Welcome to International Criminal Law:

**Text:** All assignments are in Van Schaak & Slye, International Criminal Law and Its Enforcement (2d ed., Foundation Press, 2010), referred to below as “VS” or prepared supplemental materials, referred to below as “Supp.” The Supplement, Class rules, Powerpoints, and other relevant information may be downloaded from my TWEN site. Please notify me immediately if you have difficulty accessing the TWEN site.

**Grading:** Details on the final exam or paper will be announced later in the semester.

**Class Rules and Regulations:** Are posted on my TWEN site. Please review them.

**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 to the International Criminal System

**Assignment Group 1:** Introduction, The Original Tribunals (Nuremberg & Tokyo)
- VS 1-15 (Introduction to International Criminal Law)
  - Introduction, Simonovic excerpt, Notes
- Supp. 1-20 (International Jurisdiction at Nuremberg and Tokyo)
  - Mignone article, Danner article, Tomuschat article
- VS 31-41 (Challenging International Jurisdiction at Tokyo)
  - US v. Akaki, Notes

**Assignment Group 2:** Introduction to Modern Tribunals (ICTR)
- Supp. 21-29 (Introduction to the ICTR)
  - Rwanda timeline, UN Resolution 955
- We will watch the video, “The Ghosts of Rwanda”

**Assignment Group 3:** Introduction to Modern Tribunals (ICTR & ICTY), International Criminal Court, other Ad Hoc Tribunals
- Finish watching the video, “The Ghosts of Rwanda”
- Supp. 30-36 (Introduction to the ICTY)
  - Balkan timeline, UN Security Council info, Establishment of ICTY
Assignment Group 4: Introduction to Modern Tribunals (International Criminal Court, other Ad Hoc Tribunals) & Challenging International Criminal Jurisdiction

- VS 65-81 (The ICC)
  - Fowler excerpt, Notes, Bolton excerpt, Notes
- VS 161-174, 192-98 (Hybrid Tribunals)
  - Cambodia, Lebanon, Iraq
- VS 44-60 (Challenging Security Council Authority)
  - Prosecutor v. Tadic, Notes

Assignment Group 5: Challenging International Criminal Jurisdiction

- VS 825-44 (Challenging Ad Hoc Law)
  - *Nullum Crimen Sine Lege*, Prosecutor v. Sam Hinga Norman
- VS 81-91 (Complementarity)
  - ICC art. 17, Situation in the DRC, Notes

Assignment Group 6: Domestic and Universal Jurisdiction

- VS 98-105 (Domestic Jurisdiction)
  - Lotus Case, Notes, Restatement 3d of Foreign Relations §§ 402-03, 421, Notes
- VS 113-33 (Universal Jurisdiction)
  - Restatement 3d of Foreign Relations §§ 404, 423, Notes, Arrest Warrant of 11 April 2000, Notes
- Supp. 37-44 (Universal Jurisdiction, Spain, and Guantanamo)
  - News articles

II. Substantive International Criminal Law

A. War Crimes

Assignment Group 7: Introduction to Substantive International Criminal Law, War Crimes (Threshold Issues)

- VS 203-12 (skim) (Introduction)
- Supp. 45-49 (Geneva Conventions Provisions)
- VS 219-53 (Armed Conflict and Non-international Armed Conflict)
  - Prosecutor v. Boskoski, Notes, Prosecutor v. Blaskic, Notes

Assignment Group 8: War Crimes (Geneva Law)

- VS 253-265 (When is Crime “War” Crime?)
  - Prosecutor v. Kayishema & Ruzindana, Notes
- Supp. 50 (Provisions on Civilians)
- VS 292-94, 302-10 (Protected Persons - Civilians)
  - Prosecutor v. Kordic et al., Notes
Assignment Group 9: War Crimes (Geneva Law), War Crimes (“Hague Law”)
- VS 310-36 (Protected Persons - Combatants)
  - Hague & Geneva excerpts, Notes, Hamdan v. Rumsfeld, Notes
- Supp. 51-52 (Geneva Protocol 1 [Attacks on Civilians])
- VS 245-56 (Hague Law - The Rules of Engagement)
  - Introduction, Prosecutor v. Martic, Notes

