

USC GOULD SCHOOL OF LAW

LAW 450: Global Justice for Mass Atrocities & Genocide

Units: 4

Spring 2020—Mon/Weds 12-1:50pm

Location: Musick Law Building, Room #2

Instructor: Professor Hannah Garry

Office: Musick Law Building, #442

Office Hours: Please see IV. below.

Contact Info: Email: hgarry@law.usc.edu, Tel.: 213-740-9154

Faculty Assistant: Lorena Roberts, Musick Law Building, #453, Tel.: 213-740-9196

I. COURSE DESCRIPTION & OBJECTIVES

This course is about the worst things people do to each other and what can be done about it under international law. Today, there are over 65 million people displaced from countries such as Syria, Myanmar and Sudan who are victims of the most serious human rights abuses also known as “mass atrocities”—genocide, war crimes, crimes against humanity and aggression. Since World War II, there have been thousands of trials of individuals responsible for these heinous crimes.

This course introduces students to international criminal law—its historical development from the Armenian Genocide and the Holocaust to the present, and how prosecutors bring a case against powerful government and civilian leaders such as Al Bashir and Assad. Students learn about international law and courts trying these cases, while also reflecting on whether criminal trials are the best response for bringing healing and reconciliation to affected societies, also known as “transitional justice”.

Specifically, students will explore the historical basis for the evolution of international legal norms applied in international criminal trials found in the law of armed conflict (also known as international humanitarian law), international human rights law, the 1948 Genocide Convention and law on the use of force by States under the UN Charter. Students will understand how and why some human rights abuses under international law are considered to be so grave that they are “atrocious crimes”.

In addition, students will learn about the first international tribunals for Axis leaders post-World War II at Nuremberg and Tokyo, and how these served as a foundation for: 1) the

growing number of international or quasi-international tribunals for mass atrocity situations in various countries from 1993 to the present, such as for the former Yugoslavia, Rwanda, Sierra Leone, and Cambodia; and 2) the establishment of a permanent International Criminal Court in The Hague. As part of this study of the international framework for trials, students will learn how it interacts with domestic criminal justice systems.

In sum, the objectives of this course are: 1) to provide an overview of the field of international criminal law, the historical basis for its rapid development since the Cold War, and the importance of this law vis-a-vis current global events; 2) to foster a clear understanding of the substantive law applied and enforced in trials before international criminal tribunals; and 3) to analyze the future of international criminal law as an effective means for promoting transitional justice --namely peace, reconciliation and security—in conflict-ridden societies, particularly in light of current anti-globalization trends and world-wide instability.

II. COURSE STRUCTURE & REQUIREMENTS

- **Lectures & Discussion**

This class meets on Mondays and Wednesdays from 12 to 1:50pm in Room 2 of the Musick Law Building beginning January 13th and ending April 29th. We will not meet the week of March 15th-22nd due to Spring Break.

During each class period, there will generally be an introductory lecture for the first 15-30 minutes of class followed by a mixture of lecture and discussion. For most classes, I will use power points and multi-media to enhance the lecture. I will post any power point slides on Blackboard under “Content”.

The finalized reading and assignments list for each day at **VII.** below, will be provided to enrolled students before the start of the semester. As indicated on the list, you will find other materials that I assign outside of the required texts for this course, posted on Blackboard under “Content”. You will find assignments under “Assignments”.

The assigned reading for this course is that of international lawyers and diplomats, in other words, international judicial decisions, treaties, United Nations resolutions and statutes of international tribunals. Students will also be assigned secondary materials to give context, and shown visual media such as documentaries and videos about international tribunals and events surrounding various serious human rights abuse situations around the globe as case studies for deepening their understanding of the subject matter.

Students are advised that while this course is relevant and important for understanding how international law can be used to address the most serious human rights abuses, some of the cases studied involve intense facts that have been charged, describing some of the worst of the worst acts that human beings are capable of perpetrating against each other. These traumatic facts depict mass killings, sexual violence, torture, persecutions, and other acts of similar gravity. Students should consider whether they are prepared to be exposed to such facts.

