such violations.

OBJECTIVES

- **to be able to identify violations of IHL**
- **to recognize examples of the way in which one violation leads to another**

STUDENT RESOURCES

3A.1 **Voices from war – 2**

3A.2 **What are the basic rules of international humanitarian law?**

3A.3 **Worksheet: Which rule of IHL was violated?**

PREPARATION

Choose which passages (from "Voices from war – 2") to use in steps 1 and 2.

In the *Methodology Guide*, review teaching methods 1 (Discussion), 2 (Brainstorming), 5 (Role-playing), 7 (Writing and reflecting), 10 (Gathering stories and news) and the material on teaching about consequences in teaching method 4 (Using dilemmas).

If possible, view the relevant chapter of the training film for teachers *(Module 3)*.

TIME

One 45-minute session

The exploration

1. WHICH RULE OF IHL WAS VIOLATED? (15 minutes)

Divide the class into pairs of students, and assign two or three of the statements from "Voices from war – 2" to each pair.

Instruct the students to identify the various violations of IHL contained in each statement, using "What are the basic rules of IHL?".

Ask them to record their answers in 'Chart A' on the worksheet, "Which rule of IHL was violated?".

STUDENT 3A.1 RESOURCES

STUDENT 3A.2 RESOURCES

STUDENT 3A.3 RESOURCES

Also, have students study the statements assigned to them and find the reasons that people give, or the reasons that they can imagine these people giving, for violating a particular rule.

Have the class then examine together what the various reasons or explanations given by people have in common. One way to do this might be to group similar-sounding explanations together, by category.
[For example: for security, for military advantage, obeying unlawful orders from commanders, the belief that civilians are aiding the enemy, because the other side did it, for revenge, out of desperation or other emotions, lack of resources, because they did not know the law]

NOTE
The worksheet provides an example using statement #1.

2. HOW ONE VIOLATION LEADS TO ANOTHER (15 minutes)
Ask the class to find statements that show a link between one violation, and another that is a consequence of it.

Have pairs of students discuss violations of IHL that lead to more violations and ask them to fill in the appropriate columns in 'Chart B' on the worksheet.

STUDENT 3A.3 RESOURCES

Have students also indicate the rules of IHL that were violated.
[For example: when one side places a gun on the roof of a hospital, the other side attacks the hospital as a consequence; or one side's killing a prisoner leading to the other side's killing prisoners in revenge; or a captor's cruel treatment of a prisoner that might lead to the captor then killing the prisoner or to other captors following his lead]

Have students report on the chains of consequences that they have identified.

Why do soldiers attack civilians even when they know it is wrong? They were probably told something or promised something big. They have been stimulated to do more evil. So they do not think much. What I do not understand is what happened to their human minds.
– a civilian victim of soldiers' attack

The exploration

3. CAN WE PREVENT VIOLATIONS OR LIMIT THEIR CONSEQUENCES? (10 minutes)
Have the class choose one violation to work on as a group. Then have them brainstorm ways to prevent that violation or to limit its consequences.

When a list has been developed, have students evaluate their suggestions.

Possible questions:

> What consequences is each suggestion likely to have? What, in turn, would each of those consequences lead to?
> Do you think that governments and those fighting would accept your suggestions? Why or why not? How would you ensure their implementation?
[For example: giving orders, training, monitoring, disciplining, punishing, making laws]

As a young officer, when I had just finished the training course for officers I was walking down a street. It was a holiday. We were five soldiers just looking around to see if everything was cool. And then in a matter of minutes we were surrounded by maybe four or five thousand people who started throwing stones. They were all very angry because someone had got hurt in a refugee camp. It was truly a danger to our lives because everyone was excited, and I had to think about how to get my soldiers out of there. I only had my gun and real bullets and I had to get my soldiers out of there so I shot, I shot only at people's legs, but I shot ten, twelve times, to get myself out of there, and I got out of it.
– a commander serving in an occupied area

4. CLOSE (5 minutes)
Discuss:

> Can you think of examples from the news of situations of escalating violence?

! KEY IDEAS

- Violations of IHL often set off a chain reaction, leading to further violations.
- People give various reasons for the violations of IHL that take place.
- There are several ways to prevent violations of IHL and to limit their consequences.

Extension activities

COMMUNICATION

Write a paper about the violation of international humanitarian law (IHL) that your class chose to work on as a group. In your paper evaluate some of the suggestions made by your class to prevent such violations or to limit their consequences.

OR

Make drawings to illustrate the violation.

OR

Make posters to promote the suggestions made by your class.

CHAINS OF CONSEQUENCES

Select a violation of IHL and make a diagram of the chains of consequences that the violation could create. Some consequences might result in many other chains of consequences.

Example from "Voices from war – 2":

There are a lot of situations when soldiers changed uniforms for ordinary suits...

Extension activities

DEBATE

Conduct a debate on the following statement:

> *A law that is often broken is better than no law at all.*

Assemble two teams – one to argue in favour of the statement and one to argue against it – and a team of judges. Teams should review their class notes and other useful resources, such as books, periodicals and the news (newspapers, radio, television). Each team should prepare the following:

- a five-minute presentation;
- a list of points that they think the other team will make against their position;
- their responses to those points.
  [The following ideas might be of help: the effect of often disrespecting laws, examples of laws other than IHL that are often broken yet valued, the history of the acceptance of laws over time, the value of a law as an ideal, the alternatives to law]

During the time allotted for planning, a third judging team should work out the criteria for judging the debate.

Conduct the debate.

At the conclusion of the debate, the judges should summarize the points they have heard. Then they should announce their decision and give reasons for it.

Then, discuss the following questions:

> How do you think your debate applies to IHL?
> Are there other examples of rules that are valued even though they are often broken? *[For example: religious laws, social customs]*

OR

Debate the pros and cons of this statement by a teacher in Nigeria:

> *Since there is a law that forbids the army from killing civilians, there should be a law that forbids civilians from helping the army.*

While preparing your positions, consider the following points:

- the consequences of your position;
- how to define what constitutes 'helping' soldiers.

> *The law sets up dykes against the incoming tide. And the tide never goes out for long. It exerts pressure, it threatens, it breaks through at the first opportunity. Sometimes, it sweeps away the dyke. And there stands our law, violated and ineffective. That is its fate. Anyone who thinks that the only true law is one which is fully respected must be living in another world.*
> – Denys de Béchillon, professor

Voices from war – 2

People involved in recent wars describe violations of international humanitarian law (IHL) that they have experienced, witnessed or heard about.

1 *There were a lot of situations in which soldiers changed uniforms for ordinary suits. How could you tell who was really a civilian? So if you attack a city, you have to kill whatever moves.*
– a soldier

2 *We ended up attacking whole families. What drove us into doing this was that they were doing the same to our people, killing babies as young as three months.*
– a former combatant

3 *If I have some information that the other people are killing my people who are prisoners, anybody I capture who's from the other side, he'll pay for it.*
– a commander

4 *Soldiers felt that they had to kill a prisoner of war. He would be excess baggage because you have to bring along a prisoner of war wherever you go. You are responsible for that person, so to get rid of the responsibility, you kill the person.*
– a NGO worker

5 *Another problem is lack of planning, because whenever a prisoner is captured, you don't know what to do with him. As a result, soldiers killed prisoners.*
– a former detainee

6 *The federal forces could not capture the villages; therefore they prevented any humanitarian aid from getting to the villages. That is their strategy - to promote hunger and starvation - and it is wrong.*
– a former combatant

7 *During the war, the commander defined our moral code, like this: 'Never harm the people's crops.' But, later on, the situation changed. During the fighting, the main policy became the destruction of the economy; the soldiers were given an order that if they could not achieve big things, they had to attack the people's property. Destroying all, burning to ashes, was the objective in fighting the enemy.*
– a former combatant

8 *Attacking religious sites is just part of war. Combatants feel that these areas are sacred areas and use them to hide for shelter. I am telling you, a church is not a church any more if there are some soldiers in it.*
– a soldier

Voices from war – 2

9 *The army should not use civilians as a living shield. But it has been done in this war rather often. For example, they put the machine gun on the church roof or on top of a big building in which civilians were living. Because we were threatened, we fired at those buildings.*
– a former detainee

10 *There were girls who were raped and now they have kids who do not have fathers. This is a crime that will never be resolved.*
– a township resident

11 *We were briefed that when we moved from one place to another, we should poison the water. It was part of war, survival of the fittest. You are told that these people are enemies, if they get hold of you, they will kill you. But most of the people are trapped; they may be just innocent people moving from one place to another. These people have no hope, food; so it is wrong to poison them.*
– a former combatant

12 *When my brother-in-law was a prisoner of war, they did not treat the prisoners properly. They are afraid that some day the prisoners might tell what was done to them. That is why many prisoners were murdered. Simply to conceal the misdeeds.*
– a widow

13 *Destruction of religious or historic sites is part of war. Because during war you don't care about anything; you want to destroy anything you come across in order to win the war.*
– a former teacher and manager of a refugee camp

14 *Denying food or water to the civilian population is a strategy in war. It is good that you don't allow them to get food, you don't allow them to get water. It will weaken them.*
– a captured combatant

15 *Imagine there is a machine gun there and you need to take it over. But the enemy put civilians on the roof to prevent you from taking it. Of course you attack a military object. And civilians get killed.*
– a journalist

16 *One reason why soldiers kill civilians is that when troops suffer heavy casualties, what they do is call the civilians to come and dig graves for them. After the graves have been dug, the soldiers will shoot the civilians, because it was their people who were responsible. It is done in anger. The soldiers who do that are the less privileged ones, the illiterate ones who are not educated about war.*
– a commander

17 *They gave me a uniform and told me that now I was in the army. They said that they would come back and kill my parents if I didn't do as they said.*
– a former child soldier

Source: Adapted from research conducted for the ICRC's People On War campaign and from 'Voices of Young Soldiers,' Coalition to Stop the Use of Child Soldiers (http://www.child-soldiers.org/childsoldiers/voices-of-young-soldiers).

What are the basic rules of international humanitarian law?

DISTINCTION

When planning or carrying out an attack, distinction must be made between civilians and combatants and between civilian objects and military objectives.

