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Spring 2007

## **DIPL 6008 AN International Criminal Law**

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DIPL 6008 AN Spring 2007  
Whitehead School of Diplomacy and International Relations  
Seton Hall University  
Professors Wanda Akin Brown & Raymond M. Brown

This class meets each Thursday from 6:15 – 8:25. The readings for this course will consist of:

- (1) A volume entitled "A Problem from Hell" America and the Age of Genocide by Samantha Power (hereafter "Power");
- (2) A Binder which contains a numbered set of handouts (hereafter Binder);
- (3) A small number of Supplemental Handouts to be supplied; and
- (4) The Rome Statute (ICC Treaty). You are to download a copy of the statute and have it available at each class for referrals to same. The statute is available at the ICC website [http://www.icc-cpi.int/library/about/officialjournal/Rome\\_Statute\\_120704-EN.pdf](http://www.icc-cpi.int/library/about/officialjournal/Rome_Statute_120704-EN.pdf). You can print the statute and keep the hardcopy with you or download it to a laptop that you plan on having in class with you. You can also obtain the Rome Statute at [www.un.org/law/icc](http://www.un.org/law/icc).

We expect you to bring all material to each class and to keep up with the assigned reading. It is also required that you read the New York Times *each day*. It is available free of charge online at <http://www.nytimes.com/>.

There will be a midterm exam, a final exam and a paper, each of which will constitute 25% of your grade. An additional 25% of your final grade will be based on attendance and the quality of your class participation. The schedule of readings and class discussion topics follows.

#### CLASS 1 INTRODUCTION & "ICL MATTERS"

##### Binder

##### Handout # 1 Discourse on International Law & American Legitimacy

###### **A) America's Crisis of Legitimacy**

Robert Kagan *Foreign Affairs*, March/April 2004

###### **B) The Sources of American Legitimacy**

Robert W. Tucker and David C. Hendrickson  
From *Foreign Affairs*, November/December 2004

###### **C) A Matter of Record**

Robert Kagan  
From *Foreign Affairs*, January/February 2005

###### **D) Iraq and America's International Law**

Noam Chomsky From *The Politic.org* May 8, 2004

###### **E) I Into Thou: American Resistance To Narratives Of International Humanitarian Law Violations**

Raymond M. Brown 28 T. Jefferson L. Rev. 1, Summer 2005

###### **F) In Truth, Peace Message of His Holiness Pope Benedict XVI for the Celebration of World Day of Peace 1 January 2006**

##### Handout # 12 Scot Free PEOPLE MAGAZINE, September 28, 1998

##### Power

"About the Author"

Preface I-XXI

## CLASS 2        **SOURCES OF INTERNATIONAL CRIMINAL LAW & HOW TO READ A CASE**

### Binder

Handout # 21 *Read through Section C entitled The Leipzig Trials in "From Versailles to Rwanda in Seventy-Five Years: The Need to Establish a Permanent International Criminal Court" Bassiouni, M. Cherif Harvard Human Rights Journal Spring 1997*

Handout # 18 Laws And Customs Of War On Land (Hague, IV) [Excerpts]

Handout # 17 Instructions For The Government Of Armies Of The United States In The Field [Lieber Code] [Excerpts]

Handout # 13 Statute of the International Court of Justice - Article 38

Handout #14 The Paquete Habana

Handout # 15 US Constitution [Excerpts]

Handout # 16 25 Categories Of International Criminal Law

### Power

Chapter 1 "Race Murder"

Chapter 2 "Crime Without a Name"

## CLASS 3        **THE ARMENIAN 'GENOCIDE' & LEIPZIG"**

### Binder

Handout # 25 "International Regulation of Armed Conflict" Leslie C. Green [Excerpt]

Handout # 27 Leipzig Note [Dover Castle & Llandovery Castle cases [Excerpts]

Handout # 28 Versailles Treaty [Excerpts]

Handout # 26 "Crimes Against Humanity" Bassiouni [Excerpt]

Handout # 23 The Case of The SS Lotus France v Turkey [Excerpts]