- **Attendance and Participation Policies**

Please note that attendance is mandatory and will be taken each day; however, absences will be excused for observance of any religious holidays or other such necessary absences such as illness. Please notify Prof. Garry by email of these 24 hours in advance, if possible. **Students are expected to try and miss no more than 2-3 days and only where it is necessary.**

Students are expected to have read all of the assigned reading prior to class and to participate in discussion of the reading each class period through volunteering or when called upon.

Regular classroom participation will be factored in to the final grade. Falling behind in the reading or failing to attend class repeatedly will have negative repercussions on your grade because the material builds upon itself.

Class recording policy: this class is not recorded. If you know that you will be absent for a particular class and would like to have the class recorded, please notify Prof. Garry **48 hours in advance** so that she can request IT to record and give you access to the recording.

Please note: recording of the Clinic seminar on your electronic devices is not allowed without express authorization given in advance from Prof. Garry.

Electronic devices policy: due to the small class size and interactive nature of the course, attendance and active participation by all students improves the quality of the discussion and is critical for maximizing the efficacy of peer exchange and critique. In the interests of fostering active learning and student engagement, **unless special permission is given, the use of laptop computers and other devices such as phones will not be permitted during the seminar.**

If you feel not being able to use your laptop to take notes would be detrimental to your learning, please let me know that you would like to request special permission. If you need to take or make an emergency call/text, please feel free to step out of the classroom to do so.

- **Grading**

Participation (15%):

Participation is required for this course. Participation will be assessed on the basis of your discussion in class, including on case studies reading that is assigned, as well as the quality and completeness of your representation of your written analysis of the assigned casebook fact pattern that we will discuss together in class.

Legal Terminology Quiz (15%):

In the first half of the course I will assign a short take-home terminology quiz testing your understanding of ten fundamental legal concepts introduced early in the semester. You will be asked to **define these terms in a few sentences, typed and double-spaced**, which you must submit to me **by email by 9am**, the day it is due. Full credit will be given for completing the quiz, and we discuss the answers together in class.

Casebook Fact Pattern Essay (50%):

Later in the semester, you will be assigned a short case book fact pattern to read of 1-2 pages, that we will analyze and discuss in class. For this fact pattern you will be expected to write **12-15 pages, typed and double-spaced**, of analysis answering the questions posed, which are to be submitted to me **by email by 9am**, the day it is due. You should

also bring your write-up to the next class to facilitate participation in group analysis of the problem. Your analysis will be graded on the basis of its quality and completeness. It should be organized, concise and answer directly the call of the questions, demonstrating your understanding of the subject matter.

Mid-Term Exam (10%):

The mid-term will consist of an in-class multiple choice/true-false exam (20 questions).

Final Exam (10%)

The final will consist of a multiple choice/true-false exam (20 questions).

III. REQUIRED TEXTS

Van Schaack, B. & R. Slye, *International Criminal Law & Its Enforcement: Cases and Materials*, 3d ed. (Foundation Press 2014) **(on course reserve in the law library)**

Slye, Ronald C. & B. Van Schaack, *Essentials: International Criminal Law* (Aspen Publishers 2009) **(assigned excerpts are posted on Blackboard)**

IV. OFFICE HOURS

I operate under an “open-door” policy and am generally in office from Monday-Thursday, 10am-5:30pm. Please feel free to stop by anytime. That said, because I also direct the USC Gould International Human Rights Clinic, I may be in a student attorney supervision/client meeting when I’m not in class. As such, I would recommend letting me know ahead of time in class or via email when you would like to drop by. Emails with questions are always welcome, and I will answer them as promptly as possible.

V. OTHER TEXTS & INFORMATION

The following resources are provided to enhance your understanding of the course—to be consulted at your discretion for purposes of developing paper topics, for example—but are not required.

A. Supplementary Texts

Bassiouni, M. Cherif, *Introduction to International Criminal Law*, 2d ed. (Martinus Nijhoff Publishers 2013).

Bederman, David J., *International Law Frameworks*, 3rd ed. (Foundation Press 2010).

Burgenthal, T. & Murphy, Sean D., *Public International Law in a Nutshell*, 4th ed. (Thomson/West Publishers 2007).

Cassese, A., *International Criminal Law*, 3rd ed. (Oxford University Press 2013).

Cassese, A. et al., *International Criminal Law: Cases & Commentary* (Oxford University Press 2011).

