

Rutgers, the State University of New Jersey
Criminal Justice Program

CRIMES AGAINST HUMANITY

01:202:312

Spring 2011

Professor Lennox Hinds

Website: <http://nbcjm.rutgers.edu>

For Hard Copy of Syllabus

COURSE OBJECTIVE

This course is designed to explore the relationship between International Criminal Justice and the maintenance of World Peace. The materials therefore center on evolving concepts of International Humanitarian Law and International Jurisprudence.

Students who complete this course should understand and be able to articulate, both orally and in writing, the core theoretical concepts that form the foundation of analysis and research in International Humanitarian Law and International Crimes more specifically, Crimes Against Peace, Genocide, War Crimes and Crimes Against Humanity. Students should be able to use critical thinking, factual inquiry, and the scientific approach to solve problems.

Students should develop an understanding of the Legal, Political and Policy making processes that affect International Criminal Justice in various jurisdictions. Finally, students are expected to become familiar with the institutional structures and latest developments in the field in order to engage meaningfully in debate about current public policy issues, impacting on International Criminal Justice and World Peace.

REQUIRED TEXTS:

1. **REPROGRAPHICS COURSE PACKET – CRIMES AGAINST HUMANITY**
2. **THE STATUTES RULES OF PROCEDURE AND EVIDENCE-INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA**
See (www.ICTR.org)
3. **INTERNATIONAL REVIEW OF CONTEMPORARY LAW,;SPECIAL EDITION. MILITARY INTERVENTION IN AFHGANISTAN: THE WAR ON TERRORISM: VIOLATIONS OF INTERNATIONAL LAW.**

Suggested Publications:

1. **GENOCIDE, ITS POLITICAL USE IN THE TWENTIETH CENTURY.**
By Leo Kuper, Yale University Press, 1981
2. **THE HISTORY OF SOCIOLOGY OF GENOCIDE,** Frank Chalk and Kurt Jonassohn, Yale University Press, 1981
3. **GENOCIDE WATCH** edited by Helen Fein, Yale University Press, 1992

1. **THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE**

REQUIRED READINGS

- (1) **INTERNATIONAL MONITORING OF POTENTIAL GENOCIDE CONDITIONS**, Wisconsin International Law Journal, Vol. 9, No. 2, Pgs. 491-514
 - (2) **THE CRIME OF GENOCIDE-A UNITED NATIONS CONVENTION AIMED AT PREVENTING DESTRUCTION OF GROUPS AND PUNISHING THOSE RESPONSIBLE**. Published by the U.N. of Public Information.
 - (3) **GENOCIDE CONVENTION AND THE U.N. UPDATED REPORT ON THE QUESTIONS OF THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE**.
 - (4) **FIVE HUMAN RIGHTS INSTRUMENTS AND THE UNIVERSAL DECLARATION OF HUMAN**.
 - (5) **UNIVERSAL DECLARATION OF HUMAN RIGHTS**.
 - (6) **CONTRIBUTIONS OF THE GENOCIDE CONVENTION TO THE DEVELOPMENT INTERNATIONAL LAW**, Richard W. Edwards, Jr., Ohio Northern University Law Review, 1981.
 - (7) **VICTIMS OF GENOCIDE**, Burton M. Leiser, Ohio Northern University Law Review, 1981.
 - (8) **DOES THE GENOCIDE CONVENTION GO FAR ENOUGH? SOME THOUGHTS ON THE NATURE OF CRIMINAL GENOCIDE IN THE CONTEXT OF INDONESIA'S INVASION OF EAST TIMOR**, Roger S. Clark, Ohio Northern University Law Review, 1981.
 - (9) **GENOCIDE-AT-LAW: AN HISTORICAL AND CONTEMPORARY VIEW OF THE NATIVE AMERICAN EXPERIENCE**, Rennard Strickland Kansas Law Review, 1986.
 - (10) **INTERNATIONAL LAW AND CAMBODIAN GENOCIDE: THE SOUND OF SILENCE**, Hurst Hannum, Human Rights Quarterly II, 1989, Pgs. 82-138, The John Hopkins University Press.
- II. (11) **IN DEFENSE OF THOSE ACCUSED OF GENOCIDE AND CRIMES AGAINST HUMANITY: EXPERIENCES AT THE ICTR**
- III. **CHAPTER OF THE INTERNATIONAL MILITARY TRIBUNAL AT NURENBERG AND THE FORMULATION OF THE NURENBERG PRINCIPLES**

SUGGESTED READINGS

CASES AND MATERIALS ON UNITED NATIONS LAW, Louis B. Sohn, 1995. Chapter 9, "War, Aggression and Other International Crimes"

WAR CRIMES AND LAWS OF WAR, Donald A. Wells, 1984, Pgs. 65-111

IV. **THE UNITED NATIONS DRAFT CODE ON CRIMES AGAINST THE PEACE AND SECURITY OF MANKIND**

INTERNATIONAL REVIEW OF CONTEMPORARY LAW (TEXT)

