

# LAWS50052 International Criminal Law

<b>Credit Points:</b>	12.5																																	
<b>Level:</b>	5 (Graduate/Postgraduate)																																	
<b>Dates &amp; Locations:</b>	2015, Parkville This subject commences in the following study period/s: Semester 2, Parkville - Taught on campus.																																	
<b>Time Commitment:</b>	Contact Hours: 36 hours. 3 hours x 12 seminars. Total Time Commitment: 144 hours.																																	
<b>Prerequisites:</b>	<p>Criminal Law and Procedure (LAWS50034) is a concurrent prerequisite. A concurrent prerequisite is a requisite that students must either be undertaking concurrently (in exactly the same study period) with their enrolment in the subject, or have already met (student has undertaken the requisite subject previously).</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS50023 Legal Method and Reasoning</td> <td>February</td> <td>12.50</td> </tr> <tr> <td>LAWS50024 Principles of Public Law</td> <td>Semester 1</td> <td>12.50</td> </tr> <tr> <td>LAWS50025 Torts</td> <td>November, Semester 2</td> <td>12.50</td> </tr> <tr> <td>LAWS50026 Obligations</td> <td>Semester 1</td> <td>12.50</td> </tr> <tr> <td>LAWS50027 Dispute Resolution</td> <td>Semester 1</td> <td>12.50</td> </tr> <tr> <td>LAWS50028 Constitutional Law</td> <td>Semester 2</td> <td>12.50</td> </tr> <tr> <td>LAWS50029 Contracts</td> <td>Semester 2</td> <td>12.50</td> </tr> <tr> <td>LAWS50031 Legal Theory</td> <td>Semester 2</td> <td>12.50</td> </tr> <tr> <td>LAWS50032 Administrative Law</td> <td>Semester 1</td> <td>12.50</td> </tr> <tr> <td>LAWS50034 Criminal Law and Procedure</td> <td>Semester 2</td> <td>12.50</td> </tr> </tbody> </table>	Subject	Study Period Commencement:	Credit Points:	LAWS50023 Legal Method and Reasoning	February	12.50	LAWS50024 Principles of Public Law	Semester 1	12.50	LAWS50025 Torts	November, Semester 2	12.50	LAWS50026 Obligations	Semester 1	12.50	LAWS50027 Dispute Resolution	Semester 1	12.50	LAWS50028 Constitutional Law	Semester 2	12.50	LAWS50029 Contracts	Semester 2	12.50	LAWS50031 Legal Theory	Semester 2	12.50	LAWS50032 Administrative Law	Semester 1	12.50	LAWS50034 Criminal Law and Procedure	Semester 2	12.50
Subject	Study Period Commencement:	Credit Points:																																
LAWS50023 Legal Method and Reasoning	February	12.50																																
LAWS50024 Principles of Public Law	Semester 1	12.50																																
LAWS50025 Torts	November, Semester 2	12.50																																
LAWS50026 Obligations	Semester 1	12.50																																
LAWS50027 Dispute Resolution	Semester 1	12.50																																
LAWS50028 Constitutional Law	Semester 2	12.50																																
LAWS50029 Contracts	Semester 2	12.50																																
LAWS50031 Legal Theory	Semester 2	12.50																																
LAWS50032 Administrative Law	Semester 1	12.50																																
LAWS50034 Criminal Law and Procedure	Semester 2	12.50																																
<b>Corequisites:</b>	None																																	
<b>Recommended Background Knowledge:</b>	None																																	
<b>Non Allowed Subjects:</b>	None																																	
<b>Core Participation Requirements:</b>	<p>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</p>																																	

