**DISCIPLINA:** CONFRONTING EVIL: MASS ATROCITIES, INTERNATIONAL CRIMINAL LAW AND JUSTICE  
**CÓDIGO:**  
**PROFESSOR:** MICHAEL MOHALLEM e BARRIE SANDER  
**CARGA HORÁRIA:** 30h

<table>
<thead>
<tr>
<th>EMERAT</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Course Overview</td>
<td></td>
</tr>
<tr>
<td>2. Introduction: History, Sources, Crimes And Goals Of International Criminal Justice</td>
<td></td>
</tr>
<tr>
<td>3. International Crimes (I): Crimes Against Humanity And Genocide</td>
<td></td>
</tr>
<tr>
<td>4. Seminar: Victims And Perpetrators Of International Crimes</td>
<td></td>
</tr>
<tr>
<td>5. International Crimes (II): War Crimes And The Crime Of Aggression</td>
<td></td>
</tr>
<tr>
<td>6. Seminar: Technology And International Criminal Law</td>
<td></td>
</tr>
<tr>
<td>8. Seminar: No Peace Without Justice?</td>
<td></td>
</tr>
<tr>
<td>10. Seminar: Child Soldiers And Sexual Violence: Challenges And Conundrums</td>
<td></td>
</tr>
<tr>
<td>11. International Criminal Courts (I): Jurisdiction And Admissibility</td>
<td></td>
</tr>
</tbody>
</table>

**OBJETIVOS GERAIS**  
In the first half of the 20th century, international criminal law (ICL) began to emerge as a distinct field of public international law, simultaneously effecting a reinvention of international law as well as a transformation in the discourse around war. This course traces the origins and trajectory of ICL, providing student with an understanding of the fundamental rules, principles and institutional architecture of the field, as well as discussing some of the tensions and controversies associated with relying on ICL in response to situations of mass atrocity.

**OBJETIVOS ESPECÍFICOS**  
By the end of this course, students will develop:

- an in-depth understanding of the history, rules, principles, and institutional architecture of the field of ICL; and
- an ability to critically discuss some of the central tensions and controversies pervading the field of ICL, drawing on a diversity of disciplinary perspectives including criminology, social psychology, political Science, history and anthropology.

**METODOLOGIA**

**PROGRAMA**

At the bottom of the document.

**CRITÉRIOS DE AVALIAÇÃO**

The course will be evaluated through two assessments:

- Mid-Term Assessment (30%): Students are required to identify a recent News item related to the field of ICL and write a blog post summarising the story and identifying the controversies and tensions related to it. The blog post should be maximum 1,500 words in length.
- End of Term Assessment (70%): Students are required to complete a take-home exam, which will assess their knowledge and critical understanding of the field of ICL.
BIBLIOGRAFIA OBRIGATÓRIA

For each session, students will be required to read at most two academic papers. In addition to subject-specific papers, selected chapters from the following textbooks will be set during the course:

GUILFOYLE, D., International Criminal Law (OUP, 2016)
SCHABAS, W.A., Unimaginable Atrocities: Justice, Politics, and Rights at the War Crimes Tribunals (OUP, 2012)

BIBLIOGRAFIA COMPLEMENTAR

For each session, a range of optional further readings will be set. In addition to subject-specific papers, selected chapters from the following textbooks are particularly useful:

ZAHAR, A. & SLUITER, G., International Criminal Law (OUP, 2008)
Syllabus

SESSION 1. COURSE OVERVIEW

THURSDAY 28 JULY 2016, 09.20 – 11.00

This opening class will provide a general overview of the course, including an outline of its general themes, what is expected of student participants, and how the course will be assessed. No preparatory reading is required for this session.