CRIMES AGAINST HUMANITY AND NOT WAR: MAKING U.S. SAFER AT HOME AND STOPPING HUMAN CARNAGE ABROAD, Michael Ratner, Pgs. 28-37

INTERNATIONAL LAW: THE ILLEGALITY OF THE WAR ON AFGHANISTAN, Gail Davidson, Pgs. 66-77

IS THE U.S. BOMBING OF AFGHANISTAN JUSTIFIED AS SELF-DEFENSE UNDER INTERNATIONAL LAW, Leslie M. Rose, LL.M., Pgs. 72-86

THE U.S.A. PATRIOT ACT: WHAT'S SO PATRIOTIC ABOUT TRAMPLING ON THE BILL OF RIGHTS, Nancy Chang, Pgs. 87-111

ESTABLISHING PRECEDENTS FOR GLOBAL LAWLESSNESS: U.S. FOREIGN POLICY IN THE 21ST CENTURY, Prof. Lennox S. Hinds, Pgs. 121-139

(12) **U.N. INTERNATIONAL LAW COMMISSION REPORT ON DRAFT CODE OF OFFENSES AGAINST THE PEACE AND SECURITY OF MANKIND**, 1986

V. **TORTURE AND OTHER CRUEL OR DEGRADING TREATMENT OR PUNISHMENT AS A CRIME AGAINST HUMANITY**

SUGGESTED READINGS:

(13) **U.N. ECOSOC REPORT ON TORTURE AND OTHER CRUEL INHUMANE OR DEGRADIGN TREATMENT, 1985**

(14) **TORTURE OF DETAINEES IN SOUTH AFRICA**, 1985, U.N. Special Committee Against Apartheid

VI. **MERCERNARISM AS A CRIME UNDER INTERNATIONAL LAW**

REQUIRED READINGS:

(15) **THE LEGAL STATUS OF MERCENARIES: A CONCEPT IN INTERNATIONAL HUMANITARIAN LAW**, Philippine Law Journal, 1977, Lennox S. Hinds

VII. **CHEMICAL AND BIOLOGICAL EXPERIMENTATION ON U.S. CITIZENS BY THE C.I.A. AND DEPARTMENT OF DEFENSE**

SUGGESTED READINGS:

WAR CRIMES AND LAW OF WAR, Donald A. Wells, 1994

G.I. GUINEA PIGS AND HOW THE PENTAGON EXPOSED OUR TROOPS TO DANGERS MORE DEADLY THAN WAR, Michael Uhl And Todd Ensign, 1981

VIII. **APARTHEID – A CRIME AGAINST HUMANITY: EMERGING CHALLENGES TO THE 1948 GENOCIDE CONVENTION**

VIDEO LECTURE SERIES FROM THE NELSON MANDELA SCHOLARS SEMINAR IN CRIMINAL JUSTICE, Spring 1987

REQUIRED READINGS:

(16) **APARTHEID IN SOUTH AFRICA AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, CRIMES AND SOCIAL JUSTICE**, Lennox Hinds

(17) **THE GROSS VIOLATIONS OF HUMAN RIGHTS OF THE APARTHEID REGIME UNDER INTERNATIONAL LAW**
Submitted to the Truth and the Reconciliation Commission, Johannesburg, South Africa on Behalf of the International Association Of Democratic Lawyers, by Professor Lennox S. Hinds, Rutgers University, New Brunswick, NJ, USA, October 27-29, 1997

(18) **THE INTERNATIONAL LAW COMMISSION DRAFT CODE OF CRIMES AGAINST THE PEACE AND SECURITY OF MANKIND: AN APPRAISAL OF THE SUBSTANTIVE PROVISIONS**, Timothy L. H. McCormack and Gerry J. Simpson, Criminal Law Forum, Vol. 5, No. 1 1994

(19) **BEYOND THE 1948 CONVENTION – EMERGING PRINCIPLES OF GENOCIDE IN CUSTOMARAY INTERNATIONAL LAW**, Lori Lyman Bruum, Maryland Journal of international Law and Trade, Vol. 17, Fall 1993

(20) **PEACE MAKING AND SECURITY COUNCIL POWERS: BOSNIA HERZEGOVINA RAISES INTERNATIONAL AND CONSTITUTIONAL**

QUESTIONS, Jordan J. Paust, Southern Illinois University Law Journal, Vol. 19, Fall 1994.

- (21) **DRAFT CHARTER OF THE INTERNATIONAL TRIBUNAL FOR VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW IN THE FORMER YUGOSLAVIA**, Pace University School of Law, International Law Review, Vol. VI, No. 1, Winter 1994
- (22) **TIME FOR JUSTICE: THE CASE FOR INTERNATIONAL PROSECUTIONS OF RAPE AND GENDER-BASED VIOLENCE IN THE FORMER YUGOSLAVIA**, Kathleen M. Pratt and Laurel E. Fletcher, Berkeley's Women Law Journal, Vol. 9, 1994