	these inherent academic requirements are encouraged to contact the Disability Liaison Unit: <a href="http://www.services.unimelb.edu.au/disability/">www.services.unimelb.edu.au/disability/</a> .
<b>Coordinator:</b>	Assoc Prof Peter Rush
<b>Contact:</b>	Melbourne Law School Student Centre Email: <a href="mailto:law-studentcentre@unimelb.edu.au">law-studentcentre@unimelb.edu.au</a> (mailto:law-studentcentre@unimelb.edu.au) Tel: +61 3 8344 4475
<b>Subject Overview:</b>	<p>How does law respond to experiences of war, mass conflict and political transition? This question has animated conflicts throughout the world, from South Africa to the Democratic Republic of Congo, from Argentina to the Arab Spring, from the former Yugoslavia to North America, Syria to Australia. This subject explores the languages and institutions of international criminal law. It is an area of law that exists at the confluence of criminal law, international law, human rights and transitional justice. The discipline will be approached historically, critically and theoretically, and includes in-depth case studies of institutions, crimes, procedures, and country or regional situations.</p> <p>Principal topics in the subject include:</p> <ul style="list-style-type: none"> <li># The history of international criminal tribunals and courts, from Nuremberg to the International Criminal Court;</li> <li># Core crimes, such as war crimes, crimes against humanity, genocide, and aggression;</li> <li># Selected crimes, such as enforced disappearance, rape and sexual violence;</li> <li># Doctrines of criminal responsibility, such as individual criminal responsibility and modes of participation; defences;</li> <li># Procedures of prosecution and testimony;</li> <li># Victims and international criminal justice;</li> <li># Alternatives to criminal trials and prosecution;</li> <li># National and regional approaches to international crimes, such as Australian war crimes prosecutions, or the InterAmerican Court of Human Rights;</li> <li># Alternatives to criminal trials, for example truth commissions and memory projects.</li> </ul>
<b>Learning Outcomes:</b>	<p>A student who has successfully completed this subject will have advanced and integrated understanding of, and the ability to critically engage with and reflect on, the bodies of knowledge associated with current international criminal law. In particular, the student will:</p> <ul style="list-style-type: none"> <li># Understand the legal complexities of attributing criminal responsibility for international crimes;</li> <li># Understand the legal structure of and the variety of approaches to the core international crimes, as well as important modes of participation and key defences;</li> <li># Evaluate contemporary theories of crimes against humanity and genocide;</li> <li># Understand the contemporary history development of international criminal law and its relation to discourses of criminal law, international law and human rights;</li> <li># Recognise the relationship between national and international jurisdiction for the prosecutions of international crimes;</li> <li># Comprehend the basic workings of the UN's ad hoc criminal tribunals and the permanent International Criminal Court;</li> <li># Understand the variety of roles available to international criminal law in national, regional and local responses to atrocity, conflict and trauma;</li> <li># Evaluate alternatives to international criminal prosecution, such as truth commission, amnesties and memorial projects.</li> </ul>
<b>Assessment:</b>	<p>The assessment has three components: a research essay, a topic proposal, and class participation: Class participation (10%); 1,000 word topic proposal (10%, hurdle requirement). Students will be required to select and read closely materials relating to a specific writer, method or issue in the course, and then write a topic proposal that clearly identifies the issues, approach and argument to be presented in the research essay; 5,000 word research essay (80%). Students are required to write an essay which, drawing on their topic proposal and the feedback provided on that proposal, demonstrates an integrated understanding of how the subject materials contribute to an evaluation of the complexities and worth of international criminal law as a response to war, conflict and mass atrocity. The research essay will be due in accordance with the assessment schedule.</p>

<b>Prescribed Texts:</b>	Specialist printed materials will be made available from Melbourne Law School.
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Generic Skills:</b>	<p>This subject will build upon the research skills already developed within the JD program. On completion of the subject, students will have critically analysed at least one specific instance or example of the complexity of international criminal law as a discipline. A student who has successfully completed this subject will thus have the expert and specialized cognitive and technical skills necessary for research in international criminal law. In particular, the student will have:</p> <ul style="list-style-type: none"> <li># Cognitive skills necessary for critical reflection on the theory and professional practice of international criminal law;</li> <li># Cognitive, technical, and creative skills necessary for critically investigating, analysing, and interpreting the complex information, problems, concepts and theories associated with international criminal law;</li> <li># Cognitive, technical, and creative skills necessary for generating and evaluating complex abstract ideas, concepts, and theories in international criminal law;</li> <li># 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; and</li> <li># Technical and communication skills necessary for designing, evaluating, implementing, analysing and theorising developments that contribute to scholarship about international criminal law.</li> </ul>
<b>Notes:</b>	This subject has a quota of 60 students. Details on <b>quota subject selection (<a href="http://www.law.unimelb.edu.au/jd/current-students/enrolments/quota-subject-selection/">http://www.law.unimelb.edu.au/jd/current-students/enrolments/quota-subject-selection/</a>)</b> are available on the JD website.