SESSION 2. INTRODUCTION: HISTORY, SOURCES, CRIMES AND GOALS OF INTERNATIONAL CRIMINAL LAW

THURSDAY 4 AUGUST 2016, 09.20 – 11.00

Compulsory Reading

01. CRYER, R. et al., An Introduction to International Criminal Law and Procedure (2nd ed., CUP, 2010), at Chapters 1 and 2 only

Further Reading

01. GUILFOYLE, D., International Criminal Law (OUP, 2016), at Chapters 1 and 3
02. CASSESE, A. & GAETA, P., Cassese’s International Criminal Law (3rd ed., OUP, 2013), at Chapters 1 and 2
03. SCHABAS, W.A., Unimaginable Atrocities: Justice, Politics, and Rights at the War Crimes Tribunals (OUP, 2012), at pp. 6–23

SESSION 3. INTERNATIONAL CRIMES (I): CRIMES AGAINST HUMANITY AND GENOCIDE

THURSDAY 25 AUGUST 2016, 09.20 – 11.00

Compulsory Reading

01. GUILFOYLE, D., International Criminal Law (OUP, 2016), at Chapters 9 and 10 only

Further Reading

01. CASSESE, A. & GAETA, P., Cassese’s International Criminal Law (3rd ed., OUP, 2013), at Chapters 5 and 6
02. CRYER, R. et al., An Introduction to International Criminal Law and Procedure (2nd ed., CUP, 2010), at Chapters 10 and 11
SESSION 4.  SEMINAR: VICTIMS AND PERPETRATORS OF INTERNATIONAL CRIMES

THURSDAY 1 SEPTEMBER 2016, 09.20 – 11.00

Seminar Description

This seminar will discuss the extent to which the field of ICL has responded to the needs of victims, critically examining how victims of international crimes have been represented and constructed in ICL discourse. The seminar will also consider the perpetrators of international crimes, focusing on the challenges confronted by international criminal courts in holding individuals accountable for collective and systemic forms of criminality.

Compulsory Reading


Further Reading

1. DRUMBL, M.A., Atrocity, Punishment, and International Law (CUP, 2007), at Chapters 1 and 2

SESSION 5.  INTERNATIONAL CRIMES (II): WAR CRIMES AND THE CRIME OF AGGRESSION

THURSDAY 8 SEPTEMBER 2016, 09.20 – 11.00

Compulsory Reading

1. GUILFOYLE, D., International Criminal Law (OUP, 2016), at Chapters 8 and 11 only

Further Reading

2. CRYER, R. et al., An Introduction to International Criminal Law and Procedure (2nd ed., CUP, 2010), at Chapters 12 and 13
SESSION 6.  SEMINAR: TECHNOLOGY AND INTERNATIONAL CRIMINAL LAW

THURSDAY 15 SEPTEMBER 2016, 09.20 – 11.00

Seminar Description

This seminar will discuss the relationship between technology and the field of ICL, examining the use of technology within international criminal trials, the emergence of new information and communication technologies to improve the prevention of mass atrocities, the legal response to the use of media technologies to encourage the commission of international crimes, and challenges confronted in regulating the use of weapons in warfare.

Compulsory Reading


Further Reading


03. DOUGLAS, L., The Memory of Judgment: Making Law and History in the Trials of the Holocaust (Yale University Press, 2001), at Chapter 6

04. GLASIUS, M., The International Criminal Court: A Global Civil Society Achievement (Routledge, 2006), at Chapter 6

05. HEYNS, C. ‘Use of information and communication technologies to secure the right to life’, Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, A/HRC/29/37, 24 April 2015

SESSION 7.  PRINCIPLES OF LIABILITY (I): MODES OF PARTICIPATION DOCTRINES

THURSDAY 22 SEPTEMBER 2016, 09.20 – 11.00

Compulsory Reading

01. GUILFOYLE, D., International Criminal Law (OUP, 2016), at Chapter 12 only

Further Reading

01. CASSESE, A. & GAETA, P., Cassese’s International Criminal Law (3rd ed., OUP, 2013), at Chapters 9, 10 and 11

02. CRYER, R. et al., An Introduction to International Criminal Law and Procedure (2nd ed., CUP, 2010), at Chapter 15

03. OHLIN, J.D. et al. ‘Assessing the Control Theory, 26 Leiden Journal of International Law (2013) 725


SESSION 8.  SEMINAR: NO PEACE WITHOUT JUSTICE?

