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## SCHOOL OF HUMANITIES AND SOCIAL SCIENCES

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### CRIMINAL JUSTICE 4136: INTERNATIONAL CRIMINAL LAW AND PROCEDURES

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#### COURSE DESCRIPTION

Though International Criminal Law shares some principles with Criminal Law, there are certain areas in which they are fundamentally different. The course seeks to develop students awareness of the basic concepts of substantive international criminal law, including, the development of international criminal law, the international crimes such as 'genocide', 'crime against humanity', 'aggression' and 'war crimes', and the institutions of international criminal justice in an historical and contemporary context. Emphasis will be on the Statute of the International Criminal Court.

This course is also devoted to a practical perspective on international criminal procedure in the fields of immunities, primacy vs. complementarity, tribunals' requests for assistance (including binding orders and subpoenas), as well as protection of witnesses. This course addresses various aspects of investigation and trial before international criminal courts. The main features of the collection, presentation and evaluation of written and oral evidence before various international criminal tribunals, including the International Criminal Court, will be explored.

#### ALIGNMENT TO USIU MISSION OUTCOMES

This course provides knowledge and skills that meet the following PLOs: 1. Higher order thinking; 2. Literacy; 3. Global understanding and Multicultural perspectives; 4. Preparedness for career.

#### LEARNING OUTCOMES:

Upon completion of this course, students will be able to:

1. To acquire an informed understanding of the basic concepts in criminology
2. To recognize the major sources of data on crime trends and patterns

3. To examine the historical evolution of criminological theory
4. To examine the causes of traditional and non-traditional criminal behavior
5. To assess the relative utility of various explanations of the causes of crime
6. To appreciate the role of criminological theory as a social science
7. To appreciate emerging, critical, and global versions of criminology

## **COURSE SCHEDULE & READING GUIDE**

### **Week One**

Lecture 1: Introduction and issuance of course outlines

Lecture 2: Why study International Criminal Justice?

#### **Readings:**

### **Week Two**

Lectures 3 & 4: Introduction, History of International Jurisdiction and Sources of International Criminal Law

#### **Readings:**

### **Week Three**

Lecture 5 & 6: Introduction, History of International Jurisdiction and Sources of International Criminal Law

#### **Readings:**

### **Week Four**

Lecture 7 & 8: International Crimes and Criminology

#### **Readings:**

### **Week Five**

Lecture 9 & 10: International Crimes and Criminology

#### **Readings:**

### **Week Six**

Lecture 11 & 12: Modes of Liability - Applicable international jurisprudence; modes of liability under the Rome Statute; distinction between superior and command responsibility

**Readings:**

## **Week Seven**

### **Lecture 13: Midterm Exams**

Lecture 14: The International Criminal Court - Brief history of ICC's establishment; Rome Statute as a blend of legal traditions; jurisdiction; triggers for jurisdiction; admissibility; deferral

**Readings:**

## **Week Eight**

Lecture 15 & 16: ICC (cont.) and other mechanisms of accountability for serious international crimes

**Readings:**

## **Week Nine**

Lectures 17& 18: International Criminal Law's Mixed Heritage: Common and Civil Law Approaches in the Practice of the ICC

**Readings:**

## **Week Ten**

Lectures 19 & 20: Investigations of Mass Crimes

**Readings:**

## **Week Eleven**

Lectures 21 & 22: Witnesses - Outreach, reliance on witnesses, witness protection, witness preparation, use of intermediaries, unavailable witnesses, witness interference, in situ proceedings

**Readings:**

## **Week Twelve**

Lecture 23 & 24: Victims – participation and reparation

**Readings:**

## **Week Thirteen**

Lectures 25 & 26: Defense Issues – International Criminal Bodies; provisional detention; sentencing; high state officials

## **Week Fourteen**

### **Final Exam**

#### **TEACHING METHODOLOGY**

- **Lectures** – Lectures offer an established basis for delivering core knowledge about the subject. Lectures will not necessarily reflect but rather complement the readings provided. Lectures will be held every Mondays and Wednesdays from 9am-10.40am in Room D.
- **Power Point** – The lecturer may use power point slides to deliver the contents of the lecture
- **Class presentations/Group Discussions-** This will encourage students to work together in researching, presenting and assessing their own work
- **Office hours** – students are encouraged to utilize the office hours allotted to them. The lecturer will use these hours to address individual problems or difficulties.
- **Student participation** – Students are encouraged to interact in class. Student participation is very important. The students' skills that will be developed include the development and presentation of oral skills directed towards criminal justice discourse.
- **Media sources** – students are encouraged to watch certain TV programs and movies which will highlight some of the concepts taught in class, e.g., CSI, Criminal Minds, Mentalist, etc.