1. Attacking civilians is prohibited.
2. Attacking civilian objects (houses, hospitals, schools, places of worship, cultural or historic monuments, etc.) is prohibited.
3. Before an attack, every possible precaution must be taken to minimize the potential harm to civilians and civilian objects.
4. The use of weapons that are not able to distinguish between civilians and military targets is prohibited.

TREATMENT

Civilians and combatants who are *hors de combat* must be protected and treated humanely.

1. Murder, torture, and cruel or degrading treatment or punishment are prohibited.
2. Sexual violence is prohibited.
3. Forced displacement of civilians is prohibited.
4. Starving civilians is prohibited.
5. Using human shields to protect military objectives is prohibited.
6. Wounded, sick or shipwrecked enemy combatants must be searched for, collected and cared for. There should be no preferential treatment, except on medical grounds.
7. Captured civilians and enemy combatants must be given adequate food, water, clothing, shelter and medical care and must be allowed to correspond with their families.
8. Everyone must receive a fair trial.

WEAPONS AND TACTICS

The only legitimate objective of war is to weaken the enemy's military forces.

1. The use of weapons that cause unnecessary suffering is prohibited.
2. Taking hostages is prohibited.
3. Killing or wounding a surrendering enemy is prohibited.
4. Ordering or threatening that there shall be no survivors is prohibited.
5. Pretending to be a civilian while fighting is prohibited.
6. Destroying objects necessary for the survival of civilians (foodstuffs, farming areas, drinking water installations, etc.) is prohibited.
7. Attacking medical and religious personnel and objects lawfully using the red cross/red crescent/ red crystal emblem is prohibited.
8. Misusing the red cross/red crescent/red crystal emblem is prohibited.

SPECIFIC PROTECTION

Certain categories of people and objects must receive additional protection.

1. Recruiting or using children under the age of 15 in armed conflict is prohibited.
2. Medical personnel and facilities (hospitals, clinics, ambulances, etc.) as well as religious personnel must be respected and protected.
3. Humanitarian relief personnel, supplies and operations must be respected and protected.
4. Cultural property must be respected and protected.
5. The specific protection, health and assistance needs of women affected by armed conflict must be respected.

What are the basic rules of international humanitarian law?

DEFINITIONS
civilian: any person who is not a combatant When civilians take a direct part in fighting, they lose their protection from attack. (When there is any doubt about a person's status, he or she shall be considered to be a civilian.)
civilian object: any object that is not a military objective When a civilian object is used in support of military action, it becomes a legitimate military target and loses its protection. (When there is any doubt about whether a civilian object is in fact being used in support of military action, it shall be considered to be a civilian object.)
combatant: member of armed forces, member of an armed group under the orders of a party to the conflict
military objective: object which by its nature, location, purpose or use makes an effective contribution to military action and whose destruction offers a definite military advantage
hors de combat: literally means 'out of the fight' and describes combatants who have been captured or wounded or who are sick or shipwrecked and thus are no longer in a position to fight
principle of proportionality: the expected number of deaths or injuries to civilians or damage to civilian objects must not be excessive compared to the anticipated military advantage

Worksheet

S.3A

Which rule of IHL was violated?

Chart A		
Describe the wrongful action	**IHL violations**	**Reasons**
Example: Statement #1 - *Soldiers posed as civilians; the enemy soldiers killed whatever moved, even if they were civilians.*	*Weapons and Tactics 5* *Distinction 1*	*To be able to hide, to have food and shelter, out of fear, for reasons of security, etc.*
Statement #		
Statement #		
Statement #		

Worksheet

S.3A

Which rule of IHL was violated?

Chart B			
Write down one wrong thing that someone did	**IHL violations**	**Name a violation that did (or could) follow**	**IHL violations**
Example: Statement #1 - *Soldiers posed as civilians.*	*Weapons and Tactics 5*	*The enemy soldiers killed anyone who moved, including civilians. The other side might then attack civilians in revenge*	*Distinction 1* *Weapons and Tactics 5*
Statement #			
Statement #			
Statement #			

Exploration 3B: From the perspective of combatants

In Exploration 3A, students identified a number of violations of international humanitarian law (IHL) as well as the reasons for such violations, and then discussed how one violation can lead to others.

In Exploration 3B, they tackle dilemmas based on the actual experiences of combatants in situations typical of modern warfare. Combatants are faced with difficult decisions, in applying the rules of war when their own safety and the safety of their fellow combatants is at risk. Many such dilemmas arise when the distinction between civilians and combatants – or between civilian objects and military objectives – is unclear. This distinction has sometimes been blurred intentionally by combatants seeking safety or advantage.

OBJECTIVES

- **to be able to recognize dilemmas that may arise in respecting IHL in combat situations**
- **to understand the difficulties in respecting IHL when the difference between combatants and civilians is unclear**

STUDENT RESOURCES

Dilemma scenarios:

3B.1 **Now what do I do?**
3B.2 **Should I stop it?**
3B.3 **700 prisoners and little to live on**
3B.4 **What if she's telling the truth?***
3B.5 **Should the soldier open fire on the village?***

3B.6 **Dilemma worksheet**
3B.7 **What are the basic rules of international humanitarian law?**

PREPARATION

Choose two or more dilemmas (from "Dilemma scenarios") to use in steps 1 and 2. Be sure to include at least one of the dilemmas marked *, which deal with difficulties in distinguishing civilians from combatants.

In the *Methodology Guide*, review teaching methods 1 (Discussion), 3 ("No easy answers"), 5 (Role-playing), 9 (Small groups), 10 (Gathering stories and news) and the material on teaching about consequences in teaching method 4 (Using dilemmas).

TIME

Two 45-minute sessions

The exploration

1. DILEMMAS THAT COMBATANTS MAY FACE (30 minutes)

Divide the class into small groups and assign each group a dilemma from "Dilemma scenarios."

Each group can use copies of the "Dilemma worksheet" and of "What are the basic rules of international humanitarian law?" to note down their ideas as they work on the dilemma and to stimulate discussions.

3B.1-5 **STUDENT** RESOURCES

3B.6 **STUDENT** RESOURCES

3B.7 **STUDENT** RESOURCES

As they work out what action to take in light of the dilemma presented, they should keep in mind the following points:

- the various options that are available;
- the possible consequences of each action;
- what IHL requires;
- the different people involved and their points of view.

In addition, encourage them to consider the following points:

- how emotions and attitudes could influence consequences;
- conditions that may affect the combatants' choices (such as time pressures, the dangerousness of their surroundings and the degree of authority or influence that they have over the other people involved).

After about 15 minutes, ask the groups to choose which action to take. Ask them to write down their choice and their reasons for it. In making their choice, they should take into account the rules of IHL as well as any other pertinent considerations.

2. DILEMMA DECISIONS (25 minutes)

Reconvene the class, and have one student report each group's decision. In their reports, students should be asked to:

- state the **problem** they faced in trying to respect IHL in the situation they were given;
- indicate the **action** they decided to take;
- give **reasons** for their choice.

The exploration

3. THE DISTINCTION BETWEEN CIVILIANS AND COMBATANTS (30 minutes)
Ask students to reflect on the following rule:

> *When planning or carrying out an attack, distinction must be made between civilians and combatants and between civilian objects and military objectives.*
> – Paraphrased from Article 48, Protocol I additional to the Geneva Conventions

Help students understand the rule by asking them to give examples of:

- people who would be considered to be civilians in armed conflict;
- things that would be considered to be civilian objects and things that would be considered to be military objectives.

Then discuss the following rule:

> *When there is any doubt about a person's status, he or she shall be considered to be a civilian. Similarly, if there is any doubt about whether a civilian object is in fact being used in support of military action, it shall be considered to be a civilian object.*
> – Paraphrased from Articles 50 and 52, Protocol I additional to the Geneva Conventions

Use examples like the following to discuss how borderline cases contribute to dilemmas that soldiers face in respecting IHL:

- a woman who provides food and shelter to soldiers;
- a radio station that broadcasts war propaganda;
- a university where some students are trained for military service.

Possible questions:

> What are the consequences of not knowing who is a civilian or what is a civilian object? What consequences could such ignorance or doubt have?

Explain to students that if a civilian is involved in acts that directly harm the enemy by weakening its military strength, that person looses his or her protection against attack, although only for the duration of the act in question. Make sure that students understand that even under such circumstances, civilians do not qualify as combatants.

> *I think the armed forces attacked civilians because they didn't understand what it was like for civilians. Soldiers complained all the time that civilians were also guerrillas. Sometimes the soldiers thought that the people collaborated with the guerrillas. Sometimes the soldiers thought that some family perhaps gave the guerrillas some food or had joined them, so they killed the whole family for collaborating with the enemy.*
> – a woman with a 'disappeared' family member

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4. CLOSE (5 minutes)
Discuss:

> How can combatants affect how civilians from their side are treated during armed conflict?

> *One day people are running up to you and hugging you, and the next day a little kid is throwing a grenade at you. What are you supposed to decide from that? What are you supposed to feel? I don't know.*
> – a soldier

The exploration

! KEY IDEAS

- Following the rules of IHL in situations of armed conflict sometimes creates dilemmas.
- Dilemmas may result from the difficulty of distinguishing between combatants and civilians.
- Sometimes people blur the distinction intentionally, and sometimes it is blurred when fighting takes place in residential areas.
- If there is any doubt about the civilian status of a person or an object, that person or object shall considered to be civilian.

Extension activities

HISTORY OF CIVILIAN INVOLVEMENT IN WARFARE

In connection with your history studies, examine the role of civilians during wars. For instance:

> How has guerrilla warfare affected civilians?

> How have changes in military strategy and technological advances affected the status of civilians and the distinction that is drawn between them and combatants?

ROLE-PLAYING

Choose one of the dilemmas, and prepare a dramatization based on it.

3B.1-5 **STUDENT** RESOURCES

In addition to the decision-maker, consider the roles listed under "Possible points of view to consider" or others you may think of.

Now what do I do?

A lieutenant is in charge of a small squad that has been ordered to capture men and materials from a disabled enemy convoy of small boats. His squad moves in and sees a couple of wrecked boats. His soldiers come under light fire and shoot back. Then several men come out of hiding along the canal bank and approach the lieutenant with their hands up. He captures them.