THURSDAY 20 OCTOBER 2016, 09.20 – 11.00

Seminar Description

This seminar will discuss the relationship between peace and ICL, examining the deterrent value of international criminal trials, the potential for ICL to further conflict, the legal controversies surrounding the use of amnesties, as well as some complementary and alternative justice mechanisms that have been relied upon in response to mass atrocity situations.

Compulsory Reading

01. SCHABAS, W.A., Unimaginable Atrocities: Justice, Politics, and Rights at the War Crimes Tribunals (OUP, 2012), at Chapter 7 only

Further Reading


SESSION 9.  PRINCIPLES OF LIABILITY (II): DEFENCES AND SENTENCING

THURSDAY 27 OCTOBER 2016, 09.20 – 11.00

Compulsory Reading

01. GUILFOYLE, D., International Criminal Law (OUP, 2016), at Chapter 13 only

Further Reading

01. ZAHAR, A. & SLUITER, G., International Criminal Law (OUP, 2008), at Chapter 11
03. CRYER, R. et al., An Introduction to International Criminal Law and Procedure (2nd ed., CUP, 2010), at Chapters 16 and 19
SESSION 10. SEMINAR: CHILD SOLDIERS AND SEXUAL VIOLENCE – CHALLENGES AND CONUNDRUMS

THURSDAY 3 NOVEMBER 2016, 09.20 – 11.00

Description

This seminar will discuss the challenges and conundrums raised by the international criminal prosecution of former child soldiers – with a particular focus on the case of Dominic Ongwen before the International Criminal Court – as well as the international prosecution of crimes of sexual violence – focusing on both the jurisprudential development of such crimes as well as the challenges experienced in their investigation and prosecution.

Compulsory Reading


02. HENRY, N., War and Rape: Law, Memory and Justice (Routledge, 2011), at Chapter 5 only

Further Reading


02. KELSALL, T., Culture Under Cross-Examination: International Justice and the Special Court for Sierra Leone (CUP, 2009), Chapter 5


SESSION 11. INTERNATIONAL CRIMINAL COURTS (I): JURISDICTION AND ADMISSIBILITY

THURSDAY 10 NOVEMBER 2016, 09.20 – 11.00

Compulsory Reading

01. GUILFOYLE, D., International Criminal Law (OUP, 2016), at Chapter 4 only

Further Reading

01. CASSESE, A. & GAETA, P., Cassese’s International Criminal Law (3rd ed., OUP, 2013), at Chapters 14–16

02. CRYER, R. et al., An Introduction to International Criminal Law and Procedure (2nd ed., CUP, 2010), at Chapters 6–9

03. NOUWEN, S., Complementarity in the Line of Fire: The Catalysing Effect of the International Criminal Court in Uganda and Sudan (2014, CUP), at Chapters 1 and 2


Syllabus

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Further Reading
01. GUILFOYLE, D., International Criminal Law (OUP, 2016), at Chapters 1 and 3
02. CASSESE, A. & GAETA, P., Cassese’s International Criminal Law (3rd ed., OUP, 2013), at Chapters 1 and 2
03. SCHABAS, W.A., Unimaginable Atrocities: Justice, Politics, and Rights at the War Crimes Tribunals (OUP, 2012), at pp. 6–23

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01. GUILFOYLE, D., International Criminal Law (OUP, 2016), at Chapters 9 and 10 only

Further Reading
01. CASSESE, A. & GAETA, P., Cassese’s International Criminal Law (3rd ed., OUP, 2013), at Chapters 5 and 6
02. CRYER, R. et al., An Introduction to International Criminal Law and Procedure (2nd ed., CUP, 2010), at Chapters 10 and 11