#### **Attendance, Preparation, & Participation**

Class attendance is mandatory and will be taken during each class session. Seven (7) absences will result in failure of the class (F). Any late arrivals or absences should be reported to the instructor in advance either through e-mail or phone call. The course involves in-class activities and discussions, therefore participation is integral. To enhance your participation and the quality of your contributions you need to go through the assigned readings and prepare adequately before each class. The class sessions supplement the assigned readings. This course is collaborative; its success is dependent upon your coming to class prepared, ready to contribute, and with a positive attitude. You may bring your computers and mobile phones to class, but you should not use the same to chat, surf the net, etc. Ensure that your mobile phones are either switched off or are in silent mode. No sleeping is allowed in class. **Attendance and participation contributes to 5% of the final grade.**

Excuses are only allowed for cases of illness, unavoidable circumstances, or university extracurricular activities approved by the Dean or the DVCAA. Illnesses should be documented by a medical professional and by the USIU health center. Unavoidable circumstances should be described in writing, and the Instructor reserves the right to override what the student deems as unavoidable. Extracurricular activities are normally notified to the faculty via email from the relevant department.

**'Three Tardies Equals One Absence'** Rule is applied. Tardiness is defined as twenty minutes of any class meeting time, regardless of whether it occurs at the beginning of class (late), the middle of class (break), or end of class (leaving early). Anyone suspected of abusing or exploiting this definition by deliberately and repeatedly keeping it just under twenty minutes will be penalized the same as others, and referred for behavioral disruption.

Attendance is taken every class meeting by signature. Use a distinctive signature consistently, and do not print or make other marks on the roll sheet (unless instructed to do so). Above all, **DO NOT** sign for someone else, as this constitutes a serious offense (cheating), and any suspected cases of it are investigated and penalized. If an asterisk (\*) appears behind your name on the attendance sheet, that means a pattern of absenteeism has been detected in your case, and that absenteeism penalties may apply if performance does not improve.

In the event that classes are cancelled for any reason, the material scheduled for the cancelled date is automatically rescheduled for the next class meeting. This includes exams or other work due on the cancelled date. In the event that the instructor cannot make it to a class meeting, there will be an announcement on the announcements page of Blackboard, and there will also be a note on the classroom door.

**To pass this course, you must complete all assignments, all tests/quizzes, a mid-term examination and a final examination.**

### **Written Assignments**

The main aim of written assignments will be to teach learners to express their ideas clearly and concisely. Completed assignments must be submitted to the course instructor **on or before the stipulated deadline**. Further information on these will be provided in class as the course progresses. **Overdue assignments will be assessed a five (5) point penalty per day for the first seven (7) days while any assignment overdue for a period exceeding one (1) week will earn an automatic zero (0) score.** If a student cannot meet the set deadline for an assignment because of circumstances beyond his/her

control, he/she must inform the instructor before the set deadline and not thereafter.

**Papers are graded using the REOS method: Reasoning (Logic), Evidence (Sources), Observations (your Personal touch), and Substance (how Significant or Profound you are). The length of term papers should be between 7 and 10 pages. No extra credit will be given for a longer paper.**

### **Exams**

There will be one in class midterm and a final exam. Each examination consists of a one and a half hour paper. The examinations form 50% of the overall assessment. Although considerable choice is availed, the questions ensure that all students acquire a substantial grasp of the course content.

**Absolutely** no make-up testing will be allowed. Consistent with University regulations, students experiencing any difficulties must consult the office of the Dean of the school of Humanities and Social Sciences.

### **COURSE POLICIES AND PROCEDURES**

- 1. Do Read your syllabus: A syllabus is a contract between the instructor and learners. It is your duty to make sure you understand course requirements, policies, assignments and your responsibilities as a student. Requirements are not up for re-negotiation at the end of the semester. Ask questions if you are confused about anything on the syllabus.**
- 2. Do seek Help: If you have questions or need help, come and see me or e-mail me promptly! Do not wait until the last week of the semester if you are having trouble. At that point in time, it is usually too late to do anything meaningful.**
- 3. Beware of Cheating: Plagiarism and any other form of cheating will not be tolerated. This is consistent with the USIU catalog governing acts of misconduct. If you are unsure about what constitutes cheating, I'll be glad to clarify it for you. Anyone found to be engaging in plagiarism and other forms of cheating with respect to assignments, tests and examinations will receive a failing grade for the course.**
- 4. Class Etiquette: Please respect other students and the instructor by arriving on time and staying until the class is over. If circumstances require you to arrive late or leave early, please inform me beforehand and enter or exit as unobtrusively as possible. Please turn off and store away all cell**

phones. Also, do not have conversations with other students during class. All these are considered disruptive behavior.

