I. COURSE DESCRIPTION & OBJECTIVES

This course is an introduction to international criminal law, a branch of public international law. As such, the course will expose students to the prosecution, trial and punishment of individuals alleged to have committed crimes considered to be among the most serious violations of international humanitarian and human rights law.

The objectives of this course are: 1) to provide an overview of the field of international criminal law, the reasons for its rapid development in the past 15 years, and the importance of understanding international criminal law with respect to current events in the U.S. and globally; 2) to foster a clear understanding of the substantive law and means of enforcement of international criminal law; 3) to analyze the efficacy and future of international criminal law as a means for punishing and deterring international crimes as well as in promoting international peace, reconciliation and security; and 4) to provide a foundation for those considering a career in international criminal law.

In order to meet those objectives, we will begin the course with an historical overview of the evolution of international criminal law, with particular emphasis placed on the trials at Nuremburg and Tokyo post-World War II, and the explosion of international criminal jurisdictions from 1993 to the present. Next, we will discuss the varying definitions of international criminal law, the sources of law that provide the basis for prosecution of international crimes, and the fundamental principles governing international criminal law. Thereafter, we will focus on the jurisdictional bases for enforcement of international criminal law at both the international and national levels. We will examine more closely the statutes and organization of international criminal courts and tribunals from post-WW II to the present including: the Nuremburg and Tokyo tribunals; the ad hoc international and “hybrid” criminal courts and tribunals for the former Yugoslavia, Rwanda, Sierra Leone, Cambodia, and Lebanon, among other places; and the permanent International Criminal Court. We will also consider prosecution of international crimes in national jurisdictions, with particular emphasis placed upon U.S. courts and the war on terror. The interplay between national and international jurisdictions will also be discussed.
Following our study of jurisdictions, we will turn to the substantive law, looking at the legal elements of the so-called “core-crimes” in international criminal law—war crimes, crimes against humanity, genocide and aggression. We will also consider the crimes of torture and terrorism. From there, we will discuss the legal elements for modes of liability for international crimes as well as the topics of defenses, immunities and sentencing.

Time permitting, we will wrap up the course with a discussion of the way forward in international criminal law by focusing on emerging issues including: State and corporate criminal responsibility; expansion of crimes against humanity; the future of international courts and tribunals; the growth in national trials; and the interaction between international criminal trials and alternative mechanisms for bringing about justice and peace in post-conflict situations.

II. COURSE STRUCTURE & REQUIREMENTS

This class meets on Tuesdays and Thursdays from 2:30 p.m. – 3:45 p.m. in Room #306 beginning January 12th and ending April 22nd. We will not meet the week of March 22nd-26th due to Spring Break.

During each class period, there will generally be an introductory lecture for the first 10-30 minutes of class followed by discussion. From time to time, I may use power points to enhance the lecture; following class, I will post any power point slides on my TWEN website. Please be sure to register on TWEN for access to these slides and any other materials that I may post for purposes of supplementing the course.

In order to maximize learning for all involved in this course, students are expected to study all of the assigned reading prior to showing up in class. The reading list of assigned reading for each day is attached. Students are also expected to participate in the classroom discussion through volunteering or when called upon. If you do not feel prepared to participate in the discussion on a particular day, please send me an email stating as much no later than the night before class. Students will be allowed to be excused twice from classroom participation.

The final grade for this course will be determined on the basis of performance on an open-book, in-class final exam scheduled for Thursday, April 29th at 8:15am. The exam will test your knowledge of information from the assigned reading as well as classroom lectures and discussion. For study purposes a copy of my Fall 2007 exam for this course may be found on file in the library.

The final grade may, however, be lowered by one grade step (e.g. from an A- to a B+), if classroom participation or attendance are deemed insufficient. Attendance is very important, and students are requested to miss no more than 2-3 days and only where it is necessary. Per the rules of the law school, students who are absent for more than 20% of class in a semester may be excluded from taking the final exam, absent exceptional circumstances.
III. REQUIRED TEXTS


Casebook Website with Hyperlinks to Documents cited by Chapter in Casebook: [http://www.vanschaackslye-icl.com/index.asp](http://www.vanschaackslye-icl.com/index.asp) (Click on “Hyperlinks and Documents Listed by Chapter”)


IV. OFFICE HOURS

Feel free to stop by during my regular office hours, which are from 4-6pm on Thursdays. If that time is not convenient for you, please send me an email or call so we can arrange for another time and/or day. Emails with questions are always welcome.

V. OTHER INFORMATION

The following resources are provided to enhance your understanding of the course—to be consulted at your discretion—but are not required for preparing for class or the final examination.

A. Supplementary Texts


--------------------, *The UN International Criminal Tribunals* (Cambridge University Press 2006).


**B. Leading Law Journals**

American Journal of International Law  
Criminal Law Forum  
International Criminal Law Review  
Journal of Conflict and Security Law  
Journal of International Criminal Justice  
Leiden Journal of International Law  
The Law and Practice of International Courts and Tribunals

**C. Useful Websites**

*Extraordinary Chambers in the Courts of Cambodia*: www.eccc.gov.kh/english/  
*International Committee of the Red Cross*: www.icrc.org  
*International Court of Justice*: www.icj-cij.org  
*International Criminal Tribunal for the former Yugoslavia*: http://www.icty.org/  
*International Criminal Tribunal for Rwanda*: www.ictr.org  
*International Criminal Court*: www.icc-cpi.int  
*Nuremburg IMT*: http://avalon.law.yale.edu/subject_menus/imt.asp  
*Nuremburg NMT*: www.mazal.org/nmt-home.htm  
*Special Court for Sierra Leone*: www.sc-sl.org  
*Special Panels for Serious Crimes in East Timor*: www.jsmp.minihub.org  
*Special Tribunal for Lebanon*: http://www.stl-tsl.org/  
*Special War Crimes Chamber in the Court of Bosnia & Herzegovina*: http://www.sudbih.gov.ba/?jezik=e  
*The Alberto Fujimori Trial*: http://fujimoriontrial.org/
United States Department of Defense Military Commissions:

War Crimes Prosecution Watch:
http://www.publicinternationallaw.org/warcrimeswatch/