Cryer, Robert, et al., *An Introduction to International Criminal Law and Procedure*, 3rd ed. (Cambridge University Press 2014).

MacKenzie, Ruth et al., *The Manual on International Courts and Tribunals* (Oxford University Press 2010).

Romano, Cesare P.R., Nollkaemper, André & Kleffner, Jann K., *Internationalized Criminal Courts* (Oxford University Press 2004).

Routledge Handbook of International Criminal Law, William A. Schabas and Nadia Bernaz, eds. (Routledge 2011).

Sassòli, M. & Bouvier, Antoine A., *How Does Law Protect in War?*, 2nd ed., Vols. I & II (ICRC Geneva 2006).

Schabas, William A., *An Introduction to the International Criminal Court*, 4th ed. (Cambridge University Press 2011).

-----, *The UN International Criminal Tribunals* (Cambridge University Press 2006).

The Oxford Companion to International Criminal Justice, Antonio Cassese, Ed.-in-Chief (Oxford University Press 2009).

Werle, G., *Principles of International Criminal Law*, 3rd ed. (Oxford University Press 2014).

B. Leading Journals

American Journal of International Law
Criminal Law Forum

International Criminal Law Review

Journal of Conflict and Security Law

Journal of International Criminal Justice

Leiden Journal of International Law

The Law and Practice of International Courts and Tribunals

C. Useful Websites

Extraordinary Chambers in the Courts of Cambodia: www.eccc.gov.kh/en

International Committee of the Red Cross: www.icrc.org

International Court of Justice: www.icj-cij.org

International Criminal Tribunal for the former Yugoslavia: <http://www.icty.org/>

International Criminal Tribunal for Rwanda Legacy website:

<https://unictr.irmct.org>

International Criminal Court: www.icc-cpi.int

International, Impartial and Independent Mechanism for Syria: <https://iiim.un.org>

International Military Tribunal for the Far East: <http://imtfe.law.virginia.edu>

Kosovo Specialist Chambers: <https://www.scp-ks.org/en>

Nuremburg International Military Tribunal:

http://avalon.law.yale.edu/subject_menus/imt.asp

Nuremburg Military Tribunals:

https://www.loc.gov/rr/frd/Military_Law/Nuremberg_trials.html

Special Court for Sierra Leone: <http://www.rscsl.org/>

Special Panels for Serious Crimes in East Timor:

<https://exhibits.stanford.edu/virtual-tribunals/feature/special-panels-for-serious-crimes-east-timor-spssc>

Special Tribunal for Lebanon: <http://www.stl-tsl.org/>

Special War Crimes Chamber in the Court of Bosnia & Herzegovina:

<http://www.sudbih.gov.ba/?jezik=e>

UNAKRT (UN Assistance to the Khmer Rouge Trials): <http://www.unakrt-online.org/>

United Nations International Residual Mechanism for Criminal Tribunals (for International Criminal Tribunals for the former Yugoslavia and Rwanda):

<https://www.irmct.org/en>

VI. ACADEMIC CONDUCT AND SUPPORT SYSTEMS

Academic Conduct

Plagiarism – presenting someone else’s ideas as your own, either verbatim or recast in your own words – is a serious academic offense with serious consequences. Please familiarize yourself with the discussion of plagiarism in *SCampus* in Section 11, *Behavior Violating University Standards*<https://scampus.usc.edu/1100-behavior-violating-university-standards-and-appropriate-sanctions/>. Other forms of academic dishonesty are equally unacceptable. See additional information in *SCampus* and university policies on scientific misconduct, <http://policy.usc.edu/scientific-misconduct/>.

Discrimination, sexual assault, and harassment are not tolerated by the university. You are encouraged to report any incidents to the *Office of Equity and Diversity* <http://equity.usc.edu/> or to the *Department of Public Safety* <http://capsnet.usc.edu/department/department-public-safety/online-forms/contact-us>. This is important for the safety whole USC community. Another member of the university community – such as a friend, classmate, advisor, or faculty member – can help initiate the report, or can initiate the report on behalf of another person. *The Center for Women and Men* <http://www.usc.edu/student-affairs/cwm/> provides 24/7 confidential support, and the sexual assault resource center webpage sarc@usc.edu describes reporting options and other resources.

