INTERNATIONAL HUMAN RIGHTS: CRIME AND PUNISHMENT (Laws 7320-001)

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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 Nuremberg and Tokyo tribunals; the ad hoc international and “mixed” 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 as well as the Iraqi High Tribunal. 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 and immunities. Finally, by way of wrapping up the course, we will discuss 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 9:30 a.m. – 10:45 a.m. in Room #305 beginning August 28th and ending December 6th. We will not meet the week of November 19th due to Fall Break and the Thanksgiving holiday. In addition, we will not meet on Thursday, October 25th. A make-up day is scheduled for the following Friday, November 2nd. Time and classroom will be announced in due course.

During each class period, there will be a lecture for the first 45 minutes of class followed by 30 minutes of discussion and debate. These times may be varied as required, depending on the topic for discussion and the needs of the class.

In order to maximize learning for all involved in this course, students are requested to study all of the assigned required reading and are encouraged to do recommended reading prior to showing up in class. The syllabus of assigned reading for each day is attached. Students are also expected to participate in the classroom discussion—in order to facilitate dialogue, students will be designated in advance as responsible for being called on to lead the discussion on the topic of the day. Those who are on call are requested to do the recommended reading for that day. If you are not prepared on a particular day, please provide me with a note to that effect before class begins. All students are encouraged to volunteer taking part in the discussion regardless of whether or not you are assigned to be called upon.

The grade for this course will primarily be determined on the basis of performance on a take-home final exam scheduled for Tuesday, December 18th. The take-home exam will test your knowledge of information from the assigned reading as well as classroom lectures and discussion.

The course grade will also be determined on the basis of classroom participation and attendance. The final grade in a course may be raised or lowered one grade-step (e.g. 92% (A-) to 93% (A), depending on classroom participation. Attendance is very important, and students are requested to miss no more than 2-3 days where it is necessary. Per the rules of the law school, students who are absent for more than 20% of class in a semester will be excluded from taking the final exam, absent exceptional circumstances.
III. REQUARED TEXTS


IV. 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


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: www.un.org/icty/
International Criminal Tribunal for Rwanda: www.ictr.org
International Criminal Court: www.icc-cpi.int
Iraqi High Tribunal: www.iraq-ght.org/
Nuremberg IMT: www.yale.edu/lawweb/avalon/imt/imt.htm
Nuremberg 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 War Crimes Chamber in the Court of Bosnia & Herzegovina:
  www.sudbih.gov.ba

V. OFFICE HOURS

Feel free to stop by during my regular office hours, which are from 2-4pm on Mondays. 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.