

PLS 3253
International Criminal Law
Spring 2013

Dr. Roper
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Course Description:

This is an advance international relations course which examines the evolution in international criminal law during the 20th century from a focus on state legal commitments and inter-governmental institutions to individual responsibility for the pursuit of human rights protection. The course addresses efforts to codify legal norms involving genocide, crimes against humanity and war crimes as well as the institutions involved in the implementation of public international law. The first section of this course analyzes philosophical notions of human rights and their application in international legal theory and several legal instruments. We will examine the development of international criminal law, including defenses and rights under the law. The second section examines the development of modern *ad hoc* tribunals for the former Yugoslavia, Rwanda, Sierra Leone and Cambodia. The final section examines the International Criminal Court and alternative transitional justice mechanisms including civil litigation and truth and reconciliation commissions.

Classroom Requirements:

- It is not appropriate to come to class late; however if you come to class late, please find a seat near the door and do not be disruptive.
- If you need to leave early, please discuss this with me prior to the start of class. Otherwise, it is not appropriate to leave and to enter the room during class.
- I require that cell phones be turned-off, including no text messaging. I consider texting during class to be inappropriate and disrespectful.
- I do not allow notebook computers to be used in the classroom without proper documentation indicating that this need is due to a University-approved disability.
- I will respond quickly to emails. However as a courtesy, I ask that you address me politely in the message. It is inappropriate not to have a salutation. Proper salutations include “Dr. Roper” or “Professor Roper.” I will not respond to emails that do not address me respectfully.

Graded Components:

Grades are based on the following: First, there are three examinations during the semester. The examinations consist of short identifications and essay questions. Material for the examinations is drawn from both the lectures and the assigned readings. I give make-up examinations only with a University-approved excuse. If you miss an examination due to a University-approved activity, please provide documentation prior to the examination. If you miss an examination due to illness or a family emergency, please contact me as soon as possible (either by phone or email). I require proper documentation in order to take a make-up examination which should be scheduled as soon as possible. A student who misses an examination without proper documentation or fails to schedule the examination within a timely manner receives a zero. Grades for the examinations and the course are not curved or adjusted. The deadline to withdraw from the course with a “W” is Friday, 29 March.

Second in order to better understand the legal issues and application of the law involved in international criminal institutions, students are required to write a summary of a case either tried or pending trial in one of the *ad hoc* tribunals or the International Criminal Court. I will assign students to a case during the second week of class. The summary should be no more than 1,300 words and should highlight the background of the case, the main charges and the decision reached (if a judgment has been handed down). The written summary is due during the time of your final exam (May). You will need to email me your summary as an attachment during the final examination time. It is your responsibility to ensure that the summary is properly attached. Failure to turn-in the summary results in the loss of a full letter grade beginning immediately after the due date final ends and for each day that I do not receive the summary.

Third, students are required to do a presentation of their summary. The presentation should be approximately ten minutes and reflect the issues in their summary (*e.g.*, background of the case, main charges and the decision if appropriate). Students will have an opportunity to ask questions and make comments during the presentation. The oral summaries will be testable material for examinations. Failure to present on the assigned day results in the loss of all the points for the presentation.

Points:

The distribution of points is as follows:

Examination 1	100 points
Examination 2	100 points
Examination 3	100 points
Summary	30 points
Presentation	10 points
<u>Total</u>	<u>340 points</u>

Grades:

Final grades for the course will be based on the following:

A	90-100%	(306-340 points)
B	80-89%	(272-305 points)
C	70-79%	(238-271 points)
D	60-69%	(204-237 points)
F	0-50%	(0-203 points)

Academic Integrity Statement:

Academic dishonesty includes, but is not necessarily limited to the following: Cheating, or knowingly assisting another student in committing an act of cheating or other academic dishonesty. Plagiarism which includes but is not necessarily limited to, submitting material as one's own work when such work has been prepared by another person or copied from another person. Any student who commits an act of academic dishonesty is subject to disciplinary action. Academic dishonesty will result in an "F" for this course.

