



Campion School MUN

2018

HISTORICAL CRISIS

WAR CRIMES OF MY LAI **MASSACRE**

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**International
Community**

**Memorable
Experience**

**Challenges
Skills**



Table of Contents

INTRODUCTION	3
DEFINITIONS OF KEY TERMS.....	4
TIMELINE	5
INTRODUCTION OF TOPIC	8
HISTORICAL BACKGROUND	9
POSSIBLE VERDICTS	10
MAJOR PARTIES INVOLVED.....	13
TOPIC DISCUSSION	17
BIBLIOGRAPHY	18



INTRODUCTION

The Vietnam War was an extensive and preposterous armed conflict, essentially between the socialist regime of North Vietnam and its southern partners, known as the Viet Cong, against South Vietnam and its principle partner, the United States. The actual war started in 1954, after the ascent to power of Ho Chi Minh and his socialist Viet Minh party in North Vietnam and continued throughout the intense Cold War between two world superpowers, the United States and the Soviet Union.

Attributable to the comrade-commanded Viet Cong gaining influence over a significant part of the populace in provincial zones of South Vietnam in 1965, the South Vietnamese Government was losing its hold over the conspicuous regions of the nation. Political flimsiness and internal conflict kept on plaguing both of the governments as external powers thought about this difference as an immediate subordinate of the Cold War.

In the ensuing months they were trailed by thousands more battle powers, marking 1965 as the year in which the United States made the Vietnam conflict an American war. That year was set apart by the significant movement of the U.S troops in Vietnam which basically ensured that the war reached the present result. At the climax of the Cold War, phrases like "American credibility" and "the Domino Theory" a conviction that defeat in South Vietnam would enable communism to purvey all through Southeast Asia obfuscated judgment as Washington considered its alternatives.

The goal of the U.S. and South Vietnam was to avert a communist take-over while North Vietnam and the guerilla Viet Cong looked to join the two segments of the nation. The causes of the Vietnam War could thus be ascribed to firstly, the basic conviction held by America that communism was menacing to extend all over south-east Asia and the arrangement of the Vietnamese Nationalist Movement Viet Minh under the initiative of Ho Chi Minh.



DEFINITIONS OF KEY TERMS

- ***Viet Cong***

“a Communist-led army and guerrilla force in South Vietnam that fought its government and was supported by North Vietnam.”¹

- ***Easter Offensive***

“Knowing that the United States was losing its will to continue the war in Vietnam, the North Vietnamese government in Hanoi decided in January 1972 to attack South Vietnam and thus started the war's largest battle to date. American intelligence knew Hanoi's general intentions, but was wrong on the estimates of the time and place of the offensive. On 30 March 1972—three days before Easter—the North Vietnamese Army (NVA) committed fourteen divisions backed by several hundred tanks and heavy artillery to a three-pronged assault to gain territory and possibly win the war outright.”²

- ***Company***

“A subdivision of a military regiment or battalion that constitutes the lowest administrative unit. It is usually under the command of a captain and is made up of at least two platoons.”³

- ***Platoon***

“Military a subunit of a company usually comprising three sections of ten to twelve men: commanded by a lieutenant.”⁴

¹“Vietcong.” *Dictionary.com*, Dictionary.com, www.dictionary.com/browse/vietcong.

² Offensive.”, “Easter. “Easter Offensive.” Gale Library of Daily Life: Slavery in America, Encyclopedia.com, 2018, www.encyclopedia.com/history/encyclopedias-almanacs-transcripts-and-maps/easter-offensive.

³“Company.” *The Free Dictionary*, Farlex, www.thefreedictionary.com/company.

⁴ “Platoon.” The Free Dictionary, Farlex, www.thefreedictionary.com/platoon.



TIMELINE

1862	The French Empire colonizes Vietnam and its neighboring countries, the region is now known as French Indochina
1890	Ho Chi Minh is born
1930	Ho Chi Minh helps create the Indo-Chinese Communist Party
1941	Viet Minh, an organization fighting for Vietnamese independence, is created so as to counter the invasion of Vietnam by the Japanese
1945	Viet Minh gains control of Vietnam from Japan and Ho Chi Minh declares the establishment of the Democratic of Vietnam, however at that time French troops also arrive back in Vietnam
1946	War breaks out between Viet Minh and the French
1949	Communist China is formed, allowing Viet Minh to train there, where they do not face the direct interference of French troops
1950	The president of the United States, Harry Truman, refuses to acknowledge the Democratic Republic of Vietnam
1954	General Diap defeats the French forces at Dien Bien Phu, thus signaling the end of the French influence in Indochina Vietnam is split and France withdraws its military The United States promise 100 million dollars as a means of financial aid to anti-communist leader Ngo Dihn Diem Vietnam War starts
October 1955	Pro-American Ngo Dihn Diem becomes the first president of South Vietnam The United States make arrangements to train his army
1956	Anyone suspected of being in the Viet Minh is arrested according to the president's orders
1957	Viet Minh begins a campaign using guerilla warfare in South Vietnam



