Welcome to the International Criminal Law Seminar:

**Text:** All assignments are in Van Schaak & Slye, International Criminal Law and Its Enforcement (Foundation Press, 2007), referred to below as “VS.” Class rules, Powerpoints, and other relevant information may be downloaded from my TWEN site.

**Grading:** Your grade will consist of three components:

**Component 1 (15% of total grade):** Each student will be required to make an in-class presentation on either an issue raised by the material assigned for the class or a topic related to the material. The presentation should be approximately 10 minutes long, and the student spend part of the time presenting ideas and part of the time answering questions from the class. Although outside research is not necessarily required for this exercise, I expect the presentations to be creative and informative and demonstrate each student’s depth of understanding of the material.

**Component 2 (15% of total grade):** Each student will be required to make an in-class presentation on the topic of her final paper. Presentations will be made after the topic and outline has been approved. The topic of the paper must relate to an issue, case, treaty, or theme raised by the seminar. The presentation should be approximately 10 minutes long, and the student spend part of the time presenting ideas and part of the time answering questions from the class. Presentations will be scheduled late in the semester so that each student will already have begun to research and write the paper.

**Component 3 (70% of total grade):** Each student will submit a paper of no more than 25 pages on the paper topic presented. Papers should be formatted as follows: One inch margins; the text should be double-spaced in Times New Roman 12 point font; the footnotes should be single-spaced in 10 point font. Please consult below for due dates of outline and final draft.

**Class Assignments:** I hope we can cover each assignment group per class. However, certain topics may move slower and others faster. If we get off schedule, I will always let you know which material to read for the next class. Please note that the syllabus does not always assign readings in the order of the book. We will be skipping much of the material in the case book.
Assignments

I. Introduction, Sources of International Criminal Law, Jurisdiction

Assignment Group 1: Introduction, Sources of International Law, History of International Jurisdiction
- VS 1-22 (Introduction to International Criminal Law)
  - Introduction, Simonovic excerpt, Notes, Aukerman Excerpt, Notes
- VS 825-44 (Sources of International Criminal Law)
  - Nullum Crimen Sine Lege, Prosecutor v. Sam Hinga Norman, Notes
- VS 23-37 (History of International Jurisdiction)
  - Introduction, US v. Akaki, Notes

Assignment Group 2: Modern Ad Hoc Tribunals, The International Criminal Court, Domestic Jurisdiction
- VS 37-63 (Modern Ad Hoc Tribunals)
  - Prosecutor v. Tadic, Notes
- VS 64-81 (The ICC)
  - Fowler excerpt, Notes, Bolton excerpt, Notes
- VS 82-99 (Domestic Jurisdiction)
  - Lotus Case, Notes, Restatement 3d of Foreign Relations §§ 402-03, 421, Notes, U.S. v. Yunis, Notes

II. Substantive International Criminal Law

Assignment Group 3: Finish Jurisdiction, Introduction to Substantive Law, War Crimes
- VS 100-20 (Universal Jurisdiction)
  - Restatement 3d of Foreign Relations §§ 404, 423, Notes, Arrest Warrant of 11 April 2000, Notes
- VS 209-18 (skim) (Introduction)
- VS 219-45 (Geneva Law: When it applies, what is a violation)
  - Prosecutor v. Tadic, Notes, Prosecutor v. Blaskic, Notes, Prosecutor v. Kayishema & Ruzindana, Notes
- Student Presentations: Baasten, Compston

Assignment Group 4: War Crimes
- VS 245-56 (Hague Law: The Rules of Engagement)
  - Introduction, Prosecutor v. Martic, Notes
- VS 256-68 (Nato Problem)
  - Student Presentations on Problem: Faison, Johnson, Jordheim
- VS 268-80 (Protected Civilians)
  - Paquette Habana excerpt, Notes, Prosecutor v. Delalic et al., Notes
Assignment Group 5: War Crimes, Crimes Against the Peace

