

COURSE OUTLINE			
<b>TERM: Fall 2018</b>		<b>COURSE NO: LAW 466</b>	
<b>INSTRUCTOR:</b>		<b>COURSE TITLE: International Criminal Law</b>	
<b>OFFICE:</b>	<b>LOCAL:</b>	<b>SECTION NO(S):</b>	<b>CREDITS: 3.0</b>
<b>E-MAIL:</b>	@capilanou.ca		
<b>OFFICE HOURS:</b>			
<b>COURSE WEBSITE:</b>			

Capilano University acknowledges with respect the Lil'wat, Musqueam, Squamish, Sechelt, and Tsleil-Waututh people on whose territories our campuses are located.

### **COURSE PREREQUISITES**

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

### **COURSE FORMAT**

Three hours of class time, plus an additional hour delivered through on-line or other activities for a 15-week semester, which includes two weeks for final exams. In addition to work done in the classroom, it is expected that students will do the required reading and assignments at home and will use on-line resources and materials provided in class.

### **CALENDAR DESCRIPTION**

In this course students will study some of the major crimes that have been made subject to international investigation and enforcement; principally, war crimes, crimes against humanity, terrorism, and state-sponsored crime. Students will gain a thorough knowledge of the ongoing challenges facing the International Criminal Court and domestic courts in North America, Europe and Asia in the investigation, prosecution and punishment of international and transnational crimes.

### **COURSE NOTE**

LAW 466 is an approved Self and Society course for Cap Core requirements.

### **REQUIRED TEXTS AND/OR RESOURCES**

Antonio Cassese, Guido Acquaviva, Mary Fan, and Alex Whiting, *International Criminal Law, Cases and Commentary, 1<sup>st</sup> ed.* (Oxford: University Press, 2011)

Douglas Guilfoyle, "The Legal Challenges in Fighting Piracy" © 2009. Used by permission.

Douglas Guilfoyle, "Somali Pirates as Agents of Change in International Law-making and Organization" © 2012 the author. (Cambridge J of Int'l & Comp. Law) Used by permission.

Instructor materials will be posted on the course Moodle site

## COURSE STUDENT LEARNING OUTCOMES

**On successful completion of this course, students will be able to do the following:**

1. Effectively describe and explain the relevant international criminal law principles, statutory rules and exceptions.
2. Prepare written and oral analyses of problems and cases.
3. Research the historical case law and resulting rules, principles and exceptions.
4. Apply the national and international criminal law rules to factual situations facing nations and regions today.
5. Work with partners and study groups to analyze and synthesize the relevant customary law, treaties and relevant principles and exceptions.
6. Discuss current events relating to crimes on a local, national and international level.

**Students who complete this Self and Society course will be able to do the following:**

1. Identify potential root causes of local/global problems and how they affect local/global cultures, economies, politics and policies.
2. Assess and evaluate individual and collective responsibilities within a diverse and interconnected global society.
3. Analyze the impact of colonialism and racism on indigenous peoples
4. Synthesize a range of differing community perspectives on ethics and justice and explain how these perspectives can inform structural change.
5. Generate strategies for reconciling indigenous and Canadian relations.

## COURSE CONTENT

WEEKLY COURSE CONTENT	
WEEK	CONTENT
<b>PART I – INTERNATIONAL vs DOMESTIC LAW</b>	
<b>1</b>	<p><b>SOURCES OF INTERNATIONAL CRIMINAL LAW</b></p> <p>In this introductory lecture, students will look at the place of the criminal law within international law, the <u>sources</u> of jurisdiction over international crimes, and the <u>limitations</u> that affect international criminal law prosecutions.</p>
<b>2</b>	<p><b>PRINCIPLES OF INTERNATIONAL CRIMINAL LAW</b></p> <p>Here we look at the <u>core principles</u> that have guided international criminal law prosecutions.</p>
<b>PART II – CORE CRIMES</b>	
<b>3</b>	<p><b>WAR CRIMES</b></p> <p>This lecture addresses 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>

<b>WEEKLY COURSE CONTENT</b>	
<b>WEEK</b>	<b>CONTENT</b>
<b>4</b>	<b>CRIMES AGAINST HUMANITY</b> This lecture focusses on the process of international criminal prosecutions that began with the Nuremberg trials for crimes against the Jewish people.
<b>5</b>	<b>GENOCIDE and TORTURE</b> The definition of what constitutes genocide as a criminal act has been controversial; as has what constitutes torture as a criminal act. This lecture examines judicial decisions and comments on these two troubling areas.
<b>6</b>	<b>SPECIAL LECTURE: PIRACY</b> Piracy is the original crime of universal jurisdiction, and until a decade ago was thought to have disappeared. Modern piracy off the Somali coast has revealed this conclusion to have been in error. What are the challenges of this new piracy?
<b>7</b>	<b>MID-TERM WEEK</b>
	<b>PART III – INTERNATIONAL JUSTICE</b>
<b>8</b>	<b>PARTIES TO INTERNATIONAL CRIMES, Part 1</b> Both groups and individuals are responsible for the planning and carrying out of transnational crimes. In the next two weeks, we will look at how their individual or group actions are assessed and adjudicated.
<b>9</b>	<b>PARTIES TO INTERNATIONAL CRIMES, Part 2</b> We continue our examination of parties to international crimes, including the ordering, aiding, and incitement of criminal violence.
<b>10</b>	<b>SUPERIOR RESPONSIBILITY</b> These lectures examine the "special responsibility" that a superior or commanding officer has over the actions of his or her subordinate troops in the field. The focus here is on a superior's state of knowledge or <i>mens rea</i> and subsequent conduct.
<b>11</b>	<b>DEFENCES TO INT'L CRIMES</b> 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.
<b>12</b>	<b>JURISDICTION AND ENFORCEMENT</b> Here we look at the jurisdictional and enforcement challenges facing the International Criminal Court and special criminal tribunals established for Rwanda and the former Yugoslavia.

