UNSW Course Outline

JURD7891 International Criminal Law - 2024

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General Course Information

Course Code : JURD7891
Year : 2024
Term : Term 3
Teaching Period : T3
Is a multi-term course? : No
Faculty : Faculty of Law and Justice
Academic Unit : School of Global and Public Law
Delivery Mode : Online
Delivery Format : Standard
Delivery Location : Kensington
Campus : Sydney
Study Level : Postgraduate
Units of Credit : 6

<u>Useful Links</u>

<u>Handbook</u> <u>Class Timetable</u>

Course Details & Outcomes

Course Description

This course considers contemporary legal issues in international criminal law. It places international criminal law in the broader context of state sovereignty, international peace and security, post-conflict reconciliation and the rule of law. It examines the role of international

criminal law within public international law generally, and its relationship with other areas of law, such as state responsibility, human rights, international humanitarian law, national criminal law and international refugee law. It will examine the distinction between state and individual responsibility, consider the development of international criminal law and its institutions and outline the main principles and rules of international criminal law, both substantive and procedural. In particular, the course will examine the substantive legal framework to ensure accountability for acts of genocide, war crimes, crimes against humanity and other serious violations of international law.

Main Topics

- Historical roots of International Criminal Law;
- The development and operation of the Nuremberg Tribunal, the ad hoc tribunals and the International Criminal Court;
- Particular international crimes (genocide, crimes against humanity, war crimes, aggression), modes of participation in the commission of such crimes, and defences;
- International Criminal Law Practice and Procedure;
- The application of International Criminal Law in domestic criminal courts; and
- Future directions of the development and application of International Criminal Law.

Course Aims

To equip students with an understanding of the sources, institutions, application, potential scope and limitations of international criminal law.

Course Learning Outcomes

Course Learning Outcomes
CLO1 : Demonstrate advanced oral communication skills by discussing and debating theoretical propositions, methodologies and legal problems (PLOs 9)
CLO2 : To equip students with an understanding of the sources, institutions, application, potential scope and limitations of international criminal law (PLO 1, 3, 5)
CLO3 : Engage in self-led investigation and critical analysis of international criminal law utilising professional and legal texts to evaluate current debates through an extended research essay (PLOs 5, 6, 12)
CLO4 : Produce a case note that demonstrates critical analysis of an element or elements of international criminal law (PLOs 1, 3, 6)

Course Learning Outcomes	Assessment Item
CLO1 : Demonstrate advanced oral communication skills by discussing and debating theoretical propositions, methodologies and legal problems (PLOs 9)	• Class Participation
CLO2 : To equip students with an understanding of the sources, institutions, application, potential scope and limitations of international criminal law (PLO 1, 3, 5)	• Mid-term Assessment • Final Essay • Class Participation
CLO3 : Engage in self-led investigation and critical analysis of international criminal law utilising professional and legal texts to evaluate current debates through an extended research essay (PLOs 5, 6, 12)	• Final Essay
CLO4 : Produce a case note that demonstrates critical analysis of an element or elements of international criminal law (PLOs 1, 3, 6)	• Mid-term Assessment

Learning and Teaching Technologies

Moodle - Learning Management System | Blackboard Collaborate | Echo 360

Assessments

Assessment Structure

Assessment Item	Weight	Relevant Dates
Mid-term Assessment Assessment Format: Individual	25%	Start Date: 01/10/2024 05:00 PM Due Date: 21/10/2024 07:00 PM
Final Essay Assessment Format: Individual	60%	Start Date: 22/10/2024 04:30 PM Due Date: 22/11/2024 07:00 PM
Class Participation Assessment Format: Individual	15%	Start Date: Not Applicable Due Date: Not Applicable

Assessment Details

Mid-term Assessment

Assessment Overview

Mid-term Assessment - 25%

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

Course Learning Outcomes

- CLO2 : To equip students with an understanding of the sources, institutions, application, potential scope and limitations of international criminal law (PLO 1, 3, 5)
- CLO4 : Produce a case note that demonstrates critical analysis of an element or elements of international criminal law (PLOs 1, 3, 6)

Detailed Assessment Description

You must complete a mid-term assignment, which will count for 25% of your final mark. The assignment will be made available online at 5pm on Tuesday 1 October 2024 and is to be submitted online on Moodle by no later than 7 p.m. on Monday 21 October 2024.

