

**POLI 399.01 - Special Topics: U.S. NATIONAL SECURITY AND INTERNATIONAL CRIMINAL LAW (Spring 2022)**

COLLEGE OF CHARLESTON  
Political Science 399.01  
Tuesday/Thursday 1505-1620  
Maybank Hall 316

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Office Hours by Appointment

**OBJECTIVES**

- A. Overview of U.S. policy as it relates to mass atrocities, international criminal law, and the international criminal courts.
- B. Students will learn BLUF (Bottom Line Up Front – what and so what analytical framework) communication method.
- C. Students will understand policy and intelligence briefings and prepare and deliver two formal briefings.
- D. Students will learn analytical techniques to identify and prevent mass atrocities.
- E. Understand U.S. policy options for responding to violations of international criminal law.

**COURSE DESCRIPTION**

U.S. national security policy confronts the worldwide problem of core international crimes (genocide, crimes against humanity, war crimes, and the crime of aggression) every day. As Russia threatens the international peace and stability in Europe with threats to commit the crime of aggression and invade Ukraine, other countries, like Burma, China, Ethiopia, and Syria commit crimes against humanity and genocide. During the last 30 years, U.S. leadership increasingly confronted worldwide mass atrocities, like genocide, by collaborating with the international community to establish and support international criminal tribunals to bring justice and peace in the former Yugoslavia, Rwanda, Cambodia, Sudan, Libya, and Sierra Leone. This course will focus on the intersection of U.S. National Security Policy making and International Criminal Law and provide an overview of the roles that the U.S. diplomatic, intelligence, military, homeland security, and law enforcement agencies play in implementing U.S. national

security policy. Through an overview of international criminal law, with a focus on the core crimes of genocide, crimes against humanity, and the crime of aggression, there will be deep dive discussions and assignments concerning the International Criminal Tribunal for Rwanda, International Criminal Tribunal for the Former Yugoslavia, the International Criminal Court, and the Special Tribunal for Lebanon.

All assignments are intended to build communication methods and analytical skills, utilizing the Bottom Line Up Front Method (BLUF), as used by U.S. advisors and policy makers in the process of forming and implementing policy. Assignments and classes will be based on experiential learning methods to bring the world of national security policy, diplomacy, and international criminal law to the classroom.

No prerequisites are required but a foundation in policy, international relations, and international law are helpful for understanding the context of the course. Attendance is required and class participation is 25% of the overall grade.

#### REQUIRED BOOK PURCHASE

“A Problem From Hell” America and the Age of Genocide by Samantha Power

#### TEXTS USED FOR HANDOUT READING ASSIGNMENTS

Bass, Gary Jonathan, Stay The Hand of Vengeance: The Politics of War Crimes Tribunals (Princeton University Press 2002)

Cassese, A., International Criminal Law, 3rd ed. (Oxford University Press 2013).

Cassese, A. et al., International Criminal Law: Cases & Commentary (Oxford University Press 2011)

Damrosch, L. et al., International Law: Cases and Materials, 4<sup>th</sup> ed. (West Group 2001)

Del Ponte, Carla, Madame Prosecutor: Confrontations with Humanity’s Worst Criminals and the Culture of Impunity (Feltrinelli Editore 2008)

Moore, J. et al., National Security Law (Carolina Academic Press 1990)

The United States Army Judge Advocate General's Legal Center and School, Law of Armed Conflict Documentary Supplement (International and Operational Law Department 2013)

Van Schaack, B. & R. Slye, International Criminal Law & Its Enforcement: Cases and Materials, 3d ed. (Foundation Press 2014)

### WEBSITES USED

International Criminal Court: [www.icc-cpi.int](http://www.icc-cpi.int)

Nuremburg International Military Tribunal:

[http://avalon.law.yale.edu/subject\\_menus/imt.asp](http://avalon.law.yale.edu/subject_menus/imt.asp)

Nuremburg Military Tribunals: [www.mazal.org/nmt-home.htm](http://www.mazal.org/nmt-home.htm)

Special Tribunal for Lebanon: <http://www.stl-tsl.org/>

International Criminal Tribunal for the former Yugoslavia: <http://www.icty.org/>

International Criminal Tribunal for Rwanda: [www.icttr.org](http://www.icttr.org)

Extraordinary Chambers in the Courts of Cambodia: [www.eccc.gov.kh/3english/](http://www.eccc.gov.kh/3english/)