Student Disability Statement:

If you have special needs as addressed by the Americans with Disabilities Act (ADA) and need assistance, please notify me as soon as possible.

Readings:

All journal articles are available online through Booth Library holdings found at our D2L page. Please bring the readings with you to class as we will be addressing specific arguments made by the authors. The following books are available through Textbook Rental Services:

Lilian A. Barria and Steven D. Roper 2010. *The Development of Institutions of Human Rights*. New York: Palgrave.

Kriangsak Kittichaisaree. 2002. *International Criminal Law*. Oxford: Oxford University Press.

Geoffrey Robertson. 2007. *Crimes against Humanity: The Struggle for Global Justice*. New York: The New Press.

Course Outline:**The Debate over Rights: The Development of International Human Rights Law**

Thomas Buergenthal. 1997. "The Normative and Institutional Evolution of International Human Rights." *Human Rights Quarterly* 19:703-723.

Robertson, pp. 1-40.

Jerome J. Shestack. 1998. "The Philosophic Foundations of Human Rights." *Human Rights Quarterly* 20:201-234.

Concepts in International Law and International Criminal Law

Kittichaisaree, pp. 3-16.

Crimes, Defenses and Rights in International Criminal Law

Kittichaisaree, pp. 258-276 and 287-307.

Robertson, pp. 197-238.

Exam 1 (Tuesday, 12 February)

The International Criminal Tribunal for the former Yugoslavia (ICTY)

Robertson, pp. 372-418.

Barria and Roper, 65-97.

ICTY Presentations

The International Criminal Tribunal for Rwanda (ICTR)

Audrey Boctor. 2009. "The Abolition of the Death Penalty in Rwanda." *Human Rights Review* 10:99-118.

Alan J. Kuperman. 2000. "Rwanda in Retrospect." *Foreign Affairs* 79:94-118.

ICTR Presentations

The Special Court for Sierra Leone (SCSL)

Barria and Roper, 117-130 and 145-159.

Nicole Fritz, and Alison Smith. 2001. "Current Apathy for Coming Anarchy: Building the Special Court for Sierra Leone." *Fordham International Law Journal* 25:391-430.

SCSL Presentations

The Extraordinary Chambers in the Courts of Cambodia (ECCC)

Kathleen Claussen. 2008. "Recent Developments: Up to the Bar? Designing the Hybrid Khmer Rouge Tribunal in Cambodia." *The Yale Journal of International Law* 33:253-258.

Padraic J. Glaspy. 2008. "Justice Delayed-Recent Developments at the Extraordinary Chambers in the Courts of Cambodia." *Harvard Human Rights Journal* 21:143-154.

ECCC Presentations

Exam 2 (Thursday, 28 March)

The International Criminal Court (ICC)

Jamie Mayerfeld. 2003. "Who Shall Be Judge?: The United States, the International Criminal Court, and the Global Enforcement of Human Rights." *Human Rights Quarterly* 25:93-129.

Victor Peskin. 2009. "Caution and Confrontation in the International Criminal Court's Pursuit of Accountability in Uganda and Sudan." *Human Rights Quarterly* 31:655-691.

Robertson, pp. 419-467.

ICC Presentations

Domestic Efforts to Address Human Rights Violations

Eric Brahm. 2007. "Uncovering the Truth: Examining the Truth Commission Success and Impact." *International Studies Perspectives* 8:16-35.

Beth Stephens. 2002. "Translating Filartiga: A Comparative and International Law Analysis of Domestic Remedies for International Human Rights Violations." *Yale Journal of International Law* 27:2-69.

Concluding Thoughts: Designing Institutions for International Justice

Barria and Roper, pp.3-14 and 211-218.

Neil Kritz. 1996. "Coming to Terms with Atrocities: A Review of Accountability Mechanisms for Mass Violations of Human Rights." *Law & Contemporary Problems* 59:127-131.

Jack Snyder, and Leslie Vinjamuri. 2003/2004. "Trials and Errors: Principle and Pragmatism in Strategies of International Justice." *International Security* 28:5-44.

Third Exam (Thursday, 25 April)

Presentation Summary (Thursday, 2 May 10:15-12:15)