The assignment has a word limit of 2,000 words. This includes everything – text, footnotes and headings – other than a list of sources cited and the assignment cover page. The number of words should appear on the front page of the assignment and should be based on a Microsoft Word word count (ticking the footnote box). Any material in excess of this may not be read and excessive length penalties will also be applied. There is no leeway with the word limit.

The rubric that will be applied in marking assignments will also be posted on Tuesday 1 October 2024. A questions and answers session will be scheduled during class on 8 October.

Assignments should be typed, in 12-point font, with 1½ spacing and with at least 2 cm margins

on all sides. Each page should have your student number on it and page numbers clearly indicated.

You should use a standard style guide for citation (for example, the *Australian Guide to Legal Citation,* 4th ed 2018), but other citation styles are acceptable provided that they are used consistently and provide page references to sources where reference is being made to a specific page. The style guide used by a journal such as the Journal of International Criminal Justice, International Review of the Red Cross or the European Journal of International Law are ones that you may use.

Failure to observe these formal requirements may result in penalties.

Please ensure that you keep both a paper copy and an electronic copy of your assignment until your marked assignment has been returned to you and that you regularly back-up your drafts as you go along.

Late submission, extensions and penalties

An extension to the due date will only be granted in the case of demonstrated incapacity due to illness or other comparable problem in accordance with Faculty and University rules. Work submitted late without an extension will be penalised as set out in the Faculty's assessment policy. Late assignments will not be accepted without penalty, unless an extension has previously been granted. Please refer to the relevant UNSW Policies for more information about Late Penalties and Extensions.

Assessment Length

2000 words

Submission notes

All assignments must be submitted via Turnitin in Moodle.

Assignment submission Turnitin type

This assignment is submitted through Turnitin and students do not see Turnitin similarity reports.

Generative AI Permission Level

Simple Editing Assistance

In completing this assessment, you are permitted to use standard editing and referencing

functions in the software you use to complete your assessment. These functions are described below. You must not use any functions that generate or paraphrase passages of text or other media, whether based on your own work or not.

If your Convenor has concerns that your submission contains passages of AI-generated text or media, you may be asked to account for your work. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties.

For more information on Generative AI and permitted use please see [here](#).

Final Essay

Assessment Overview

Final Essay - 60%

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

Course Learning Outcomes

- CLO2 : To equip students with an understanding of the sources, institutions, application, potential scope and limitations of international criminal law (PLO 1, 3, 5)
- CLO3 : Engage in self-led investigation and critical analysis of international criminal law utilising professional and legal texts to evaluate current debates through an extended research essay (PLOs 5, 6, 12)

Detailed Assessment Description

You are required to complete an original research essay. This will be worth 60% of your final grade. You must submit your research essay by no later than 7 pm on **Friday 22 November 2024**.

Marking criteria for research essays

Research essays should demonstrate your ability to formulate your own reasoned opinions about core problems addressed in the course. The research essay offers you the opportunity to develop your research and analytical skills in the area and to develop an extended analysis and argument in a manner which benefits from the time available for research and reflection. You will be expected to go beyond the course materials in the research for your essay.

Assessment will be based, inter alia, on the quality and originality of the argument as well as your demonstrated knowledge of the relevant case-law and legal writing in the field. We are also looking in particular for evidence of depth of thinking. Depth of thinking is the extent to which you are able to proceed past the descriptive and into critical ways of thinking. This involves your

ability to analyse, synthesise, abstract and generalize the central principles and themes of the course. A marking rubric setting out the marking criteria will be provided on Moodle.

Marking criteria for research essays: HD - answers the question or explores the topic chosen in an original, unanticipated or exceptional way; contains striking originality or approach or analysis. DN - answers the question or explores the topic comprehensively, has a clear and well-articulated thesis, achieves a critical evaluative approach to the issues. CR - generally answers the question or explores the topic reasonably well but without great depth or comprehensives, makes no significant errors, and attempts a critical approach to the issues. PS - attempts to answer the question or explore the topic, offers a descriptive summary of material relevant to the question or topic. F – lower standard than above and falling short of an acceptable level of performance.

Topics for the research essay

A list of suggested essay questions will be provided on Moodle at **midday on Tuesday 22 October 2024**. Select a topic from this list (you do not need to seek approval in advance), prepare the essay and submit on or before the due date.

