



## UNSW Course Outline

# JURD7467 International Criminal Law - 2024

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## General Course Information

**Course Code :** JURD7467

**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 :** In Person

**Delivery Format :** Standard

**Delivery Location :** Kensington

**Campus :** Sydney

**Study Level :** Postgraduate

**Units of Credit :** 6

### Useful Links

[Handbook Class Timetable](#)

## Course Details & Outcomes

### Course Description

This course considers contemporary legal issues in international criminal law and transitional justice. 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 and transitional justice 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, outline the main principles and rules of international criminal law, both substantive and procedural, as well as discussing alternatives to criminal responsibility such as truth and reconciliation commissions and amnesties. 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. It will also assess the history, structure, jurisdiction and jurisprudence of the international criminal tribunals for the former Yugoslavia and Rwanda and the International Criminal Court, as well as the Special Court for Sierra Leone and other hybrid and internationalized tribunals. The role of national legal systems in ensuring accountability for international crimes is also outlined

## Main Topics

- Introduction to international criminal law and its sources
- International criminal law as distinct from transnational and national criminal law
- The distinction between individual and state responsibility
- History of international criminal law and its enforcement
- Substantive international criminal law: genocide; crimes against humanity; war crimes; aggression; other crimes under international law
- Enforcement of international criminal law: national courts; the ICTY and ICTR; the International Criminal Court; other hybrid or internationalized criminal tribunals
- Enforcement: the International Criminal Court: jurisdiction; trigger mechanisms; state cooperation; the relationship with the Security Council; complementarity
- Defences, immunity and command responsibility
- Procedural concerns: rights of the accused; fair trial guarantees; victim representation
- Alternatives to criminal prosecution: duty to prosecute; truth and reconciliation commissions; amnesties; lustration; reparations.

# Course Learning Outcomes

Course Learning Outcomes
CLO1 : Think critically about law and policy relating to international criminal law and transitional justice (PLOs 1, 3, 4, 5, 6, 7 &8)
CLO2 : Understand the relationship between the international legal regime and domestic law (PLOs 1, 4, 5 & 6)
CLO3 : Analyse different conceptual approaches to international criminal law and transitional justice (PLOs 3, 7 & 8)
CLO4 : Evaluate the role of law in responding to political concerns and often complex situations (PLOs 3, 6, 7, 8 & 9)
CLO5 : Appreciate the role and limitations of the relevant national and international actors (PLOs 1, 5, 7 & 8)
CLO6 : Identify and evaluate different mechanisms for ensuring accountability for serious violations of international law (PLOs 1, 3, 4, 5, 6, 7, 8 & 9)
CLO7 : Appreciate the substantive elements of international crimes, the overlap and distinctions between the various crimes, and the context within which they are committed (PLOs 1, 4, 5, 6, 7 & 9)
CLO8 : Evaluate the contribution of international criminal law to post-conflict reconciliation and reconstruction (PLOs 1, 3, 5, 6, 7, 8 & 9)

