

# LAWS70337 Criminal Procedure and Human Rights

<b>Credit Points:</b>	12.5
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	This subject is not offered in 2016.
<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>	None
<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>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 aims to teach criminal procedure in an international human rights context. Students will understand Australian procedures, and also be able to extrapolate this to practice in international tribunals and other jurisdictions.  Principal topics will include: <ul style="list-style-type: none"> <li># Relevant international human rights norms, the Victorian Charter and the European Charter, and the Indonesian Law on the ICTY</li> <li># Fair trial: Overview and critique</li> <li># Investigation, warrants and coercive orders, jurisdiction</li> <li># Indictment</li> <li># Bail and asset freezing</li> <li># Disclosure</li> <li># The process for complainants, witnesses and defendants</li> <li># Trial, sentencing hearings and appeals.</li> </ul>

<b>Learning Outcomes:</b>	<p>A student who has successfully completed this subject should understand:</p> <ul style="list-style-type: none"> <li># The minimum requirements which international human rights norms impose upon any criminal justice system</li> <li># The essential steps of the criminal process in Victoria, including jurisdiction, investigation, indictment, bail, asset freezing, disclosure, trial, appeal, victim rights and defendants' remedies</li> <li># The broad shape of the criminal process in international criminal tribunals (focusing on the International Criminal Court (ICC) and International Criminal Tribunal for the former Yugoslavia (ICTY)), in other common law jurisdictions (focusing on the United Kingdom) and in civil jurisdictions (focusing on Indonesia)</li> <li># The methods by which the jurisprudence of each system may be deployed in other systems, using the developing currency of international human rights law.</li> </ul>
<b>Assessment:</b>	Class participation and presentation (15%) 9,000 word research paper (85%) on a topic approved by the subject coordinator
<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/LAWS70337/2013">www.law.unimelb.edu.au/subject/LAWS70337/2013</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.
<b>Related Course(s):</b>	<p>Graduate Diploma in Dispute Resolution  Graduate Diploma in Government Law  Graduate Diploma in Human Rights Law  Graduate Diploma in International Law  Graduate Diploma in Legal Studies  Master of Commercial Law  Master of Human Rights Law  Master of Laws  Master of Public and International Law</p>