Length of essay and word count

Your essay should be no longer than 5,000 words. This includes everything – text, footnotes and headings – other than a list of sources cited and the assignment cover page. The number of words should appear on the front page of the assignment and should be based on a Microsoft Word word count (ticking the footnote box). Any material in excess of this may not be read and excessive length penalties will also be applied. There is no leeway with the word limit.

Formal presentation requirements

Essays should be typed, in 12-point font, with 1½ spacing and with at least 2 cm margins on all sides. Make sure that your student number, and an exact word count are marked clearly on the cover page of your assignment. Each subsequent sheet should have your student number on it and page numbers clearly indicated.

You should use a standard style guide for citation (for example, the *Australian Guide to Legal Citation,* 4th ed 2018), but other citation styles are acceptable provided that they are used consistently and provide page references to sources where reference is being made to a specific page. The style guide used by a journal such as the Journal of International Criminal Justice, International Review of the Red Cross or the European Journal of International Law are ones that

you may use.

Failure to observe these formal requirements may result in penalties.

Please ensure that you keep both a paper copy and an electronic copy of your assignment until your marked assignment has been returned to you and that you regularly back-up your drafts as you go along.

Late submission, extensions and penalties

An extension to the due date will only be granted in the case of demonstrated incapacity due to illness or other comparable problem in accordance with Faculty and University rules. Work submitted late without an extension will be penalised as set out in the Faculty's assessment policy. Late assignments will not be accepted without penalty, unless an extension has previously been granted. Please refer to the relevant UNSW Policies for more information about Late Penalties and Extensions.

Assessment Length

5000 words

Assignment submission Turnitin type

This assignment is submitted through Turnitin and students do not see Turnitin similarity reports.

Generative AI Permission Level

Planning/Design Assistance

You are permitted to use generative AI tools, software or services to generate initial ideas, structures, or outlines. However, you must develop or edit those ideas to such a significant extent that what is submitted is your own work, i.e., what is generated by the tool, software or service should not be a part of your final submission. You should keep copies of your iterations to show your Course Authority if there is any uncertainty about the originality of your work.
If your Convenor has concerns that your answer contains passages of AI-generated text or media that have not been sufficiently modified you may be asked to explain your work, but we recognise that you are permitted to use AI generated text and media as a starting point and some traces may remain. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties.

For more information on Generative AI and permitted use please see here.

Class Participation

<u>Assessment Overview</u>

Class Participation - 15%

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

<u>Course Learning Outcomes</u>

- CLO1 : Demonstrate advanced oral communication skills by discussing and debating theoretical propositions, methodologies and legal problems (PLOs 9)
- CLO2 : To equip students with an understanding of the sources, institutions, application, potential scope and limitations of international criminal law (PLO 1, 3, 5)

<u>Detailed Assessment Description</u>

Please keep in mind the Faculty's requirements that you should attend all scheduled classes and you may be ineligible to submit final assessment if you do not attend at least 80% of the classes.

Class participation marks are designed to encourage you to prepare for class and to analyse, reflect on and evaluate the course materials before we cover that content in class. Since we expect that you will put considerable effort into class preparation, it is fair that you receive some reward for this work.

We recognise some students are more confident or more practised in speaking in groups than others. Some, too, like to reflect on what others have said before contributing to the discussion. Thus, it will not be the most forward or garrulous who achieve the best marks, but those whose quality of contribution is high. Infrequent but very good contributions will be more favourably noticed than numerous more poorly informed or ill-considered contributions. You should, however, be prepared to speak even when you don't have a real 'gem' to offer, as long as your contribution is reasonably well-informed and well-considered. And you should not hesitate to raise questions about things you would like clarified or explained. Open discussion of doubts, mistakes or misunderstandings is part of the learning process from which we all benefit and will not be penalized. Indeed, it is often the case that a thoughtful question, for example, is evidence of good class preparation.

Given that the course will be delivered entirely online, class participation will be assessed on a combination of the following:

- Contributions to discussions in online classes, including preparing for and discussing set

questions and exercises.
- Contributions to online discussion fora. During the course we will set up a number of fora for discussion on Moodle.

