



COURSE DESCRIPTION - FACULTY OF LAW

PLEASE NOTE THIS DESCRIPTION IS FROM A PAST YEAR. A NEW ONE WILL BE POSTED ONCE IT IS RECEIVED. SOME OF THE INFORMATION DISPLAYED MAY NO LONGER APPLY.

COURSE NUMBER: LAW 561:X50

COURSE NAME: International Criminal Law

PREREQUISITE COURSES: Public International Law (LAW 506) is recommended.

PREREQUISITE FOR: None

CREDITS: 3 **HOURS PER TERM:** 3 **TERM:** 2nd **MAXIMUM ENROLMENT:** 25

INSTRUCTOR: Mr. Ardi Imseis

Mr. Imseis, B.A. Hons. (Toronto), LL.B. (Dalhousie), LL.M. (Columbia), brings extensive practical experience to this course having served as Legal Counsel and Senior Policy Advisor for eight years with the United Nations in the Occupied Palestinian Territory, prior to which he was in private practice in Toronto. His areas of speciality include international criminal law, international humanitarian law (i.e. the laws of war), international human rights law and international refugee law. His scholarship has been published widely, including in the *American Journal of International Law*, the *Harvard International Law Journal*, the *Berkeley Journal of International Law* and the *Oxford Journal of Legal Studies*. Mr. Imseis is Editor-in-Chief of the *Palestine Yearbook of International Law* and he has taught or lectured in law schools on four continents. He is former Human Rights Fellow and Harlan Fiske Stone Scholar, Columbia University School of Law, and Social Sciences and Humanities Research Council of Canada Doctoral Fellow. Of the Alberta and Ontario Bars, Mr. Imseis is currently serving as Senior Legal Counsel to the Chief Justice of Alberta.

METHOD OF PRESENTATION: LECTURE SEMINAR X ~~OTHER~~

METHOD OF EVALUATION: Evaluation will be divided as follows: (i) a major research paper on an international criminal law topic approved by the instructor (75%); and (ii) class participation (25%), which may involve a presentation to fellow seminarians.

COURSE DESCRIPTION: This seminar will examine the nature and praxis of international criminal law □ □that body of public international law which governs the prosecution of criminal acts that are of the most serious concern to the international community as a whole. These include the so called “core” crimes of genocide, war crimes, crimes against humanity, and aggression, along with other crimes of international concern such as torture, apartheid, and terrorism. The course will begin by exploring prosecutions of international crimes in national courts, including through the exercise of universal jurisdiction in various countries, as well as through the application of the Canadian

Crimes Against Humanity and War Crimes Act, RSC 2000, c. 24. The course will then examine the means by which the international community has brought (or intends to bring) perpetrators of international crimes to book, including the International Military Tribunals at Nuremberg and Tokyo, the *ad hoc* International Criminal Tribunals for the Former Yugoslavia and Rwanda, the International Criminal Court, the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia and the Special Tribunal for Lebanon. The course will explore the substantive principles and procedural rules governing international prosecutions, including the general principles of criminal liability at international law, defences and grounds for excluding criminal liability, rights of the accused and victims, sentencing and punishment, and immunities.

TOPICAL OUTLINE

1. Introduction: What is international criminal law?
 2. Jurisdiction and the national prosecution of international crimes
 3. State cooperation and national prosecution: extradition and mutual legal assistance
 4. History of international criminal prosecutions from Nuremberg and Tokyo to the Hague
 5. The International Criminal Court
 6. International criminalized tribunals, commissions of inquiry and alternative transitional justice mechanisms
 7. International crimes: genocide, crimes against humanity, war crimes, aggression
 8. Other crimes of international concern: torture, apartheid, terrorism
 9. Rights of the accused and other procedural protections of international criminal prosecutions
 10. General principles of criminal liability at international law
 11. Defences and excuses: self-defence, superior orders, necessity, duress
 12. Amnesties and immunities
 13. State cooperation: extradition and surrender, mutual legal assistance, witness protection
 14. Sentencing, penalties and reparations for victims
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REQUIRED TEXT

Robert Cryer, Håkan Friman, Darryl Robinson and Elizabeth Wilmshurst, *An Introduction to International Criminal Law and Procedure*, 2nd ed. (Cambridge: Cambridge University Press, 2010). A reading list will also be provided to access documents not available in the text.

The Cryer text has been ordered by the instructor and should be available for purchase at the University Bookstore early in 2011, before the first class on 10 January 2011. If students wish, they may also supplement their reading with Antonio Cassese, *International Criminal Law*, 2nd Ed (Oxford: Oxford University Press 2008).

SEMINAR TIME

The seminar will convene on Monday evenings between 1700-1950 hrs (with breaks in between as appropriate).