

## Module 14: International Criminal Law

<b>Stage</b>	1						
<b>Semester</b>	2						
<b>Module Title</b>	International Criminal Law						
<b>Module Number/Reference</b>	LLM-ICL						
<b>Module Status (Mandatory/Elective)</b>	Elective for International Human Rights Law LL.M. and International Law LL.M.						
<b>Module ECTS credit</b>	10						
<b>Module NFQ level (only if applicable)</b>	9						
<b>Pre-requisite Module Titles</b>	Public International Law, Advanced Legal Research and Writing						
<b>Co-requisite Module Titles</b>	N/A						
<b>Is this a capstone module? (Yes or No)</b>	No						
<b>List of Module Teaching Personnel</b>	Dr Susan Power						
<b>Contact Hours</b>				<b>Non-contact Hours</b>			<b>Total Effort (Hours)</b>
<b>Lecture</b>	<b>Practical</b>	<b>Tutorial</b>	<b>Seminar</b>	<b>Assignment</b>	<b>Placement</b>	<b>Independent work</b>	
30						170	200
<b>Allocation of Marks (Within the Module)</b>							
	<b>Continuous Assessment</b>	<b>Project</b>	<b>Practical</b>	<b>Final Exam</b>	<b>Total is always 100%</b>		
<b>Percentage contribution</b>	50			50	100		

### Intended Module Learning Outcomes

On successful completion of this module, the learner will be able to:

1. Synthesise and conceptualise a holistic picture of International Criminal Law and its relationship with other aspects of international and domestic law.
2. Demonstrate a detailed knowledge of the theoretical basis of the principles underpinning International Criminal Law
3. Apply an advanced knowledge of the treaties governing International Criminal Law and of the tribunals and courts which enforce them
4. Apply practical knowledge of the proceedings before International Criminal Law tribunals
5. Critically analyse substantive International Criminal Law demonstrating critical reasoning in the application of the law to complex factual problems
6. Utilise advocacy skills, reflecting a critical ability to synthesise legal knowledge in the areas of liability, defence and immunities
7. Communicate ideas effectively and argue, advocate, present and persuade with clarity and accuracy

## **Module Objectives**

The module in International Criminal Law examines selected issues and current problems involving the criminal law aspects of International Law. The module looks at the origin and purpose of International Criminal Law and it examines the duty to prosecute those who commit international crimes. It also focuses on the application of domestic and international law to the question of jurisdiction over international criminal activities. The course further examines the substantive international criminal law as contained in multi-lateral treaties concerning, war crimes, crimes against humanity and genocide. Lastly, the course covers the International Criminal Tribunals for Former Yugoslavia and Rwanda, the Special Court for Sierre Leone, the Special Trinubal for Lebanon and the permanent International Criminal Court.

## **Module Aims (to provide learners with)**

- Insight into the historical and political forces leading to the creation of International Criminal Law
- a detailed knowledge of the theoretical basis of the principles underpinning International Criminal Law
- an in-depth knowledge of the treaties governing International Criminal Law and of the tribunals which enforce them
- insight into and understanding of proceedings before International Criminal Law tribunals

## **Module Curriculum**

- Topic 1: Horizontal and Vertical International Criminal Law
- Topic 2: Principles of International Criminal Law
- Topic 3: Internal, International, Internalised Tribunals
- Topic 4: Genocide
- Topic 5: Crimes Against Humanity
- Topic 6: War Crimes
- Topic 7: Aggression
- Topic 8: Modes of Liability, Defences
- Topic 9: Immunities, Amnesties
- Topic 10: Victim Participation
- Topic 11: Reinforcement of Key Principles, Revision

## Reading lists and other learning materials

- Cassese, A., Gaeta P., *International Criminal Law* (3<sup>rd</sup> ed., Oxford University Press, 2013)
- Cryer, Friman, Robinson and Wilmschurst, 2010 *An Introduction to International Criminal Law and Procedure*, (Cambridge University Press, 2<sup>nd</sup> edition)
- Heller, K.J., *The Nuremberg Military Tribunals and the Origins of International Law* (Oxford University Press, 2011)
- Gardner, J., *Offences and Defences Selected essays in the philosophy of Criminal Law* (Oxford University Press, 2007)
- May, L. and Hoskins, Z., *International Criminal Law and Philosophy* (Cambridge University Press, 2010)
- Meron, T., *The Making of International Criminal Justice, A view from the bench Selected Speeches* (Oxford University Press, 2011)
- Ni Aolain, F., Haynes, D.F., Cahn, N., *On the Frontlines, Gender, War and the Post Conflict Process* (Oxford University Press, 2011)
- Orford, A., *International law and its others* (Cambridge University Press, 2009)
- Schabas, W.A., *The UN International Criminal Tribunals: The Former Yugoslavia, Rwanda and Sierra Leone* (Cambridge University Press, 2006)
- Schabas, W.A. *The International Criminal Court, A Commentary on the Rome Statute* (Oxford University Press, 2010)
- Schabas, W.A., *An Introduction to the International Criminal Court* (4<sup>th</sup> ed., Cambridge University Press, 2011)
- Schabas, W.A., *Unimaginable Atrocities: Justice, Politics and Rights and the War Crimes Tribunals* (Oxford University Press, 2014)
- Shany, T., *Assessing the Effectiveness of International Courts*, (Oxford University Press, 2014)
- Zaher, A. and Sluiter, G., *International Criminal law* (Oxford University Press, 2007)
- Zimmerman, A., *International Criminal Law and the Current Development of Public International law* (Duncker and Humblot, Berlin, 2010)
- Independent Panel of Experts Report on Victim Participation at the International Criminal Court (April 2013)
- <http://www.amnesty.org/fr/library/asset/IOR53/001/2013/en/132c4e90-2d15-45b2-b8b8-3dc56d1da4ef/ior530012013en.pdf>
- The Iraq Chilcot Inquiry (2013) <http://www.iraqinquiry.org.uk/background.aspx>
- ICRC Report on the Treatment of Fourteen “High Value Detainees” in CIA Custody, 14 February 2007: <http://www.nybooks.com/icrc-report.pdf>
- The Turkel Report – The Public Commission to Examine the Maritime Incident of 31 May 2010 (Second Report, February 2013) <http://www.turkel-committee.gov.il/files/newDoc3/The%20Turkel%20Report%20for%20website.pdf>
- Children in Israeli Military Detention: Observations and Recommendations (2013) [http://www.unicef.org/oPt/UNICEF\\_oPt\\_Children\\_in\\_Israeli\\_Military\\_Detention\\_Observations\\_and\\_Recommendations - 6 March 2013.pdf](http://www.unicef.org/oPt/UNICEF_oPt_Children_in_Israeli_Military_Detention_Observations_and_Recommendations_-_6_March_2013.pdf)
- Report on the First Review Conference on Rome Statute (31 May – 11 June 2010), Kampala, Uganda [http://www.iccnw.org/documents/RC\\_Report\\_finalweb.pdf](http://www.iccnw.org/documents/RC_Report_finalweb.pdf)
- Report of the International Tribunal for the Former Yugoslavia (2 August 2013) [http://www.icty.org/x/file/About/Reports%20and%20Publications/AnnualReports/annual\\_report\\_2013\\_en.pdf](http://www.icty.org/x/file/About/Reports%20and%20Publications/AnnualReports/annual_report_2013_en.pdf)
- Report of the International Committee of the Red Cross (ICRC) on the Treatment by the Coalition Forces of Prisoners of War and other Protected Persons by the Geneva