In terms of the volume/quality of contributions we expect from you across these activities, you should approach contributions in class in the same way as for 'normal' teaching - come prepared, and engage where appropriate. It is quality, not quantity, of comments that matter. And don't be afraid to talk - even when students get the 'wrong' answer, it helps you all to learn and, as you will see, there are very few black and white legal issues anyway. For online discussion fora, you should aim to make at least five contributions over the course. Again, these need not be ground-breaking - it might be pointing out a recent news story or flagging something you found interesting/confusing in the lectures or the readings. There is no expected length for posts, although as this is supposed to be encouraging discussion, try not to post long posts (ie no more than 200 words).

You will be given an opportunity to submit a self-assessment of your performance in CP against the criteria (see below). This will be done by the form in Moodle (see below), which should be submitted to me by email (j.odonohue@unsw.edu.au) by no later than 5pm on **Tuesday 5 November 2024.**

In assessing class performance, the following factors will be taken into account:

- *Quality of preparation for class*
  - Evidence of reading, analysis and understanding
  - Evidence of having completed the required readings and online content, including pre-recorded lecture content
  - Consistency of preparation

- *Quality of contributions to class discussion*
  - Relevance
  - Demonstrated ability to identify issues
  - Demonstrated ability to analyse and apply relevant law
  - Evidence of critical thinking
  - Demonstrated awareness of ethical values
  - Demonstrated ability to present a persuasive argument or opinion
  - Demonstrated ability to communicate effectively

- *Contribution to group learning environment*
  - Preparedness to listen actively to others
  - No domineering
  - Respect for other students and their ideas
  - Ability to make contributions that assist others to learn

- *Attitude to learning and the subject*
  - Interest and motivation
  - Attentiveness in class
  - Willingness to volunteer relevant comments or questions
  - Contributions based on relevant current issues discussed in the media.

Marking criteria: HD: Exceptional standard of participation. D: Attends class, engages in group work, shows interest, always prepared for class, contributes positively to class discussion, demonstrates original, analytical/critical thought in class and in seminar presentation. C: Attends class, engages in group work, shows interest, usually prepared for class, contributes positively to class discussion, demonstrates analytical/critical thought in class and in seminar presentation. P+: Attends class, engages in group work, shows interest in-class discussion, some evidence of preparation for class, some critical analysis of and engagement with seminar topic. P: Attends class, engages in group work or shows interest in-class discussion, descriptive seminar presentation. F: Fails to engage regularly in-class discussion or group work, does not prepare for class, fails to attend classes.

Assignment submission Turnitin type

Not Applicable

Generative AI Permission Level

Not Applicable

Generative AI is not considered to be of assistance to you in completing this assessment. If you do use generative AI in completing this assessment, you should attribute its use.
For more information on Generative AI and permitted use please see here.

General Assessment Information

For further information on generative AI use in the Faculty of Law & Justice, please review the section titled 'Academic Honesty and Plagiarism' under the 'Other Useful Information' tab.

Grading Basis

Standard

Course Schedule

Teaching Week/Module	Activity Type	Content
Week 1 : 9 September - 15 September	Group Activity	Introduction to international criminal law course
	Lecture	Introduction to International Criminal Law
	Group Activity	International Criminal Tribunals Exercise
	Group Activity	Analysis of hypothetical situation
Week 2 : 16 September - 22 September	Group Activity	Review and discussion of developments in international criminal law
	Lecture	The crime of genocide
	Lecture	Crimes against humanity
	Group Activity	Analysis of hypothetical situation.
Week 4 : 30 September - 6 October	Group Activity	Review and discussion of developments in international criminal law
	Lecture	War crimes
	Group Activity	Analysis of hypothetical situation
	Lecture	The crime of aggression
Week 5 : 7 October - 13 October	Group Activity	Review and discussion of developments in international criminal law
	Group Activity	Mid-term assignment questions and answers
	Lecture	Principles of criminal responsibility
	Group Activity	Situation analysis
Week 7 : 21 October - 27 October	Activity	Review and discussion of developments in international criminal law
	Lecture	Rights of the accused
	Lecture	Rights of victims
	Group Activity	Analysis of situation
	Group Activity	Introduction to final essay assignment
Week 8 : 28 October - 3 November	Group Activity	Review and discussion of developments in international criminal law
	Lecture	The first two decades of the International Criminal Court
	Group Activity	Class debate - : The future of international criminal law is (1) domestic; (2) international; (3) internationalised; (4) all of the above; (5) radically different
	Group Activity	Course reflections

Attendance Requirements

Please see information about attendance requirements in **Law & Justice Assessment Procedure and Student Information** located in the Other Useful Information tab in the Academic Information field.

