

## COURSE OUTLINE



<b>TERM:</b>	Fall 2015	<b>COURSE NAME:</b>	<b>INTERNATIONAL CRIMINAL LAW</b>
<b>INSTRUCTOR:</b>		<b>COURSE NO.:</b>	<b>LAW 466</b>
<b>E-MAIL:</b>		<b>SECTION NO.:</b>	
<b>PHONES:</b>		<b>COURSE CREDITS:</b>	<b>3</b>
<b>OFFICES:</b>			
<b>INSTRUCTIONAL HRS PER WEEK:</b>	<b>4</b>	<b>LABORATORY HRS PER WEEK:</b>	<b>0</b>

### COURSE PREREQUISITES:

LAW 101, LAW 110, and LAW 210  
OR  
45 credits of 100 level or higher coursework

### REQUIRED TEXTS:

Antonio Cassese, et al, *International Criminal Law, Cases and Commentary* (Oxford: University Press, 2011)

Thierry Cruvellier, *Court of Remorse: Inside the International Criminal Tribunal for Rwanda*, (Madison: University of Wisconsin Press, 2010)

### REFERENCE TEXTS:

Antonio Cassese & Paola Gaeta, *Cassese's International Criminal Law*, 3rd ed (Oxford: University Press, 2013)

Robert Currie & Joseph Rikhof, *International and Transnational Criminal Law*, 2nd ed (Markham: Irwin Law, 2014)

David Bosco, *Rough Justice: The International Criminal Court in a World of Power Politics*, (Oxford: University Press, 2014)

Robert Cryer, et al, *An Introduction to International Criminal Law and Procedure*, 3rd ed (Cambridge: University Press, 2014)

### COURSE FORMAT AND EXPECTATIONS:

In addition to work done in the classroom, it is expected that students will do required reading and some assignments at home and will use online resources and materials provided through Moodle. Three of the four instructional hours will be in the classroom and the fourth hour will be a combination of at home and online work using Moodle. Instructions for accessing Moodle will be given in class.

**COURSE OUTCOMES:****General Outcomes:**

The course will focus on the major crimes that have been made subject to international investigation and enforcement. Students will gain a thorough knowledge of ongoing challenges facing the International Criminal Court and domestic courts in investigating, prosecuting and punishing transnational criminal activities.

**Specific Student Learning Outcomes:**

For students to demonstrate the ability to:

- a) effectively describe and explain the principles of international criminal law, including those relating to:
  - the rule of law,
  - substantive justice, and
  - domestic enforcement.
- b) analyse and apply statutory rules, legal principles and domestic practices in the prosecution of international crimes, including:
  - war crimes, crimes against humanity and genocide,
  - terrorism and state-sponsored crimes,
  - piracy and the law on criminal conspiracy,
  - the practice of the International Criminal Court; and
  - the laws relating to failed states.

ABILITIES		LEVELS
COMMUNICATION	C1 Effectively describe and explain the relevant criminal law principles, statutory rules and exceptions	1→6
	C2 Prepare written and oral analyses of problems and cases	1→6
ANALYSIS AND DECISION MAKING	A1 Research the historical case law and the resulting rules, principles and exceptions	1→6
	A2 Apply the national and international criminal laws to the unique factual situations facing nations and regions today	1→6
SOCIAL INTERACTION	S1 Work in study groups to analyse and understand historical cases and the relevant legal principles, criminal law practises and exceptions that apply to them	1→5
CITIZENSHIP AND GLOBAL PERSPECTIVES	G1 Discuss current events relating to international criminal law on national and international contexts	1→3

**EVALUATION PROFILE:**

Assessment			CAPabilities Assessed			
Method	%	Ind/Grp	C	A	S	G
Midterm	30%	I	C1, C2	A2		
Final Exam	30%	I	C1, C2	A2		
Group Project	20%	G	C1, C2	A1, A2	S1	G1
Research Paper	20%	I	C1, C2	A1, A2	S1	G1
<b>TOTAL</b>	<b>100%</b>					

