

**University of Cincinnati College of Law  
International Criminal Law**

**Spring 2009**

**Instructor:** Robert A. Behlen, Jr.  
400 Atrium Two  
221 East Fourth Street  
Cincinnati, Ohio 45202-4166  
(513) 684-3711  
FAX (513) 684-6385  
[Robert.Behlen@usdoj.gov](mailto:Robert.Behlen@usdoj.gov)

**Classes:** Tuesdays, 4:40 to 6:30 p.m., Room 302.

**Office**

**Hours:** Before or after class, e-mail, or call me at the office.

**Grading:** Students are expected to read the assignment and be present for each class. Grades will be based primarily upon a final examination. Especially good or poor class participation may influence your grade.

**Casebook:** Required: Jordan J. Paust, M. Cherif Bassiouni, et al., *International Criminal Law: Cases and Materials* (Carolina Academic Press, 3d ed., 2007) (ISBN 1-59460-247-6) (ICL).

Required: Jordan J. Paust, M. Cherif Bassiouni, et al., *International Criminal Law Documents Supplement* (Carolina Academic Press, 2006) (ISBN 1-59460-277-8) (ICLD).

**Additional**

**Materials:** The instructor will provide additional reading materials during the course.

**International Criminal Law.** This course will introduce students to international criminal law. It will cover principles of jurisdiction, individual and state responsibility, and international cooperation in enforcement. The course examines the prosecution

of international crimes in international tribunals, including the new International Criminal Court. U.S. prosecution of human rights violators in federal courts also will be discussed. Finally, the substantive law of international crimes and foreign implications of domestic offenses will be considered.

**Examination:** The examination will be open book and open note. Your answers must be typed, using the special exam software. It is important that I can read your answers without difficulty so that you may receive appropriate credit. The exam will consist of essay questions. It should take you two hours to complete the exam; however, three hours will be allowed. Please write in complete sentences.

<b>Class 1</b> <b>Jan. 13</b>	<p><b>Part One</b></p> <p><b>General Nature, Responsibilities, and State Competencies to Enforce</b></p> <p>General Nature of International Criminal Law</p> <p style="padding-left: 40px;">General Nature and Sources of International Criminal Law</p> <p style="padding-left: 80px;">Penal Aspects of International Law: International Crimes</p> <p style="padding-left: 80px;">International Aspects of National Criminal Law: Enforcement</p> <p style="padding-left: 40px;">Distinctions Between International and Transnational Crimes</p> <p>Individual, State, and Other Responsibilities</p> <p style="padding-left: 40px;">Individual Responsibility</p> <p style="padding-left: 80px;">Private Individuals, Officials, and Heads of State Organizations and Groups</p> <p style="padding-left: 40px;">Leader Responsibility</p>	ICL 5-75
<b>Class 2</b> <b>Jan. 20</b>	<p>Individual, State, and Other Responsibilities (continued)</p> <p style="padding-left: 40px;">Other General Defenses or Grounds for Excluding Responsibility</p> <p style="padding-left: 80px;">Viable Defenses</p> <p style="padding-left: 80px;">Defenses Not Accepted</p> <p style="padding-left: 40px;">State Responsibility</p>	ICL 76-153
<b>Jan. 27</b>	<p><b>No Class</b></p> <p>Instructor Attending Conference</p>	

<b>Class 3</b> <b>Feb. 3</b>	State Competencies Universal Jurisdiction Other Bases of Jurisdiction	ICL 155-211
<b>Class 4</b> <b>Feb. 10</b>	<b>Part Two</b> <b>Incorporation and Enforcement</b> U.S. Incorporation, Competencies, and Fora U.S. Constitution Early U.S. Cases and Opinions Incorporation by Reference New Statutes and New Fora Prosecuting Without a Statute Federal District Court Jurisdiction Military Commissions and Courts-Martial U.S. Occupation Courts Military Commissions and Courts-Martial	ICL 215-291; skim ICLD 398-402; 28-32; 156-177
<b>Class 5</b> <b>Feb. 17</b>	U.S. Incorporation, Competencies, and Fora (continued) Courts-Martial Regular Uses of Such Fora and State Courts U.S. Occupation Courts Obtaining Persons Abroad Extradition The Process Standing and the “Specialty Doctrine” Grounds for Denial of Extradition	ICL 291-370; ICLD 485-500
<b>Class 6</b> <b>Feb. 24</b>	Obtaining Persons Abroad (continued) Extradition Political Offense Exception and Non-inquiry Rendition By International Agreement Deportation as Disguised Extradition Luring (Trickery) Abductions Other Uses of Force Diversion of Aircraft and Vessels Capture During War or in Self-Defense Assassination U.N. Security Council Powers	ICL 371-454

<b>Class 7</b> <b>March 3</b>	International Prosecutorial Efforts and Tribunals Early Experience Efforts During World War I Era International Tribunals After World War II Efforts of the United Nations Command in Korea and Procedural Guarantees Human Rights to Due Process Ad Hoc International Criminal Tribunal for Former Yugoslavia	ICL 455-538; skim ICLD 156-177, 202-257
<b>Class 8</b> <b>March 10</b>	International Prosecutorial Efforts and Tribunals (continued) Ad Hoc International Criminal Tribunals for Rwanda International Criminal Court	ICL 538-601; skim ICLD 257-358
	<b>Part Three</b> <b>Offenses</b>	
	Offenses Against Peace Violations of Neutrality Aggressive War and Force	
<b>Class 9</b> <b>March 17</b>	Offenses Against Peace (continued) Aggressive War and Force Aggression Against Authority War Crimes Sources of International Humanitarian Law Applicability	ICL 601-663; skim ICLD 23-26, 101-156
<b>March 23</b>	<b>No Class</b> Spring Break Week	
<b>Class 10</b> <b>March 31</b>	War Crimes (continued) Types of War Crimes Crimes Against Humanity Nuremberg and Earlier Eichman Trial (Israel) Barbie and Touvier Trials (France)	ICL 663-743

<b>Class 11</b> <b>April 7</b>	Crimes Against Humanity (continued) Newer International Tribunal Prosecutions Genocide The Convention Application in Bangladesh Genocide and Politicide U.S. Implementation International Tribunal Prosecutions	ICL 743-810
<b>Class 12</b> <b>April 14</b>	Human Rights General Human Rights Torture and Other Inhumane Acts Race Discrimination Hostage-Taking Disappearances No Safe Haven: Prosecuting Human Rights Violators in the U.S. Terrorism Problem of Definition Multilateral Framework Domestic Legislation Domestic Prosecutions	ICL 811-888; skim ICLD 35-101, 359-373, 457-466, 392-398, 402-441
<b>Class 13</b> <b>April 21</b>	Other Aspects of International Cooperative Enforcement Multilateral Conventions Mutual Legal Assistance Obtaining Evidence from Abroad Extraterritorial Application of the Fourth Amendment Compelling Evidence Mutual Legal Assistance Transfer of Proceedings Cooperative Enforcement Transfer of Prisoners Recognition and Execution of Foreign and International Penal Sanctions International Organizations and Cooperation	ICLD 531-608

**Examination**