Support Systems

A number of USC’s schools provide support for students who need help with scholarly writing. Check with your advisor or program staff to find out more. Students whose primary language is not English should check with the *American Language Institute* <http://dornsife.usc.edu/ali>, which sponsors courses and workshops specifically for international graduate students. *The Office of Disability Services* and *Programs* http://sait.usc.edu/academicsupport/centerprograms/dsp/home_index.html provides certification for students with disabilities and helps arrange the relevant accommodations. If an officially declared emergency makes travel to campus infeasible, *USC Emergency Information* <http://emergency.usc.edu/> will provide safety and other updates, including ways in which instruction will be continued by means of blackboard, teleconferencing, and other technology.

VII. COURSE SCHEDULE & ASSIGNMENTS: Spring 2020

*Some readings assigned are posted to Blackboard as indicated below. Others may be accessed at the web links provided. **If you have any issues with accessing assigned reading, please let Prof. Garry know.**

Please note that **on two class days, you are requested to submit written answers to assignments to Prof. Garry prior to class. **For each assignment in bold below, please email me your typewritten answers in a Word document by 9am on the due date and bring with you to the scheduled class for discussion.** Prof. Garry will provide you, in advance, with any special instructions regarding the assignments.

*****Please note:** Due to casework demands of the USC International Human Rights Clinic, which Prof. Garry directs, and the availability of guest speakers and travel, this schedule may be subject to revision. Some classes may need to be rescheduled or re-ordered or changed in terms of topics covered. Prof. Garry will provide sufficient notice where this is necessary.

<u>Date</u>	<u>Lecture Topic</u>	<u>Reading Assignments</u>
1. Mon., Jan. 13	<u>Overview of Course and an Introduction to Global Justice for Atrocities through International Criminal Law:</u> What is International Criminal Law (“ICL”)?	
2. Weds., Jan. 15	<u>History of ICL:</u> Defining modern ICL & understanding its historical roots	<ul style="list-style-type: none"> • Essentials, pp. 1-47 (all Essentials readings on Blackboard) • Casebook, pp. 1-3
3. Mon., Jan. 20	NO CLASS: MLK Jr. Day	

<u>Date</u>	<u>Lecture Topic</u>	<u>Reading Assignments</u>
4. Weds., Jan. 22	<p>Sources of ICL I: The making of ICL—the United Nations (UN) and the structure of the international system; international and national sources of the law</p>	<ul style="list-style-type: none"> • Essentials, pp. 85-106 • About the UN: Overview, Main Organs, History: http://www.un.org/en/sections/about-un/overview/index.html • The UN, What We Do, Uphold International Law: http://www.un.org/en/sections/what-we-do/uphold-international-law/index.html • The UN Organizational Chart: http://www.un.org/en/aboutun/structure/pdfs/UN%20System%20Chart_ENG_FINAL_MARCH13_2017.pdf
5. Mon., Jan. 27	<p>Global Jurisdictions I: Enforcement of ICL—an introduction to international and hybrid courts, their basic structure and applicable international law; how to read a case; and basic criminal law theory & terminology</p>	<ul style="list-style-type: none"> • Essentials, pp. 49-71 • International Criminal Tribunals: A Visual Overview: http://www.leitnercenter.org/files/News/International%20Criminal%20Tribunals.pdf • International Criminal Tribunal Statutes (Blackboard; also, hard copies of spiral bound handbook will be provided in class—you do not need to read in detail; skim, bring to class, and use as a reference throughout the course) • How To Read a Case: https://www.youtube.com/watch?v=lQj60weeTTw • How to Read a Legal Opinion: http://www.volokh.com/files/howtoreadv2.pdf

