

## Sample Syllabus

3 Session Course, meeting twice a week for approximately 28 class periods

### International Criminal Law

**Prof. Beth Van Schaack**

**Bergin B203 ext. 2349**

**BVanSchaack@scu.edu**

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**Tuesdays & Thursdays 4:10 p.m. – 5:25 p.m. Room 110**

Recent events indicate that the promises made during the Nuremberg era are not mere history. Over the past decade, the international community has indicated a renewed interest in enforcing international criminal law with the establishment of the *ad hoc* international criminal tribunals for the former Yugoslavia, Rwanda, Sierra Leone, East Timor and Cambodia; and the drafting of a multilateral statute for a permanent International Criminal Court (ICC). And yet, many of the relevant international norms were drafted more as retrospective condemnations of past atrocities than as a practical code for prospective penal enforcement. As a result, contemporary tribunals have for the first time had to consider how to enforce these norms in the criminal law context.

This course in many respects will operate as a specialized criminal law course, undertaking an elemental analysis of international crimes as they have developed and evolved in international law and focusing on the challenges of interpreting and applying these norms in a criminal prosecution. The jurisprudence of the various war crimes tribunals and the text of and deliberations surrounding the new ICC Statute will be scrutinized with an emphasis on understanding the prosecution's burden, available defenses, and sources of proof. In addition to the substance of international criminal law, this course will also serve as an introduction to international legal reasoning and law-making. It will complement existing courses at the Law School covering comparative law, international organizations, international human rights, and public international law. The course includes a number of exercises which, if completed by individual students, satisfy the Law School's skills requirement for graduation.

The course is divided into 15 sessions. Each session will consume 1-3 class sessions, depending upon the quantity and complexity of the reading. In addition to the reading assignments, students will submit an original research paper of at least 20 pages. Students will present their term papers over the course of the semester, and the final paper is due the last week of classes. The course will be graded based on the paper (75%) and class participation (25%).

Text: Van Schaack & Slye, *International Criminal Law & Its Enforcement* (Foundation Press 2007) & various sources online.

## **I. Introduction to International Criminal Law – Sources of Law 1-2 sessions**

Text pp. 1-3, 4-22 (skim)  
Text pp. 825-844  
ICJ Statute, Article 38  
Statute of the Special Court for Sierra Leone

## **II. Jurisdiction & The Institutions Where ICL Is Adjudicated**

### **A. International Jurisdiction – 2 sessions**

Text pp. 23-63  
Text pp. 63-81; Problem p. 69  
ICC Statute

### **B. Domestic Jurisdiction – 2 sessions**

Text pp. 82-93 (skim), 100-137

## **III. Substantive Law**

### **A. Introduction**

Text pp. 209-218 (skim)

### **B. War Crimes – 3 sessions**

Text pp. 219-245  
Text pp. 245-268; Problem p. 256  
Text pp. 268-279 through Note 3, 290-316, 855-865  
Geneva Convention III (POWs)

### **C. Crimes Against the Peace, a.k.a. the Crime of Aggression – 1 session**

Text pp. 317-334, 343-353  
GA Resolution 3314, Definition of Aggression

### **D. Crimes Against Humanity – 2 sessions**

Text pp. 354-382, Text pp. 393-409, Problem p. 408

### **E. Genocide – 3 sessions**

Text pp. 410-427  
Text pp. 427-466 through Note 11  
Text pp. 470-485, 492-495, Problem p. 492  
Genocide Convention

**F. Torture – 1 session**

Text pp. 496-518, 532-538  
Torture Convention

**G. Terrorism – 2 sessions**

Text pp. 539-554  
Text pp. 555-572

**H. Synthesis – 1 session**

Text pp. 573-596  
Prepare an indictment of defendants in Problem p. 595

**IV. Individual Criminal Responsibility**

**A. Superior Responsibility – 3 sessions**

Text pp. 597-600, 608-631  
Text pp. 631-642, 667-696, Problem p. 647

**B. Complicity – 1 session**

Text pp. 698, 713-731, 731-741 (skim)

**C. Conspiracy – 1 session**

Text pp. 741-758  
Text pp. 758-782

**D. Incitement – 1 session**

Text pp. 783-824, Problem p. 819.

**V. Defenses to Criminal Liability Under ICL – 2 sessions**

Text pp. 844-848, *Prosecutor v. Erdemović*—supplemental material posted on Claranet  
Text pp. 848-854, 865-874

**VI. Sentencing – 1 session**

Text pp. 901-902, 908-926