International Committee of the Red Cross: [www.icrc.org](http://www.icrc.org)

International Court of Justice: [www.icj-cij.org](http://www.icj-cij.org)

Genocide Watch: <https://www.genocidewatch.com>

Human Rights Watch: <https://www.hrw.org/#>

Amnesty International: <https://www.amnesty.org/en/>

International Crisis Group: <https://www.crisisgroup.org>

Early Warning Project: <https://earlywarningproject.ushmm.org>

Relief Web: <https://reliefweb.int>

The New Humanitarian: <https://www.thenewhumanitarian.org>

Foreign Policy Magazine: [www.foreignpolicy.com](http://www.foreignpolicy.com)

Opinio Juris: [opiniojuris.org](http://opiniojuris.org)

### USEFUL JOURNALS

American Journal of International Law

Criminal Law Forum

International Criminal Law Review

Journal of Conflict and Security Law

Journal of International Criminal Justice

Leiden Journal of International Law

The Law and Practice of International Courts and Tribunals

## GRADING POLICY

The following weight will be given in determining final grades:

Class Participation 25%

First Formal Policy/Intelligence Briefing 25% (3/2-3/4/22)

Second Formal Policy/Intelligence Briefing 25% (4/5-4/7/22)

Mid-term exam 12.5% (2/22/22)

Final exam 12.5% (4/21/22)

Grading Scale: A 94-100; A- 90-93; B+ 87-89; B 83-86; B- 80-82; C+ 77- 79; C 73-76; C- 70-72; D+ 67-69; D 63-66; D- 60-62; F <60

## ACCOMODATIONS

Any students who have special learning needs or concerns are encouraged to speak with me directly. If accommodations are needed, please let me know as soon as possible. Finally, the Center for Disability Services provides a comprehensive list of accessibility resources available at:

<http://disabilityservices.cofc.edu/>

## SPECIFIC PROGRAM REQUIREMENTS AND TECHNOLOGY

Students are required to have basic access to technology, including regular internet service and a computer with requisite software to take this online course. Course will utilize reading materials, websites, and documentaries. If you do not have access to sufficient material or technological resources for this purpose, please let me know. Resources are available to provide students with or access to these essential tools.

## HONOR CODE AND ACADEMIC INTEGRITY

Lying, cheating, attempted cheating, and plagiarism are violations of our Honor Code that, when identified, are investigated. Each incident will be examined to determine the degree of deception involved.

Incidents where the instructor determines the student's actions are related more to a misunderstanding will handled by the instructor. A written intervention

designed to help prevent the student from repeating the error will be given to the student. The intervention, submitted by form and signed both by the instructor and the student, will be forwarded to the Dean of Students and placed in the student's file.

Cases of suspected academic dishonesty will be reported directly by the instructor and/or others having knowledge of the incident to the Dean of Students. A student found responsible by the Honor Board for academic dishonesty will receive a XF in the course, indicating failure of the course due to academic dishonesty. This grade will appear on the student's transcript for two years after which the student may petition for the X to be expunged. The student may also be placed on disciplinary probation, suspended (temporary removal) or expelled (permanent removal) from the College by the Honor Board.

Students should be aware that unauthorized collaboration--working together without permission-- is a form of cheating. Unless the instructor specifies that students can work together on an assignment, quiz and/or test, no collaboration during the completion of the assignment is permitted. Other forms of cheating include possessing or using an unauthorized study aid (which could include accessing information via a cell phone or computer), copying from others' exams, fabricating data, and giving unauthorized assistance.

Research conducted and/or papers written for other classes cannot be used in whole or in part for any assignment in this class without obtaining prior permission from the instructor.

Students can find the complete Honor Code and all related processes in the Student Handbook at: <http://studentaffairs.cofc.edu/honor-system/studenthandbook/index.php>.

## COURSE SCHEDULE AND ASSIGNMENTS

### WEEK 1 (11-13 January)

#### Class 1: Introductions, Expectations, and Overview of course objectives.

Form U.S. Embassy/National Security Council – Be a Policy Maker or Intelligence Advisor.

Introduction to BLUF (Bottom Line Up Front) method of communication and introduce 4 major crimes and begin focus on Genocide.

\*\*Assignment: Watch movie Hotel Rwanda. Prepare What and So What for class discussion during Class 2. Focus on issues surrounding Genocide.