<u>Date</u>	<u>Lecture Topic</u>	<u>Reading Assignments</u>
		<ul style="list-style-type: none"> • Casebook, pp. 205-211 (up to Notes & Questions)
6. Weds., Jan. 29	Global Jurisdictions II: International Military Tribunals: Nuremberg (IMT) & Tokyo (IMTFE)	<ul style="list-style-type: none"> • Casebook, pp. 99-114 (up to III.)
7. Mon., Feb. 3	Global Jurisdictions III: Ad hoc International Tribunals 1.0: International Criminal Tribunals for the former Yugoslavia (ICTY) & Rwanda (ICTR)	<ul style="list-style-type: none"> • Casebook, pp. 114-137 • UN Charter, Articles 29, 39, 41-42, 48: http://www.un.org/en/charter-united-nations/index.html • About the ICTY: http://www.icty.org/en/about • The ICTY Establishment, Legal Proceedings & Organizational Chart: http://www.icty.org/en/about/tribunal/establishment • About the ICTR: http://unictr.irmct.org/en/tribunal • About the 1994 Rwandan Genocide: http://unictr.irmct.org/en/genocide
8. Weds., Feb. 5	Global Jurisdictions IV: the permanent International Criminal Court (ICC)	<ul style="list-style-type: none"> • Casebook, pp. 139-164 • About the ICC: https://www.icc-cpi.int/about • How the ICC works: https://www.icc-cpi.int/about/how-the-court-works
9. Mon., Feb. 10	Global Jurisdictions V: the permanent International Criminal Court and the United States	<ul style="list-style-type: none"> • Casebook, pp. 164-174

<u>Date</u>	<u>Lecture Topic</u>	<u>Reading Assignments</u>
10. Weds., Feb. 12	<p><u>The Evolution of International Criminal Justice: Challenges & Opportunities</u></p> <p>Guest Speaker: Richard Dicker, Director, International Justice Program, Human Rights Watch</p>	<p>BIO: Richard Dicker, director of Human Rights Watch's international justice program since it was founded in 2001, has worked at Human Rights Watch since 1991. He started working on international justice issues in 1994 when Human Rights Watch attempted to bring a case before the International Court of Justice charging the government of Iraq with genocide against the Kurds. Dicker later led the Human Rights Watch multi-year campaign to establish the International Criminal Court (ICC). He continues to be closely involved on issues that are important at the ICC. He has also spent the past few years leading advocacy efforts urging the creation of effective accountability mechanisms. He monitored the Slobodan Milosevic trial in The Hague and made many trips to Iraq before and at the start of Saddam Hussein's trial. A former civil rights attorney in New York, Dicker graduated from New York University Law School and received his LLM from Columbia University.</p>
11. Mon., Feb. 17	NO CLASS: President's Day	
12. Weds., Feb. 19	<p><u>Global Jurisdictions VI:</u> the permanent International Criminal Court & the Situation in Afghanistan</p>	<ul style="list-style-type: none"> • Case Study—Investigation of War Crimes & Crimes Against Humanity in Afghanistan: we will discuss in class in light of the assigned reading. • Statement of the ICC Prosecutor Requesting Judicial Authorization for an Investigation into the Situation in Afghanistan, Nov. 20, 2017, https://www.icc-cpi.int/Pages/item.aspx?name=171120-otp-stat-afgh • ICC Pre-Trial Chamber II, Situation in the Islamic Republic of Afghanistan, No. ICC-02/17, “Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the

<u>Date</u>	<u>Lecture Topic</u>	<u>Reading Assignments</u>
		<p>Situation in the Islamic Republic of Afghanistan”, April 12, 2019, pp. 16-32, https://www.icc-cpi.int/CourtRecords/CR2019_02068.PDF</p> <ul style="list-style-type: none"> • “World Criminal Court Rejects Probe Into U.S. Actions In Afghanistan” https://www.npr.org/2019/04/12/712721556/world-criminal-court-rejects-probe-into-u-s-actions-in-afghanistan • “Prosecutor and Victims Appeal ICCs Decision on Afghanistan Investigation”, http://www.coalitionfortheicc.org/afghanistan-investigation?utm_source=CICC+Newsletters&utm_campaign=fa71d3204d-EMAIL_CAMPAIGN_2019_07_24_COPY_02&utm_medium=email&utm_term=0_68df9c5182-fa71d3204d-408914877
13. Mon., Feb. 24	Global Jurisdictions VII: Ad Hoc Tribunals 2.0--Hybrid Courts: the Hybrid Model and an introduction to the Extraordinary Chambers in the Courts of Cambodia (ECCC)	<ul style="list-style-type: none"> • DEADLINE: Legal Terminology Quiz Assignment: due 9am by email to Prof. Garry. • Casebook, pp. 97-98 • Casebook, 2nd edition, pp. 161-168 (posted on Blackboard) • The ECCC at a Glance: https://www.eccc.gov.kh/sites/default/files/eccc%20at%20a%20glance%20-%20january%202018.pdf • Introduction to the ECCC: https://www.eccc.gov.kh/en/introduction-eccc

