



# LAWS5012

## Advanced Topics in Criminal Justice

Session 3, Infrequent attendance, North Ryde 2020

*Macquarie Law School*

### Contents

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<a href="#"><u>General Information</u></a>	2
<a href="#"><u>Learning Outcomes</u></a>	2
<a href="#"><u>General Assessment Information</u></a>	3
<a href="#"><u>Assessment Tasks</u></a>	5
<a href="#"><u>Delivery and Resources</u></a>	6
<a href="#"><u>Unit Schedule</u></a>	7
<a href="#"><u>Policies and Procedures</u></a>	8
<a href="#"><u>Changes since First Published</u></a>	9

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#### Disclaimer

Macquarie University has taken all reasonable measures to ensure the information in this publication is accurate and up-to-date. However, the information may change or become out-dated as a result of change in University policies, procedures or rules. The University reserves the right to make changes to any information in this publication without notice. Users of this publication are advised to check the website version of this publication [or the relevant faculty or department] before acting on any information in this publication.

#### Notice

As part of [Phase 3 of our return to campus plan](#), most units will now run tutorials, seminars and other small group learning activities on campus for the second half-year, while keeping an online version available for those students unable to return or those who choose to continue their studies online.

To check the availability of face-to-face and online activities for your unit, please go to [timetable viewer](#). To check detailed information on unit assessments visit your unit's iLearn space or consult your unit convenor.

## General Information

Unit convenor and teaching staff

Course Convenor

Raihana Haidary

[Contact via ILearn](#)

via email

Tutor

Dr. Alexandra Fowler

[Contact via ILearn](#)

via email

Lise Barry

[lise.barry@mq.edu.au](mailto:lise.barry@mq.edu.au)

Credit points

10

Prerequisites

(80cp in LAW or LAWS units) or (130cp including LAWS2000 or LAWS259 or LAW459 or LAWS4059)

Corequisites

Co-badged status

Unit description

This unit considers the history, sources and development of international criminal law, as well as the political dynamics 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 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), as well as the relevant procedural law.

## 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:

**ULO1:** Describe and analyse the sources, history and development of international criminal law, including the social and political context

**ULO2:** 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

**ULO3:** Explain and critique both the principles of criminal responsibility and the substantive crimes punishable under international law, including genocide, crimes against humanity, war crimes and aggression

**ULO4:** 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

**ULO5:** Critically analyse and apply principles of international criminal law to factual scenarios

## 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.

### ESSAY

**Due:** 21/12/2020 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 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:** 16/01/2021 **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 Friday, 15 January 2021 until 5pm on Saturday, 16 January 2021.

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.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#">Essay</a>	50%	No	21/12/2020 at 5pm
<a href="#">Legal Advice</a>	50%	No	Exam released 9am 15/01/2021 and will be due 5pm 16/01/2021

### Essay

Assessment Type <sup>1</sup>: Essay

Indicative Time on Task <sup>2</sup>: 50 hours

Due: **21/12/2020 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 questions. This task requires independent writing and legal research.

On successful completion you will be able to:

- Describe and analyse the sources, history and development of international criminal law, including the social and political context
- 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 both the principles of criminal responsibility and the substantive crimes punishable under international law, including genocide, crimes against humanity, war crimes and aggression
- 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

### Legal Advice

Assessment Type <sup>1</sup>: Practice-based task

Indicative Time on Task <sup>2</sup>: 50 hours

Due: **Exam released 9am 15/01/2021 and will be due 5pm 16/01/2021**

Weighting: **50%**

Students will respond to questions based on a factual scenario, addressing issues covered in the prescribed readings, lectures or the on-campus session.

On successful completion you will be able to:

- Describe and analyse the sources, history and development of international criminal law, including the social and political context
  - 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 both the principles of criminal responsibility and the substantive crimes punishable under international law, including genocide, crimes against humanity, war crimes and aggression
  - 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
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<sup>1</sup> If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
- the [Writing Centre](#) for academic skills support.

<sup>2</sup> Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

## **Delivery and Resources**

### **Readings**

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

Readings will be set for students and will include case law from a range of international jurisdictions and academic literature. Please see prescribed text and iLearn for the full reading list for each session.

### **Prescribed Text**

There is one prescribed text for this unit:

- R Cryer, D Robinson and S Vasiliev, *An Introduction to International Criminal Law and Procedure* (Cambridge University Press, Cambridge, 4th Ed. 2019).

Note: 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).

## Unit Schedule

### 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 the relevant lecture prior to each of the sessions.

### Sessions

Students will attend **10 hours of sessions** either face to face or online. Students are expected to have listened to the relevant recording and have completed the readings for the class BEFORE each session. Without having listened to the recording or having read the texts, it will be impossible to engage in the relevant class.

The sessions will be run as seminars, engaging students in relevant discussion related to the particular issues addressed. During the session we will look carefully at the court's reasoning in a number of key cases, discuss the flaws and strengths of the international criminal justice system and apply relevant knowledge on substantive and procedural law to a number of hypothetical problem questions. It is important to master both breadth and depth of knowledge relating to international criminal law in order to succeed in this course.

### Unit Schedule

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

### 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.*)

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 \(https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central\)](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central).

### 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 published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) 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) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@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 help you improve your marks and take control of your study.



- [Getting help with your assignment](#)
- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module](#)

The Library provides online and face to face support to help you find and use relevant information resources.

- [Subject and Research Guides](#)
- [Ask a Librarian](#)

## 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)

If you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@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.

## Changes since First Published

Date	Description
19/11/2020	reference to online sessions