1959	American military advisers are killed, marking them as the first US casualties
1960	The National Liberation Front (NLF) is created in Hanoi, known as Viet Cong in South Vietnam and the United States
1961	The American president, John F. Kennedy, promises more aid to South Vietnam
1962	US military advisers in Vietnam go from 700 to 12.000
1963	The pro-American president, Ngo Dinh Diem, is murdered in a military coup and thus, the United States send nearly 15.000 military advisers in South Vietnam
1964	The Congress passes the Gulf of Tonkin resolution, aiming to combat the incident there which decides to bomb North Vietnam targets and the Viet Cong retaliated by attacking American air bases
March 1965	The first US combat troops are ordered to Vietnam By the end of the year more than 200.000 troops are located at Vietnam
1967	Nguyen Van Thieu is established as the president of South Vietnam
1968	The Tet Offensive is launched, while demonstrations against the Vietnam war begin The number of US troops in Vietnam increases to 540.000
March 16, 1968	My Lai massacre
March 28, 1968	The cover up of the massacre
1969	The United States president, Richard Nixon, secretly sends the order to bomb Cambodia, while simultaneously announcing the beginning of the US troops' withdrawals Communist Leader Ho Chi Minh dies
Nov 1969	US soldier, Paul Meadlo, admitted killing "ten of fifteen men, women and children" at My Lai.
1970	US troops are further reduced to 280.000 as peace discussions are secretly held in Paris



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Historical Crisis: My Lai Massacre

1971	The remaining American soldiers in Vietnam are totaled at 140.000
1973	A ceasefire order is signed in Paris and the last of US troops are removed from Vietnam in addition to prisoners of war
1975	Khmer Rouge takes over Cambodia and the Viet Cong captures Saigon



INTRODUCTION OF TOPIC

On March 16, 1968, a company of armed American soldiers brutally kill unarmed Vietnamese civilians in the village of My Lai. This massacre was one of the most horrific crimes that happened during the Vietnam War. The soldiers while following the orders to destroy and kill anyone who resisted, kill 347 to 504 unarmed Vietnamese women, children and old men, and raped 20 women and girls, some as young as 10 years old.⁵The worst part of this history is that for one year the My Lai massacre has been covered up and a few people knew the truth about the incident. For this one year the public knew that on March 16 the US army had a “successful” operation in the village of My Lai, with 128 Viet Cong partisans killed. The truth behind the My Lai massacre became known after Ron Riderhour, a soldier from the 11th Infantry Brigade during the Vietnam War, wrote a letter to the congress and the Pentagon about his investigation for the My Lai. After that letter, the public opinion turned markedly against the war and researches about the massacre started.

⁵Levesque, Christopher J. “The Truth Behind My Lai.” *The New York Times*, The New York Times, 16 Mar. 2018, www.nytimes.com/2018/03/16/opinion/the-truth-behind-my-lai.html.



HISTORICAL BACKGROUND

On March 15, 1968, soldiers from Charlie Company, 1st Battalion, 20th Infantry Regiment, 11th Brigade, and 23rd (American) Infantry Division were informed about Pinkville, an area in South Vietnam, where the My Lai was located. Pinkville was full of Viet Cong and The US army was planning to destroy the whole area, since they have been informed that the village had no civilians. The US soldiers had the mandate to kill everything that was moving because the Viet Cong was the enemy. The problem was that the information was wrong. The Vietcong Infantry was 15 miles away, in the other side of Quang Ngai.

The next day, March 16, 1968 the US soldiers and their officers were ready. They knew that they are going to face something big but they wanted to prove themselves as a fighting unit. The first platoon was led by Calley, then the second platoon followed and in the end the third platoon with Medina all the soldiers have been dropped off by helicopters. They started killing people at the rice paddies and then they move to the village. The victims of this massacre were men, women, children and even babies. Hugh Thomson, a US military pilot, saw the incident and tried to stop it. He saw a woman in the ground screaming for help, and he asked for help but instead of help, Medina shot her with his gun. When Thomson asked for help again, 100 of people had been killed. The victims of the massacre are approximately 500.

