

## LAWS70033 International Criminal Law

<b>Credit Points:</b>	12.5
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	2015, Parkville This subject commences in the following study period/s: August, Parkville - Taught on campus.
<b>Time Commitment:</b>	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.
<b>Prerequisites:</b>	Successful completion of <b>Principles of International Law</b> ( <a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subject-details/sid/11660">http://www.law.unimelb.edu.au/masters/courses-and-subjects/subject-details/sid/11660</a> ) or equivalent is required.
<b>Corequisites:</b>	None
<b>Recommended Background Knowledge:</b>	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.
<b>Non Allowed Subjects:</b>	None
<b>Core Participation Requirements:</b>	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique 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 to 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 who feel their disability will inhibit them from meeting 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>	Prof Gerry Simpson
<b>Contact:</b>	For more information: Email: <a href="mailto:law-masters@unimelb.edu.au">law-masters@unimelb.edu.au</a> ( <a href="mailto:law-masters@unimelb.edu.au">mailto:law-masters@unimelb.edu.au</a> ) Phone: +61 3 8344 6190 Website: <a href="http://www.law.unimelb.edu.au/masters">www.law.unimelb.edu.au/masters</a> ( <a href="http://www.law.unimelb.edu.au/masters">http://www.law.unimelb.edu.au/masters</a> )
<b>Subject Overview:</b>	This subject looks at the rules, concepts, principles, institutional architecture and enforcement of something we call international criminal law or international criminal justice, or, sometimes, the law of war crimes. The focus of this subject is international criminal law concerned with traditional 'war crimes' and, in particular, four of the core crimes set out in the Rome Statute (war crimes, torture, genocide and aggression). It adopts a historical, philosophical and practical focus throughout, and is mainly directed at the conceptual problems associated with the prosecution of war criminals and, more broadly, legalised retribution. Attention, in this respect, will be directed towards the moral and jurisprudential dilemmas associated with bureaucratic criminality and individual culpability.

	<p>Principal topics include:</p> <ul style="list-style-type: none"> <li># The nature of law, war and crime and the purpose of war crimes trials</li> <li># Concept of individual criminal responsibility for violations of international law</li> <li># Elaboration of basic crimes</li> <li># Universal jurisdiction</li> <li># International criminal courts</li> <li># International versus national jurisdictions and the concept of universal jurisdiction</li> <li># Different models of international criminal courts and tribunals</li> <li># The International Criminal Court.</li> </ul>
<b>Learning Outcomes:</b>	<p>This subject will focus on individual accountability for human rights abuses, including both the substantive law providing for such responsibility and the range of mechanisms available for holding individuals accountable.</p> <p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> <li># Be able to locate the law of war crimes in the great moral and political dilemmas of the last half century</li> <li># Possess an advanced, detailed, and integrated understanding of the concept of individual criminal responsibility for violations of international law including recent developments in this field of law and practice</li> <li># Assimilate the core crimes, as well as critical extensions of culpability, such as command responsibility, and key defences, such as duress or superior orders</li> <li># Be aware of the historical development of international criminal law</li> <li># Have a sophisticated appreciation the relationship between national and international jurisdiction for the prosecution of international crimes</li> <li># Be conversant with the advantages and disadvantages of prosecutions compared to other methods of individual accountability, including the debate over amnesties and pardons</li> <li># Understand the full range of non-prosecutorial mechanisms for holding individuals accountable, including truth commissions and civil suits</li> <li># Comprehend the basic workings of the United Nation's (UN) ad hoc criminal tribunals and the permanent International Criminal Court</li> <li># Have the cognitive and technical skills to generate critical and creative ideas relating to international criminal law and be able to critically evaluate existing legal theories, principles and concepts with creativity and autonomy</li> <li># Have the cognitive and technical skills to independently examine, research and analyse existing and emerging legal issues relating to the law and practice of war crimes law</li> <li># Have the communication skills to clearly articulate and convey complex information about the law and history of war crimes to relevant specialist and non-specialist audiences</li> <li># Be able to demonstrate autonomy, expert judgment and responsibility as a practitioner and student in the field of international criminal law.</li> </ul>
<b>Assessment:</b>	Take-home examination (100%) (18-21 September). A minimum of 75% attendance is a hurdle requirement.
<b>Prescribed Texts:</b>	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Details regarding any prescribed texts will be provided prior to the commencement of the subject.
<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>Links to further information:</b>	<a href="http://www.law.unimelb.edu.au/subject/LAWS70033/2015">www.law.unimelb.edu.au/subject/LAWS70033/2015</a>
<b>Notes:</b>	This subject has a quota of 30 students. Please refer to the website <a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format">www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format</a> ( <a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format">http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format</a> ) for further information about the management of subject quotas and waitlists.