



LAW 497

Special Interest Project

S3 External 2014

Dept of Law

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General Information

Unit convenor and teaching staff

Chris Mitchell

christopher.mitchell@mq.edu.au

Credit points

3

Prerequisites

6cp in LAW units at 300 level (P) and permission of Executive Dean of Faculty

Corequisites

Co-badged status

LAW 497 (external)

Unit description

This unit enables students to study a variety of topics that are available from time to time within the Law School. The intention is to provide students with unique opportunities to explore specialised areas of law in depth. Further information may be sought from the Dean of the Law School.

Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

Learning Outcomes

On successful completion of this unit, you will be able to:

Describe and analyze the history and development of international criminal law, including the social and political context.

Identify sources of international criminal law.

Explain and critically analyse the interaction of international criminal courts and tribunals with other actors and bodies of law in the international and domestic systems

Explain and critique the substantive crimes punishable under international law, including genocide, crimes against humanity, war crimes and aggression.

Explain and critique the different modes of individual criminal responsibility in international criminal law and circumstances excluding individual criminal liability.

Critically analyse the importance and content of procedural law applicable to

international criminal proceedings, including fair trial rights and basic rules of procedure and evidence.

Critically analyse and apply principles of international criminal law to factual scenarios.

Prepare effective written legal analysis and arguments.

Assessment Tasks

Name	Weighting	Due
Take home exam	50%	23/01/2015 at 5pm
Legal advice	40%	11/01/15 at 5pm
Online quiz	10%	16/01/15 at 5pm

Take home exam

Due: **23/01/2015 at 5pm**

Weighting: **50%**

The take home exam consists of one problem solving question and one essay question. The content will be based on material covered across the whole course.

The test will be available from 9 am on Sunday 18 January 2015 and is due by 5 pm on Friday 23 January 2015.

Total word limit: 3,000 words (excluding footnotes. Note that footnotes must not contain substantive discussion). Each question is worth 50% of the total mark and has a word limit of 1,500 words (excluding footnotes. Note that footnotes must not contain substantive discussion). Word limits will be strictly enforced.

On successful completion you will be able to:

- Describe and analyze the history and development of international criminal law, including the social and political context.
- Identify sources of international criminal law.
- Explain and critically analyse the interaction of international criminal courts and tribunals with other actors and bodies of law in the international and domestic systems
- Explain and critique the substantive crimes punishable under international law, including genocide, crimes against humanity, war crimes and aggression.
- Explain and critique the different modes of individual criminal responsibility in international criminal law and circumstances excluding individual criminal liability.
- Critically analyse the importance and content of procedural law applicable to international criminal proceedings, including fair trial rights and basic rules of procedure

and evidence.

- Critically analyse and apply principles of international criminal law to factual scenarios.
- Prepare effective written legal analysis and arguments.

Legal advice

Due: **11/01/15 at 5pm**

Weighting: **40%**

Students will be provided with a hypothetical scenario and will be asked to draft a legal advice that identifies and analyses relevant legal issues, applies legal principles to facts and provides an opinion and / or makes recommendations. Students should demonstrate sound legal reasoning with reference to both primary and secondary sources in the prescribed material as well as undertaking independent legal research.

Word limit: 2,500 (excluding footnotes. Note that footnotes must not contain substantive discussion). Word limits will be strictly enforced.

On successful completion you will be able to:

- Describe and analyze the history and development of international criminal law, including the social and political context.
- Identify sources of international criminal law.
- Explain and critically analyse the interaction of international criminal courts and tribunals with other actors and bodies of law in the international and domestic systems
- Critically analyse and apply principles of international criminal law to factual scenarios.
- Prepare effective written legal analysis and arguments.

Online quiz

Due: **16/01/15 at 5pm**

Weighting: **10%**

The questions in the online test will be based on topics 1 to 9. The test will be available from 9am on Wednesday 14 January 2015 and is due by 5 pm on Friday 16 January 2015.