- VS 290-316 (Lawful and Unlawful Combatants)
  - Hague & Geneva excerpts, Notes, Hamdan v. Rumsfeld, Notes
- VS 855-65 (Combatant Immunity)
  - U.S. v. Lindh, Notes
- VS 317-25 (Introduction to Crimes Against the Peace)
- **Student Presentations:** Knight, Lamb

Assignment Group 6: Crimes Against the Peace, Crimes Against Humanity

- VS 325-34 (Prosecuting Aggression)
  - Introduction, Bush excerpt, USA v. Goering, Notes
- VS 342-53 (Protection of Nationals, Contemporary Aggression)
  - Franck excerpt, Notes, Aggression Definition Proposals, Notes
- VS 364-382 (Definition of Crimes Against Humanity, *Mens Rea*)
  - ICTR, ICTY, ICC Definitions, Notes, Prosecutor V. Kupreskic, Notes
- VS 404-09 (Extermination)
  - Prosecutor V. Krstic, Notes
- **Student Presentations:** McDonough, Maloney

Assignment Group 7: Genocide

- VS 410-44 (Introduction to Genocide, Protected Groups, Specific Intent)
  - Introduction, Prosecutor v. Akayesu, Notes, Prosecutor v. Jelisic (trial and appeal decisions)
- VS 445-67 (“Part” of the Group)
  - Prosecutor v. Krstic, Notes
- **Student Presentations:** Mitchell, Mulhausen, Rottman

Assignment Group 8: Genocide, Torture

- VS 470-85 (Constitutive Acts)
  - Prosecutor v. Akayesu, Notes
- VS 498-502 (Introduction to Torture, Definitions)
  - Notes on Torture, Defining Torture, Notes
- VS 511-18 (State Action, Severity)
  - Notes on State Action, Prosecutor v. Kunarac, Notes,
- VS 532-38 (U.S. Definitions)
  - 18 USC § 2340, Notes

Assignment Group 9: Terrorism, Begin Superior Responsibility

- VS 541-44, 552-54 (Definitions of Terrorism)
- VS 555-72 (International Prosecution)
  - Prosecutor v. Galic, Notes
- VS 597-600 (Introduction to Individual Criminal Responsibility)
- VS 608-18 (History of Superior Responsibility)
  - Trial of Yamashita, Notes
- VS 627-42 (Codification of Superior Responsibility, Subordination)
Geneva Conventions, Notes, Prosecutor v. Delalic, Notes

Paper Outlines Due

III. Individual Criminal Responsibility

Assignment Group 10: Superior Responsibility, Complicity, Conspiracy

- VS 661-66
  - Notes on Civilian Responsibility
- VS 667-96 (Mens Rea and Actus Reus)
  - Prosecutor v. Blaskic (trial), Notes, Prosecutor v. Blaskic (appeal), Notes, Prosecutor v. Blaskic (trial), Notes
- VS 713-31 (Complicity)
  - Prosecutor v. Furundzija, Notes
- VS 741-53 (Conspiracy)
  - History, Prosecutor v. Musema, Notes

Paper Presentations: Baasten, Compston

Assignment Group 11: Conspiracy and Incitement

- VS 758-72 (Joint Criminal Enterprise)
  - Prosecutor v. Tadic, Notes
- VS 790-819 (Incitement and Free Speech)
  - Prosecutor v. Nahimana, Notes

Paper Presentations: Faison, Johnson, Jordheim

IV. Defenses

Assignment Group 12: Select Defenses

- VS 844-54 (Superior Orders, Other Side’s Conduct)
  - Notes on Superior Orders, Prosecutor v. Kupreskic, Notes
- VS 865-74 (Head of State)
  - Ex Parte Pinochet, Notes

Paper Presentations: Mitchell, Mulhausen, Rottman, McDonough

V. Sentencing

Assignment Group 13: Sentencing Issues

- VS 901-02 (Introduction)
- VS 908-26 (Sentencing Factors)
  - Prosecutor v. Plavsic, Notes

Paper Presentations: Knight, Lamb, Maloney

Final Paper Due Date - TBA