WEEKLY COURSE CONTENT	
WEEK	CONTENT
	<b>PART IV – SPECIAL TOPIC</b>
<b>13</b>	<b>SEXUAL VIOLENCE DURING WAR AND PEACE</b> Sexual violence during war is an often-overlooked topic in the area of international criminal law; such acts having an unsettling frequency in so-called “failed” or transitional states as well as in historic racial and political conflicts.
<b>14-15</b>	<b>FINAL EXAM WEEK</b>

**EVALUATION PROFILE:**

Midterm Exam	30%
Final Exam	30%
Participation	0 – 10%
Written Assignments	<u>30 – 40%</u>
<b>TOTAL:</b>	<b>100%</b>

\* Note: No single evaluation component will be worth more than 35%.

**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	

**Incomplete Grades**

Grades of Incomplete “I” are assigned only in exceptional circumstances when a student requests extra time to complete their coursework. Such agreements are made only at the request of the student, who is responsible to determine from the instructor the outstanding requirements of the course.

**Late Assignments**

Assignments are due at the beginning of the class on the due date listed. If you anticipate handing in an assignment late, please consult with your instructor beforehand.

**Missed Exams/Quizzes/Labs etc.**

Missed exams/quizzes and/or tests are given at the discretion of the instructor. They are generally given only in medical emergencies or severe personal crises. Some missed activities may not be able to be accommodated. Student should consult with their instructor.

**Attendance / Participation**

Students are expected to attend all classes and associated activities. Class and online activities will involve participation in presenting cases to the class, isolating the main facts and issues of the case presented. Typically, there will be two cases each term, with 5% mark for each presentation.

**English Usage**

Students are expected to proofread all written work for any grammatical, spelling and stylistic errors. Instructors may deduct marks for incorrect grammar and spelling in written assignments.

**Electronic Devices**

Students may use electronic devices during class for note-taking only.

**On-line Communication**

Outside of the classroom, instructors will (if necessary) communicate with students using either their official Capilano University email or Moodle; please check both regularly. Official communication between Capilano University and students is delivered to students' Capilano University email addresses only.

**UNIVERSITY OPERATIONAL DETAILS****Tools for Success**

Many services are available to support student success for Capilano University students. A central navigation point for all services can be found at: <http://www.capilanou.ca/services/>

**Capilano University Security: download the [CapU Mobile Safety App](#)**

**Policy Statement (S2009-06)**

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

**Academic Integrity (S2017-05)**

Any instance of academic dishonesty or breach of the standards of academic integrity is serious and students will be held accountable for their actions, whether acting alone or in a group. See policy S2017-05 for more information: <http://www.capilanou.ca/about/governance/policies/Policies/>

Violations of academic integrity, including dishonesty in assignments, examinations, or other academic performances, are prohibited and will be handled in accordance with the Student Academic Integrity Procedures.

**Academic dishonesty** is any act that breaches one or more of the principles of academic integrity.

Acts of academic dishonesty may include but are not limited to the following types:

**Cheating:** Using or providing unauthorized aids, assistance or materials while preparing or completing assessments, or when completing practical work (in clinical, practicum, or lab settings), including but not limited to the following:

- Copying or attempting to copy the work of another during an assessment;
- Communicating work to another student during an examination;
- Using unauthorized aids, notes, or electronic devices or means during an examination;
- Unauthorized possession of an assessment or answer key; and/or,

- Submitting of a substantially similar assessment by two or more students, except in the case where such submission is specifically authorized by the instructor.

**Fraud:** Creation or use of falsified documents.

**Misuse or misrepresentation of sources:** Presenting source material in such a way as to distort its original purpose or implication(s); misattributing words, ideas, etc. to someone other than the original source; misrepresenting or manipulating research findings or data; and/or suppressing aspects of findings or data in order to present conclusions in a light other than the research, taken as a whole, would support.

**Plagiarism:** Presenting or submitting, as one's own work, the research, words, ideas, artistic imagery, arguments, calculations, illustrations, or diagrams of another person or persons without explicit or accurate citation or credit.

**Self-Plagiarism:** Submitting one's own work for credit in more than one course without the permission of the instructors, or re-submitting work, in whole or in part, for which credit has already been granted without permission of the instructors.

**Prohibited Conduct:** The following are examples of other conduct specifically prohibited:

- Taking unauthorized possession of the work of another student (for example, intercepting and removing such work from a photocopier or printer, or collecting the graded work of another student from a stack of papers);
- Falsifying one's own and/or other students' attendance in a course;
- Impersonating or allowing the impersonation of an individual;
- Modifying a graded assessment then submitting it for re-grading; or,
- Assisting or attempting to assist another person to commit any breach of academic integrity.

### **Sexual Violence and Misconduct**

All Members of the University Community have the right to work, teach and study in an environment that is free from all forms of sexual violence and misconduct. Policy B401 defines sexual assault as follows:

Sexual assault is any form of sexual contact that occurs without ongoing and freely given consent, including the threat of sexual contact without consent. Sexual assault can be committed by a stranger, someone known to the survivor or an intimate partner.

Safety and security at the University are a priority and any form of sexual violence and misconduct will not be tolerated or condoned. The University expects all Students and Members of the University Community to abide by all laws and University policies, including [B.401 Sexual Violence and Misconduct Policy](#) and [B.401.1 Sexual Violence and Misconduct Procedure](#).

**Emergencies:** Students are expected to familiarise themselves with the emergency policies where appropriate and the emergency procedures posted on the wall of the classroom.