Now one of his squad drags an enemy fighter out of the canal. A piece of shrapnel has sliced him open across the abdomen. He is lying on the ground with his eyes closed, groaning softly. Kneeling beside the man, the lieutenant thinks to himself, "Oh my God! Now what do I do?"

He could radio for one of his own medical helicopters to come to pick the wounded man up, but how safe is it for his squad to remain in the area? Have the enemy fighters left the area or are they sitting just over there in the trees, waiting to jump at the first opportunity? The enemy fighter is too badly hurt for the squad to carry him back to base.

There was no way I could leave a wounded man (...) *out there on the plains to die, but* (...) *there were only about fifteen of us, and with seven prisoners to watch, we would be in real trouble if an attack started. Evening was approaching too.* (...) *We had* (...) *only individual weapons and a basic load of ammo* [ammunition]. *We had no rations to eat, no entrenching tools with which to dig in, and no air support to call upon in an emergency.*

Source: David Donovan, *Once a Warrior King: Memories of an Officer in Vietnam*, McGraw-Hill, New York, 1985.

Question: As the lieutenant, what would you do?

POSSIBLE POINTS OF VIEW TO CONSIDER:

- one of the soldiers in the squad
- the wounded enemy
- the lieutenant's superior officer
- the helicopter pilot
- an enemy soldier in hiding

Should I stop it?

The lieutenant was standing in chest-high water when suddenly a man burst from under the water at his side. The lieutenant saw two things at that instant: the wildness in the man's eyes and the knife clutched in his hand.

After a desperate struggle in the water, the lieutenant got control of the man's arm and held it until his own men rescued him and took the enemy fighter prisoner. The lieutenant collapsed on the bank.

Later, the lieutenant noticed his soldiers huddled around the captured fighter. They were shouting at him and one was threatening him with a combat knife. As the officer in charge, the lieutenant hurried over to check what was happening. By the time he got there, the captured man had been cut across the chest. A sergeant was trying to calm the situation:

Don't cut him, o.k.? Just don't cut him. We can't take him back and count him as a prisoner if you cut him up. So just put the knife up and don't cut him again. We can say he got the scratch when we hauled him into the boat, but calm down and don't cut him again!

The man with the knife reluctantly agreed to stop and told the sergeant he was just trying to scare the prisoner. When the prisoner continued to deny knowing anything, the man pulled out his knife and pressed it into the skin of the prisoner's chest.

Source: David Donovan, *Once a Warrior King: Memories of an Officer in Vietnam*, McGraw-Hill, New York, 1985.

Question: As the lieutenant, what would you do?

POSSIBLE POINTS OF VIEW TO CONSIDER:

- the prisoner
- the soldier wielding the knife
- the sergeant
- other soldiers in the lieutenant's platoon
- his military superiors back at headquarters

700 prisoners and little to live on

A successful battle fought in the desert, far from a town or home base, was at last over. A victorious soldier remembers it.

Hunger called us out of our trance. We had now seven hundred prisoners in addition to our own five hundred men. (...) *We had not any money (or, indeed, a market); and the last meal had been two days ago. In our riding camels we possessed meat enough for six weeks, but it was poor diet, and a* [costly] *diet, indulgence in which would bring future immobility upon us.*

Source: T.E. Lawrence, *Revolt in the Desert,* George H. Doran Company, New York, 1927.

Question: What should the captors do?

POSSIBLE POINTS OF VIEW TO CONSIDER:

- other victorious soldiers
- the prisoners

World War I, Beida Bordj camp. German prisoners of war.

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What if she's telling the truth?

When the firing ceased, we surrounded the bunker. We were sure someone was still in there. We shouted to them to surrender. A man and two women came out with their hands up. Inside the bunker, we found two dead men, along with weapons and documents. We were sure that the man and the two women were also enemy combatants. Their bunker had opened fire on us and killed two of our men and now they were captured with weapons that were still hot! My soldiers felt like killing them in return. As the officer in charge, I had a hard time calming our guys down to get the prisoners safely back to our base.

Later, I had to stop my sergeant from abusing them during questioning. "Don't you know anything about the rules of war?" I yelled. He glared back at me. "I was just trying to shake the truth out of her", he said. "They just keep lying and not giving us one piece of information that we need."

I knew that he was right. We needed information from them, and once they were sent off to the prison camp, the opportunity to get it would be gone. We had to have their information. The qualms I had had a few minutes before vanished. "Don't worry", I said to the sergeant, "I'll get the information."

I took the man out behind our building. He continued his denials. So I shouted, "You will talk or you will die." I fired a shot into the air and then had him hidden away. Then I took one woman out and pressed my rifle muzzle to her forehead and spoke,

Your brother refused to tell the truth. He lied and I killed him. Unless you tell the truth, I will kill you too. Where are your friends? Where do they keep their weapons?

She claimed they were just fishing and had run into the bunker to escape from the machine-gun fire. Tears ran from her eyes as she looked directly into mine, swearing that she was innocent. Suddenly, another switch went off inside of me.

We had caught this woman and her friend red-handed. Guilt was written all over them – they had to be guilty! But suddenly I wasn't so sure. Looking down at her, watching the tears roll down her cheeks, I had a great fear that she was telling the truth.

Source: David Donovan, *Once a Warrior King: Memories of an Officer in Vietnam*, McGraw-Hill, New York, 1985.

Question: As the lieutenant, what would you do?

POSSIBLE POINTS OF VIEW TO CONSIDER:

- one of the prisoners
- the sergeant questioning them
- a soldier whose friend was killed by combatants who posed as civilians
- the enemy military leaders back at headquarters

Dilemma scenario

Should the soldier open fire on the village?

In the early morning, a column of tanks and personnel carriers made its way down the road on the heavily populated outskirts of the city. One of the tanks in the column stopped to assess the situation they had rushed into. It was difficult to determine what was happening outside, given the roar of the tank's engine and the thick layer of dust in the air. A soldier ducked inside the turret of the tank, saying, "I don't like the way this looks." Another announced that he had just heard reports of lots of guerrilla fighters hiding in the area. Outside, people were darting into positions among a cluster of village houses. They were clearly armed but were not firing.

Inside the tank, someone shouted to open fire.

Source: Dwight W. Birdwell, Keith W. Nolan, *A Hundred Miles of Bad Road, 1967-68,* Presidio, San Francisco, 1985.

Question: As a soldier hearing that, what would you do?

POSSIBLE POINTS OF VIEW TO CONSIDER:

- enemy soldiers in the area
- inhabitants of the area
- other soldiers in the tank
- the soldier's superior officers

Dilemma worksheet

Situation:					
Problem:					
Possible Action:	Reasons for choosing it:	Reasons for not choosing it:	Reasons for not choosing it:	Reasons for not choosing it:	
Possible Action:	Reasons for choosing it:	Reasons for not choosing it:	Reasons for not choosing it:	Reasons for not choosing it:	
Possible Action:	Reasons for choosing it:	Reasons for not choosing it:	Reasons for not choosing it:	Reasons for not choosing it:	
The action we took:	Reasons:				

What are the basic rules of international humanitarian law?

DISTINCTION

When planning or carrying out an attack, distinction must be made between civilians and combatants and between civilian objects and military objectives.

1. Attacking civilians is prohibited.
2. Attacking civilian objects (houses, hospitals, schools, places of worship, cultural or historic monuments, etc.) is prohibited.
3. Before an attack, every possible precaution must be taken to minimize the potential harm to civilians and civilian objects.
4. The use of weapons that are not able to distinguish between civilians and military targets is prohibited.

TREATMENT

Civilians and combatants who are *hors de combat* must be protected and treated humanely.

1. Murder, torture, and cruel or degrading treatment or punishment are prohibited.
2. Sexual violence is prohibited.
3. Forced displacement of civilians is prohibited.
4. Starving civilians is prohibited.
5. Using human shields to protect military objectives is prohibited.
6. Wounded, sick or shipwrecked enemy combatants must be searched for, collected and cared for. There should be no preferential treatment, except on medical grounds.
7. Captured civilians and enemy combatants must be given adequate food, water, clothing, shelter and medical care and must be allowed to correspond with their families.
8. Everyone must receive a fair trial.

WEAPONS AND TACTICS

The only legitimate objective of war is to weaken the enemy's military forces.

1. The use of weapons that cause unnecessary suffering is prohibited.
2. Taking hostages is prohibited.
3. Killing or wounding a surrendering enemy is prohibited.
4. Ordering or threatening that there shall be no survivors is prohibited.
5. Pretending to be a civilian while fighting is prohibited.
6. Destroying objects necessary for the survival of civilians (foodstuffs, farming areas, drinking water installations, etc.) is prohibited.
7. Attacking medical and religious personnel and objects lawfully using the red cross/red crescent/ red crystal emblem is prohibited.
8. Misusing the red cross/red crescent/red crystal emblem is prohibited.

SPECIFIC PROTECTION

Certain categories of people and objects must receive additional protection.

1. Recruiting or using children under the age of 15 in armed conflict is prohibited.
2. Medical personnel and facilities (hospitals, clinics, ambulances, etc.) as well as religious personnel must be respected and protected.
3. Humanitarian relief personnel, supplies and operations must be respected and protected.
4. Cultural property must be respected and protected.
5. The specific protection, health and assistance needs of women affected by armed conflict must be respected.

What are the basic rules of international humanitarian law?

DEFINITIONS
civilian: any person who is not a combatant When civilians take a direct part in fighting, they lose their protection from attack. (When there is any doubt about a person's status, he or she shall be considered to be a civilian.)
civilian object: any object that is not a military objective When a civilian object is used in support of military action, it becomes a legitimate military target and loses its protection. (When there is any doubt about whether a civilian object is in fact being used in support of military action, it shall be considered to be a civilian object.)
combatant: member of armed forces, member of an armed group under the orders of a party to the conflict
military objective: object which by its nature, location, purpose or use makes an effective contribution to military action and whose destruction offers a definite military advantage
hors de combat: literally means 'out of the fight' and describes combatants who have been captured or wounded or who are sick or shipwrecked and thus are no longer in a position to fight
principle of proportionality: the expected number of deaths or injuries to civilians or damage to civilian objects must not be excessive compared to the anticipated military advantage

Exploration 3C: Who is responsible for respecting IHL?