<u>Date</u>	<u>Lecture Topic</u>	<u>Reading Assignments</u>
14. Weds., Feb. 26	Global Jurisdictions VII: Ad Hoc Tribunals 2.0--Hybrid Courts: Extraordinary Chambers in the Courts of Cambodia (ECCC) (continued)	<ul style="list-style-type: none"> • Hammer, Joshua, “The Very Tricky Trial of the Khmer Rouge”, <i>The New York Review of Books</i>, May 21, 2015 (reading posted on Blackboard)
15. Mon., March 2	Global Jurisdictions VIII: Ad Hoc Tribunals 2.0--Hybrid Courts: the Special Court for Sierra Leone (SCSL) and the pros and cons of the hybrid model	<ul style="list-style-type: none"> • We will start class discussing the Legal Terminology Quiz answers together—please bring your answers to class • Casebook, 2nd edition, pp. 174-183 (posted on Blackboard) • About the SCSL: http://www.rscsl.org/index.html
16. Weds., March 4	Global Jurisdictions IX: Alternative mechanisms for Syria and Myanmar	<ul style="list-style-type: none"> • IIIM for Syria “Mandate”: https://iiim.un.org/mandate/ • Founding of the IIIM for Syria by the UN General Assembly, GA Res. 71/248 (21 December 2016): http://undocs.org/A/RES/71/248 • Founding of the IIMM for Myanmar by the UN Human Rights Council, HRC/39/L.22 (25 September 2018): https://documents-dds-ny.un.org/doc/UNDOC/LTD/G18/285/92/PDF/G1828592.pdf?OpenElement • Appointment of Head of the IIMM for Myanmar (2 April 2019): https://www.un.org/press/en/2019/sga1869.doc.htm • A Turning Point in the Pursuit of Accountability for International Crimes: https://www.ejiltalk.org/a-turning-point-in-the-pursuit-of-accountability-for-international-crimes/ • Is it Time to Create a Standing Independent Investigative Mechanism? Parts I and II: http://opiniojuris.org/2019/04/10/is-it-time-to-create-a-standing-independent-investigative-mechanism-

<u>Date</u>	<u>Lecture Topic</u>	<u>Reading Assignments</u>
		<p>siim/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+opiniojurisfeed+%28Opinio+Juris%29</p> <ul style="list-style-type: none"> • http://opiniojuris.org/2019/04/11/is-it-time-to-create-a-standing-independent-investigative-mechanism-siim-part-ii/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+opiniojurisfeed+%28Opinio+Juris%29
17. Mon., March 9	Substantive ICL I: War Crimes: Historical basis; What is International Humanitarian Law (IHL) and the Role of the International Committee of the Red Cross (“ICRC”); When does IHL Apply? Existence of an international or non-international armed conflict requirement	<ul style="list-style-type: none"> • Mid-Term Exam: in-class multiple choice/true-false exam (20 questions). • Casebook, pp. 215-240 (up to end of 1st paragraph) • Essentials, pp. 149-151 (top of page); 165-175 • The ICRC: Who We Are: https://www.icrc.org/en/who-we-are
18. Weds., March 11	Substantive ICL II: War Crimes: When does International Humanitarian Law Apply? Nexus to an armed conflict requirement	<ul style="list-style-type: none"> • Casebook, pp. 262-273 (up to “Problem”) • Essentials, pp. 175-177
19. March 16-20	NO CLASS: Spring Break	
20. Mon., March 23	Substantive ICL III: War Crimes: “Hague Law”: regulation of means & methods of armed conflict	<ul style="list-style-type: none"> • Casebook, pp. 275-290 • Essentials, pp. 180-182

