

Course Number: 790:559:01  
Instructor: Dr. Mazen Adi (Mazen.adi@rutgers.edu)  
Time: Fridays 12:00-2:40  
Location: HCK 313 ONLY

Spring 2018

## **International Criminal Law and Anti-Corruption**

### **COURSE DESCRIPTION**

The course in International Criminal Law (ICL) examines selected issues and current problems involving the International Criminal Law. This course addresses the history and development of the ICL with a special emphasis on the *Ad Hoc* International Tribunals and the International Criminal Court (ICC). The course analyzes the elements of the substantive international crimes: War Crimes, Crimes against humanity, Genocide, Aggression. Nevertheless, the course also reviews other crimes of international concern such as Corruption. This crime demonstrated to have a huge impact on global economic development, thus the international community holds a great importance to establish a collective response to this global crime. This course offers an overview of the United Nations efforts in this regard and analyzes the impact of the United Nations Convention against Corruption (UNCAC) on the international fight against corruption.

The course pays a special attention to the controversy regarding some current issues under discussion at the United Nations related to the criminal justice, such as the Security Council relation with the international criminal court, the application of the principle of universal jurisdiction and the concept of Responsibility to Protect (R2P).

### **Course Materials**

#### **Textbook:**

"An introduction to International Criminal Law and Procedure" Third Edition, Robert Cryer, Hakan Friman, Darryl Robinson, Elizabeth Wilmshurst. CAMBRIDGE UNIVERSITY PRESS.

In addition to the textbook, the readings will include a selected United Nations documents such as treaties, resolutions and reports, journals, articles and films.

All additional required materials for this class are to be found on the course's Sakai website (under Resources). Supplementary articles and notes, including PPT presentations, will be also available on the course website. This website provides a comprehensive set of materials related to the course and you should plan on checking it often.

Students are encouraged to use the Chat Room to pose questions about the course readings that may arise outside of our class meetings. I will check the Chat Room on a consistent basis in the past, Chat Room discussions have helped students master some of the conceptual and empirical issues raised in course readings.

### **SAS CORE LEARNING GOALS MET BY THIS COURSE**

- 1). Explain and be able to assess the relationship among assumptions, method, evidence,

arguments, and theory in social and historical analysis.

- 2). Explain the development of some aspect of a society or culture over time, including the history of ideas or history of science.
- 3). Understand different theories about human culture, social identity, economic entities, political systems, and other forms of social organization.
- 4). Apply concepts about human and social behavior to particular questions or situations.

### **COURSE EVALUATION – EVALUATION RUBRIC**

The course evaluation rubric is as follows: 1) *Presentation* (15%); 2) *Midterm* (15%); 3) *Final Research Paper* (50%); 4) *Performance as a Discussant, Class Attendance and Active Class Participation* (20%).

### **Assignments and final Grade:**

Regular attendance and meaningful participation in class are required and will constitute 20% of the final grade; the remaining 80% will be divided as follows:

1- *Presentation* 15% of the final grade

Each student will be assigned a topic on which to prepare an in-class presentation. The presentation has to be accompanied by a three-page paper on the subject area.

2-*Midterm Assignment* 15% of the final grade

All Students must submit Midterm research paper to answer a question that will be provided by the instructor which will be due on the 7<sup>th</sup> week of the course. The paper has to be at least 10 pages (Times New Roman, double space (12)).

3- *Seminar Research Paper* 50% of the final grade.

All students must complete a *Seminar Research Paper* which will be due on week 13 of the course. This paper must address one of the core questions raised in the seminar, be at least 16 pages in length (4000 words) and include footnotes/endnotes and a bibliography.

The following rubric will be used in assessing your performance. It sets the most basic criteria of assessment, but it should give you the basic idea of what is expected of you. Should you decide to challenge any part of your evaluation, please refer to this rubric in arguing your appeal.

		<b>A</b>	<b>B</b>	<b>C</b>	<b>D/F</b>
Essays and other written work	Argument and analysis	Makes clear and compelling argument. Solid reasoning. Offers insightful analysis	Makes clear argument, based on plausible readings. Some effort to sustain argument throughout the analysis.	Attempts to offer a cogent argument and analysis, but argument and analysis are based on faulty reasoning.	Fails to make a cogent argument or to offer sound analysis.
	Writing and grammar	Writes well, making appropriate word choices and avoiding grammar and spelling mistakes.	Writes well, but may include a handful of grammar, spelling, or word choice mistakes.	Makes multiple errors, but still writes in a clearly intelligible manner.	Makes multiple errors that interfere substantially with comprehension.
	Organization and structure	Presents clear, navigable structure with	Offers clear organization with some	Makes some effort to structure the paper, but	Structures the paper in a way that is