The massacre has been covered up for one year, on March 28, 1968 the Task Force commander Frank Barker submitted a combat action report for the operation in which he stated that the operation in My Lai was a "success" with 128 Viet Cong partisans killed⁶. The first try for the publishing of the story was from Ron Riderhour, who wrote a letter to the congress and the pentagon about the My Lai but his letter was ignored and he never received an answer.

On November, 1969, a US soldier in an interview, Paul Meadlo, admitted killing "ten of fifteen men, women and children" at My Lai. And after this interview, a photographer published photos of the massacre in a magazine and the incident became public. The public opinion about the war has changed and the US government tried to find who was responsible for the massacre.

⁶America's Darkest Hour: a Timeline of the My Lai Massacre." *OUPblog*, 25 Sept. 2017, blog.oup.com/2017/09/americas-darkest-hour-timeline-lai-massacre/



POSSIBLE VERDICTS

+ **Death Penalty**

The defense presented by the defendants, cannot in any way excuse the serious crimes committed and so ultimate punishment must be imposed on them.

+ **Life Imprisonment**

Although the defense does not grant acquittance to the defendants, they cannot be sentenced to death since they were only following orders and such decision would create a fallacious climate. However, their crimes deserve severe punishment and so they should be sentenced to a lifetime in prison.

+ **Imprisonment**

Their defense can justify the actions taken but nevertheless it is not possible to leave their crimes unpunished. Still though, there has to be taken a decision on how many years the defendants must serve in order to justify the needs of justice.

+ **Acquitted**

The defendants are considered not guilty due to the conditions that existed during the time of their actions and also because of the fact that they were another gear in the machine of the military and were thus, forced by the orders that they were given. Considering these facts, they must be acquitted.

+ **No Decision**

There can be no clear reflection as to the punishment of the actions of the defendants, thus not allowing the committee to take a final decision. As an alternative, it is possible to authorize the creation of another court which will decide upon the punishment of the defendants.

+ **Appendix**

1. Aiding the enemy

Any person who—

- a. aids, or attempts to aid, the enemy with arms, ammunition, supplies, money, or other things;
or
- b. without proper authority, knowingly harbors or [protects or gives intelligence to or communicates or corresponds with or holds any intercourse with the enemy, either directly or indirectly;

shall suffer death or such other punishment as a court-martial or military commission may direct.

2. Espionage

Any person subject to this chapter who, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to communicate, deliver, or transmit, to any entity described in paragraph 2, either directly or indirectly, anything described in paragraph 3 shall be punished as a court-martial may direct, except that if the accused is found guilty of an offense that directly concerns

- a. nuclear weaponry, military spacecraft or satellites, early warning systems, or other means of defense or retaliation against large scale attack
- b. war plans



- c. communications intelligence or cryptographic information, or;
- d. any other major weapons system or major element of defense strategy, the accused shall be punished by death or such other punishment as a court-martial may direct.

An entity referred to in paragraph 1 is—

- a. a foreign government
- b. a faction or party or military force within a foreign country, whether recognized or unrecognized by the United States
- c. a representative, officer, agent, employee, subject, or citizen of such government, faction, party, or force.

A thing referred to in paragraph 1 is a document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, note, instrument, appliance or information relating to the national defense.

No person may be sentenced by court-martial to suffer death for an offense under this section (article) unless—

- a. the members of the court-martial unanimously find at least one of the aggravating factors set out below; and
- b. the members unanimously determine that any extenuating or mitigating circumstances are substantially outweighed by any aggravating circumstances, including the aggravating factors set out below

Findings under this subsection may be based on—

- a. evidence introduced on the issue of guilt or innocence;
- b. evidence introduced during the sentencing proceeding; or
- c. all such evidence.

The accused shall be given broad latitude to present matters in extenuation and mitigation.

A sentence of death may be adjudged by a court-martial for an offense under this section (article) only if the members unanimously find, beyond a reasonable doubt, one or more of the following aggravating factors:

- a. The accused has been convicted of another offense involving espionage or treason for which either a sentence of death or imprisonment for life was authorized by statute.
- b. In the commission of the offense, the accused knowingly created a grave risk of substantial damage to the national security.
- c. In the commission of the offense, the accused knowingly created a grave risk of death to another person.
- d. Any other factor that may be prescribed by the President by regulations under section 836 of this title (Article 36).