Please be advised there will be no classes on public holidays. If your class falls on a public holiday, alternative arrangements will be made by the course convenor to make up the missed class.

Course Resources

Prescribed Resources

The prescribed text for the course is:

- Robert Cryer, Darryl Robinson, and Sergey Vasiliev, *An Introduction to International Criminal Law and Procedure* (Cambridge University Press, 4th ed 2019)

The UNSW Bookshop has copies of the book, which you can arrange to be posted to you

https://www.bookshop.unsw.edu.au/details.cgi?ITEMNO=9781108741613

and can also provide an ebook version:

https://unswbookshop.vitalsource.com/products/-v9781108664684

You can also order the book directly from CUP Australia in hard copy (which saves waiting for shipments from the UK) and ebook format

https://www.cambridge.org/au/academic/subjects/law/public-international-law/introduction-international-criminal-law-and-procedure-4th-edition?format=PB

This will be supplemented by other materials made available online through the Moodle website.

Course Evaluation and Development

Students will be asked to provide feedback and recommendations for improving the course by completing a MyExperience survey at the end of the course.

Your input is also encourged during the course. If you have any concerns or recommendations to improve the course, please contact Jonathan O'Donohue: j.odonohue@unsw.edu.au

Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Lecturer	Jonathan O'Donohue					Yes	Yes

Other Useful Information

Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the [UNSW Student Code of Conduct Website](#).

UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#). This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at [Assessment & Exam Information](#).

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact [Student Services via The Nucleus Hub](#) for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit [Handbook](#) for information.

Academic Honesty and Plagarism

As a student at UNSW you are expected to display [academic integrity](#) in your work and interactions. Where a student breaches the [UNSW Student Code](#) with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the [Working with Academic Integrity](#) module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

Generative AI

Using generative AI to conduct research or to organise your argument is not prohibited but is not encouraged. We note that the output from generative AI tools is often incorrect and almost always more superficial than is required to achieve a passing grade. Moreover, any substantive errors in the assessment, such as inappropriate references or incorrect statements, will be regarded negatively by the marker, just as they would if not generated by AI. You should limit your use of AI to simple editorial assistance, such as standard editing and referencing functions in word processing software in the creation of your submission. You must not use any functions that generate or paraphrase passages of text, whether based on your own work or not. If your marker or Turnitin identify the wrongful use of generative AI in the text of your assessment submission, including the use of paraphrasing software, your assessment may be referred to the Student Integrity team for investigation. Please go to the link for further information about referencing and acknowledging the use of artificial intelligence tools.

Prohibition on use of translation apps

With limited exceptions for language study, the course of study and assessment in Australian universities must be in English (Higher Education Standard Framework (Threshold Standards) 2021 1.5 6(c)).

In Law & Justice many classes have assessable class participation. This must be in English. **Use of a translation device to assist with contributions to class discussion is not allowed.** Marks for class participation may be reduced where use of translation devices is detected. Similar prohibitions apply to use of any other generative text app that is not specifically permitted by the class teacher. However, use of translation software to assist a student to understand material outside of class, or to assist with preparation for assessment is generally permitted.

Further considerations apply to LLB and JD students. International lawyers who seek to be admitted in NSW must satisfy an English proficiency test. That test is expressed as equivalent to IELTS scores of 7.0 -8.0 across the tests. It is assumed that UNSW graduates are at or above those levels of English proficiency. Use of translation apps can impede the attainment of that level of proficiency. Students should avoid behaviours that put them at risk of breach of legal requirements which can have significant consequences, including potential consequences for your admission as a lawyer.

Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the UNSW Law &

[Justice Assessment Policy & Student Information](#).

Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW [Current Students](#) page.

Feedback

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up, then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

Faculty-specific Information

Additional support for students

- Student support: https://www.student.unsw.edu.au/support
- Academic Skills and Support: https://student.unsw.edu.au/academic-skills
- Student Wellbeing, Health and Safety: https://student.unsw.edu.au/wellbeing
- Equitable Learning Services: https://student.unsw.edu.au/els
- UNSW IT Service Centre: https://www.myit.unsw.edu.au

Course improvement

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

School Contact Information

Please contact Nucleus Student Hub for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.