		introduction, body, and conclusion. Provides reader with a "road map" of essay.	road map for reader.	organization is problematic or difficult to follow.	disorganized and difficult or impossible to follow.
	Mastery and use of readings	Uses multiple readings and demonstrates mastery of facts and arguments made in readings.	References multiple readings and demonstrates a good degree of understanding.	Makes minimal use of readings and/or fails to demonstrate adequate mastery of readings.	Fails to use readings
Conceptual analysis		Knows the analytical concepts, provides their definition(s), and applies them precisely and systemically in the analysis of specific problems.	Knows most of the concepts. Makes minor definitional errors.	Makes some headway toward knowing and applying the relevant concepts.	Fails to know and apply basic concepts.
Empirical analysis		Marshals appropriate evidence to describe, understand, and explain political problems.	Marshals appropriate evidence to describe, understand, and explain political problems, with small errors.	Attempts to provide and explain evidence but with substantial omissions or errors in interpretation.	Fails to provide relevant evidence.
Theoretical analysis		Explains the relevance and applicability of a wide range of theoretical analyses to specific political problems.	Is able to apply successfully some of the course's theoretical analyses to selected political problems.	Has difficulty connecting theoretical analyses to the political problems.	Fails to connect the course's theoretical analyses to analyzed political problems.
"Political literacy"		Exhibits a nuanced understanding of the relationship between the analytical tools learned in class and "real life" global/comparative political problems.	Demonstrates a general understanding of the relevance of political scientific theories for the analysis of the global political world.	Has difficulty connecting the theories to actual issues of global/comparative politics.	Fails to connect the theories to actual issues of global/comparative politics.

## ACADEMIC INTEGRITY

Every Rutgers student needs to be familiar with the details of the university's academic integrity policy: <http://academicintegrity.rutgers.edu>. Rutgers University takes academic integrity very seriously and has no hesitation about pursuing charges against offenders. You cannot offer any words copied from a published article, book, report, or the Internet without presenting the proper form of citation. Copying texts without citing them, and claiming the words as you own, is plagiarism. I draw your attention to the following section of this policy:

### Level Three Violations

Level three offenses involve dishonesty on a significant portion of coursework, such as a major paper, an hourly, or a final examination. Violations that are premeditated or involve repeat offenses of level one or level two are considered level three violations.

Examples: Copying from or giving others assistance on an hourly or final examination, plagiarizing major portions of an assignment, using forbidden material on an hourly or final examination, using a purchased term paper, presenting the work of another as one's own, altering a graded examination for the purposes of regarding.

Recommended Sanctions: Suspension from the university for one or more semesters, with a

notation of “academic disciplinary suspension” placed on a student's transcript for the period of suspension, and a failing grade in the course.

### **RUTGERS ACADEMIC SUPPORT SERVICES**

Rutgers has a variety of resources for academic support. For more information, check <http://www.rutgers.edu/academics/academic-support>

Rutgers has Learning Centers on each campus where any student can obtain tutoring and other help.

For information, check <http://lrc.rutgers.edu/> Rutgers also has a Writing Program where students can obtain help with writing skills and assignments: <http://plangere.rutgers.edu/index.html>

### **ACCOMMODATIONS FOR DISABILITIES**

The Rutgers Office of Disability Services evaluates students and provides documentation about necessary accommodations. Students who need accommodations in class must do so through the Rutgers Disabilities Services Office. See <https://ods.rutgers.edu/> for details.

### **INSTRUCTOR EXPECTATIONS**

- Attend ***all*** classes.
- Do not talk to other students during class.
- Do not read newspapers in class.
- Silence and put away your cell phone for the duration of the class. Reading or sending text messages is inappropriate behavior during class.
- A laptop can be used during class ONLY to take notes. You will be asked to close it if you are observed using it for other purpose.
- Complete each day's reading assignment ***before*** coming to class. I will ask questions in lectures about the day's assigned readings. I will presume, as I lecture, that you have at least read the assignment carefully if not fully mastered it.
- Arrive in class on time.

### **OFFICIAL ANNOUNCEMENTS**

Official announcements about this class will be sent to the class listserv and will also be posted on our Sakai site. In the unlikely event that a class must be cancelled, you will receive an email announcement that you should confirm on the Sakai site. If you plan to use a different email address from the email you have given me, be sure to inform me of that email address.

Students are encouraged to use the Sakai website Chat Room to raise questions that were not resolved during seminar discussions. I will access the Chat Room on a regular basis and respond to all questions which are raised.

Office Hours are on an “appointment” basis. Instructor will offer students as much flexibility for meetings after class as possible. email [Mazen.adi@rutgers.edu](mailto:Mazen.adi@rutgers.edu)

## **Reading**

### **Week 1: Introduction and overview to International Criminal Law**

What is international criminal justice; the relation to the international law and the national law; the need for international criminal law in our world?

Reading: Textbook, Chapter 1 and 2

### **Week 2: Jurisdiction**

The different types of jurisdiction on the national level; primacy and complementarity of jurisdiction on the international level; universal jurisdiction- practice of states while implementing this principle- the United Nations handling the issue of the universal jurisdiction.

Reading: Textbook, Chapter 3

### **Week 3: National cooperation**

State cooperation in prosecuting international crimes; immunities

Reading: Textbook, Chapters 4-5-21-22

### **Week 4: International prosecution**

The history of the international criminal tribunals; Nuremberg and Tokyo International Military Tribunals; The establishment of the ICTY and the ICTR; the Security Council involvement in the creation of the Ad Hoc International tribunals; assessment of the work; the residual mechanisms. Other International criminal tribunal established by the United Nations

Reading: Textbook, Chapters 6- 7-9

### **Week 5: International Criminal Court ICC**

The establishment of the ICC; expectations and realities; its jurisdiction, the role of the prosecutor

Reading: Textbook, Chapter 8

### **Week 6: International Criminal Court ICC**

ICC and the Security Council.