3. Cruelty and maltreatment

Any person subject to this chapter who is guilty of cruelty toward, or oppression or maltreatment of, any person subject to his orders shall be punished as a court-martial may direct.

4. Manslaughter



Any person subject to this chapter who, with an intent to kill or inflict great bodily harm, unlawfully kills a human being in the heat of sudden passion caused by adequate provocation is guilty of voluntary manslaughter and shall be punished as a court-martial may direct.

Any person subject to this chapter who, without an intent to kill or inflict great bodily harm, unlawfully kills a human being—

- a. by culpable negligence; or
- b. while perpetrating or attempting to perpetrate an offense, other than those named in clause 4 of section 918 of this title (article 118), directly affecting the person;

is guilty of involuntary manslaughter and shall be punished as a court-martial may direct.

5. Any person subject to this chapter without justification or excuse, unlawfully kills a human being when he-
 - a. Has a premeditated design to kill;
 - b. Intends to kill or inflict great bodily harm;
 - c. Is engaged in an act which is inherently dangerous to others and evinces a wanton disregard of human life; or
 - d. Is engaged in the perpetration or attempted perpetration of burglary, sodomy, rape, robbery, or aggravated arson;

Is guilty of murder, and shall suffer such punishment as court-martial may direct, except that if found guilty under clause 1. Or 4., he shall suffer death or imprisonment for life as court-martial may direct.

6. When an act is committed in conformity of an illegal order, it is not subjected to punishment, with the exception of when:
 - a. The accused knew the order was illegal, then background of the accused must be taken into consideration, meaning his/her education, experience in the field, hierarchical level etc.
 - b. Someone of common sense and understanding would, in the same circumstances, have known that the specific order was illegal, then instead of the accused's character being taken into consideration, the assessment is focused on an abstractly defined standard
7. In the military, it is a well-established rule that a commander is responsible for the actions of his subordinates, if and only if he has given clear and concise orders adapted in line with the situation as it evolved.
8. The commander is responsible when war crimes have been committed by his soldiers when:
 - a. He himself has given the order to commit these crimes, meaning he has direct responsibility
 - b. He was aware, or even should have been aware, that war crimes had or would be committed and decided against taking all the necessary and reasonable measure so as to prevent any violation of International Humanitarian Law or decided against sanctioning those at fault.
9. No matter his position, every member of the armed forces, is obliged to report to his hierarchical superior and to the military legal authorities, any act that could be considered a war crime



MAJOR PARTIES INVOLVED

➤ *William Calley*

William Calley was born on the 8th of June in 1943 and at the time of the My Lai massacre he was serving as a lieutenant in the US Army. He was a leader of a group from the Charlie Company and he commanded fire on a group of about 80 unarmed civilians that he had assembled in the village square. The vast majority of those civilians was shot to death, while he further commanded the killing of 80 more people he had too, gathered together in a ditch. Besides his soldiers, he himself took an active part in these executions. He was reported to the US authorities by an ex GI, Ronald Ridenhour, who had heard about what happened in My Lai, while the case later passed to the Inspector General of the army for investigation and then, it was subsequently committed to the army's Criminal Investigation Division. At the same time, an investigation was held also by the Defense Department, the proceedings of which culminated in a report, recommending prosecution of many officers and soldiers, mostly for incidents of murder and rape. William Calley was eventually charged with the premeditated murder of 22 people and a case of attempted murders against a 2-year-old child.

➤ *Ernest Lou Medina*

Ernest Lou Medina was born on the 27th of August in 1936. Twenty years later, he would follow his life-long dream of joining the army and in 1966 he was made commanding officer of Charlie Company. Two years later, in 1968, Charlie Company would enter the village of My Lai, under his leadership and in just over 3 hours, it would execute close to 500 civilians that would include children, women and elderly people. His role in these events remains -to this day- controversial, as according to the Defense Department and their Peers Report, his responsibility was implied on several grounds. To be specific, he informed his soldiers on the eve of the attack that anyone present in the village - even unarmed civilians- are to be considered an enemy combatant, so he thereby implicitly authorized the execution of the aforementioned civilians. He is furthermore considered to have executed 3 unarmed civilians himself, to have abused a prisoner by hitting him on the head and firing his revolver close to his head, while he has reportedly attempted to cover up these events on several occasions. He was eventually charged with the involuntary manslaughter of more than 100 civilians, accused of the murder of a woman and a child and the assault of a prisoner.

