



# LAW 462

## Advanced Topics in Criminal Justice

S3 Day 2015

*Dept of Law*

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## General Information

Unit convenor and teaching staff

Chris Mitchell

[christopher.mitchell@mq.edu.au](mailto:christopher.mitchell@mq.edu.au)

Credit points

3

Prerequisites

(6cp in LAW or LAWS units at 300 level) or 39cp including (LAW459 or LAWS259)

Corequisites

Co-badged status

Unit description

This unit will house International Criminal Law. This unit will address the history, sources and development of international criminal law, as well as the political dynamic influencing its operation. A range of international criminal courts will be examined, taking into account their interaction with national courts and other actors in the international system. Students will further gain an understanding of the substantive crimes (genocide, war crimes, crimes against humanity and aggression) and substantive principles (such as defences, immunities and forms of responsibility) in this area of international law, as well as the relevant procedural law. The unit will include guest lectures from a current Senior Prosecuting Attorney at the International Criminal Court.

## 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
<a href="#"><u>Final assessment</u></a>	50%	22/01/2016 at 5pm
<a href="#"><u>Legal advice</u></a>	40%	10/01/16 at 5pm
<a href="#"><u>In-class quizzes</u></a>	10%	4/01/16 and 5/01/16

### Final assessment

Due: **22/01/2016 at 5pm**

Weighting: **50%**

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

The final assessment will be available from 9 am on Sunday 17 January 2016 and is due by 5 pm on Friday 22 January 2016.

Total word limit: 3,000 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: **10/01/16 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.

## In-class quizzes

Due: **4/01/16 and 5/01/16**

Weighting: **10%**

Two in-class quizzes will be held during the on campus session: one quiz on Monday, 4 January 2016 and one quiz on Tuesday, 5 January 2016.

Each quiz will consist of 10 multiple choice questions on principles of international criminal law. The quizzes 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.

Each quiz is worth 5% of the overall marks in the unit. All students must complete the quizzes in class.

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.

## **Delivery and Resources**

### Resources

#### **Prescribed text**

There is one prescribed text for this unit:

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

A Reading List will be available on iLearn.

#### **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

There are 10 topics in this unit.

The lectures for topics 1-5 will be pre-recorded and uploaded via the EchoCentre on the unit iLearn page. The lectures for topics 1, 2, 3 and 4 will be released via the EchoCentre on 7 December 2015. The lectures for topic 5 will be released via the EchoCentre on 14 December 2015.

Students are expected to have listened to the lectures for Topics 1-5 prior to the on campus session on 4-5 January 2016.

The lectures for topics 6-10 will be delivered at the on campus session on 4-5 January 2016. These lectures will be run as seminars, engaging students in discussion in relation to the particular issues addressed. During the on campus session a number of hypothetical problem questions will also be discussed, that is, applying the knowledge learned in the lectures in relation to particular factual settings.

Students are expected to attend both days of the on campus session.

## Unit Schedule

DATE	TOPICS
7 December 2015 (lectures released online via the EchoCentre on iLearn)	<ol style="list-style-type: none"><li>1. Introduction, sources and objectives of international criminal law and relationship to other areas of law</li><li>2. Jurisdiction</li><li>3. International institutions in international criminal law</li><li>4. International criminal justice and national legal systems</li></ol>
14 December 2015 (lectures released online via the EchoCentre on iLearn)	<ol style="list-style-type: none"><li>5. Substantive Crimes (genocide, crimes against humanity, war crimes and aggression)</li></ol>
4 January 2016 (on campus session)	<ol style="list-style-type: none"><li>6. Modes of liability</li><li>7. Defences</li><li>8. Procedural law</li></ol>
5 January 2016 (on campus session)	<ol style="list-style-type: none"><li>9. Immunities, amnesties and other alternatives to international criminal justice</li><li>10. Future of International Criminal Law</li></ol>

## Learning and Teaching Activities

### Lectures

Some lectures will be delivered online and some in seminar format. Lectures delivered in seminar format 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](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](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](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/](https://students.mq.edu.au/support/student_conduct/)

## Results

Results shown in *iLearn*, or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit [ask.mq.edu.au](http://ask.mq.edu.au).

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](http://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://students.mq.edu.au/support/>

## Learning Skills

Learning Skills ([mq.edu.au/learningskills](http://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](http://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

### 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**

- Final assessment
- Legal advice
- In-class quizzes

## **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**

- Final assessment

- Legal advice
- In-class quizzes

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

### Assessment tasks

- Final assessment
- Legal advice
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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

- Final assessment
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- In-class quizzes

## 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**

- Final assessment
- Legal advice
- In-class quizzes