3C

In Exploration 3A, students identified violations of international humanitarian law (IHL) and considered why combatants violate the law and how one violation may lead to another. Exploration 3B focused on dilemmas, which included the difficulty in distinguishing between civilians and combatants – and between civilian objects and military objectives – on the battlefield.

In Exploration 3C, students explore the responsibilities of various people for making sure that IHL is respected.

OBJECTIVES

- **to understand who is responsible for making sure that the rules of IHL are respected**
- **to identify how this responsibility is fulfilled**

STUDENT RESOURCES

3C.1 **Who is responsible for respecting IHL?**

PREPARATION

In the *Methodology Guide,* review teaching methods 1 (Discussion), 2 (Brainstorming), 7 (Writing and reflecting) and 9 (Small groups).

TIME

One 45-minute session

The exploration

1. ARE RULES ENOUGH? (5 minutes)
Begin with brainstorming a list of ideas in response to the following question:

> What would help combatants follow the rules?
[For example: knowledge of the rules, training in the rules, commanders who do not give unlawful orders and who set a good example, logistical support for respecting the rules, knowledge that violations are prohibited and will be punished]

Then, for each idea in the list, ask them to say who they think is responsible for providing it.

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2. RESPONSIBILITY FOR RESPECTING THE RULES (30 minutes)

Divide the class into three groups, and have students read and discuss "Who is responsible for respecting IHL?".

To help them, assign each group one of the following tasks:

- List the responsibilities of commanding officers;
- List the responsibilities of soldiers;
- List the responsibilities of governments.

Tell students to use the questions under each commanding officer's statement to stimulate their discussions.

Reconvene the class to report on the groups' findings.

Review the ideas they had before reading "Who is responsible for respecting IHL?". Ask what they think now.

You might draw upon the following summary of some key points made by these three commanding officers.

Commanding officer 1: *Failure to uphold the basic principles of IHL would hurt our cause and have serious consequences.*

KEY CONCEPTS
means and ends, credibility of a cause, self-interest, public opinion, image

Commanding officer 2: *We have to take into account all the humanitarian issues when we draw up our operational orders during a war.*

KEY CONCEPTS
military planning, prisoners, medical care for enemy wounded, compliance with the rules

Commanding officer 3: *Commanders are responsible for seeing that the rules are obeyed, and that requires training and firm discipline.*

KEY CONCEPTS
implementation, responsibility, training, discipline

The exploration

Ask students to share their views on the various discussion points brought up in the commanding officers' statements.

Possible questions:

> Can you think of ways in which these commanding officers' ideas might be applied to people's behaviour in civilian life?
> Can you think of examples of good and bad leadership?
> What if a soldier is given an order that violates IHL?

The last one is a complex question that will be taken up in later activities. Nevertheless, make sure students know that such orders are unlawful and that soldiers have an obligation not to follow any order that violates IHL.

3. CLOSE (10 minutes)
Have students reflect on the following statements from commanders to generate a discussion:

Combat is a last resort. Without humanitarian law, there is no light in the tunnel.

Possible questions:

> What does he mean by "no light in the tunnel"? Why does it matter?

If you allow your enemy to lose with dignity, they do not feel that they have to fight to the last man. That is what the rules are about.

Possible question:

> How does allowing your enemy to lose with dignity contribute to the restoration of peace? Does this idea apply to quarrels or conflicts in everyday life? If so, how? If not, why not?

! KEY IDEAS

- For IHL to be respected, many people have different responsibilities to fulfil; although a single person can violate IHL, it takes the combined efforts of government officials, commanding officers and individual soldiers to ensure that IHL is respected.

Extension activities

AN ESSAY

Review what you have learned in Modules 2 and 3, and write a paragraph or essay in response to the following question:

> Why do governments and those fighting agree to respect the rules of international humanitarian law (IHL)?

A COMBATANT'S HANDBOOK

Create a small handbook containing some of the basic rules of IHL that you think combatants should carry with them. Illustrate it with simple drawings.

Who is responsible for respecting IHL?

The primary responsibility for what goes on during armed conflict rests with combatants and their commanding officers – those who are doing the fighting. The military is responsible for monitoring respect for the rules of international humanitarian law (IHL) and for punishing those who violate them. Governments also play an important role in making sure that the rules of IHL are respected. They are required to ensure that combatants and civilians alike are familiar with the rules of IHL and that combatants receive the appropriate training. They must also enact the necessary laws to prevent violations of IHL and to punish those who do violate IHL.

Reflect on the views of these commanding officers from three different continents.

COMMANDING OFFICER 1 (EL SALVADOR)

We taught our troops to uphold these basic principles and took strict disciplinary measures against those who did not. We knew that any failure to do so would hurt our cause. If I, as commander, made such a mistake, it would obviously have serious consequences. We insisted that all our troops comply with the rules no matter how difficult the circumstances.

Questions:

- **How could failure to uphold IHL hurt a fighter's cause?**
- **Can the 'ends' be acceptable when the 'means' are not? Why or why not?**
- **Can the goals of military leaders be discredited by their soldiers' actions?**

COMMANDING OFFICER 2 (JORDAN)

When we go into battle there is a paper that contains all the operational orders. And we have to include all aspects related to humanitarian law in our orders. That includes prisoners of war, for instance – where to evacuate them to, how to treat them, what to take from them, how to evacuate the wounded, and so on. So we have all these things in our operational orders.

Questions:

- **Why is it important that commanding officers include humanitarian requirements in their plans for military operations?**
- **What are some examples of such humanitarian requirements?**

COMMANDING OFFICER 3 (ZIMBABWE)

During war, the people who are responsible for seeing that the rules are followed are the senior officers. They are responsible for seeing that the rules are observed and respected, by training and by firm discipline. The ordinary soldiers, if they are correctly trained, if their morale is high, and their discipline is good – yes, they will kill civilians, because that is a fact of life in war. But, it is the control exercised by junior officers that stops it from turning into wanton massacre. If your commanding officers do not understand the rules, if they do not apply the rules, and do not insist on soldiers maintaining standards with regard to those rules, you have nothing but a rabble on the battlefield, like a pack of wild animals.

The best commanders have the best soldiers. It's not 'the best soldiers have the best commanders.' I can give you the best soldiers in the world and you can put a bloody fool with them and they'll be a rabble in a week. But I can put a very good commander with useless soldiers and they will start improving within a day.

Questions:

- **What are his reasons for saying that training and firm discipline are needed?**
- **Why is the behaviour of commanding officers important?**

Exploration 3D: A case study: My Lai – What went wrong? What went right?

3D

Exploration 3C introduced the subject of respect for international humanitarian law (IHL) during combat.

Exploration 3D presents a historical instance of soldiers committing a series of serious violations of IHL. Students examine this episode in the light of what they have learned in the preceding explorations. They trace what went wrong and what went right in applying the rules of IHL in this particular case. They study the various factors that may have played a part in the incident, the dilemmas the soldiers faced and their different responses to them.

OBJECTIVES

- **to learn about some of the factors that could lead to serious violations of IHL**
- **to identify a range of dilemmas soldiers may face in making the 'right' choice on the battlefield**
- **to recognize the differing responsibilities of commanding officers and ordinary soldiers for violations of IHL**

STUDENT RESOURCES

3D

3D.1 **Attack on My Lai – Background**
3D.2 **Profile cards**
3D.3 **Immediate chain of command at My Lai**
3D.4 **Pocket card**
3D.5 **What happened at My Lai**
3D.6 **Video and transcript: *What we did at My Lai* (18')** DVD
3D.7 **What happened cards**
3D.8 **What should happen next?**
3D.9 **A letter to reveal the truth**
3D.10 **Dilemma scenario: There was no mercy**

PREPARATION

Prepare enough copies of the "Profile cards" and "What happened cards" so that each student has a pair of matching cards.

In the *Methodology Guide* review teaching methods 1 (Discussion), 3 ("No easy answers"), 4 (Using dilemmas), 6 (Using stories, photos and videos), 7 (Writing and reflecting) and 10 (Gathering stories and news) and workshop 7 ("Using case studies: My Lai: What went wrong? What went right?").

TIME

Three 45-minute sessions

The exploration

1. BEING THERE (15 minutes)
Explain to students that this case study takes them back to 1968, to the thick of the war in Viet Nam.

Present "Attack on My Lai – Background," and then conduct a discussion on it.

STUDENT 3D.1 RESOURCES

Possible questions:

> At this point, what do you know about the soldiers in Charlie Company?
> What do you know about their assignment for the next day?
> What might have been these soldiers' thoughts and feelings as they listened to the plans for the next day? Why?

Give every student one of the twelve "Profile cards" so that each of them can learn something about one of the soldiers described and his feelings on the night of 15 March in 1968. (Use "Immediate chain of command at My Lai" to help students understand the references in their "Profile cards.")

STUDENT 3D.2 RESOURCES

STUDENT 3D.3 RESOURCES

2. HOW THE SOLDIERS PREPARED (30 minutes)

Ask students to think about the night before the attack from the perspective of the soldiers on their "Profile cards."

STUDENT 3D.2 RESOURCES

Give them time to explore their sense of the situation in which these soldiers found themselves and to write down their responses to the two questions at the end of their cards.

Then have each student discuss his or her ideas with a partner who has the same "Profile card."

After about ten minutes, conduct a discussion on the soldiers' thoughts on the night before the attack on My Lai.

Present the "Pocket card" that was given to all American soldiers in Viet Nam, and discuss its content and purpose.

STUDENT 3D.4 RESOURCES

Possible questions:

> How does this card relate to what soldiers will do the next day?
> What other guidance do you think soldiers should have been given regarding their behaviour in combat?

The exploration

3. HOW THE SOLDIERS COPED (55 minutes)

Have students read "What happened at My Lai."
Then present the video *What we did at My Lai.*

STUDENT 3D.5 RESOURCES

STUDENT 3D.6 RESOURCES

The video shows what happened at My Lai through the recollections of eight of the soldiers who were involved. Students will learn about how these soldiers regarded civilians, the impact on them of the orders they were given, the loss of self-control and the choices that the soldiers made. They will also hear how the soldiers were trained for combat (accompanied by pictures of soldiers being trained some 30 years later).

After the viewing, explore what happened at My Lai and students' reactions to it.

NOTE

The video presents five themes. During each segment (theme), the participants reflect on what happened and their involvement in related events. (In the transcript, these five segments are marked by a row of dots.)