## CLASS 4        **"THE NUREMBERG TRIAL"**

### Binder

Handout # 21 *Read through Section H. The Far Eastern Commission and the International Military Tribunal for the Far East at Tokyo in*

"From Versailles to Rwanda in Seventy-Five Years: The Need to Establish a Permanent International Criminal Court" Bassiouni, M. Cherif Harvard Human Rights Journal Spring 1997

Handout # 4 Charter of the International Military Tribunal [London Charter] [Excerpts]

Handout # 29 IMT "Sentencing Chart"

Handout # 30 Anatomy of the Nuremberg Trials Taylor, Telford 1-115

Handout #32 – "The American Perspective on Nuremberg: A Case of Cascading Ironies"  
Raymond M. Brown

Handout # 24 "The Crime Against Peace" Bassiouni & Ferencz [Excerpts]

## Power

Chapter 3 "Crime With a Name"

## CLASS 5 "THE NUREMBERG LEGACY"

### Binder

Handout # 6 Convention on the Prevention and Punishment of the Crime of Genocide

Handout # 7 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Handout # 8 Geneva Conventions of 1949 [Excerpts] and Protocols Additional I and II

Handout # 5 Telford Taylor, Final Report to the Secretary of the Army on the Nuremberg War Crimes Trials under Council Control Law No 10 (1949) [Excerpt]

Handout # 22 Israel v Eichmann 36 Int'l L. Rep. 5 (1962)

Handout # 3 Charter of the United Nations [Excerpts]

## CLASS 6 "HUMAN RIGHTS" & "INTERNATIONAL HUMANITARIAN LAW"

### Binder

Handout # 33 Universal Declaration of Human Rights (Excerpts)

## CLASS 7 IN CLASS - MID TERM EXAMINATION

## CLASS 8 "THE AD HOC TRIBUNALS" & "MIXED TRIBUNALS" ["HYBRID COURTS"]

### Binder

Handout # 21 *Read through the end*

"From Versailles to Rwanda in Seventy-Five Years: The Need to Establish a Permanent International Criminal Court" Bassiouni, M. Cherif Harvard Human Rights Journal Spring 1997

Handout #31 – "Justice on the Cheap" Wanda M. Akin, 28 T. Jefferson L. Rev. 19, Summer 2005

### Power

Chapter 6 Cambodia "The Helpless Giant"

Chapter 9 Bosnia: "No More than Witnesses at a Funeral"

Chapter 11 Srebrenica: "Getting Creamed"

Chapter 10 Rwanda: "Mostly in a Listening Mode"

## CLASS 9 "THE INTERNATIONAL CRIMINAL COURT"

### Binder

Handout # 9 Rome Statute of the International Criminal Court [Excerpts] and Ratification Table

Handout # 11 The Statute Of The Iraqi Special Tribunal [Excerpts]

### Supplemental Handout

### Power

Chapter 8 Iraq: "Human Rights and Chemical Weapons Use Aside"

## CLASS 10 GENOCIDE & THE DARFUR

Handout # 10 Security Council Resolution 1593 (2005) (Darfur Referral)

### Supplemental Handout [To Be Supplied]

## CLASS 11 "WHAT IS 'TERRORISM'?"

"Defining Terror" Johnathan Weinberger, Seton Hall Journal of Diplomacy and International Relations, Winter/Spring 2003

### Supplemental Handout [To Be Supplied]

CLASS 12

**THE FUTURE**

Handout # 2 The UN's Discourse at a "Fork in the Road"

A More Secure World: Our Shared Responsibility  
Report of the Secretary-General's High-Level Panel on Treats, Challenges  
& Change 2004 [Excerpts]

In Larger Freedom: Towards Development, Security, and Human Rights for All  
Report of the Secretary-General 3-21-05 [Excerpts]

Handout # 20 "In Larger Freedom": Decision Time at the UN By Kofi Annan, Foreign Affairs,  
May/June 2005

Supplemental Handout [To Be Supplied]