## COURSE CONTENT/SCHEDULE:

WEEKLY COURSE CONTENT	
WEEK	CONTENT
<b>PART I – INTERNATIONAL vs DOMESTIC LAW</b>	
<b>1</b>	<p><b>THE PLACE OF INTERNATIONAL LAW</b></p> <p>In these introductory lectures, students will look at the place of the criminal law within international law, the <u>sources</u> of jurisdiction over cross-boundary crimes, and the <u>core principles</u> that have guided international criminal law prosecutions.</p> <hr/> <p><u>Required Readings:</u>  <b>Cassese &amp; others, ICL Cases</b>, pp 53-59, 76-84 and 99-103:  <i>Goering, et al</i> (1946); <i>US v Araki</i> (1948); <i>Eichmann v AG</i> (1962); <i>R v Bartle, ex parte Pinochet</i> (1999); <i>Prosecutor v Tadic</i> (1995); <i>Re: Karadzic</i> (2009)  <b>Cruvellier</b>, Prologue and Chapter 1.</p>
<b>2</b>	<p><b>NATIONAL SECURITY LAW 1 – NORTH AMERICA</b></p> <p>Domestic security laws and criminal laws against transnational crimes and terrorism concern Canada, the United States and Mexico. These lectures focus students on the investigation and enforcement of cross-border criminal laws.</p> <hr/> <p><u>Required Readings:</u>  Instructor's commentary on statutory provisions  <b>Cruvellier</b>, Chapters 2 and 3.</p>
<b>3</b>	<p><b>NATIONAL SECURITY LAW 2 – ASIA and EUROPE</b></p> <p>Two vastly different legal challenges face Asia and Europe. In Asia, transnational and state-sponsored crime is a major focus, with no regional enforcement mechanisms. Europe, home of the International Criminal Court, has suffered from regional wars and attacks on and displacements of civilian populations.</p> <hr/> <p><u>Required Readings:</u>  <b>Cassese &amp; others, ICL Cases</b>, pp. 104-110: <i>Re: Detention of Ieng Sary</i> (2008)  Additional case materials on piracy; kidnapping and state-sponsored crime.</p>
<b>PART II – CORE CRIMES</b>	
<b>4</b>	<p><b>CRIMES AGAINST HUMANITY</b></p> <p>These lectures focus on the process of international criminal prosecutions that began with the Nuremberg trials for crimes against the Jewish people.</p> <hr/> <p><u>Required Readings:</u>  <b>Cassese &amp; others, ICL Cases</b>, pp. 154-165, 174-175 and 188-193:  <i>Goering, et al</i> (1946); <i>Altstoetter, et al</i> (1947); <i>Barbie Case</i> (1985); <i>Nahimana, et al (the Media Case)</i> (2007).  <b>Cruvellier</b>, Chapters 4 to 6.</p>

WEEKLY COURSE CONTENT	
WEEK	CONTENT
5	<p><b>WAR CRIMES</b></p> <p>These lectures address what constitutes a war crime in the context of historical and contemporary conflicts, and addresses the consequences of individual and collective actions taken against civilian populations.</p> <hr/> <p><u>Required Readings:</u>  <b>Cassese &amp; others, ICL Cases</b>, pp 117-152:  <i>Rockling, et al</i> (1949); <i>Enigster</i> (1952); <i>Shimoda, et al v The State</i> (1963); <i>US v Calley</i> (1973); <i>Prosecutor v Galic</i> (2003).  <b>Cruvellier</b>, Chapters 7 and 8.</p>
6	<p><b>GENOCIDE and TORTURE</b></p> <p>The definition of what constitutes genocide as a criminal act has been controversial; as has what constitutes torture as a criminal act. These lectures examine judicial decisions and comment on these two troubling areas.</p> <hr/> <p><u>Required Readings:</u>  <b>Cassese &amp; others, ICL Cases</b>, pp 201-213, 223-226, 256-261, and 271-283:  <i>Prosecutor v Akeyesu</i> (1998); <i>Prosecutor v. Krstic</i> (2001); <i>Prosecutor v Jelusic</i> (1999); <i>Prosecutor v. Brdanin</i> (2007); <i>Re: Legality of Interrogation Methods</i> (1999); <i>Dashner and E case</i>.  <b>Cruvellier</b>, Chapters 9 to 11.</p>
7	<b>MID-TERM WEEK</b>
	<b>PART III – CROSS-BOUNDARY CRIMES</b>
8	<p><b>TERRORISM</b></p> <p>The use of law to address criminal acts of political violence has been a major focus of many national governments. These lectures examine the approaches and challenges of domestic and international law enforcement of these laws.</p> <hr/> <p><u>Required Readings:</u>  <b>Cassese &amp; others, ICL Cases</b>, pp. 286-311:  <i>In re Dany Chamoun, et al</i> (1995); <i>US v Fawaz Unis</i> (1991); <i>Hamdan v Rumsfeld</i> (2006); <i>Bouyahia Maher Ben Abdelaziz, et al</i> (2007).  Anti-Terrorist statutes posted on Moodle</p>
9	<p><b>STATE-SPONSORED CRIME</b></p> <p>There is no end to criminal imagination, or as we see in these lectures; the perfidy of national governments acting against other nations and their citizens.</p> <hr/> <p><u>Required Readings:</u>  <b>Cassese &amp; others, ICL Cases</b>, pp. 312-321.  Materials on: Korean Air flight 858, “The Tears of My Soul.”  Article: “Targeted Assassinations in International Criminal Law”.</p>