1. training, (voice of Hodges)
2. us, the enemy, and determining who the enemy is (Widmer, Bernhardt, Simpson)
3. loss of self-control, moral confusion, meaning of orders (Bernhardt, Hodges, Widmer)
4. choices soldiers made (Simpson, Widmer, Hodges, Stanley, Haeberle)
5. bystanders (Thompson, Colburn, Haeberle)

Discuss:

- the enormity of the tragedy for the victims;
- the soldiers' state of mind prior to the operation on 16 March;
- the factors influencing the soldiers' behaviour;
- the difficulties in distinguishing between combatants and civilians;
- the responsibilities of commanding officers;
- the responsibilities of ordinary soldiers for their own actions;
- how IHL and the instructions on the "Pocket card" relate to the operation at My Lai (its planning and its execution);
- the effect of the tragedy on the soldiers themselves.

NOTE

If time allows, replay some segments for discussion. The transcript can be useful for reviewing what the men said about their experiences at My Lai.

Distribute the "What happened cards." Each student should receive the card that matches the "Profile card" that he or she was given earlier.

STUDENT 3D.7 RESOURCES

Ask them to compare their answers to the questions on the "Profile cards" with what they now know from the video and the "What happened cards."

The exploration

Possible questions:

> Why do you think these soldiers did these terrible things?
[For example, lack of proper military training in IHL, perceptions of the enemy, obeying orders, prior experiences as victims, peer pressure, thinking that 'the end justifies the means,' the information they were given that My Lai was a Viet Cong (VC) stronghold, assuming that VC mingled with civilians]
> Why did some soldiers refuse to take part in the massacre?
> What difference, positive or negative, could a bystander make?
> Why is obedience important while fighting a war?
> Should soldiers follow even unlawful orders?
> What do you think soldiers should do when they are uncertain whether the enemy before them is a civilian or a combatant?
> How might the soldiers have been affected by what they did at My Lai?
> How can tragedies like this one be prevented?

There are only a few people who were in those circumstances who had the presence of mind and the strength of their own character to see themselves through those circumstances. Most didn't – even people I knew. I was stunned to discover that they made the wrong choice. They have to live with it. So do I, so do we all.
– Ron Ridenhour, Viet Nam veteran

4. WHAT WENT WRONG? WHAT WENT RIGHT? (15 minutes)
Have students tell the class what the soldiers on their cards did. Make a list of these actions and display it where all can see.

Then ask students to suggest which actions are examples of 'what went right' and which represent 'what went wrong.' Mark the former with ✚ signs and the latter with ━ signs. Have students give reasons for their opinions.

The most fundamental problem we must address when dealing with any war crime is the profound fear of death that soldiers experience. In order to overcome fear during war, people tend to rely upon violence, which in turn degrades their morals and manifests itself as an outbreak of brutality.
– Professor Yuki Tanaka, Hiroshima Peace Institute

5. WHAT SHOULD HAPPEN NEXT? (15 minutes)

Ask students to read "What should happen next?" and to think about what the soldiers on their cards thought and felt on the night of 16 March 1968. Then have them write down their responses to the question on their "What happened cards."

3D.8 **STUDENT** RESOURCES
3D.7 **STUDENT** RESOURCES

Discuss:

- what students wrote down;
- what they think soldiers and commanding officers should do and why;
- what they think about the responsibility of a soldier who follows unlawful orders;
- what they think about the responsibility of a commanding officer who gives unlawful orders;
- what they think about the responsibility of a commanding officer who knew or should have known that atrocities would be committed but failed to prevent them.

The exploration

6. CLOSE (5 minutes)

Present "A letter to reveal the truth," and discuss the role of outsiders in uncovering the truth and in determining who was responsible and for what.

STUDENT RESOURCES 3D.9

Possible questions:

> Who is responsible for reporting violations of IHL?
> Why did Ron Ridenhour, a soldier who wasn't even at My Lai, do what he did?

Our generals, I obey when their command is righteous, but when evil, I shall not obey, and here, as in Troy, I shall show my nature free to fight my enemy with honour.
– the Greek hero Achilles, in Euripides's Iphigeneia in Aulis

! KEY IDEAS

- Distinguishing between civilians and military targets is fundamental in implementing IHL.
- Commanders must not give, and ordinary soldiers must not obey, unlawful orders.
- Respecting and ensuring respect for IHL is the obligation of all those involved in fighting.

Extension activities

PSYCHOLOGY OF ATROCITIES

Choose an incident from history. Read American psychiatrist William Gault's analysis of the various perceptions and factors that may lead to the commission of atrocities, and then apply it to the incident you chose.

1. The enemy is everywhere
   (Overwrought soldiers see threats looming everywhere around them.)
2. The enemy is not human
   (Using derogatory terms for the enemy reflects this tendency to dehumanize them.)
3. No personal responsibility
   (Being part of a unit and following orders can mean shared responsibility is no one's responsibility.)
4. Pressure to act
   (Combat units that not fight become restless especially when mines and snipers cause casualties. The frantic soldier is driven to mindless revenge.)
5. The urge to dominate in violent personalities
   (Brutal war suits the character of such men, where their actions are often admired and they gain leadership.)
6. Firepower
   (The lightweight M-16 shoots ten bullets a second. A terrified or angry soldier can just point his rifle in the enemy's general direction and open up a torrent of destruction.)

– William Gault, *Some Remarks on Slaughter*

WHO IS GUILTY? A DEBATE

Prepare for and take part in a debate on the following proposition:

People who do not speak out when they know that a war crime has been committed are accomplices in the crime.

RESEARCH

Find examples of atrocities that have been committed in your country, or by members of the armed forces of your country or by other armed groups.

If such examples are not available, search for them in the history of another country. Write a report comparing what you have discovered with what happened at My Lai.

Extension activities

ENFORCEMENT DILEMMAS

With a partner or in a small group, work on the dilemma scenario "There was no mercy."

STUDENT RESOURCES 3D.10

Complete Part A before reading Part B. Before making your decision, consider each point of view, the various kinds of pressure affecting the situation and the possible consequences – both immediate and long-term.

Then read Part B, and respond to the question at the end.

DILEMMA: RESPONSIBILITY FOR ACTS COMMITTED UNDER PRESSURE OR ORDERS

Write about your experience, or exchange stories with a classmate about the following questions:

> Have you ever been asked to do something you felt was wrong, but you did it anyway because you felt pressure? How did you feel afterwards, and what were the consequences of the actions taken?

OR

Find a news story where someone acted on orders from an authority, while knowing it was wrong to do so. Examine the chain of consequences from that event.

Attack on My Lai – Background

Charlie Company (C Company) arrived in Viet Nam in December 1967. It was assigned to Quang Ngai Province, which US military officials considered to be a Viet Cong (VC) stronghold. Its mission was to rid the area, including the village of My Lai, of the VC. One of the tactics employed by the VC was to mingle with civilians.

The 120 men of C Company came from all over America. Their average age was 20. Their military training had included one hour of instruction on the rights of prisoners. Each soldier was also given a Pocket card that contained instructions on the treatment of prisoners: "The enemy in your hands." In the three months since their arrival in Viet Nam, five members of the company had been killed and 28 wounded.

On 14 March 1968, a booby-trap killed a popular sergeant, blinded another soldier and wounded several others. Feelings of revenge must surely have been running high on the evening of 15 March when, following the funeral service, the commanding officer of C Company, Capt. Ernest Medina, gave the soldiers a pep talk and instructions for the next day's mission. The company would be conducting a large-scale assault; their job was to engage the VC's 48th Battalion and to destroy the village of My Lai.

Exactly what Capt. Medina said on that occasion has been the subject of much debate. He remembers his words like this: "I did not give any instructions as to what to do with women and children in the village." Some of the soldiers agree that this was the case. Others are convinced that Medina ordered them to kill everyone in the village.

Profile cards

PROFILE

Michael Bernhardt

Bernhardt was a 24-year-old who had one of the most dangerous jobs in the army. He was a 'tunnel rat.' The enemy used a system of underground tunnels to move a lot of material. 'Tunnel rats' were needed to search these tunnels, which were booby-trapped.

Although he had enlisted voluntarily, Bernhardt had a way of questioning authority that had caused run-ins with superiors. He was also fond of writing letters of complaint to US Congressmen in Washington about what was wrong with the US Army. In January and February, he had become disturbed by how he saw the men in Charlie Company treating their captives.

Bernhardt: *When I saw acts that would be called atrocities if somebody else had done them, I began to think that maybe I was wrong* (...) *maybe that this is the way things really were. I tried not to think like that. I tried to keep my own values together, but it was not easy. Little by little, I began to see that this group of men was getting out of control.*

Questions:
> **What might he expect to happen the next day?**
> **What do you think he will do when facing villagers at My Lai?**

PROFILE

Lieutenant William Calley

Lt Calley was the commanding officer of Charlie Company's 1st Platoon. He was 24 years old and the soldiers under his command referred to him as "as a kid trying to play war." His attitude towards the Vietnamese was summed up by a soldier who said that if Calley's men "wanted to do something wrong, it was all right with him."

He remembered Capt. Medina's briefing like this:

Calley: *He said it was completely essential that at no time* [should] *we lose our momentum of attack, because the two other companies that had assaulted the time in there before, had let the enemy behind him (...) which would disorganize him when he made the final assault.* (...) *So it was our job this time to go through, neutralize these villages by destroying everything in them, not letting anyone get in behind us...*

Questions:
> **What might he expect to happen the next day?**
> **What do you think he will do when facing villagers at My Lai?**

PROFILE

Lawrence Colburn

Colburn dropped out of school at the age of 17 to join the army. A year later, he became door-gunner on a helicopter. He served in the 123rd Aviation Battalion. On 16 March 1968, his job was to provide air support for the ground troops as they entered the village of My Lai.

Questions:
> **What might he be expecting to see the next day?**
> **What do you think he will do when facing villagers at My Lai?**

S.3D

Profile cards

PROFILE

Sergeant Ron Haeberle

Sgt Haeberle was an army photographer, part of a two-man team sent in to cover the operation for the army's newspaper. The team's job was to provide stories and photos about the war that would be sent to newspapers back in the United States. He carried a rifle and two cameras – the camera issued by the army and his own camera, with which he took photos for himself.