\*\*Also read Power's Preface and focus on policy forming questions.

#### Class 2: Rwanda Case Study and Genocide

\*Students Brief on Hotel Rwanda (What and So What) and dive into crime of Genocide

Focus on developing the What and So What into bigger picture Analysis/Briefing.

\*\*Assignment Read Power Chapter 10

What was the U.S. Response? What was the international community's response? Is it GENOCIDE? What term does the U.S. use to avoid Genocide?

## WEEK 2 (18-20 January)

### Class 3: Rwanda Case Study and Genocide

\*Students Brief on Rwanda with expanded what and so what

\*\*Assignment Due next class: Read Akayesu Case handouts

### Class 4: Rwanda Case Study and Genocide

\*Students Brief on Akayesu Case (International Criminal Tribunal of Rwanda)

\*\*Assignment Due next class: Watch Documentary "Watchers of the Sky".  
Prepare What and So What on Genocide Convention for class 5 discussion.

\*\*Read: Power pp.1-65.

## WEEK 3 (25-27 January)

### Class 5: Genocide Convention

\*Students Brief What and So What of Genocide Convention.

What's the significance of the Genocide Convention? What did it intend to do? What does it do? How is the world and the United Nations avoiding it? How do we fix it? What is the U.S. policy? How would you characterize it?

\*\*Assignment Due next class: Read International Criminal Courts handout and Power Chapter 13 and Watch Documentary "Prosecuting Evil".

### Class 6: Nuremburg and the International Criminal Courts in The Hague

\*Students Brief on What and So What of the Nuremburg Trials.

Why was it important? What types of precedents did it set?

How did it influence the future? What was the U.S. role? What do you think about U.S. exceptionalism?

\*\*Assignment Due next class: Watch Documentary "A Cry from the Grave" (1999)

<https://www.youtube.com/watch?v=YhvCBC2nlro>

\*\*And Begin reading Power Chapters 9 and 11



## WEEK 4 (1-3 February)

### Class 7: Bosnia Case Study and Genocide

\*Students Brief What and So What of Srebrenica

What does the U.S. know? What is the U.S. policy response? How did it constrain itself? Which policy influencing entities apply pressure? How do they apply pressure? What's "fighting the last war" mean? How does it affect U.S. policy making? What's ethnic cleansing?

\*\*Assignment Due next class: Read Power Chapters 9 and 11

\*\*And Jelisic Court Case handout (International Criminal Tribunal for Former Yugoslavia)

### Class 8: Bosnia Case Study

\*Students Brief on U.S. policies re: Bosnia and Jelisic Court Case

\*\*Assignment Due next class: Watch Documentary "The Vietnam War – My Lai Massacre"

<https://www.youtube.com/watch?v=kDh1isMZMTM>

\*\*And read War Crimes and US v Calley Case handouts

## Week 5 (8-10 February)

### **Class 9: War Crimes and Vietnam Calley Case**

\*Students Brief the Calley legal case.

What were the crimes? How did the U.S. Government handle it? What more could have been done? What would happen today with this same response? Would there be a role for the International Criminal Court?

\*\*Assignment due next class: Read Crimes Against Humanity handout and Watch Documentary “Oregon’s Japanese Americans: Full Documentary” <https://m.youtube.com/watch?v=uqYYMUo7V90>

### **Class 10: Crime Against Humanity and Japanese Americans in WWII**

\*Students brief the facts and legal issues related to the crimes against humanity and Japanese Americans.

Did the United States commit war crimes or crimes against humanity or both against the Japanese Americans?

\*\*Assignment Due next class: Read International Criminal Court handout and ICC Website on “How the Court Works” <https://www.icc-cpi.int/about/how-the-court-works> and “Key Moments” <https://www.icc-cpi.int/morejustworld#6> and “Justice Matters” video <https://www.icc-cpi.int/morejustworld#8>

## Week 6 (15-17 February)

### Class 11: International Criminal Court (ICC)

Does the ICC meet the world's needs concerning the core international atrocity crimes? Should its mission/jurisdiction be expanded? Reduced? What other crimes should it constitute? What is complementarity? What does it need to succeed?

\*Students Brief significance of the ICC and implications for the U.S.

\*\*Assignment Due next class: Read International Criminal Court website concerning the ICC's situation in Afghanistan and handouts on crime of torture.