Conventions in Iraq during Arrest, Internment and Interrogation, February 2004:  
[http://www.globalsecurity.org/military/library/report/2004/icrc\\_report\\_iraq\\_feb2004.pdf](http://www.globalsecurity.org/military/library/report/2004/icrc_report_iraq_feb2004.pdf)

### **Module Teaching and Learning Strategy**

The class structure revolves around learner-centred learning, in order to help develop critical reasoning and analysis of the core material. Learners are expected to prepare the readings in advance of each topic, and the class is based on a discussion style format. There are three presentations in class each week, one main learner presentation from the core reading material, and/or a presentation from learner blog research. This is a 20-25 minute presentation. The remaining presentations derive from selected articles and cases on Moodle, and are shorter. They form the basis of a question and discussion session. It is expected that all learners strive to read, at a minimum, the selected reading materials, regardless of whether it is or is not their turn to present as there are questions and discussion on the selected readings. Full participation is required from all learners.

A guest lecture is invited to deliver one topic on the course.

### **Range of modes of direct contact**

Teaching consists of weekly lectures for which learners are expected to have previously completed assigned reading and prepared draft answers to certain questions. In addition learners are expected to present individually and in groups on various topics assigned to them throughout the semester.

Total contact hours: 30 Hours

### **Range of other learning methods**

Independent learning and research supported with on line resources available through Moodle.

Total non-contact hours: 170 Hours

## Module Assessment Strategy

Assessment Methods			
Element number	Weighting	Type	Description
1	50	Continuous Assessment	<ul style="list-style-type: none"> <li>• 4,000 word Research Assignment (30%)</li> <li>• Oral Defence of Research Assignment (10%)</li> <li>• Oral Challenge to Research Assignment (10%)</li> </ul> <p>Each learner writes a 4,000 word research paper. Part of the research assignment comprises an oral assessment, in the form of an in-class, “mini-viva” to assess and develop advocacy skills, comprehension and synthesis of complex legal material. The assessment is broken down into two parts. Learners are expected to present and defend their research orally, against a challenge by another learner acting as examiner, who has read the paper for the purposes of examination. This involves learner 1 defending their paper orally against learner 2, who has read, and is now challenging the research. Both learners are marked, according to their defence, and their challenge. So each learner has one paper to write and defend (the research paper), and one paper to read and challenge. This exercise engage critical analysis, advocacy, research and legal reasoning.</p>
2	50	Examination	Closed book examination: a 3 hour exam which covers the breadth of the course and requires learners to answer 3 questions out of 6, testing their ability to apply knowledge learned throughout the module.

## Diagnostic/ formative assessment

Feedback through formative assessment supports learners taking control of their own learning.

## Further information on assessment

Marking criteria are distributed to learners with each assignment brief. These are used to provide learner direction on all summative assessments.

<b>Assessment Strategy</b>		
<b>Module Learning Outcome</b>	<b>Element 1</b>	<b>Element 2</b>
1. Synthesise and conceptualise a holistic picture of the International Criminal Law and its relationship with other aspects of international and domestic law.	✓	✓
2. Demonstrate a detailed knowledge of the theoretical basis of the principles underpinning International Criminal Law	✓	✓
3. Apply an advanced knowledge of the treaties governing International Criminal Law and of the tribunals and courts which enforce them	✓	✓
4. Apply practical knowledge of the proceedings before International Criminal Law tribunals	✓	✓
5. Critically analyse substantive International Criminal Law demonstrating critical reasoning in the application of the law to complex factual problems		✓
6. Utilise advocacy skills, reflecting a critical ability to synthesise legal knowledge in the areas of liability, defence and immunities	✓	
7. Communicate ideas effectively and argue, advocate, present and persuade with clarity and accuracy	✓	

Please see **Annex 2** for Faculty Marking Criteria Guidelines and **Annex 3** for Sample Examinations and Continuous Assessment along with Marking Criteria