Questions:

> **What might he expect to do and see the next day?**

> **What do you think he will do when facing villagers at My Lai?**

PROFILE

Colonel Oran Henderson

Col. Henderson had served over 25 years in the army and hoped to become a general. Despite never having taken part in active combat, he had recently been put in charge of the 11th Infantry Brigade and three other infantry brigades (3,500 troops in all). My Lai was his first combat operation. Major-General Samuel W. Koster, who appointed him and to whom he reported, described him like this: "A brave individual and, I thought, a fairly strong leader. I wasn't sure that he was necessarily the most intelligent of the people I had commanding the brigades." On 16 March, he would be in constant radio contact with the operation from his post at the base.

Questions:

> **What might he expect to happen the next day?**

> **What do you think he will do if he receives reports of his men killing villagers?**

PROFILE

Robert Maples

Private Maples was 19, a machine-gunner in Charlie Company. He was a quiet man who had joined the army out of curiosity about Viet Nam.

Questions:

> **What might he expect to happen the next day?**

> **What do you think he will do when facing villagers at My Lai?**

Profile cards

PROFILE

Sergeant Kenneth Hodges

Sgt Hodges was proud of the men of Charlie Company, whom he had helped train before they went to Viet Nam. As a sergeant, he would command a small group of them during the incident at My Lai.

Hodges: *The understanding of the order that was given was to kill everybody in the village. Someone asked if that meant the women and children, and the order was 'everyone in the village,' because those people that were in the village – the women, the kids, the old men – were Viet Cong or they were sympathetic to the Viet Cong. They were not sympathetic to the South Vietnamese army, and they weren't sympathetic to the Americans. They were not helping us in the war effort. It was quite clear that no one was to be spared in that village.*

Questions:
> **What might he expect to happen the next day?**
> **What do you think he will do when facing villagers at My Lai?**

PROFILE

Harry Stanley

Stanley was an ammunition carrier and grenade launcher in Charlie Company. Harry and his eight brothers and sisters had been brought up by a mother who believed in working hard, going to school and attending church on Sundays. He taught himself to speak Vietnamese and came to know the language better than those who had been trained in it by the military.

Stanley: *All my mother's children had to believe that everybody's equal because that's what she believed.*

Questions:
> **What might he expect to happen the next day?**
> **What do you think he will do when facing villagers at My Lai?**

PROFILE

Captain Ernest Medina

The commanding officer of Charlie Company, 32-year-old Capt. Medina was popular with his men. He was a career soldier who had joined the army at 16 by lying about his age. He addressed the company on the night before the attack on My Lai.

Medina: *I also told them that (...) we had authorization to destroy the village, they could burn the buildings, they could destroy the livestock and they could destroy the food crops, and that they could close the wells that supplied the drinking water. I also told them that this was to be our chance to get even with the 48th Viet Cong Battalion that had been (...) placing mines and booby-traps in our area of operations, the ones that were shooting at us (...) and this would be our chance to get even with them and to go in and face them and do battle with them.*

Questions:
> **What might he expect to happen the next day?**
> **What do you think he will do when facing villagers at My Lai?**

Profile cards

PROFILE

Varnado Simpson

Simpson was 22 when he went to Viet Nam to serve as a soldier in Charlie Company.

Simpson: *I was a rifleman specialist fourth class. I was trained to kill but the reality of killing someone is different from training and pulling the trigger. To us there were no civilians. They were VC sympathizers. You don't call them civilians. To us they were VC. You don't have any alternatives. You got to do something. If they were VC and they got away, then they could turn around and kill you. You're risking your life doing that work.*

Questions:

> **What might he expect to happen the next day?**

> **What do you think he will do when facing villagers at My Lai?**

PROFILE

Warrant Officer Hugh Thompson

At 25, Thompson was a career soldier who loved his job as a helicopter pilot. In 1965, he had signed up for an army flight programme to help in the war in Viet Nam. His helicopter was not attached to Charlie Company but to the 123rd Aviation Battalion, which had been assigned to circle above an area believed to be filled with the Viet Cong's 48th Battalion. The plan was for these small helicopters to locate the enemy by drawing their fire and to then get out of the way for a big US gunship to attack the Viet Cong from the air.

Questions:

> **What might he expect to see the next day?**

> **What do you think he will do when facing villagers at My Lai?**

PROFILE

Fred Widmer

Widmer's assignment for 16 March was to accompany Capt. Medina throughout the morning in My Lai as his radio operator. Before 16 March, Widmer had liked to spend time with Vietnamese children in the surrounding villages.

Widmer: *When we were first in the country, we would go to the villages up and down the highway. You'd play with the kids in between pulling guard duty. You would always take them stuff – candy, pop. You would take pictures with them. GIs* [ordinary soldiers] *with the kids. You got to meet a lot of people. When we started losing members of the company, it was mostly through booby-traps and snipers. We never really got into a main combat where you could see who was shooting at you and you could actually shoot back.*

Questions:

> **What might he expect to happen the next day?**

> **What do you think he will do when facing villagers at My Lai?**

Immediate chain of command at My Lai

Pocket card

DISTRIBUTION – one to each member of the United States Armed Forces in Viet Nam (September 1967)

The enemy in your hands

As a member of the US Military Forces, you will comply with the Geneva Prisoner of War Convention of 1949 to which your country adheres. Under these Conventions:

You can and will:
- Disarm your prisoner.
- Immediately search him thoroughly.
- Require him to be silent.
- Segregate him from other prisoners.
- Guard him carefully.
- Take him to the place designated by your commander.

You cannot and must not:
- Mistreat your prisoner.
- Humiliate or degrade him.
- Take any of his personal effects that do not have significant military value.
- Refuse him medical treatment if required and available.

ALWAYS TREAT YOUR PRISONER HUMANELY.

Source: Military Assistance Command, Vietnam (MACV) Pocket Card.

What happened at My Lai

As dawn broke on 16 March 1968, assault helicopters peppered the ground with artillery fire to clear the area for other helicopters carrying soldiers. By the time the troop helicopters landed, any Viet Cong (VC) fighters in the vicinity had probably left. The soldiers of Charlie Company (C Company) encountered no opposition on their arrival.

At the landing zone, some soldiers, catching sight of Vietnamese running away, opened fire on them. Then, tense and expecting to run into heavy fire from VC positions, they lined up and moved into the village. Someone pointed to a spot where he had seen a Viet Cong. A squad leader, Sgt David Mitchell, said, "Shoot him," and somebody did.

Once the killing had begun, it escalated quickly. While some of the men refused to kill unarmed and unresisting villagers, others joined in when they saw their fellow soldiers doing so. In less than four hours, well over 500 unarmed villagers were slaughtered and their village completely destroyed.

Video transcript

S.3D

What we did at My Lai

Narrator: *On 15 March, plans were drawn up for an attack on My Lai, believed by Intelligence to be the headquarters of a Viet Cong battalion. Charlie Company was to mount the main attack and fierce battle was anticipated.*

The attack on My Lai started just after 7 o'clock in the morning. It was a Saturday. According to Intelligence, all civilians would have gone to market. Anyone still in the village would be Viet Cong. But Intelligence was wrong.

Varnado Simpson, former rifleman – Charlie Company
This is my life; this is my past; this is my present; this is my future. And I keep it to remind me that this is what I am. This is what made me this way.

Kenneth Hodges, former sergeant – Charlie Company
The transition from civilian to soldier is a very distinct and a very rigorous training. Soldiers are taught all the things that they need to know about being a good soldier in those very early days and weeks in basic training.

They are taught how to use weapons, how to use weapons to kill. They are taught how to drill. How to march with weapons. And all of those drills and different manoeuvres are carried out by orders.

We wanted soldiers highly motivated. The trainer's way of motivating them was to have a command and response from the soldiers. He would say, 'What is the spirit of the bayonet?' and get the reply, 'To kill, Sergeant, to kill!' So soldiers were motivated along these lines. He would drill them into a state of readiness through his talking and through his teaching of what the spirit was.

I was one of the sergeants who trained the men of Charlie Company. I was very pleased with the way they turned out. They turned out to be very good soldiers.

Fred Widmer, former radio operator – Charlie Company
When we were first in the country, we would go to the villages up and down the highway. You'd play with the kids in between pulling guard duty. You would always take them stuff – candy, pop. You would take pictures with them. GIs with the kids. You got to meet a lot of people.

Michael Bernhardt, former 'tunnel rat' – Charlie Company
There was no one else but us. We were in this company and this place all alone. We had a company of men that all came from one country, from the same culture and we were dropped 10,000 miles away – and we felt close that way because there was nobody else to feel close to.

Fred Widmer
When we started losing members of the company, it was mostly through booby-traps and snipers. We never really got into a combat where you could see who was shooting at you and you could actually shoot back, one-on-one. Booby-traps was the main problem.

Varnado Simpson
I had seen the enemy, yes, but who is the enemy? Little kids, they would shoot you or stab you in the back when you started to walk away. Who is the enemy? I can't distinguish between the enemy – the good and the bad, all of them look the same. That's the reason the war was so different. It wasn't like Germans over here or Japanese over there. They all look alike, the North and the South. So how can you tell?

Michael Bernhardt
When I saw American soldiers committing acts that would have been called atrocities if somebody else had done them, I began to think that maybe I was wrong – that maybe I had been just too naive all my life and maybe that this is the way things really were. I tried not to think like that; I tried to keep my own values together, but it was not easy. Little by little, I began to see that this group of men was getting out of control.

Kenneth Hodges
The understanding of the order that was given was to kill everybody in the village. Someone asked if that meant the women and children, and the order was 'everyone in the village.' Because those people that were in the village – the women, the kids, the old men – were Viet Cong themselves or they were sympathetic to the Viet Cong. They were not sympathetic to the South Vietnamese army and they weren't sympathetic to the Americans. They were not giving us any assistance; they were not helping us in the war effort whatsoever.

Video transcript

What we did at My Lai

Fred Widmer
My understanding was that we were going in, we were going to get into one hell of a fight, and we were going to kick some ass, and when we got done, there wasn't going to be anybody left.

Varnado Simpson
I was 19 when I went to Viet Nam, I was a rifleman specialist fourth class. I was trained to kill, but the reality of killing someone is different from training and pulling the trigger.