➤ *Lawrence Colburn*

Lawrence Colburn was born on the 6th of July in 1949 and at the time of the massacre, he was the door -unner in a helicopter, whose pilot was Hugh Thompson Jr. When their helicopter was flying above the village of My Lai, they noticed American soldiers lining up unarmed civilians and then opening fire. Hugh Thompson enraged commanded Colburn and the other crew member, Andreotta, to land the helicopter and as Calley wouldn't back down, to position the helicopter between the civilians and the American troops. He further ordered Colburn to fire soldiers that refused to stand down, although Colburn has stated that he acknowledged this as a bluff and that he thinks it is unlikely that he would have ever shot on American soldiers. For his actions he is considered a traitor.



➤ *Frank Akeley Barker, Jr.*

Frank Akeley Barker, Jr. was born on the 26th of January in 1928 and during the My Lai massacre, he served as the Battalion Commander, of which Charlie Company was a part. He was the one that assembled a temporary strike force called Task Force (TF) Barker, obviously named after commander Lieutenant Colonel Frank Barker. This TF's mission, was to locate and destroy Viet Cong combat units in the coastline of the South China Sea, an area known to be a Viet Cong political and military stronghold. Even though the TF met no resistance, by noon every person that came their way was dead, including unarmed men, women and children, while all livestock was destroyed. He was charged with the premeditated death of 504 civilians and trying to cover up the events of the My Lai massacre.

➤ *NATO*

Despite the serious changes there have been both within and around NATO, its relationship with the United States of America as a whole is characterized by continuity. The US sees itself not as a normal member of the alliance rather, an irreplaceable leading force which provides the alliance cohesion, absorbs internal European contradictions, makes compromises in contentious issues and in borderline cases, makes decisions for the common good, including resistance. The American leadership as far as NATO goes is usually characterized by openness, dialogue and the willingness to take into account both the concerns and the interests of smaller Alliance members, thus explaining why their power is not reflected in unbridled dominance.⁷

➤ *SEATO*

SEATO's charter was vital to the American rationale during the Vietnam war. Its charter was used as justification by the United States for refusing to commence with the 1956 elections, whose purpose was to reunify Vietnam. The United States believed that this would facilitate the spread of communism on a global scale and thus, did everything in their power in order to keep Vietnam divided at the 17th parallel. Essentially, there was no collective action coming from the members of SEATO, as unlike NATO, there wasn't an independent mechanism so as to obtain intelligence or deploy military forces. Finally, SEATO was accused of cultivating a new form of Western colonialism, having only 3 Asian member states.

➤ *Soviet Union*

The Soviet Union has always had an expansionist policy and in combination with its determination to impose its authority on the rest of the world, its commitment to the worldwide spread of communism and its new nuclear capability and vast army, not only seemed but also declared itself a potential enemy of the United States. In collaboration with the world's other larger communist power, China, the Soviet Union sent moral, logistic and military

⁷Unilateralismus als alleinige außenpolitische Strategie? : Die amerikanische Politik gegenüber UNO, NATO und der Chemiewaffen-Organisation in der Ära Clinton, https://www.researchgate.net/publication/277241208_Unilateralismus_als_alleinige_aussenpolitische_Strategie_Die_amerikanische_Politik_gegenueber_UNO_NATO_und_der_Chemiewaffen-Organisation_in_der_Ara_Clinton



support to North Vietnam and the Viet Cong hoping to strengthen and expand communism in Asia, as a reaction to the United States continuously pouring their resources into South Vietnam. Nevertheless, the support provided to North Vietnam and Viet Cong is unknown, as neither China nor the Soviet Union were true or open about its nature. However, it is a known fact that the Soviets started by supplying North Vietnam and Viet Cong with medical supplies, food, oil and machinery parts and that their aid was mostly supplied, contrasting the system of differed payments China used.

➤ *China*

People's Republic of China (PRC) was the first country that recognized the Democratic republic of Vietnam (DRV) led by Ho Chi Minh back in January 1950. In the same year, they also sent military aid to assist the Viet Minh in their war against the French. Prior to there cognition and support, the Chinese communists and Viet Minh had been cooperating in their respective struggles during 1946-49, up until the Chinese communists won the civil war in 1949. In the 1954 Geneva Accords, following the Soviet Union, Chinese Premier Zhou Enlai urged the Viet Minh to accept a temporary partition of Vietnam at the 17th parallel. China continued to provide military aid and support to North Vietnam years after the first Indochina war.