WEEKLY COURSE CONTENT	
WEEK	CONTENT
	<b>PART IV – INTERNATIONAL JUSTICE</b>
<b>10</b>	<p><b>ENFORCEMENT INSTITUTIONS</b></p> <p>International criminal law enforcement at the International Criminal Court poses a direct challenge to the sovereignty of nation states. Domestic tribunals continue to be used to prosecute transnational crimes. Both approaches are examined here.</p> <hr/> <p><b>Required Readings:</b>  <b>Cruvellier</b>, Chapters 12 to 14.            Framework: <i>Cassese's Int'l Criminal Law: International and National Jurisdiction</i></p>
<b>11</b>	<p><b>PARTIES TO INTERNATIONAL CRIMES</b></p> <p>Both groups and individuals are responsible for the planning and carrying out of transnational crimes. These lectures look at how their individual or group actions are assessed and adjudicated; actions that include the planning, ordering, committing, and aiding of joint or individual criminal enterprises.</p> <hr/> <p><b>Required Readings:</b>  <b>Cassese &amp; others, ICL Cases</b>, pp. 323-331, 363-371, 381-387, 412-414, and 431-436:  <i>US v. Potter (1968)</i>; <i>Gacumbitsi Appeal (2006)</i>; <i>Prosecutor v. Kordic &amp; Cerkez (2004)</i>; <i>Prosecutor v. Milosevic (2009)</i>; <i>Court-Martial of Gen. JH Smith (1903)</i>; <i>H &amp; H Deportation case (1948)</i>; <i>Ministries case (1949)</i>; <i>Prosecutor v. Bikindi (2008)</i>.</p>
<b>12</b>	<p><b>DEFENCES TO INTERNATIONAL CRIMES</b></p> <p>These lectures examine both traditional criminal defences and innovative ones; both kinds examined within the framework of transnational crimes prosecuted in either an international or domestic criminal tribunal.</p> <hr/> <p><b>Required Readings:</b>  <b>Cassese &amp; others, ICL Cases</b>, pp. 461-475, 491-499, 500-501:  <i>Weiss &amp; Mundo (1945)</i>; <i>Dithmar &amp; Boldt (1921)</i>; <i>Kappler, et al (1948)</i>; <i>Mahmud, et al v Mil Adv (1989)</i>; <i>Einsatzgruppen case (1948)</i>; <i>US v Flick (1947)</i>; <i>Gestapo case (1952)</i>; <i>Eichmann v AG (1962)</i>; <i>Touvier case (1993)</i>; <i>Schwartz (1971)</i>.  <b>Cruvellier</b>, Chapters 15 to 17.</p>
	<b>PART V – SPECIAL LECTURES</b>
<b>13</b>	<p><b>EMERGING CHALLENGES – “FAILED STATES”</b></p> <p>The final lectures in the course will focus on a contemporary topic in the area of international criminal law; such as the status of “failed” or transitional states.</p> <hr/> <p><b>Required Readings:</b>            Lecturer's materials will be posted in advance on Moodle.</p>
<b>14-15</b>	<b>FINAL EXAM PERIOD</b>

## **UNIVERSITY POLICIES AND EMERGENCY PROCEDURES**

Capilano University has policies on Academic Appeals (including appeal of final grades), Student Conduct, Cheating and Plagiarism, Academic Probation and other educational issues. These and other policies are available on the University website.

Emergency Procedures are posted in every classroom. Students are directed to review these.

## **FACULTY OF BUSINESS & PROFESSIONAL STUDIES POLICIES**

In addition to the policies of the University, the Faculty of Business & Professional Studies has the following policies governing the management of our classes and curriculum.

### **Attendance**

Regular attendance and punctuality are both essential and expected due to the nature and format of the course materials.

### **Cheating and Plagiarism**

Cheating is an act of deceit, fraud, distortion of the truth, or improper use of another person's effort to obtain an academic advantage. Cheating includes permitting another person to use one's work as his or her own. Plagiarism is the presentation of another person's work or ideas as if they were one's own. Plagiarism is both dishonest and a rejection of the principles of scholarship. Information about how to avoid plagiarism by proper documentation of sources is available in the Library, the Writing Centre and University website.