<u>Date</u>	<u>Lecture Topic</u>	<u>Reading Assignments</u>
		<ul style="list-style-type: none"> Latiff, Robert H., “Rebooting the Ethical Soldier”, <i>The New York Times</i>, July 15, 2018: https://www.nytimes.com/2018/07/16/opinion/sunday/high-tech-warfare.html
21. Weds., March 25	Substantive ICL IV: War Crimes: “Geneva Law”: abuses against combatants & civilians as protected persons	<ul style="list-style-type: none"> Casebook, pp. 316-318; 334-337 (up to Notes & Questions) Essentials, pp. 177-180; 182-184
22. Mon., March 30	Substantive ICL V: Aggression: Historical basis & Rules on Use of Force	<ul style="list-style-type: none"> Casebook, pp. 369-395 (up to Notes & Questions); 399 (Note #5 only) Essentials, pp. 151-155 (1st half of page)
23. Weds., April 1	Substantive ICL VI: Aggression: Rules on Use of Force & Codification as a crime at the International Criminal Court	<ul style="list-style-type: none"> Casebook, pp. 401-404; 409-412 (Note #10 only; up to “Problems”) Activation of the jurisdiction of the Court over the crime of aggression, Resolution ICC-ASP/16/Res.5, Dec. 14, 2017 (Blackboard) UN Charter, Articles 2(3), 2(4), 39, 42-45, 48-49, 51: http://www.un.org/en/charter-united-nations/index.html
24. Mon., April 6	Substantive ICL VII: Aggression	Case Study--Ukraine and Russia’s Annexation of the Crimea (reading posted on Blackboard); we will discuss this case study together in class in light of the assigned reading
25. Weds., April 8	Substantive ICL VIII: Crimes Against Humanity: historical basis	<ul style="list-style-type: none"> Casebook, pp. 419-427 Essentials, pp. 209-214

<u>Date</u>	<u>Lecture Topic</u>	<u>Reading Assignments</u>
26. Mon., April 13	Substantive ICL IX: Crimes Against Humanity: contemporary definition: widespread or systematic attack directed against any civilian population and nexus of acts to the attack	<ul style="list-style-type: none"> • Casebook, pp. 427-437 (up to Note 3) • Essentials, pp. 229-233
27. Weds., April 15	Substantive ICL X: Genocide: protected groups	<ul style="list-style-type: none"> • Casebook, pp. 495-508 (up to Note #5) • Essentials, pp. 214-217 (up to <i>Mens Rea</i> subheading); 222-228
28. Mon., April 20	Substantive ICL XI: Genocide: specific intent to destroy in whole or in part	<ul style="list-style-type: none"> • Casebook, pp. 511-522 (up to “Notes & Questions”) • Essentials, pp. 217-222; 238-239
29. Weds., April 22	The “Internationalization” of Atrocity Crimes: Why only “core international crimes”? What about terrorism or human trafficking?	<ul style="list-style-type: none"> • Essentials, pp. 107-119
30. Mon., April 27	ICL and Transitional Justice: What is a “Transitional Justice Mechanism”? ICL as a tool for transitional justice vs. other transitional justice mechanisms, which mechanism is best?	<ul style="list-style-type: none"> • Casebook, pp. 4-27 (up to Note #7) • Essentials, pp. 295-321

<u>Date</u>	<u>Lecture Topic</u>	<u>Reading Assignments</u>
31. Weds., April 29	<u>Wrap up: the Future of International Criminal Law?</u>	<ul style="list-style-type: none"> • DEADLINE: <u>Fact Pattern Assignment</u>: 5-7 page typed answer due by 9am to Prof. Garry by email: 2nd Edition Casebook Fact Pattern Problem #1, pp. 96-97 (posted on Blackboard--apply excerpts from Rome Statute in tribunals handbook.) • Ballin, Ernst Hirsh, “The Value of International Criminal Justice: How Much International Criminal Justice Can the World Afford?”, <i>International Criminal Law Review</i>, Vol. 19:2, 1 April 2019: https://brill.com/view/journals/icla/19/2/article-p201_201.xml?language=en#affiliation0
32. Fri., May 8, 11am-1pm Location: TBA		<ul style="list-style-type: none"> • We will start class discussing your 5-7 page fact pattern assignment—please bring your answers with you to class • Final exam: in-class multiple choice/true-false exam (20 questions)