Reading: Selected reading form the ICC Statute and Security Council documents.

### **Week 7: Genocide and Crimes Against Humanity**

Elements of the crime of Genocide and explanation of what constitutes a crime against humanity; historic background; elements of the crime; most known type of crimes (Enslavement- Deportation or forcible transfer- Imprisonment- Torture-Rape....)

Reading: Textbook, Chapters 10-11

### **Week 8: War Crimes /the crime of Aggression ‘crime against peace’**

The interaction between the International Criminal Law and the International Humanitarian Law; brief introduction to the International Humanitarian Law; History of the crime of aggression; what is considered as an act of aggression; recent development within the ICC; Kampala conference; the role of the Security Council.

Reading: Textbook, Chapters 12 and 13

### **Week 9: The future of the International Criminal Law**

The strength and weakness of the excising mechanisms; does the international criminal justice well served?

Reading: Textbook, Chapter 23

### **Week10: Group Discussion**

[Reading to be communicated]

### **Week 11: Introduction to corruption.**

Definition, basic forms and its manifestation and costs (political, economic, democratic and legal); the impact of corruption at the national and international level;

Reading:

1-Svensson, J. (2005). Eight Questions About Corruption. Journal of Economic Perspectives, 19(3), 19-42.

[http://www1.worldbank.org/publicsector/anticorrupt/Svensson%20Eight%20Questions%20About%20Corruption%20\(JEP%20Vol%2019,%20No%203%202005\).pdf](http://www1.worldbank.org/publicsector/anticorrupt/Svensson%20Eight%20Questions%20About%20Corruption%20(JEP%20Vol%2019,%20No%203%202005).pdf)

2- Hindess, B. (2001). Good Governance and Corruption. In Peter Larmour and Nick Wolanin (eds) Corruption and Anti-Corruption Canberra, Asia Pacific Press, 1-10.

<http://press.anu.edu.au/wp-content/uploads/2013/03/ch011.pdf>

3- Video: WGBH. (2009). Black Money [Video webcast]. Frontline. Retrieved December 16, 2012 from [www.pbs.org/wgbh/pages/frontline/blackmoney/view/](http://www.pbs.org/wgbh/pages/frontline/blackmoney/view/).

4- THE COST OF CORRUPTION IN BRAZIL, Transparency International 13 March 2015  
<http://www.transparency.org/news/feature/shining-a-light-on-the-worlds-biggest->

## **Week 12: The United Nations Convention against Corruption (UNCAC)**

Reading:

1- UNCAC Chapters 1-8; Overview of Articles 1 – 71

2- UNODC. (2004). United Nations Convention against Corruption. Vienna, Switzerland: United Nations Office on Drugs & Crime. Retrieved December 11, 2012 from [http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026\\_E.pdf](http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf).

3- UNODC Legislative Guide for the Implementation of the UNCAC. New York, NY: United Nations. Retrieved December 10, 2012 from [http://www.unodc.org/documents/treaties/UNCAC/Publications/LegislativeGuide/06-53440\\_Ebook.pdf](http://www.unodc.org/documents/treaties/UNCAC/Publications/LegislativeGuide/06-53440_Ebook.pdf).

4 -UNODC. Technical Guide to the United Nations Convention against Corruption. (2009). Vienna: United Nations Office on Drugs and Crime. Retrieved December 10, 2012 from [http://www.unodc.org/documents/corruption/Technical\\_Guide\\_UNCAC.pdf](http://www.unodc.org/documents/corruption/Technical_Guide_UNCAC.pdf)

5- SECRECY BREEDS CORRUPTION

<http://blog.transparency.org/2015/02/11/secrecy-breeds-corruption/>

6- Mainstreaming Anti-Corruption in Development: Anti-Corruption Practice Note

[http://www.unrol.org/files/1%20Mainstreaming%20AC%20in%20Development\\_AC%20Practice%20Note\\_2008.pdf](http://www.unrol.org/files/1%20Mainstreaming%20AC%20in%20Development_AC%20Practice%20Note_2008.pdf)

## **Week 13: Prevention: Rule of Law and Good Governance -International Cooperation**

Reading:

1- UNCAC Chapter 2 (Summary of Articles 1-14 with emphasis on A7 – 9 & related A11.

2- UNCAC Chapters III & IV: Articles 42, 43 & 48 (and related Articles 11 and 13)

3- Endowment for International Peace, Retrieved December, 10, 2012, from

<http://www.carnegieendowment.org/files/CarothersChapter11.pdf>

3- Corruption: Compendium of International Legal Instruments on Corruption (2nd Edition)

[http://www.unodc.org/documents/corruption/publications\\_compendium\\_e.pdf](http://www.unodc.org/documents/corruption/publications_compendium_e.pdf)