

*This is a preliminary syllabus and it is subject to change by the instructor
before the start of Fall 2018 semester*

Rutgers University Political Science Department
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Fall 2018

International Criminal Law - 790:530:90 - ONLINE

COURSE DESCRIPTION

This online course will examine selected current issues involving International Criminal Law (ICL). We will explore the history and development of ICL with a special emphasis on *Ad Hoc* International Tribunals and the International Criminal Court (ICC). The course will begin traditionally by analyzing the elements of substantive international crimes, such as War Crimes, Crimes against humanity, Genocide, Aggression and Corruption. We will take a non-traditional turn by exploring other crimes of international concern such as terrorism financing, anti-money laundering and tax evasion. This course will offer a detailed overview of the efforts from the international community to leverage the most critical tool we have for fighting international crime, the global monetary system.

Unlike more traditional ICL courses, we will examine the practical and modern aspects of crime that extends beyond all boards. We will ask: how do international crime networks finance themselves? How are governments responding? And what will the future of international crime look like?

Course Materials

Textbook:

"An introduction to International Criminal Law and Procedure" Third Edition, Robert Cryer, Hakan Friman, Darryl Robinson, Elizabeth Wilmschurst. CAMBRIDGE UNIVERISTY PRESS.

In addition to the textbook, the readings will include a selected United Nations documents such as treaties, resolutions and reports.

Assignments and final Grade:

Regular attendance and meaningful participation in class are required and will constitute 25% of the final grade; the remaining 75% will be divided as follows:

1- Presentation and Quizzes 25% of the final grade

Each student will be assigned a topic on which to prepare an in-class presentation. The presentation has to be accompanied by a three-page paper on the subject area. There will be two in-class quizzes 5% each.

2- Final examination 50% of the final grade

Limit of 2,000 words Research Paper (roughly 10 double-spaced pages), students have to choose to research a topic of a list of topics that will be provided by the instructor at a reasonable time before the end of the course. The final examination is due at the week 13.

SYLLABUS

Week 1: Introduction and overview to International Criminal Law

What is international criminal justice; the relation to the international law and the national law; the need for international criminal law in our world?

Reading: Textbook, Chapter 1 and 2

Week 2: Jurisdiction

The different types of jurisdiction on the national level; primacy and complementarity of jurisdiction on the international level; universal jurisdiction- practice of states while implementing this principle- the United Nations handling the issue of the universal jurisdiction.

Reading: Textbook, Chapter 3

Week 3: International prosecution

The history of the international criminal tribunals; Nuremberg and Tokyo International Military Tribunals.

Reading: Textbook, Chapter 6

Week 4: The ICTY and the ICTR

The establishment of the ICTY and the ICTR, the Security Council involvement in the creation of the Ad Hoc International tribunals; assessment of the work; the residual mechanisms. Other International criminal tribunal established by the United Nations.

Reading: Textbook, Chapter 7 and 9

Week 5: International Criminal Court ICC

The establishment of the ICC; expectations and realities; its jurisdiction, the role of the prosecutor and the relation with the Security Council.

Reading: Textbook, Chapter 8

Week 6: Genocide

Elements of the crime as one of the core crimes ; Material and Mental elements.

Reading: Textbook, Chapter 10

Week 7: Crimes Against Humanity

What constitutes a crime against humanity; historic background; elements of the crime; most known type of crimes (Enslavement- Deportation or forcible transfer- Imprisonment- Torture-Rape....)

Reading: Textbook, Chapter 11

Week 8: War Crimes

The interaction between the International Criminal Law and the International Humanitarian Law; brief introduction to the International Humanitarian Law;

Reading: Textbook, Chapter 12

Week 9: The crime of Aggression ‘crime against peace’

History of the crime of aggression; what is considered as an act of aggression; recent development within the ICC; Kampala conference; the role of the Security Council.

Reading: Textbook, Chapter 13

Week 10: The future of the International Criminal Law

The strength and weakness of the excising mechanisms; does the international criminal justice well served?

Reading: Textbook, Chapter 23

Week 11: Introduction to corruption.

Definition, basic forms and its manifestation and costs (political, economic, democratic and legal); the impact of corruption at the national and international level;

Reading: 1-Svensson, J. (2005). Eight Questions About Corruption. *Journal of Economic Perspectives*, 19(3), 19-42.

Week 12: The United Nations Convention against Corruption (UNCAC)

Reading:

1- UNCAC Chapters 1-8; Overview of Articles 1 – 71

2- UNODC. (2004). *United Nations Convention against Corruption*. Vienna, Switzerland: United Nations Office on

Drugs & Crime. Retrieved December 11, 2012 from

http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf.

3- UNODC *Legislative Guide for the Implementation of the UNCAC*. New York, NY: United Nations. Retrieved

December 10, 2012 from [http://www.unodc.org/documents/treaties/UNCAC/Publications/Legislative Guide/06-](http://www.unodc.org/documents/treaties/UNCAC/Publications/LegislativeGuide/06-53440_Ebook.pdf)

[53440_Ebook.pdf](http://www.unodc.org/documents/treaties/UNCAC/Publications/LegislativeGuide/06-53440_Ebook.pdf).

4 -UNODC. *Technical Guide to the United Nations Convention against Corruption*. (2009). Vienna: United Nations

Office on Drugs and Crime. Retrieved December 10, 2012 from
http://www.unodc.org/documents/corruption/Technical_Guide_UNCAC.pdf

5- SECRECY BREEDS CORRUPTION

<http://blog.transparency.org/2015/02/11/secret-breeds-corruption/>

6- Mainstreaming Anti-Corruption in Development: Anti-Corruption Practice Note

http://www.unrol.org/files/1%20Mainstreaming%20AC%20in%20Development_AC%20Practice%20Note_2008.pdf

Week 13: Prevention: Rule of Law and Good Governance -International Cooperation

Reading:

1- UNCAC Chapter 2 (Summary of Articles 1-14 with emphasis on A7 – 9 & related A11.

2- UNCAC Chapters III & IV: Articles 42, 43 & 48 (and related Articles 11 and 13)

3- Endowment for International Peace, Retrieved December, 10, 2012, from

<http://www.carnegieendowment.org/files/CarothersChapter11.pdf>

3- Corruption: Compendium of International Legal Instruments on Corruption (2nd Edition)

http://www.unodc.org/documents/corruption/publications_compendium_e.pdf
consequences.