The online test will comprise multiple choice and short answer questions on principles of international criminal law. The online tests provide students with an opportunity to revise the course work and demonstrate their knowledge and understanding of key concepts examined in the readings and classes. The online tests also develop an ability in students to respond to questions in a succinct and clear manner.

All students must complete the test online. Each test must be submitted by the due date and time. The test is not time limited, but it is estimated that the test should take at least an hour and no more than three hours to complete.

On successful completion you will be able to:

- Describe and analyze the history and development of international criminal law, including the social and political context.
- Identify sources of international criminal law.
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- Explain and critique the substantive crimes punishable under international law, including genocide, crimes against humanity, war crimes and aggression.
- Explain and critique the different modes of individual criminal responsibility in international criminal law and circumstances excluding individual criminal liability.
- Critically analyse the importance and content of procedural law applicable to international criminal proceedings, including fair trial rights and basic rules of procedure and evidence.
- Critically analyse and apply principles of international criminal law to factual scenarios.

Delivery and Resources

Resources

Prescribed text

There is one prescribed text for this unit:

- R Cryer, H Friman, D Robinson and E Wilmshurst, *An Introduction to International Criminal Law and Procedure* (Cambridge University Press, Cambridge, 3rd Ed. 2014).

A Reading List will be available on iLearn from 1 December 2014.

Recommended Texts

The following texts are recommended:

- A Cassese, G Acquaviva, M Fan and A Whiting, *International Criminal Law Cases & Commentary* (Oxford University Press, Oxford, 2011).
- W Schabas, *An Introduction to the International Criminal Court* (Cambridge University Press, Cambridge, 4th Ed. 2011).
- A Cassese, *International Criminal Law* (Oxford University Press, Oxford, 3rd Ed. 2013)
- A Cassese, *The Oxford Companion to International Criminal Justice* (Oxford University Press, Oxford, 2009).

These texts have all been placed on Reserve at the Library.

Delivery

The lectures in the course will be delivered over five (5) days: 18-19 December 2014 and

5-7 January 2015.

The lectures will be run as seminars, engaging students in discussion in relation to the particular issues addressed. A number of sessions will also focus on problem questions, that is, applying the knowledge learned in the lectures in relation to particular factual settings. Several guest lectures are also planned.

Unit Schedule

DAY	DATE	TOPICS
1	18 December 2014	<ol style="list-style-type: none">1. Introduction, sources and objectives of international criminal law and relationship to other areas of law2. Jurisdiction3. International institutions in international criminal law
2	19 December 2014	<ol style="list-style-type: none">· International institutions in international criminal law (cont.)4. International criminal justice and national legal systems5. Substantive Crimes (genocide)
3	5 January 2015	<ol style="list-style-type: none">· Substantive Crimes (crimes against humanity, war crimes, aggression) (cont.)6. Modes of liability
4	6 January 2015	<ol style="list-style-type: none">· Modes of liability (cont.)7. Defences8. Procedural law
5	7 January 2015	<ol style="list-style-type: none">· Procedural law (cont.)9. Immunities, amnesties and other alternatives to international criminal justice10. Future of International Criminal Law

Learning and Teaching Activities

Lectures

Lectures will be delivered in seminar format. Lectures will include participant discussion, guest lectures and multimedia presentations.

Readings

Readings will be set for students and will include case law from a range of international

jurisdictions and academic literature.

Issues for consideration

Each topic will ask students to consider specific issues to ensure their understanding of key principles of allocated reading and challenge ideas.

Assessments

Three assessment tasks will be assigned to students.

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](#). Students should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy http://mq.edu.au/policy/docs/academic_honesty/policy.html

Assessment Policy <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy <http://mq.edu.au/policy/docs/grading/policy.html>

Grade Appeal Policy <http://mq.edu.au/policy/docs/gradeappeal/policy.html>

Grievance Management Policy http://mq.edu.au/policy/docs/grievance_management/policy.html

Disruption to Studies Policy http://www.mq.edu.au/policy/docs/disruption_studies/policy.html *The Disruption to Studies Policy is effective from March 3 2014 and replaces the Special Consideration Policy.*

In addition, a number of other policies can be found in the [Learning and Teaching Category](#) of Policy Central.