### **Penalties for Cheating and Plagiarism**

A grade of '0' for an examination, quiz or assignment or 'F' for the course may be assigned if cheating or plagiarism has taken place. First incidents deemed by the instructor to be particularly serious or second or subsequent incidents of cheating and plagiarism will be dealt with under the provisions of the University Policy on Cheating and Plagiarism (see the University website). All students should familiarize themselves with the University Policy on Cheating and Plagiarism as such behaviour can result in suspension from the University.

### **Incomplete Grades**

Incomplete grades will not be given unless special arrangements have been made with the instructor prior to the date set by University Administration.

### **Professional Behaviour**

Students must demonstrate a professional attitude and behaviour toward work, fellow students and their instructors. Each student should demonstrate reliability, respect for and co-operation with colleagues. A willingness to work calmly and courteously under difficult conditions as well as a determination to achieve first-class work while meeting deadlines is necessary in the Faculty of Business & Professional Studies. Students should have respect for equipment and systems. Students should display a constructive response to criticism.

### **Copyright Policy**

Students are expected to familiarize themselves with and abide by the University's Copyright Policy. The University's Copyright Policy is published in the University website.

## SCHOOL OF LEGAL STUDIES POLICIES

In addition to the University and Faculty of Business & Professional Studies policies, the School of Legal Studies has the following policies governing the management of our classes and curriculum.

### Missed Exams and Quizzes

Missed exams or quizzes will receive a grade of "0" unless PRIOR arrangements (wherever possible) are made with the instructor. Permission to make up an exam will only be given in extraordinary situations such as illness of the student or the death of a close family member. A doctor's certificate, or other proof supporting the reason for the absence, may be required.

### English Usage

All assignments are marked for correct English usage, proofreading and formatting.

## PARALEGAL PROGRAM COURSE LEVEL POLICIES

In addition to University, Faculty of Business & Professional Studies, and School of Legal Studies policies, the following policies govern the management of this Paralegal Program course and its curriculum.

### Grading Profile

A+	90-100%	B+	77-79%	C+	67-69%	D	50-59%
A	85-89%	B	73-76%	C	63-66%	F	0-49%
A-	80-84%	B-	70-72%	C-	60-62%		

### Assignments

Homework assignments are due at the **start of class** on the due date unless otherwise advised by your instructor. Late assignments will only be accepted if prior approval for a late submission date has been given by the instructor.

### Participation Grades

If course participation is part of the evaluation profile, the grade is based on the student's participation in weekly classroom or online discussion forums. Both the frequency and the quality of the student's comments, questions and observations are important factors in determining course participation. The quality of participation is determined by, among other things, the relevance, insight and clarity of the remarks. Course participation is also determined by the student's willingness to work with other classmates in a productive, prompt and respectful manner.

### In-Class Testing

Please note that the use of electronic tools such as calculators and cell phones, or other resources such as written materials, is not allowed during tests, quizzes, and exams, unless expressly authorized by the instructor.

***Express additional clarification/expansion of departmental or course level policies may be provided at the discretion of the instructor.***



## **CAPILANO UNIVERSITY VISION, MISSION AND GOALS**

### **UNIVERSITY VISION**

Students are drawn to our dynamic and unique programs, passionate faculty, welcoming staff, and close-knit learning environment; graduates are independent learners, thinkers, and doers actively contributing to their communities.

### **UNIVERSITY MISSION STATEMENT**

We are a teaching-focused university offering a wide range of programs and services that enable students to succeed in their current studies, in their ongoing education, in their chosen careers, in their lifelong pursuit of knowledge, and in their contribution as responsible citizens in a rapidly changing and diverse global community.

### **UNIVERSITY GOALS**

Arising from the Mission statement, the Institutional Goals are broadly defined as the general areas of success that are desired for all students. From the Mission, the Institutional Goals are:

- Student success in ongoing education
- Student success in chosen career
- Student success in lifelong pursuit of knowledge
- Student success in contributing as responsible citizens in a rapidly changing and diverse global community

In order to support student success in these areas, the institution has identified seven broad learning outcomes for students in all programs.

These **institutional student learning outcomes** are:

1. Self-directed learning, awareness, and responsibility
2. Up-to-date information gathering and research skills
3. Communication skills
4. Quantitative reasoning ability
5. Group and social interaction skills
6. Creative, critical, and analytical thinking skills
7. Community/global consciousness and responsibility



## FACULTY OF BUSINESS & PROFESSIONAL STUDIES

### MISSION STATEMENT

To provide students with the necessary skills and abilities to be immediately effective in their employment or further studies, and to possess a sound basis for future progression in their chosen career, in the lifelong pursuit of knowledge, and in their contribution as responsible citizens in a rapidly changing and diverse global community.