- VS 256-68 (Hague Law - NATO Problem)
  - Group Presentations – details to come
- Supp. 53-56 (UN Charter Provisions on Aggression)
- VS 347-55 (Introduction to Aggressive War)
  - Introduction
- VS 355-67 (Prosecuting Aggression at Nuremburg)
  - Introduction, USA v. Goering, Notes

Assignment Group 11: The Crime of Aggression
- VS 367-82 (Aggression and UN Principles)
  - Gray & Franck excerpts, Notes
- Supp. 57-72 (Aggression and the Iraq War)

B. Other Crimes

Assignment Group 12: Crimes Against Humanity
- VS 398-415 (Definition of Crimes Against Humanity, Mens Rea)
  - ICTR, ICTY, ICC Definitions, Notes, Prosecutor v. Kupreskic, Notes

Assignment Group 13: Crimes Against Humanity (Extermination), Introduction to Genocide
- VS 440-48 (Extermination)
  - Prosecutor v. Krstic, Notes
- VS 449-66 (Introduction to Genocide, Protected Groups)
  - Introduction, Prosecutor v. Akayesu, Notes

Assignment Group 14: Genocide (actus reus and mens rea)
- VS 466-84 (Specific Intent)
  - Prosecutor v. Jelisic (trial and appeal decisions)
- VS 503-18 (Constitutive Acts)
  - Prosecutor v. Akayesu, Notes

Assignment Group 15: Genocide, Torture
- VS 484-502 (Genocide: “Part” of the Group)
  - Prosecutor v. Krstic, Notes
- VS 546-48 (Convention Against Torture provisions)
- VS 557-65 (Constitutive Acts, State Action)
  - Prosecutor v. Kunarac (Appeals), Notes
Assignment Group 16: Torture
- VS 566-70 (Severity)
  - Prosecutor v. Kunarac, Notes,
- VS 578-604 (Torture and the U.S. War on Terror)
  - 18 USC § 2340, Bybee Memo excerpts, Levin Memo excerpts, Bradbury Memo, Notes
- Supp. 73-84 (The Ticking Time Bomb)
  - Luban Article

Assignment Group 17: Terrorism
- VS 636-55 (Terrorism in International Law)
  - Prosecutor v. Galic, Notes

III. Individual Criminal Responsibility

Assignment Group 18: Superior Responsibility
- VS 681-83 (Introduction to Individual Criminal Responsibility)
- VS 692-711 (History of Superior Responsibility)
  - Trial of Yamashita, Notes, In re Yamashita, Notes
- VS 711-15 (Codification of Superior Responsibility)
  - Geneva Conventions, Notes

Assignment Group 19: Superior Responsibility
- VS 715-726 (Subordination)
  - Prosecutor v. Delalic, Notes
- VS 745-50 (Civilian Responsibility)
  - Notes

Assignment Group 20: Superior Responsibility
- VS 751-81 (Mens Rea and Actus Reus)
  - Prosecutor v. Blaskic (trial), Notes, Prosecutor v. Blaskic (appeal), Notes, Prosecutor v. Blaskic (trial), Notes

Assignment Group 21: Complicity and Joint Criminal Enterprise
- VS 791-808 (Complicity)
  - Prosecutor v. Furundzija, Notes
- VS 815-32 (Joint Criminal Enterprise)
  - Prosecutor v. Tadic, Notes

Assignment Group 22: Conspiracy and Incitement
- VS 854-868 (Conspiracy)
  - History, Prosecutor v. Musema, Notes
- VS 889-909 (Incitement and Free Speech)
  - Prosecutor v. Nahimana, Notes
IV. **Defenses**

Assignment Group 23: Affirmative Defenses
- VS 935-39 (Superior Orders)
  - Notes on Superior Orders
- VS 940-46 (Other Side’s Conduct)
  - Prosecutor v. Kupreskic, Notes
- VS 946-56 (Necessity)
  - Judgment Concerning Legality of Interrogation Methods, Notes

Assignment Group 24: Immunity
- VS 957-68 (Combatant Immunity)
  - U.S. v. Lindh, Notes
- VS 968-78 (Head of State Immunity)
  - Ex Parte Pinochet, Notes