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: https://students.mq.edu.au/support/student_conduct/

In the absence of a successful application for special consideration due to a disruption to studies, any assessment task submitted after its published deadline will not be graded and will receive a mark of zero. Applications for a Disruption to Studies are made electronically via ask.mq.edu.au and should be accompanied by supporting documentation. Students should refer to the Disruption to Studies policy for complete details of the policy and a description of the supporting documentation required. Word limits will be strictly applied and work above the word limit will not be marked. All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit.

Student Support

Macquarie University provides a range of support services for students. For details, visit <http://stu>

dents.mq.edu.au/support/

Learning Skills

Learning Skills (mq.edu.au/learningskills) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

Student Enquiries

For all student enquiries, visit Student Connect at ask.mq.edu.au

IT Help

For help with University computer systems and technology, visit <http://informatics.mq.edu.au/help/>.

When using the University's IT, you must adhere to the [Acceptable Use Policy](#). The policy applies to all who connect to the MQ network including students.

Graduate Capabilities

Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

Learning outcomes

- Describe and analyze the history and development of international criminal law, including the social and political context.
- Identify sources of international criminal law.
- Explain and critically analyse the interaction of international criminal courts and tribunals

with other actors and bodies of law in the international and domestic systems

- Explain and critique the substantive crimes punishable under international law, including genocide, crimes against humanity, war crimes and aggression.
- Explain and critique the different modes of individual criminal responsibility in international criminal law and circumstances excluding individual criminal liability.
- Critically analyse the importance and content of procedural law applicable to international criminal proceedings, including fair trial rights and basic rules of procedure and evidence.
- Critically analyse and apply principles of international criminal law to factual scenarios.
- Prepare effective written legal analysis and arguments.

Assessment tasks

- Take home exam
- Legal advice
- Online quiz

Critical, Analytical and Integrative Thinking

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

Learning outcomes

- Describe and analyze the history and development of international criminal law, including the social and political context.
- Identify sources of international criminal law.
- Explain and critically analyse the interaction of international criminal courts and tribunals with other actors and bodies of law in the international and domestic systems
- Explain and critique the substantive crimes punishable under international law, including genocide, crimes against humanity, war crimes and aggression.
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- Critically analyse the importance and content of procedural law applicable to international criminal proceedings, including fair trial rights and basic rules of procedure and evidence.
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Problem Solving and Research Capability

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

Learning outcomes

- Describe and analyze the history and development of international criminal law, including the social and political context.
- Identify sources of international criminal law.
- Explain and critically analyse the interaction of international criminal courts and tribunals with other actors and bodies of law in the international and domestic systems
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- Prepare effective written legal analysis and arguments.

Assessment tasks

- Take home exam
- Legal advice
- Online quiz

Creative and Innovative

Our graduates will also be capable of creative thinking and of creating knowledge. They will be imaginative and open to experience and capable of innovation at work and in the community. We

want them to be engaged in applying their critical, creative thinking.

This graduate capability is supported by:

Learning outcomes

- Explain and critically analyse the interaction of international criminal courts and tribunals with other actors and bodies of law in the international and domestic systems
- Critically analyse the importance and content of procedural law applicable to international criminal proceedings, including fair trial rights and basic rules of procedure and evidence.
- Critically analyse and apply principles of international criminal law to factual scenarios.
- Prepare effective written legal analysis and arguments.

Assessment tasks

- Take home exam
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- Online quiz

Effective Communication

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

Learning outcomes

- Explain and critically analyse the interaction of international criminal courts and tribunals with other actors and bodies of law in the international and domestic systems
- Critically analyse the importance and content of procedural law applicable to international criminal proceedings, including fair trial rights and basic rules of procedure and evidence.
- Critically analyse and apply principles of international criminal law to factual scenarios.
- Prepare effective written legal analysis and arguments.

Assessment tasks

- Take home exam
- Legal advice
- Online quiz