

LAWS50052 International Criminal Law

Credit Points:	12.50
Level:	5 (Graduate/Postgraduate)
Dates & Locations:	2011, Parkville This subject commences in the following study period/s: Semester 2, Parkville - Taught on campus. 3 hours x 12 seminars.
Time Commitment:	Contact Hours: 36 hours. Total Time Commitment: 144 hours.
Prerequisites:	LAWS50024 Principles of Public Law; LAWS50034 Criminal Law and Procedure.
Corequisites:	None.
Recommended Background Knowledge:	None.
Non Allowed Subjects:	None.
Core Participation Requirements:	The Melbourne Law School welcomes applications from students with disabilities. It is University and Law School policy to take all reasonable steps to enable the participation of students with disabilities, and reasonable adjustments will be made to enhance a student's participation in the School's programs. The inherent academic requirements for the study in the Melbourne Law School are: The ability to attend classes and actively engage in the analysis of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students must possess behavioural and social attributes that enable them to participate in a complex learning environment. Students are required to take responsibility for their own participation and learning. They also contribute to the learning of other students in collaborative learning environments, demonstrating interpersonal skills and an understanding of the needs of other students. Assessment may include the outcomes of tasks completed in collaboration with other students. Students who feel their disability will prevent them from participating in tasks involving these inherent academic requirements are encouraged to contact the Disability Liaison Unit: http://www.services.unimelb.edu.au/disability/ .
Coordinator:	Mr Kevin Heller
Contact:	Melbourne Law School Student Centre Email: law-studentcentre@unimelb.edu.au (mailto:law-studentcentre@unimelb.edu.au) Tel: +61 3 8344 4475
Subject Overview:	<p>This subject will provide a comprehensive overview of the emerging discipline of international criminal law. The discipline will be approached historically, theoretically, and critically. First, the subject will examine the historical origins of the fundamental principle of international criminal law – individual criminal responsibility – and trace the evolution of the international criminal tribunals that apply that principle. Second, the subject will explain the core theoretical assumptions of the subject, focusing in particular on the rationales for punishment (retribution, creating a historical record, promoting peace and reconciliation, etc.) and for the creation and operation of international criminal tribunals. Third, the subject will take a critical look at the discipline's core theoretical assumptions, asking whether alternatives to international trials might better achieve the discipline's stated goals.</p> <p>Principal topics in the subject include:</p> <ul style="list-style-type: none"> # The concept of individual criminal responsibility for violations of international law; # The history of international criminal tribunals; # Core crimes, such as war crimes, crimes against humanity, genocide, and aggression;

	<ul style="list-style-type: none"> # Modes of participation, such as ordering and command responsibility; # Defenses, such as superior orders; # Head of State immunity; # Jurisdiction to prosecute international crimes, in particular universal jurisdiction; # National prosecution of international crimes.
Objectives:	<p>This subject will focus on individual accountability for war crimes, crimes against humanity and acts of genocide, including both the substantive law providing for such responsibility and the range of mechanisms available for holding individuals accountable. A student who has successfully completed this subject will have advanced and integrated understanding of the body of knowledge associated with international criminal law. In particular, the student will:</p> <ul style="list-style-type: none"> # Understand the concept of individual criminal responsibility for international crimes; # Understand the structure and theoretical assumptions of the core international crimes, as well as important modes of participation, such as command responsibility, and key defences, such as duress; # Understand the historical development of international criminal law; # Recognise the relationship between national and international jurisdiction for the prosecutions of international crimes; # Comprehend the basic workings of the UN's <i>ad hoc</i> criminal tribunals and the permanent International Criminal Court.
Assessment:	<p>If class size is smaller than 30:6,000-word research paper (topic to be approved by the subject coordinator) (80%);15-minute class presentation (10%);Class participation (10%).If class size is larger than 30:7,000-word research paper (topic to be approved by the subject coordinator) (90%);Class participation (10%).</p>
Prescribed Texts:	<p>Printed materials will be available from the Melbourne Law School.</p>
Breadth Options:	<p>This subject is not available as a breadth subject.</p>
Fees Information:	<p>Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees</p>
Generic Skills:	<p>This subject will build upon the research skills already developed within the JD program. A student who has successfully completed this subject will have the expert and specialized cognitive and technical skills necessary for practice and/or research in international criminal law. In particular, the student will have:</p> <ul style="list-style-type: none"> # Cognitive skills necessary for critical reflection on the theory and professional practice of international criminal law; # Cognitive, technical, and creative skills necessary for critically investigating, analysing, and interpreting the complex information, problems, concepts and theories associated with international criminal law; # Cognitive, technical, and creative skills necessary for generating and evaluating complex abstract ideas, concepts, and theories in international criminal law; # Communication and technical research skills necessary for justifying theoretical propositions, methodologies, conclusions, and professional decisions concerning international criminal law to specialist and non-specialist audiences; # Technical and communication skills necessary for designing, evaluating, implementing, analysing and theorising developments that contribute to professional practice or scholarship in international criminal law.