5. **E-mail Communication:** You are free to communicate with me over e-mail. Do note however, that I am not on-call 24/7. I may not check my work e-mail over the weekend or on holidays. I also do not check my incoming e-mail throughout the day. I will strive to respond to e-mail within 24 hours of receiving it during the week and, Weekend e-mails will receive a reply by Tuesday at the latest.
6. **Class attendance:** Please note the university policy as regards class attendance. Failure to attend seven (7) classes or more will result in an automatic F grade. It is upon you as a student to keep a record of the number of classes you have missed. Please do not ask me the number of classes you have missed.

#### **COURSE MATERIAL**

Cryer, R. *et al.*, *International Criminal Law and Procedure*, Cambridge, Cambridge University Press, 2010.

Bassioni, M., C. (ed.) *The Legislative History of International Criminal Court*, Ardsley, Transnational Publishers, 2003.

Cassese, A. *International Criminal Law*, Oxford, Oxford University Press, 2008.

Schabas, W., *An Introduction to International Criminal Court*, Cambridge, Cambridge University Press, 2010.

Schabas, W., *The UN International Criminal Tribunals: The Former Yugoslavia, Rwanda and Sierra Leone*, Cambridge University Press, Cambridge, 2006.

Werle, G., *Principles of International Criminal Law*, Asser Press, Hague, 2005.

The materials in the following websites are helpful:

<http://www.icty.org> (International Criminal Tribunal for the former Yugoslavia)

<http://www.ictt.org> (International Criminal Tribunal for Rwanda)

<http://www.icc-cpi.int> (International Criminal Court)

<http://www.icrc.org/> (International Committee of the Red Cross)

<http://www.iccnw.org/> (Coalition for the International Criminal Court)

**N/B:** Additional materials will be introduced in the course of the semester.

## **ASSESSMENT**

The Evaluation Method will be as follows:

- |                            |     |
|----------------------------|-----|
| • Attendance/participation | 5%  |
| • Assignments/Quizzes      | 25% |
| • Term paper/Essay         | 20% |
| • Mid-semester Exam        | 20% |
| • Final Exam               | 30% |

### **Term Paper/Essay**

Students are expected to submit a researched term paper of between 7-10 pages. The format for the paper is 1.5 line-spacing with font pattern New Times Roman, size 12. Although USIU has general guidelines regarding writing researched papers (USIU has adopted the APA citation style), additional course-specific guidelines regarding term papers will be provided. The term paper will form 20% of the overall grade. The term paper is intended to encourage individual research into a topic of concern in criminal justice. This assignment places particular emphasis upon the acquisition of relevant critical, analytical and evaluative skills.

### **Academic Integrity**

USIU has introduced a software program to assist in the detection of plagiarism called SafeAssign on Blackboard. For those of you, who have previously used Turnitin, note that SafeAssign is similar to Turnitin. It is text-matching software which provides a report on whether a student's work is original in thought and deed. It is therefore prudent for all works to include full and correct referencing. To this



end, all submitted works should be accompanied by an identical soft copy to check on plagiarism. **Cases of suspected plagiarism will result in an automatic zero (0) mark and failing grade for the course.**

**N/B: The term paper and any essay assignment should be submitted to SafeAssign. The accepted plagiarism level is 20%. To avoid any disappointment or problems, especially with regard to the plagiarism report, please ensure you submit your drafts of the term paper or essay as early as possible. If you experience any difficulty seek help as soon as possible, DO NOT WAIT UNTIL THE ASSIGNMENT IS DUE.**

#### **USIU GRADING SYSTEM**

A	90-100	C+	74-76	D-	60-61
A-	87-89	C	70-73	F	0-59 OR 5 MISSED
B+	84-86	C-	67-69	CLASSES	
B	80-83	D+	64-66		
B-	77-79	D	62-63		

## **Student Contract**

**CJS4136: International Criminal Law and Procedures**

**Semester, Year**

Read the following statements carefully then fill in your name, your student identification number and append your signature on the space provided if you agree to abide by these statements.

If you do not feel you are able to abide by this contract, you should consider dropping the course before the time for add and drop elapses.

1. I have read and understood the guidelines, requirements and course policies as stipulated in the course outline.
2. I understand what my duties and responsibilities are and will discharge them accordingly.
3. I have read and understood USIU's Academic Code of Conduct and Ethics, including the policy on plagiarism.
4. I am conversant with USIU's class attendance policy and will abide by it.
5. I understand that attendance does not equal technical appearances. That is, lateness beyond 20 minutes after the commencement of learning will be treated as non-attendance.
6. I understand that I am to maintain contact with my instructor through observing the provided office hours, by appointments or via the email system.
7. I understand that active participation is required for this course.
8. I will be civil at all times with my classmates and my instructor and expect civility from others.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ ID No: \_\_\_\_\_