Course Learning Outcomes	Assessment Item
CLO1 : Think critically about law and policy relating to international criminal law and transitional justice (PLOs 1, 3, 4, 5, 6, 7 &8)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Assessment (mid-term)</li> <li>• Research Essay (4000 words)</li> </ul>
CLO2 : Understand the relationship between the international legal regime and domestic law (PLOs 1, 4, 5 & 6)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Assessment (mid-term)</li> <li>• Research Essay (4000 words)</li> </ul>
CLO3 : Analyse different conceptual approaches to international criminal law and transitional justice (PLOs 3, 7 & 8)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Research Essay (4000 words)</li> </ul>
CLO4 : Evaluate the role of law in responding to political concerns and often complex situations (PLOs 3, 6, 7, 8 & 9)	<ul style="list-style-type: none"> <li>• Assessment (mid-term)</li> <li>• Class Participation</li> <li>• Research Essay (4000 words)</li> </ul>
CLO5 : Appreciate the role and limitations of the relevant national and international actors (PLOs 1, 5, 7 & 8)	<ul style="list-style-type: none"> <li>• Assessment (mid-term)</li> <li>• Class Participation</li> <li>• Research Essay (4000 words)</li> </ul>
CLO6 : Identify and evaluate different mechanisms for ensuring accountability for serious violations of international law (PLOs 1, 3, 4, 5, 6, 7, 8 & 9)	<ul style="list-style-type: none"> <li>• Assessment (mid-term)</li> <li>• Class Participation</li> <li>• Research Essay (4000 words)</li> </ul>
CLO7 : Appreciate the substantive elements of international crimes, the overlap and distinctions between the various crimes, and the context within which they are committed (PLOs 1, 4, 5, 6, 7 & 9)	<ul style="list-style-type: none"> <li>• Assessment (mid-term)</li> <li>• Class Participation</li> <li>• Research Essay (4000 words)</li> </ul>
CLO8 : Evaluate the contribution of international criminal law to post-conflict reconciliation and reconstruction (PLOs 1, 3, 5, 6, 7, 8 & 9)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Research Essay (4000 words)</li> </ul>

## Learning and Teaching Technologies

Moodle - Learning Management System

# Assessments

## Assessment Structure

Assessment Item	Weight	Relevant Dates
Class Participation Assessment Format: Individual	15%	Start Date: Not Applicable Due Date: Not Applicable
Assessment (mid-term) Assessment Format: Individual Short Extension: Yes (2 days)	25%	Start Date: Not Applicable Due Date: 14/10/2024 04:00 PM
Research Essay (4000 words) Assessment Format: Individual Short Extension: Yes (2 days)	60%	Start Date: Not Applicable Due Date: 22/11/2024 04:00 PM

## Assessment Details

### Class Participation

#### Assessment Overview

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

#### Course Learning Outcomes

- CLO1 : Think critically about law and policy relating to international criminal law and transitional justice (PLOs 1, 3, 4, 5, 6, 7 &8)
- CLO2 : Understand the relationship between the international legal regime and domestic law (PLOs 1, 4, 5 & 6)
- CLO3 : Analyse different conceptual approaches to international criminal law and transitional justice (PLOs 3, 7 & 8)
- CLO4 : Evaluate the role of law in responding to political concerns and often complex situations (PLOs 3, 6, 7, 8 & 9)
- CLO5 : Appreciate the role and limitations of the relevant national and international actors (PLOs 1, 5, 7 & 8)
- CLO6 : Identify and evaluate different mechanisms for ensuring accountability for serious violations of international law (PLOs 1, 3, 4, 5, 6, 7, 8 & 9)
- CLO7 : Appreciate the substantive elements of international crimes, the overlap and distinctions between the various crimes, and the context within which they are committed (PLOs 1, 4, 5, 6, 7 & 9)
- CLO8 : Evaluate the contribution of international criminal law to post-conflict reconciliation and reconstruction (PLOs 1, 3, 5, 6, 7, 8 & 9)

#### Detailed Assessment Description

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, as well as to develop further the capacity to put oral arguments and to think clearly. Since we expect that you

will put considerable effort into your class preparation, including completing allocated research and tasks before class, it is fair that you receive some reward for this work.

#### Assessment Length

N/A

#### 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](#).

### **Assessment (mid-term)**

#### Assessment Overview

The word limit for the assignment will be 2000 words (including footnotes, but not including a list of sources or bibliography).

