

DEPAUL UNIVERSITY - COLLEGE OF LAW

**SEMINAR ON INTERNATIONAL CRIMINAL LAW: PROCEDURE
SYLLABUS, FALL 2007**

WEDNESDAYS, 5:50-7:30 PM, ROOM 801

PROFESSOR M. CHERIF BASSIOUNI

I. Required Book

2 INTERNATIONAL CRIMINAL LAW: PROCEDURAL AND ENFORCEMENT MECHANISMS (M. Cherif Bassiouni ed., 2d rev. ed. 1999)

II. Methodology and Grading

1. This is an advanced seminar course. Please review the catalogue for the description of Seminar requirements which are hereby incorporated by reference.
2. The objects of an advanced seminar are in-depth research and the development of analytical skills which are reflected in a thoughtful and well researched paper, which should be like a law review article. The paper should be approximately 30 pages, exclusive of footnotes. Papers should be turned in on Monday, December 17, 2007 to my assistant, Lauren Ziegler, O'Malley room 817.
3. 2 oral presentations are required (October 17th and November 14th). The oral presentations will consist of the presentation of the student's paper topic. Also, classroom presence and participation in classroom discussion is required. Failure to attend three class sessions will result in an f/x.
4. The seminar will be conducted on the basis of class discussion of the topic assigned for each session. Advanced preparation for each session is therefore required.
5. See class schedule for reading assignments.
6. Public International Law is not a pre-requisite, but it is advisable.
7. Topics for the paper are to be assigned by the professor in consultation with the student.
8. The student must prepare one outline of the paper, and one draft of the paper, due on the dates set forth in the schedule of classes. The outline and draft are to be discussed in class, where each student will present his/her outline.
9. The student should periodically check with the professor for any guidance needed in preparing the paper. At least one meeting should be scheduled.
10. Office hours without an appointment are one hour before each class and one hour after each class. Otherwise by appointment. Telephone: 312-362-8332, Room 823 O'Malley.

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FALL 2007
Professor M. Cherif Bassiouni**

2 INTERNATIONAL CRIMINAL LAW: PROCEDURAL AND ENFORCEMENT MECHANISMS (M. Cherif Bassiouni ed., 2d rev. ed. 1999)

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| August 29 | Introduction to International Criminal Law (Lecture) |
| September 5 | Modalities of Inter-State Cooperation in Penal Matters. Reading assignment pp. 3-29. |
| September 12 | Theories and Applications of Extraterritorial Criminal Jurisdiction. (Territoriality, Active and Passive Personality, Protected Interest, Universality). Reading assignment pp. 33-18. |
| September 19 | International and U.S. Extradition Law and Practice. (Basis, Treaties, Requirements). Reading assignment pp. 191-328. |
| September 26 | Substantive International and U.S. Extradition Law and Practice. (Defenses, Exceptions, Exclusions, Procedures). Reading assignment pp. 191-328. |
| October 3 | Mutual Legal Assistance (Securing Tangible Evidence, MLATs, the European Convention, Securing Testimonial Evidence, Letters and Commissions Rogatory). Reading assignment pp. 331-483. |
| October 10 | Mutual Legal Assistance (Securing Tangible Evidence, MLATs, the European Convention, Securing Testimonial Evidence, Letters and Commissions Rogatory). Reading assignment pp. 331-483. |
| October 17 | Due date for first outline of paper. Oral presentation of first outline. (Please note that this session will end at 8:00 pm). |
| October 24 | Recognition of Foreign Penal Judgments and Transfer of Criminal Proceedings. Reading assignment pp. 607-671. |
| October 31 | Execution of Foreign Penal Sentences and Transfer of Sentenced Persons. Reading assignment pp. 487-603. |
| November 7 | International Modalities of Assets Freezing and Forfeiture. Reading assignment pp. 675-751. |
| November 14 | Due date for draft of seminar paper. Oral presentation of draft paper. (Please note that this session will end at 8:00 pm). |

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November 21	Cooperation with <i>ad hoc</i> international criminal tribunals (ICTY and ICTR) and the International Criminal Court (ICC).
November 28	No class.
December 17	Final papers due.

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Suggested Paper Subjects of the Seminar

These subjects should be applied to a specific topic, case, or legal proposition to exhibit advanced research and analytical skills (in other words, not a restatement of the law or a survey of the legal literature on the subject).

- 1 - Criminal Jurisdiction
 - a. Extraterritorial criminal jurisdiction
 - b. Passive personality doctrine in U.S. federal legislation
 - c. Active personality doctrine in U.S. federal legislation
 - d. Extraterritorial penal sanctions for trade and economic violations under U.S. federal law
 - e. Priorities in criminal jurisdiction
 - f. Jurisdiction on the High Seas
 - g. Universal jurisdiction

- 2 - Extradition
 - a. Use of immigration as an alternative to extradition
 - b. Validity of unlawful seizure of persons abroad
 - c. Validity of unlawful seizure of evidence abroad
 - d. Double criminality in complex crimes
 - e. Rule of speciality
 - f. Discovery
 - g. Exculpatory evidence
 - h. Probable cause standard
 - i. Provisional arrest
 - j. Bail
 - k. "Extraordinary rendition" as practiced by the U.S.

- 3 - International Transfer of Sentenced Persons
 - a. Right to review U.S. decisions denying transfer to/from the U.S.
 - b. Constitutional issues

- 4 - Transfer of Criminal Proceedings
 - a. The European Convention
 - b. The Lockerbie Case
 - c. Potential for U.S. legislation
 - d. U.S. Constitutional issues

- 5 - U.S. Recognition and Enforcement of Foreign Penal Judgments

- 6 - Mutual Legal Assistance
 - a. Right of individual defendants in the U.S. to obtain legal assistance

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- b. Constitutional issues in U.S. treaties
 - c. Seizure of evidence abroad under mutual legal assistance
 - d. Taking of testimony abroad by electronic means (opportunity for cross-examination)
- 7 - Seizure and Forfeiture of Assets Abroad
- a. U.S. mutual legal assistance treaties and U.S. Constitutional issues
 - b. U.N. Drug Convention/European Convention
- 8 - Cooperation with *Ad Hoc* International Criminal Tribunals and with the ICC
- 9- International Cooperation between law enforcement and intelligence agencies, constitutional and procedural law dimension

Papers are to be approximately 30 pages exclusive of footnotes. Papers are to be turned in on Monday, December 17, 2007 to my assistant, Lauren Ziegler, O'Malley room 817.