### OUR COMMITMENT TO SKILLS AND ABILITIES

The Faculty of Business & Professional Studies, through the delivery of this course, is committed to the development of skills so that students can perform the tasks of this discipline in an efficient and effective way.

In addition, through the delivery of all courses, the Faculty is committed to the development of core 'abilities' that will prepare students for future career progression in a chosen field. A well rounded graduate, in addition to being able to perform certain tasks, will have the following CAPabilities;

CAPability	Description
Communication	Selects, uses and integrates oral and written communication skills to develop informative, explanatory and persuasive presentations to a variety of audiences, demonstrating qualitative, quantitative and technological literacy.
Analysis and Decision-Making	Brings a unique perspective to the analysis of organizational issues through systematic thinking and the application and adaptation of frameworks and tools that assist decision-making
Social Interaction	Uses appropriate interpersonal and group theory to deal with interpersonal, team, stakeholder and professional situations to inform, persuade and influence others.
Citizenship and Global Perspective	Understands corporate social responsibility within organizational contexts and the social role and impacts of organizations. Integrates personal, professional and community values in a decision-making context as a member of an organization. Works effectively with interdependence and diversity by framing issues in the broader global context, understanding the social and cultural roots of business, governments and other organizations and by providing managerial support as part of a global strategy.

## OUR COMMITMENT TO ASSESSMENT AND CONSTRUCTIVE FEEDBACK

The Faculty of Business & Professional Studies is committed to providing feedback that rewards excellence and motivates personal development. We use a mixture of personal, peer and professional assessment so that students have a diverse view of their progress in skills and abilities development. It is important to use feedback to enhance the quality of learning.

The assessment model is designed to give a fair reflection of the letter grade earned, as well as a road map for personal skill and ability development. For each skill and ability in the course students will be assessed as to the level of comprehension demonstrated. Grades are a function of how students have met course expectations as to those levels of comprehension.

### SIX "LEVELS" of comprehension

<b>KNOWLEDGE</b>	
<b>1. Recognize</b>	Be able to identify the components of a framework or tool.
<b>2. Define</b>	Be able to describe the aspects of the components of the framework or tool.
<b>APPLICATION</b>	
<b>3. Use</b>	Be able to manipulate the framework or tool to cause a result.
<b>4. Interpret Results</b>	Be able to understand the result of the manipulation in a meaningful way.
<b>JUDGMENT</b>	
<b>5. Situational Use</b>	Be able to identify situations where the framework or tool should be applied, and then apply the framework or tool, including using the results effectively.
<b>6. Adaptation</b>	Be able to creatively adapt the framework or tool such that its use will maximized in a given situation.



## **PARALEGAL PROGRAM SCHOOL OF LEGAL STUDIES**

### **MISSION STATEMENT**

The mission of the Paralegal program is to provide students with the knowledge, skills, and values to obtain challenging careers as paralegals in law firms, corporate legal offices, government departments and agencies, and other legal settings. This mission supports the mission of the University to enable students “to succeed in their current studies, in their ongoing education, in their chosen careers, in their lifelong pursuit of knowledge, and in their contribution as responsible citizens in a rapidly changing and diverse global community.”

### **PROGRAM OUTCOMES**

#### **Knowledge**

To provide students with an understanding of the basic legal concepts and procedures in major areas of the law, and to define the role students will play as paralegals in a professional working environment.

#### **Skills**

To provide students with training in research, analysis, writing, drafting and interviewing as applied in various legal contexts.

#### **Values**

To instill the importance of professional ethics in all practice contexts, and to provide an understanding of how paralegals contribute positively to the administration of justice and improve access to it.

### **STUDENT LEARNING OUTCOMES**

Students completing this program will:

1. Demonstrate the ability to examine various legal problems by identifying appropriate areas of the law and sources to consult in commencing the process of legal analysis.
2. Demonstrate competence in researching legislation, case law and other secondary legal materials.
3. Summarize legal research findings in appropriate legal formats with clear and compelling analysis and conclusions.
4. Demonstrate competence in effective communication in legally relevant contexts such as presentations of case summaries, interviewing clients, and group presentations.
5. Prepare, draft and produce legal documents, including pleadings and other court documents, wills, corporate documents, or real estate documents.
6. Demonstrate an awareness of and ability to identify legal issues in a broad range of areas through an exposure to a variety of legal subjects.