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

#### Course Learning Outcomes

- CLO1 : Think critically about law and policy relating to international criminal law and transitional justice (PLOs 1, 3, 4, 5, 6, 7 &8)
- CLO2 : Understand the relationship between the international legal regime and domestic law (PLOs 1, 4, 5 & 6)
- CLO4 : Evaluate the role of law in responding to political concerns and often complex situations (PLOs 3, 6, 7, 8 & 9)
- CLO5 : Appreciate the role and limitations of the relevant national and international actors (PLOs 1, 5, 7 & 8)
- CLO6 : Identify and evaluate different mechanisms for ensuring accountability for serious violations of international law (PLOs 1, 3, 4, 5, 6, 7, 8 & 9)
- CLO7 : Appreciate the substantive elements of international crimes, the overlap and distinctions between the various crimes, and the context within which they are committed (PLOs 1, 4, 5, 6, 7 & 9)

#### Detailed Assessment Description

The assessment is designed to give you the opportunity to demonstrate your ability to draw on

the materials studied in the course and further research to answer key questions, to apply the relevant rules and principles and to analyse a hypothetical situation. The purpose of the mid-term assessment is to confirm your understanding of the basic principles, to provide you with feedback on your progress, and to allow you to familiarize yourself with the expectations of the research essay.

#### **Assessment Length**

2,000

#### **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](#).

#### **Research Essay (4000 words)**

#### **Assessment Overview**

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

#### **Course Learning Outcomes**

- CLO1 : Think critically about law and policy relating to international criminal law and transitional justice (PLOs 1, 3, 4, 5, 6, 7 &8)
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- CLO6 : Identify and evaluate different mechanisms for ensuring accountability for serious violations of international law (PLOs 1, 3, 4, 5, 6, 7, 8 & 9)
- CLO7 : Appreciate the substantive elements of international crimes, the overlap and distinctions between the various crimes, and the context within which they are committed (PLOs 1, 4, 5, 6, 7 & 9)
- CLO8 : Evaluate the contribution of international criminal law to post-conflict reconciliation and reconstruction (PLOs 1, 3, 5, 6, 7, 8 & 9)

#### **Detailed Assessment Description**

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 Length**

4,000 words

#### **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.

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

## **General Assessment Information**

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 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.

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	Topic	Topic 1: Introducing ICL <ul style="list-style-type: none"> <li>• What is an international crime? International criminal law?</li> <li>• Sources of ICL</li> <li>• Aims of ICL</li> <li>• Differentiating ICL from other types of international law</li> <li>• History of development of ICL and its institutions</li> </ul>
Week 2 : 16 September - 22 September	Topic	Topic 2: The role of national courts <ul style="list-style-type: none"> <li>• Bases of jurisdiction in international law</li> <li>• Benefits and limits of national courts</li> <li>• Where do we find ICL locally?</li> </ul>
Week 3 : 23 September - 29 September	Topic	Topic 3: The ICC <ul style="list-style-type: none"> <li>• Overview</li> <li>• Jurisdiction</li> <li>• Triggering mechanisms</li> <li>• Admissibility: complementarity and gravity</li> </ul>
Week 4 : 30 September - 6 October	Topic	Topic 4: Crimes Against Humanity
Week 5 : 7 October - 13 October	Topic	Topic 5: Genocide
Week 6 : 14 October - 20 October	Other	Flexibility week - no class
Week 7 : 21 October - 27 October	Topic	Topic 6: War Crimes and Aggression
Week 8 : 28 October - 3 November	Topic	Topic 7: Modes of Liability and Defences
Week 9 : 4 November - 10 November	Topic	Topic 8: Defence, prosecution and fair trial rights
Week 10 : 11 November - 17 November	Topic	Topic 9: ICL: challenges and opportunities Cooperation and Immunity Victims and VP Conclusion

## 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:

**An Introduction to International Criminal Law and Procedure 4e, (2019) Author: Cryer, Robinson, & Vasiliev**

UNSW Bookshop has both print and online versions available.

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

Digital: <https://unswbookshop.vitalsource.com/products/-v9781108664684>

### Recommended Resources

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

In particular, you should familiarise yourself with the website of the International Criminal Court (<https://icc-cpi.int>) and its key legal instruments, the Rome Statute of the International Criminal Court, the Rules of Procedure and Evidence and the Elements of Crime. These are also reproduced under the 'Key Resources' tab.

## Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Sarah Williams		F8		Appointments by email	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 Plagiarism

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.