I didn't know that I was going to do that. I knew the women and children were there, but for me to say that I was going to kill them, I didn't know I was going to do that until it happened. I didn't know I was going to kill anyone. I didn't want to kill anyone. I wasn't raised up to kill.

She was running with her back from a tree line, but she was carrying something. I didn't know if it was a weapon or what. I knew it was a woman, and I didn't want to shoot a woman, but I was given an order to shoot. So I'm thinking that she had a weapon running, so I shot. When I turned her over, it was a baby. I shot her about four times, and the bullets just went through and shot the baby too. And I turned her over and saw that the baby's face was half gone. I just blanked. The training came to me, the programming to kill, and I just started killing.

That day in My Lai I was personally responsible for killing between 20 and 25 people. I wasn't the only one that did it. A lot of people were doing it, so I just followed suit. I just lost all sense of direction, of purpose; I just started killing any kind of way I could kill. I didn't know I had it in me, but after I killed that child, my whole mind just went. And once you start, it is very easy to keep on. The hardest part is to kill; but once you kill, it becomes easy to kill the next one and the next one.

This is my life. Even if I don't open this scrapbook, I see it – in my nightmares – even if I don't open this book, it's still there.

Fred Widmer
The most disturbing thing I saw was one boy – and this is what haunts me – a boy with his arm shot off, half hanging on, and he just had a bewildered look in his face like, 'What did I do, what's wrong?' It's hard to describe – he couldn't comprehend. I shot the boy, killed him. I'd like to think of it as a mercy killing, because someone else would have done it in the end. But it wasn't right.

Kenneth Hodges
As a professional soldier, I had been taught to carry out the orders, and at no time had it ever crossed my mind to disobey or to refuse to carry out an order that was issued by my superiors.

If one of my men had refused to shoot, I shudder to think what would have been the repercussions. It's hard to say now what I would have done. At the time, he would have been in serious trouble. He could have faced court-martial; he could have been shot on the spot for refusing an order in face of the enemy, in face of hostile fire. At the time we did not realize that there was no hostile fire – at the time.

I feel that these soldiers were able to carry out the assigned task, the orders (that meant killing small kids, killing women) because they were soldiers. They were trained that way; they were trained that when you get into combat, it's either you or the enemy. The people that were in that village – the women, the little kids, the old men – were all considered the enemy. I feel that we carried out the orders in a moral fashion – the orders of destroying the village, of killing the people in the village. I feel that we did not violate any moral standards.

Harry Stanley, former GI – Charlie Company
Lieutenant Calley ordered certain people to shoot these people, and I was one of them. I refused, and he told me that he was going to have me court-martialled [tried by military tribunal] *when we got back to base camp. I told him what was on my mind at the time: 'Ordering me to shoot down innocent people – that is not an order; that is craziness to me. And so I don't feel that I have to obey that. And if you want to court-martial me, you do that. If you can get away with it.'*

I felt that it was horrible, just a terrible thing to be going on, and American boys doing this. I feel like I'm a red-blooded American boy just like any of the rest of the guys that were there. I'm talking about black or white – black and white guys doing this, it didn't make any difference. It just seemed like a horrible thing.

Video transcript

S.3D

What we did at My Lai

We all came from the same place and I know that they all had the same values that I had somewhere along the line. If they didn't get it from school, you could pick it up from a stranger! It's just simple. But to go and do something like this! It's just immoral to me. That is just the way I feel about it.

Ron Haeberle, former US Army photographer

I happened upon a group of GIs surrounding these people. One of the American GIs yelled out, 'Hey, he has a camera!' So they kind of all dispersed just a little bit. And I came up, and I notice one girl is kind of frantic and a woman is trying to protect the small child. And an older woman in front is pleading, begging, and the other person was buttoning her blouse and holding a small baby.

I took the photo. I thought they were going to question the people. But just as soon as I walked away, I heard firing. I looked around, over my shoulder, and I saw the people drop. I just kept on walking.

Hugh Thompson, former Aeroscout helicopter pilot

During the mission, as it was going on, we started seeing a lot of bodies. It didn't add up – how all those people were getting killed and wounded and we weren't receiving any enemy fire. It didn't make sense; there were too many casualties there. And the locations they were in – artillery couldn't do this, because there were bodies in places that artillery didn't hit.

Lawrence Colburn, former helicopter door-gunner

Warrant Officer Thompson was desperate to get these civilians, what he believed to be civilians, out of this bunker and into a safe area. He had seen that what he was trying to do to help the civilians on the ground was not getting done. He was convinced that our ground forces would kill these people if he couldn't get to them first. He landed the aircraft in between the American forces and the Vietnamese people in the bunker. He got out of the aircraft and had us get out of the aircraft with our weapons to cover him. He went and talked to the lieutenant there. He asked the lieutenant how he could get these people out of the bunker. The lieutenant said that the only way he knew was with hand grenades.

So when Warrant Officer Thompson came back to the aircraft, he was furious! And he was desperate to get these people out of the bunker. He told us that he was going over to the bunker himself to see if he could get them out. I don't even think he took a rifle with him. He told us if the Americans were to open fire on these Vietnamese while he was getting them out of the bunker, that we should return fire on the Americans.

Hugh Thompson

When I did instruct my crew chief and gunner to open fire on our soldiers if they opened fire on any more civilians, I don't know how I would have felt if they would have opened fire on them. But that particular day I wouldn't have given it a second thought.

Ron Haeberle

At the time, I was just capturing a reaction. But when you look at a photograph later on in life, and you know now that these people are dead – they were shot – it is just kind of an eerie feeling that goes through your whole body. You think back: Could I have prevented this? How could I have prevented this?

What happened cards

WHAT HAPPENED

Michael Bernhardt

Bernhardt: *It was point-blank murder. I just told them the hell with this, I'm not doing it. I didn't think this was a lawful order.*

Bernhardt says that Capt. Medina, his company commander, knew that Bernhardt did not participate in the slaughter at My Lai and was therefore a potentially troublesome person. Medina came to him the morning after the massacre and said, "Bernhardt, you better keep your mouth shut about this."

Question: What do you think Bernhardt will do about the massacre and why?

WHAT HAPPENED

Lawrence Colburn

Colburn agreed with his pilot, Hugh Thompson, to land the helicopter to evacuate the Vietnamese to safety. Before they could land, they saw American soldiers killing the people whom they had been planning to save.

Thompson landed the helicopter near a bunker where the soldiers were threatening a group of villagers. While Thompson went to attempt to save the villagers, Colburn and the other helicopter gunner protected him by pointing their machine-guns at the American soldiers. Thompson told his two gunners that if the American soldiers shot at him or at the Vietnamese, they were to fire on the soldiers. Colburn promised he would.

Question: What do you think Colburn will do about the massacre and why?

WHAT HAPPENED

Lieutenant William Calley

Lt Calley ordered the soldiers in his platoon to round up villagers and shoot them. When some of his men resisted the order, he began to shoot them himself.

Calley: *We weren't in My Lai to kill human beings. We were there to kill ideology that is carried by – I don't know – pawns, blobs, pieces of flesh, and I wasn't in My Lai to destroy intelligent men. I was there to destroy an intangible idea, to destroy communism.*

I was ordered to go in there and destroy the enemy. That was my job that day. That was the mission I was given. I did not sit down and think in terms of men, women and children. They were all classified the same, and that was the classification that we dealt with, just as enemy soldiers. (...) I felt then and I still do that I acted as I was directed, and I carried out the orders that I was given and I do not feel wrong in doing so.

Question: What do you think Lt Calley will do about the massacre and why?

What happened cards

WHAT HAPPENED

Robert Maples

Several dozen villagers had been forced into a ditch, many of them sobbing and begging for their lives. Lt Calley announced that it was time to get ready to shoot them; some of the men resisted.

Calley directly ordered Robert Maples to load his weapon and start shooting, but Maples refused. Calley then pointed his weapon at Maples, threatening to shoot him for disobeying a direct order. Two or three other soldiers stepped in and sided with Maples. Calley fired at the people in the ditch himself.

Question: What do you think Maples will do about the massacre and why?

WHAT HAPPENED

Sergeant Ron Haeberle

Using his own camera, Haeberle began taking pictures of villagers who had been shot dead. As he prepared to photograph a wounded four-year-old who was looking for his mother, three rifle shots rang out at close range, and the child fell to the ground. Haeberle turned and found himself looking into the eyes of an 18- or 19-year-old soldier who stared back blankly.

Haeberle: *I think back – Could I have prevented this? How could I have prevented this? And this is a question that I still kind of ask myself today.*

Question: What do you think Sgt Haeberle will do about the massacre and why?

WHAT HAPPENED

Colonel Oran Henderson

Because helicopter pilots were sending in messages describing what was taking place on the ground below them, Col. Henderson ordered Capt. Medina to return to the village in the afternoon to investigate exactly how many civilians had been killed. But Major-General Koster cancelled that order.

Instead, Col. Henderson assembled the men of Charlie Company and asked them as a group if anyone had been involved in indiscriminate killing. He later reported to his superiors that all of them had replied, "No, sir." However, many of the men who were there have since testified that what they had said was, "No comment."

Three days later, Col. Henderson reported that his investigation was complete and that no indiscriminate killing had taken place. Later, while giving testimony, he denied ever being told anything about his troops wantonly killing large groups of civilians.

Question: Given his position of authority, what do you think Col. Henderson will do next and why?

What happened cards

WHAT HAPPENED

Sergeant Kenneth Hodges

Hodges: *As a professional soldier, I had been taught to carry out the orders, and at no time had it ever crossed my mind to disobey or to refuse to carry out an order that was issued by my superiors. If one of my men had refused to shoot (...) he could have faced court-martial; he could have been shot on the spot for refusing an order in face of the enemy, in face of hostile fire.*

I feel that they were able to carry out (...) orders that meant killing small kids, killing women, because they were soldiers. They were trained that when you get into combat it's either you or the enemy. The people that were in that village (...) were all considered the enemy. I feel that we carried out the orders in a moral fashion. The orders of destroying the village, of killing the people in the village – I feel that we carried out our orders, and we did not violate any moral standards.

Question: What do you think Sgt Hodges will do about the massacre and why?

