



# LAWS512

## Advanced Topics in Criminal Justice

S3 Day 2016

*Dept of Law*

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## General Information

Unit convenor and teaching staff

Chris Mitchell

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Credit points

3

Prerequisites

(24cp in LAW or LAWS units) or (39cp including LAWS259 or LAW459)

Corequisites

Co-badged status

LAWS512 S3 Block LAWS512 Day LAWS512 External

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 others 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. Previous study of LAW459 International Law is required for permission to enrol in the unit.

## 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.

## General Assessment Information

### Moderation

Detailed marking rubrics will be made available on iLearn. All Fail papers are double marked.

### Late assignments

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

Word limits will be strictly applied and work above the word limit will not be marked.

### Electronic submission

All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit.

## Assessment Tasks

Name	Weighting	Due
<a href="#">Research essay</a>	50%	8/01/17 at 5pm
<a href="#">Legal advice</a>	50%	21/01/2017 at 5pm

### Research essay

Due: **8/01/17 at 5pm**

Weighting: **50%**

Students will be provided with a choice of three essay questions, of which you will need to answer only one. In answering one of the three questions, students should focus on independent writing and independent legal research. Students should also consider and reference both primary and secondary sources.

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.

## Legal advice

Due: **21/01/2017 at 5pm**

Weighting: **50%**

This assessment consists of a number of questions upon which you will be asked to provide legal advice. The content will be based on material covered across the whole course.

The legal advice will be available from 5 pm on Tuesday 17 January 2017 and is due by 5 pm on Saturday 21 January 2017.

This assessment is designed to be completed in approximately 10 hours. I have allowed a four day window to accommodate student and work timetables and for students who require reasonable adjustments to the timing of assessments.

Total word limit: 2,000 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.

## 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.

#### 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.

### Lectures

There are 10 topics in this unit.

All lectures will be pre-recorded and uploaded via the EchoCentre on the unit iLearn page.

- The lectures for topics 1 to 4 will be released via the EchoCentre on 5 December 2016.
- The lectures for topic 5 will be released via the EchoCentre on 12 December 2016.
- The lectures for topics 6 to 10 will be released via the EchoCentre on 19 December 2016.

Students are expected to have listened to all of the lectures prior to the on-campus sessions in January 2017.

### On campus sessions

You must attend an on-campus session for this unit. The on-campus session runs for two

consecutive days, from 9am to 4pm on each day. Students are expected to attend both days of the on-campus session.

You may attend the on-campus session on 14-15 January 2017 (**OCS 1**), or 16-17 January 2017 (**OCS 2**). You only need to attend OCS 1 or OCS 2, not both.

The on-campus sessions 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.

## Unit Schedule

DATE	TOPICS
5 December 2016 (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>
12 December 2016 (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>
19 December 2016 (lectures released online via the EchoCentre on iLearn)	<ol style="list-style-type: none"><li>6. Modes of liability</li><li>7. Defences</li><li>8. Procedural law</li><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 and on-campus session

All lectures will be pre-recorded. The on-campus sessions will include participant discussion, multimedia presentations and potentially a guest lecture.

### 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

Two 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)

**New Assessment Policy in effect from Session 2 2016** [http://mq.edu.au/policy/docs/assessment/policy\\_2016.html](http://mq.edu.au/policy/docs/assessment/policy_2016.html). For more information visit [http://students.mq.edu.au/events/2016/07/19/new\\_assessment\\_policy\\_in\\_place\\_from\\_session\\_2/](http://students.mq.edu.au/events/2016/07/19/new_assessment_policy_in_place_from_session_2/)

Assessment Policy prior to Session 2 2016 <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy prior to Session 2 2016 <http://mq.edu.au/policy/docs/grading/policy.html>

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

Complaint Management Procedure for Students and Members of the Public [http://www.mq.edu.au/policy/docs/complaint\\_management/procedure.html](http://www.mq.edu.au/policy/docs/complaint_management/procedure.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://www.mq.edu.au/about\\_us/offices\\_and\\_units/information\\_technology/help/](http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/).

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources 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**

- Research essay
- Legal advice

## **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**

- Research essay
- Legal advice

## 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 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

- Research essay
- Legal advice

## 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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- 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**

- Research essay
- Legal advice

## **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**

- Research essay
- Legal advice