



# LAWS512

## Advanced Topics in Criminal Justice

S3 External 2018

*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)

Joanna Mitchell

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

Credit points

3

Prerequisites

(24cp in LAW or LAWS units) or (39cp at 100 level or above including LAWS259 or LAW459)

Corequisites

Co-badged status

Unit description

This Unit will explore diverse advanced topics in Criminal Law and responds to contemporary debates within the criminal justice sector internationally and domestically. This unit will critically examine the scholarship of criminal law and criminal justice institutions and practices. Topics to be considered in any one semester may include international criminal law and responsibility, corporate criminal liability, criminal law and gender, criminal law and politics, the construction of offences and policy developments in sentencing and incarceration. This unit will address contemporary debates in criminal law and justice as they develop and will apply advanced criminal justice theory to those debates.

## 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

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – two (2) marks out of 100 will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline. No late submissions will be accepted for timed assessments – e.g. quizzes, online tests. Applications for Special Consideration are made electronically via [ask.mq.edu.au](http://ask.mq.edu.au) and should be accompanied by supporting documentation.

### 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	Hurdle	Due
<a href="#">Essay</a>	50%	No	31/12/18 at 5pm
<a href="#">Legal advice</a>	50%	No	17/01/2019 at 5pm

### Essay

Due: **31/12/18 at 5pm**

Weighting: **50%**

Students will be required to write an essay on contemporary legal issues related to international

criminal law. There will be a choice of three questions (for the avoidance of doubt, students should only answer one of the three questions). The questions will be posted on iLearn at the start of Session 3. In writing the essay, students should focus on independent writing and independent legal research. Students should also consider and reference both primary and secondary sources.

Word limit: 2,000 total (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: **17/01/2019 at 5pm**

Weighting: **50%**

Students will be required to respond to questions based on a factual scenario, addressing issues covered in the prescribed readings, lectures or the on-campus session. The total word length for the assignment must not exceed 2,000 words. A window of 32 hours will be provided to students, but the assignment will be designed to be answered within a 3-4 hour window so there is time to attend to other obligations within that window. The time period will run from 9am on Wednesday, 16 January 2019 until 5pm on Thursday, 17 January 2019.

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 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:

- W Schabas, *An Introduction to the International Criminal Court* (Cambridge University Press, Cambridge, 5th Ed. 2017).
- A Cassese, *International Criminal Law* (Oxford University Press, Oxford, 3rd Ed. 2013).
- A Cassese, G Acquaviva, M Fan and A Whiting, *International Criminal Law Cases & Commentary* (Oxford University Press, Oxford, 2011).

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 on the unit iLearn page.

Students are expected to have listened to all of the lectures prior to the on-campus session on 14-15 January 2019.

### On campus sessions

This unit has an on-campus session which runs for two consecutive days - 14 and 15 January 2019 - from 9am to 4pm on each day. Students are expected to attend both days of the on-campus session.

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

### TOPICS

1. Introduction, sources and objectives of international criminal law and relationship to other areas of law
2. Jurisdiction
3. International institutions in international criminal law
4. International criminal justice and national legal systems
5. Substantive Crimes (genocide, crimes against humanity, war crimes and aggression)
6. Modes of liability
7. Defences
8. Procedural law
9. Immunities, amnesties and other alternatives to international criminal justice
10. Future of International Criminal Law

## 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 \(https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central\)](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- [Academic Appeals Policy](#)

- [Academic Integrity Policy](#)
- [Academic Progression Policy](#)
- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

Undergraduate students seeking more policy resources can visit the [Student Policy Gateway](https://students.mq.edu.au/support/study/student-policy-gateway) (<https://students.mq.edu.au/support/study/student-policy-gateway>). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central](http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/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/study/getting-started/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).

## 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
- 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

- 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**

- 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
- 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**

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

## Assessment tasks

- 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
- 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

- Essay
- Legal advice

## Engaged and Ethical Local and Global citizens

As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

## Learning outcome

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