WHAT HAPPENED

Captain Ernest Medina

Soldiers reported seeing Capt. Medina shoot a woman as well as a little boy who was looking for his mother among the dead.

One soldier, who estimates that he himself killed 40 or more civilians, said of Medina, "He was right there when it happened. Why didn't he stop it? Medina just kept marching around. He could have put a stop to it anytime he wanted."

Question: What do you think Capt. Medina will do about the massacre and why?

WHAT HAPPENED

Varnado Simpson

He saw a woman fleeing and hugging something to her chest. Fearing that it might be a gun or an explosive device, Simpson opened fire. Her lifeless body dropped to the ground. He rolled her over cautiously, afraid that she might be carrying a booby-trap. Underneath her was a dead baby.

Simpson: *I knew the women and children were there, but for me to say that I was going to kill them – I didn't know I was going to do that until it happened. I didn't know I was going to kill anyone. I didn't want to kill anyone. I wasn't raised up to kill. I just lost all sense of direction or purpose. I just started killing any kind of way I could kill. It just came. I didn't know I had it in me. But after I killed that child, it just went.*

Question: What do you think Simpson will do about the massacre and why?

What happened cards

WHAT HAPPENED

Fred Widmer

Widmer and Capt. Medina came upon a little boy of three or four whose arm had been shot off.

Widmer: *This is what haunts me from the whole ordeal down there* (...) *a boy with his arm shot off, half hanging on* (...) *and he just had this bewildered look in his face like 'What did I do? What's wrong?' He couldn't comprehend. And – I shot the boy, killed him – and – I like to think of it more or less as a mercy killing because someone else would have done it in the end, but it wasn't right.*

Question: What do you think Widmer will do about the massacre and why?

WHAT HAPPENED

Harry Stanley

When Lt Calley ordered Stanley to shoot villagers who had been herded into a ditch, Stanley refused.

Stanley: *I wasn't brought up that way, to be killing no women and children. I'm not going to do it.*

Calley thrust his rifle into Stanley's stomach and threatened to kill him, shouting that he wasn't bluffing. Stanley said he wasn't bluffing either. He said to Calley:

We are all going to die here anyway. I just as soon go out right here and now – but I ain't killing no women and children.

Later, Stanley explained his actions.

Lt Calley told me that he was going to have me court-martialled when we got back to base camp. I told him what was on my mind at the time. Ordering me to shoot down innocent people, that's not an order; that's craziness to me. And so I don't feel that I have to obey that. And if you want to court-martial me, then you do that – if you can get away with it. I felt that it was horrible, just a terrible thing to be going on.

Question: What do you think Stanley will do about the massacre and why?

WHAT HAPPENED

Hugh Thompson

Thompson landed his helicopter to evacuate villagers who had been wounded. He met Lt Calley on the ground and an argument ensued. Calley told him to get back in his helicopter and to mind his own business. From the air, Thompson and his crew saw some American soldiers moving in on a group of terrified villagers. He decided to rescue them. He landed his helicopter again and instructed his two-man crew to shoot any American soldier who opened fire on the villagers he was hoping to save.

Thompson: *When I did instruct my crew, to open up on the Americans if they opened up on any more civilians* (...) *I don't know how I would have felt if they would have opened up on* [our own soldiers]. *But that particular day, I wouldn't have given it a second thought. They were the enemy at that time, I guess.*

Thompson reported to headquarters during the day that he and his crew were seeing widespread killing of civilians at My Lai.

Question: What do you think Thompson will do next and why?

What should happen next?

- It is the responsibility of all military personnel having knowledge of an incident or an act thought to be a war crime to report it to their commanding officer as soon as possible.
- Personnel will make every effort to detect the commission of war crimes and to report the essential facts to their commanding officer.
- Persons discovering war crimes will take all possible actions to preserve evidence, to note the identities of witnesses, and to record the circumstances and surroundings.

Source: MACV Military Directive 20-4.

A letter to reveal the truth

Ron Ridenhour

When he was nearing the end of his two-year tour of duty in Viet Nam, Ron Ridenhour, a 22-year-old helicopter gunner from the 11th Infantry Brigade, who was not at My Lai, heard stories of the massacre that had taken place. During the remainder of his time in Viet Nam, he sought out people who had been there to gather information about what had taken place.

> *I was determined to cause an investigation of some kind. I was a kid. I had no idea how to do it, but I knew the first thing I needed was the facts.*

He needed an eyewitness and was able to find Mike Bernhardt. Bernhardt told Ridenhour that when he got out of the army he planned to track down all the officers in the chain of command responsible for My Lai and assassinate them. Realizing that Bernhardt was upset enough to carry out his threat, Ridenhour offered an alternative.

> *I said, 'So why don't we try my plan? I'm going to get an investigation going. And if I do, will you tell the truth?' He said, 'You tell the truth, I'll tell the truth.'*

When he got out of the army in March 1969, Ridenhour sent a letter detailing what he had learned about My Lai to the country's military leaders, members of the US Congress and the President of the United States.

There was no mercy

PART A:
In 1914, during World War I, a German soldier's battalion was advancing on surrendering Russian troops.

Above the terrible thunder of the cannon could be heard the heart-rending cries of the Russians: 'O Prussians! O Prussians!' But there was no mercy. Our captain had ordered: 'The whole lot must die; so rapid fire.' As I have heard, five men and one officer on our side went mad from these heart-rending cries. But most of my comrades and the officers joked as the unarmed and helpless Russians shrieked for mercy while they were being suffocated in the swamps and shot down.

Question: As that soldier, what would you do about this incident?

POSSIBLE POINTS OF VIEW TO CONSIDER:
- that soldier's comrades
- his captain
- a surrendering Russian soldier
- the German military courts

PART B:
Because the United States was neutral in 1914, both sides in World War I looked to it as an impartial nation able to intercede on behalf of victims of the war. The words quoted above were taken from a letter written by that young German soldier to the United States embassy in Berlin. His letter ended with these words:

I would give my name and regiment, but these words could get me court-martialled for divulging military secrets.

Source: Richard Garrett, *P.O.W.*, David & Charles, London, 1981.

Question: As a diplomat at a neutral embassy, what would you do?

POSSIBLE POINTS OF VIEW TO CONSIDER:
- the diplomat's own government
- the Russian government
- the German government
- the soldier who wrote the letter
- other soldiers on both sides

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OBJECTIVE

- to become aware of the ways in which international humanitarian law (IHL) is being applied and of efforts to prevent violations of the law

1. Find a news report that shows one of the rules of IHL being applied.
[For example: exchange of prisoners, caring for a wounded enemy, protecting civilians]

> What rule is being implemented? What are the consequences?

AND

2. Find a news report that shows efforts to prevent violations of IHL.
[For example: IHL training for combatants, a leader's speech or actions]

> What events led to these efforts?

> What consequences did these efforts have, or might they have in the future?

Find an incident that occurred in your area that makes you think of instances of human dignity being violated and of efforts to stop such violations.

Assessment

METHODS OF ASSESSMENT

ONGOING ASSESSMENT

Exploring Humanitarian Law (EHL) provides teachers with daily opportunities to find out what their students are learning and what misconceptions they might have. Active teaching methods, such as class discussion, small group work, brainstorming and role-playing all provide such opportunities.

Take five minutes at the end of class to have students write down one- or two-sentence answers to the following questions:

> What did you learn today?
> What remaining questions do you have?

Read through their responses, and use them to build on students' knowledge and clarify any misconceptions for the next lesson.

PORTFOLIO OF STUDENT WORK

In each module, students are asked to carry out activities such as interviewing people, illustrating concepts with poems, plays or artwork and writing research papers on particular topics.

Keep a folder or portfolio for each student, containing written work, artwork, interviews and news clippings that he or she has contributed in class. Periodically go over the student's work with him or her to monitor progress in understanding international humanitarian law (IHL).

Post samples of students' work where all can see.

END-OF-MODULE QUESTIONS

After Module 3 is completed, you might want to devote the last class session to a written assessment of what students have learned. You could do this with one essay question (20-30 minutes) and two or three short-answer questions (10 minutes each).

Possible essay questions:

> Why do people violate IHL? Include specific examples.
> Describe a difficult choice that a soldier might have to make in a combat situation. What is the dilemma? What are the consequences?

Possible short-answer questions:

> Give two examples of one violation leading to another.
> What is the effect of not knowing who is a civilian?
> What were two dilemmas facing the American soldiers at My Lai?

Assessment

You could ask students to formulate other questions in small groups and then select one of them as the essay question for the whole class. Or you could ask each student to propose a question and then answer it. (The student would be assessed on the quality of the question as well as on the answer.) Or you could select a quote from a newspaper article, a sidebar in the materials or another source and ask students to identify the main point being made in the quote and whether they agree or disagree with it.

CRITERIA FOR ASSESSMENT

An effective student response is one which:

- uses concepts, such as bystander, combatant, dilemma or chain reaction and other terms in the EHL materials;
- gives concrete examples to back up points;
- includes examples from a variety of sources, such as the news media, interviews, class discussion and outside reading.

The above techniques are simply suggestions to help you assess your students' work on the EHL materials. Feel free to adapt them to your needs.

Web resources

VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW

- Grave breaches, International Committee of the Red Cross (http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/57jp2a?opendocument)

RESPONSIBILITIES FOR RESPECTING INTERNATIONAL HUMANITARIAN LAW

- Respecting and ensuring respect for international humanitarian law, International Committee of the Red Cross (http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/section_ihl_state_responsibility?opendocument)
- Implementing international humanitarian law, International Committee of the Red Cross (http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/57JNXN/$File/Implementing_IHL.pdf)

INFORMATION ON THE EVENTS AT MY LAI

- Famous American trials: The My Lai courts-martial 1970 (http://www.law.umkc.edu/faculty/projects/ftrials/mylai/mylai.htm)
- The Vietnam Center and Archive, Texas Tech University (http://www.vietnam.ttu.edu)
- "My Lai: an American Tragedy," *Time* (http://www.time.com/time/printout/0,8816,901621,00.html)
- "The Massacre at My Lai," *LIFE* (http://www.kenrahn.com/Marsh/Vietnam/mylait01.htm)
- "Forgotten heroes of My Lai receive honors," CNN Interactive (http://www.cnn.com/US/9803/06/my.lai.ceremony)

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