

# City University of Hong Kong

## Information on a Course offered by School of Law with effect from Semester A in 2012/ 2013

---

---

### Part I

**Course Title:** Special Topics in International Law: ICL/IHL

**Course Code:** LW4665

**Course Duration:** One Semester

**Credit Units:** 3

**Level:** B4

**Medium of Instruction:** English

**Precursors:** Nil

**Equivalent Courses:** *(Course Code and Title)* Nil

**Exclusive Courses:** *(Course Code and Title)* Nil

### Part II

#### Course Aims

This course will direct students to examine the models and methods of international accountability for crimes involving massive human rights violations; it will review the nature, character and legal elements of the crimes of genocide, serious war crimes, crimes against humanity and the crime of aggression. Students will review the history of international sanctioning bodies and identify jurisdictional constraints and other historical innovations and impediments. Students in this course will analyze contemporary international criminal law initiatives in relation to principles of public international law and domestic state practice with regard to both theory and practical applications and review current situations and on-going prosecutions. Students will explore issues such as command responsibility, complementarity jurisdiction, the general principles of criminal law, and the interchange between political power and the judicial process in the international arena. Students will also explore the jurisprudential mix (common law, civil law, international law, domestic law) utilized by the international criminal tribunals and consider their relative contributions toward eradicating impunity.

On completing the course students should understand the nature of vertical international law, the different mechanisms for the trial of international crimes and the constitutive documents that control them, the substantive offenses under international law and the rules and

jurisprudence governing the international criminal law bodies. Moreover, students should be able to identify the political ramifications of the international criminal law legal framework and apply what they have learned to modern developments and practices in international relations today.

This course will examine the doctrine of universal jurisdiction and consider the impact, if any, of the Regina v Bartles case in the UK. It will examine the constitutive documents of the ad hoc Tribunals for former Yugoslavia and Rwanda as well as those documents creating the international hybrid tribunals of Sierra Leone, Cambodia, Lebanon, and East Timor. Students will undertake a detailed analysis of the Rome Statute of the International Criminal Court and its Rules of Procedure and Evidence. The course will also review some of the leading cases in the international tribunals and identify developing trends in international criminal law.

### Course Intended Learning Outcomes (CILOs)

*Upon successful completion of this course, students should be able to:*

No.	CILOs	Weighting (if applicable)	Number(s) of PILOs contributed to
1.	Describe and analyse the international criminal law mechanisms and evaluate the effectiveness of the different models for ensuring international compliance.	30%	1,2,3
2.	Analyse the elements of the substantive criminal offenses under international law.	35%	1,2,3
3.	Identify and critically evaluate jurisdictional constraints of international tribunals, liability assessment, thematic issues in international criminal law and issues of justice, politics and sentencing in the tribunals.	35%	1,2,3

### Teaching and Learning Activities (TLAs)

*(Indicative of likely activities and tasks designed to facilitate students' achievement of the CILOs. Final details will be provided to students in their first week of attendance in this course)*

CILO No.	TLAs	Hours/week (if applicable)
CILO 1, 2, 3	<u>Lectures</u> : Presentation of the substantive law, legal mechanisms and legal issues on the topics listed in the course syllabus.	2
CILO 1, 2, 3	<u>Interactive class discussion</u> : Students learn how to identify the norms and law of (international) human rights and how to apply them to relevant cases. Students will also be engaged in discussions and debates to develop a critical view on the issues to be discussed.	1
CILO 1, 2, 3	<u>Class presentation</u> : Students present on topics designed to stimulate class discussion on material issues. Students defend theories and opinions against cross-examination.	1

## Assessment Tasks/Activities

(Indicative of likely activities and tasks designed to assess how well the students achieve the CIOs. Final details will be provided to students in their first week of attendance in this course)

CILO No.	Type of Assessment Tasks/Activities	Weighting (if applicable)	Remarks (exam duration , etc)
CILO 1, 2, 3	Coursework	30%	
CILO 1, 2, 3	Inter-active in-class exercises	20%	
CILO 1, 2, 3	Examination	50%	2 / 3hours

## Grading of Student Achievement

Standard (A+, A, A-...F).

Grading is based on student performance in assessment tasks / activities.

Assessment will be by continuous assessment, by coursework, inter-active in-class exercises and by examination. Course examination will be semi-closed book (students may bring power points and lecture notes).

The apportionment of marks will be:-

Inter-active in-class exercises	: 20%
Coursework	: 30%
Examination	: 50%
Examination duration	: Three hours/two hours
Grading pattern	: Standard (A+ A A- ... F)

To pass this course, students must obtain an aggregate mark of 40% and a minimum of 30% in each of the coursework, in-class exercises and the examination elements of the assessment. Coursework for this purpose means those ways in which students are assessed otherwise than by the end of session examination.

To enable the full benefit to be obtained from this course, students should attend all of the classes and activities.

Assessment will be formative to enable students to demonstrate their capacity to understand, analyse and apply rules and principles and summative to assess ability to synthesise primary and secondary material to solve novel problems.

## Part III

### Keyword Syllabus

International criminal law, genocide, crimes against humanity, war crimes, aggression, law of international human rights, International Criminal Court, ICTY, ICTR, hybrid tribunals, complementarity, child soldiers, transitional justice, terrorism, vertical and horizontal norm, command responsibility, *nullum crimen sine lege, nulla poena sine lege*, UN Security Council, Geneva conventions, Hague law, victims' rights.

## **Recommended Reading**

### **A. Instruments**

Charter of the United Nations (1945)

Rome Statute

ICC Rules of Procedure and Evidence

Statute of the Special Court for Sierra Leone

ICTY Statute

ICTR Statute

Law of the ECCC

Universal Declaration of Human Rights (1948)

International Covenant on Civil and Political Rights (1966)

International Covenant on Economic, Social and Cultural Rights (1966)

### **B. Reading List** (reference books only)

William A. Schabas, *An Introduction to the International Criminal Court* 3<sup>rd</sup> ed. (2007);

Mark D. Kielsgard, *Reluctant Engagement: US Policy and the International Criminal Court* (2010);

Henry Steiner, Philip Alston & Ryan Goodman, *International Human Rights in Context: Law, Politics and Morals*, 3<sup>rd</sup> ed., Oxford U Press, 2008;

Samantha Power, *A Problem From Hell: America and the Age of Genocide* (2002);

William A. Schabas, *The Oxford Commentaries on International Law: The International Criminal Court, A Commentary on the Rome Statute* (2010).