MA Program in Professor George Andreopoulos

International Crime and Justice Office: L9.65.09 NB

Spring 2019 Office Hours: Tu&Th 3:00-4:00 p.m.

Tu6:00-8:00 or by appointment

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**ICJ 703*International Criminal Law***

***Course Description***

***The course is an introduction to the study of international criminal law. It will survey the basic tenets of public international law and the evolution of the international legal process and explore-through the study of specific issues and incidents - the principal challenges facing the international community. It will then proceed to an examination of substantive international criminal law and of the fundamentals of international criminal responsibility and offer an overview of key features of the international criminal justice regime. More specifically, it will examine the political and legal dimensions of the work of the International Criminal Court, of the ad hoc international tribunals -International Criminal Tribunal for the former Yugoslavia (ICTY) and International Criminal Tribunal for Rwanda (ICTR)-  and of the hybrid tribunals, such as the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, and the Special Tribunal for Lebanon. The course will conclude with an assessment of the role of these mechanisms and corresponding processes in advancing accountability.***

***Readings***

The required materials for this course are: (1) Burns Weston, Richard Falk, and Hilary Charlesworth*, International Law and World Order. A Problem-Oriented Coursebook* (Fourth Edition, 2006) and (2) Antonio Cassese, *International Criminal Law* (Third Edition, 2013).The books are available at Akademos. Students must familiarize themselves with the United Nations website ([www.un.org](http://www.un.org)) which will be of great help throughout the course. Additional materials are available on line,or will be posted on Blackboard.

***Course requirements, regulations and objectives***

There will be a mid-term (30% of the grade). In addition, students will submit an 18-20 page paper (40% of the grade) on a topic assigned by the instructor. Students are expected to read all the assigned material, so that they can be effective participants in class discussions. Class participation is 30% of the grade.

**Academic Integrity: You should review the CUNY/John Jay Policy on Academic Integrity located on the web at** [**http://jjay.smartcatalogiq.com/en/2017-2018/Undergraduate-Bulletin/Academic-Standards-and-Policies/Academic-Standards/Academic-Integrity**](http://jjay.smartcatalogiq.com/en/2017-2018/Undergraduate-Bulletin/Academic-Standards-and-Policies/Academic-Standards/Academic-Integrity)**. Any student caught in violation of these regulations will fail the class and will be reported to the appropriate College authorities.**

**Office Hours:** My office hours are Tu and Th 3:00-4:00 p.m. I suggest that you make use of the office hours and come to discuss with me any issues/questions/concerns that you may have. **It is imperative that you alert me early and promptly to any problems that you may face.**

By the end of this course, students should:

* Analyze and assess the operations of key international legal institutions, mechanisms, and processes;
* Identify and apply major theories from international relations and law to explain international legal developments;
* Have a solid understanding of the fundamentals of international criminal law;
* Have a good grasp of the subjective and objective elements of the major international crimes;
* Become familiar with the case law of international criminal tribunals;
* Write an independent, theory-guided research paper on a significant international criminal law issue.

*Week I*

What is international law? The evolution of the international legal process.

*International Law and World Order*, pp. 1-78; Robert Keohane, “International Relations and International Law: Two Optics,”*38 Harvard International Law Journal* (Spring 1997), pp. 487-502.

*Week II*

The concept of legalization. The sources of international law: treaties

Kenneth Abbott, Robert Keohane, Andrew Moravcsik, Anne-Marie Slaughter and Duncan Snidal, “The Concept of Legalization,” *54 International Organization* (2000), pp. 17-35;

*International Law and World Order,* pp. 79-106; Rosalyn Higgins, *Problems and Process. International Law and How We Use it,* pp. 17-38 (available on Blackboard).

*Week III*

The sources of international law: custom.

*International Law and World Order,* pp. 106-139; Roozbeh B. Baker, “Customary International Law in the 21st Century: Old Challenges and New Debates,”*European Journal of International Law,* vol. 21(1), 2010, pp. 173-204.

*Week IV*

The sources of international law: general principles of law, judicial decisions and the teachings of publicists, and other sources. Rethinking the role of the international legal process.

*International Law and World Order,* pp. 139-178; Abraham Chayes and Antonia Chayes, “On Compliance,” *International Organization,* vol. 47(2), 1993, pp. 175-205.

*Week V*

The application of international law.The fundamentals of international criminal law.

*International law and World Order, pp*. 179-255; Cassese, *International Criminal Law,* pp. 3-58.

*Week VI*

International Crimes: War Crimes.

Cassese, pp. 63-83; Yves Sandoz, ‘The History of the Grave Breaches Regime,” *Journal of International Criminal Justice,* vol. 7(4), 2009, pp. 657-682.

*Week VII*

International Crimes (continued): Crimes against Humanity.

Cassese, pp. 84-108; William Schabas, “Prevention of Crimes against Humanity,” *Journal of International Criminal Justice,* vol. 16(4), 2018, pp. 705-728.

**March 12: Research paper to be discussed in class (everyone MUST be present for this session).**

*Week VIII*

International Crimes (continued): Genocide.

Cassese, pp. 109-130; Andrew Altman, “GENOCIDE AND CRIMES AGAINST HUMANITY: DISPELLING THE CONCEPTUAL FOG,” *Social Philosophy and Policy,* vol. 29(1),2012,

pp. 280-308.

**Mid-term Exam: Tuesday, March 19.**

*Week IX*

International Crimes (continued): Torture, Aggression and Terrorism

Cassese, pp. 131-158; Manfred Nowak, “What Practices Constitute Torture?: US and UN Standards,”*Human Rights Quarterly*, vol. 28 (4), 2006, pp. 809-841;  Francoise Hampson, “Detention, the ‘War on Terror’ and International Law,” in Howard Hensel, *The Law of Armed Conflict,* pp. 131-170 (available on Blackboard).

*Week X*

Application and enforcement of human rights and humanitarian norms in conflict situations.The role of international criminal courts and tribunals.

Cassese, pp. 253-270; George Andreopoulos, The “Turn to Protection:” International Human Rights Law/International Humanitarian Law and the Implications of their Convergence,” in Henry F. Carey and Stacey M. Mitchell, *Understanding International Law through Moot Courts,* pp. 21-46 (available on Blackboard); Sandesh Sivakumaran,“War Crimes before the Special Court for Sierra Leone. Child Soldiers, Hostages, Peacekeepers and Collective Punishments,” *Journal of International Criminal Justice,* vol. 8 (4), 2010, pp. 1009-1034.

*Week XI*

The role of international and hybrid criminal courts and tribunals.International criminal justice principles and process.

Aaron Fichtelberg, *Hybrid Tribunals,* pp*.* 29-73 (available on Blackboard); Cassese, pp. 347-388.

*Week XII*

Problems in international law and world order. Socio-Political Justice.

*International Law and World Order*, pp. 487-538; Higgins, pp. 95-110 (available on Blackboard).

*Week XIII*

Socio-Political Justice (continued).

*International Law and World Order,* pp. 538-605; Higgins, pp. 111-128 (available on Blackboard).

*Week XIV*

Socio-Political Justice (continued).

**Oral arguments in class.**

**Research paper due: Wednesday, May 22, by 4:00 p.m.**