➤ *North Korea*

North Korea had provided North Vietnam both political and military support including sending military advisors in the early stage of the Vietnam War due to the similar ideology of Vietnam and South Korea.

➤ *Sweden*

Sweden as a state actor opposed to the US involvement in Vietnam and thus, decided to support North Vietnam. Even though there wasn't any serious material support from Sweden to North Vietnam other than some purely humanitarian aid, the Swedish Prime minister, Olof Palme as well as the vast majority of the public believed that the Vietnam war was an unjustified US power play, a blatant violation of international law and above all, a humanitarian catastrophe and thus, condemned it.

➤ *Cuba*

Cuba was a supporter of North Vietnam, however compared to its other supporters, Cuba essentially participated in the debate. To give an illustration, the most well-known involvement of Cuba, was Fidel Castro's visit to the Quảng Trị province, a North Vietnam territory, after the Eastern Offensive, while during the war it was also known for the "Cuba Program". There are statements from former U.S. prisoners, about Cuban military participating in torture activities in prisons during the war, however they haven't been confirmed, while the Cuban government never addressed the specific matter.



➤ *Warsaw Pact*

As an ally of the Soviet Union the countries that were involved in the Warsaw Pact were working towards the spread of communism on a global scale during the Vietnam war, thus supporting North Vietnam, while simultaneously trying to contain the US power in the world and thus, the containment of NATO in Europe.

➤ *Ireland*

In Western Europe, anti-Americanism was a common phenomenon among the young and politically enraged. Ireland had for all this time, remained neutral, having nevertheless a consistent record of opposing to the imperialistic policies of the United Kingdom and France at the United Nations, even in the case that it irked them.⁸ As far as the Vietnam war goes, the Irish government's stance can be characterized as quiescent.⁹

➤ *Blocks Expected*

Generally, one could categorize the countries involved in the Vietnam War in 3 categories, namely the pro-USSR, the pro-USA and the neutral countries.

➤ *Pro-USSR: China, Warsaw Pact, North Korea, North Vietnam*

These are the countries that generally wanted to promote communism on a global scale as they believed it would be a fairer economic system which would tackle the pre-existing social and economic inequalities.

➤ *Pro-USA: NATO, SEATO, South Vietnam*

This alliance was determined to stop the further spread of communism around the globe and thus, used military means so as to ensure that communism wouldn't be established in any more nations and of course, that it wouldn't further spread from Vietnam to Europe

➤ *Neutral: Sweden, Ireland, Cuba*

These countries chose to partake in the Vietnam war, nevertheless they didn't provide either side with a considerable aid, concerning both economic and military means. Notwithstanding, all those countries ensured that their views on the war were heard, while if it came up to categorizing them in pro-USA and pro-USSR, Ireland would be in the alliance in favor of the United States and Sweden and Cuba would be in the alliance in favor of the Soviet Union.

⁸J.M. Skelly, Irish diplomacy at the United Nations: national interests and the international order, Dublin, 1997

⁹Gabriel Fallon, in the Catholic Standard, 24 May 1968



TOPIC DISCUSSION

Essentially, the purpose of this committee is to determine the level of guilt or the innocence of the defendants accused of the events occurring during the My Lai massacre. All defendants, meaning both people and nations representing the 2 organizations, will have to provide the court with sufficient evidence and convincing arguments, so as to convince it of their innocence. For that they will have at their disposal witnesses that they will have the chance to examine in order to establish their innocence. On the other hand, there will be prosecutors and judges from nations with different policies concerning the Vietnam war so as to have the most fair and objective verdict possible. The role of the prosecutors, will be to present evidence, examine witnesses and defendants and recall logical arguments to convince the court of the defendant's guilt. Every argument or piece of evidence presented to the Court needs to be substantial and factual, while neither prosecutors nor defendants can distort past events. Finally, the prosecution ought to prove the defendant's guilt beyond reasonable doubt, meaning they need proof of a character so convincing that no reasonable person will hesitate to act upon in in the most important of his own affairs. In other words, reasonable doubt exists when after all the evidence in the case are presented the judges remain unsure about whether a criminal conviction -and all the hardships it comes with- is a fit punishment for the defendant. On the other hand, a defendant can recall certain facts that may give a rise to his defense, such as but not limited to the insanity plea.



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