### Class 12: United States and the ICC and Crime of Torture

\*Students Brief Afghan Situation re: Prosecution of U.S. Government (Facts, Issues, and So What for the U.S., So What for Coalition Countries)

What is the U.S. policy regarding the international criminal court? Should the U.S. be a member of the Rome Treaty? Pros and cons? How and why did the ICC bring charges against the United States?

\*\*Assignment Due next class: Read ICC Website re: Ukraine and Georgia situations

## Week 7 (22-24 February)

### Class 13: Russia and the ICC

\*Students Brief Georgia and Ukraine Situations (Facts, Legal Issues, Big Whats, and So Whats for the U.S., Western Europe, and NATO)

\*\*Assignment Due next class: Read ICC Website Situations on Sudan, Venezuela, and Philippines.

### Class 14: Africa, Asia, and Latin America and the ICC

\*Students Brief Sudan, Venezuela, and Philippines Situations (Facts, Legal Issues, Big Whats and So Whats for U.S. and relevant regions)

\*\*Assignment Prepare for first formal briefing (Intelligence or Policy)

## Week 8 (1-3 March)

### Class 15: First Formal Briefing (25% of Grade)

### Class 16: First Formal Briefing

\*\*\*SPRING BREAK (7-11 MARCH)\*\*\*

\*\*Assignment Due for Class 17: Watch Rafik Hariri tribunal: Guilty verdict over assassination of Lebanon ex-PM - BBC News on You Tube

[https://www.youtube.com/watch?v=uiC70kY\\_Ve4](https://www.youtube.com/watch?v=uiC70kY_Ve4)

Read legal handout on crime of Terrorism and Foreign Policy article “In Lebanon, the Wheels of Justice Do Not Grind”.

## Week 9 (15-17 March)

### Class 17: Special Tribunal for Lebanon (STL) and Crime of Terrorism

\*Students Brief on the What and So What of the Assassination of former Lebanese Prime Minister Rafik Hariri (So What – Implications for U.S. etc)

\*\*Assignment Due next class: Read STL Judicial Decisions (Prosecutor v Ayyash) and State Department Analysis

### Class 18: STL and Terrorism

\*Students Brief key Issues and legal decisions of the tribunal. What precedents does the STL set for the future of International Criminal Courts?

\*\*Assignment Due next class: Read United Nations Charter with special attention given to Article VII and Prosecutor v Tadic Case

## Week 10 (22-24 March)

### Class 19: United Nations and the Establishment of International Criminal Tribunals

\*Students Brief implications (So What) of Chapter VII and importance to International Criminal Law.

\*\*Assignment Due next class: Read handouts on international cooperation with international criminal courts

### Class 20: International Cooperation with International Criminal Courts

\*Students Brief on international cooperation with courts  
What more can be done? Should the UN assist with capturing international criminals? Should courts be granted authority to make arrests?

\*\*Assignment Due next class: Read handouts on Surrender and Arrest

## Week 11 (29-31 March)

### Class 21: United States Cooperation and Support

\*\*Assignment: Read handout on investigating an international criminal (The New Yorker's "The Hunt for El Chapo" and Documentary)

Class 22: Analytical Exercise – How to Catch an International Criminal (The intersection of Intelligence Analysis, Policy Planning and Implementation, and Law)

## Week 12 (5-7 April)

Class 23: Second Formal Briefing (25% of Grade)

Class 24: Second Formal Briefing

## Week 13 (12-14 April)

Class 25: Analytical Exercise – How to Catch an International Criminal

Class 26: Analytical Exercise – How to Catch an International Criminal

\*Students Brief Findings of Analytic Exercise

\*\*Assignment Due next class: Read Framework of Analysis for Atrocity Crimes (A tool for prevention)

## Week 14 (19-21 April)

### Class 27: U.S. Leadership in Identifying and Preventing Mass Atrocities

\*Students Brief key factors for identifying mass atrocities risks and methods of prevention and intervention.

### Class 28: Final Exam (25% of Grade)

#### Other Related Suggested Readings

##### International Law

The Rights of War and Peace: Including the Law of Nature and of Nations by Hugo Grotius

How International Law Works: A Rational Choice Theory By Andrew T. Guzman

##### Nazi Genocide:

A Lucky Child by Thomas Burgenthal

Then They Came For Me by Martin Niemoller

The Boy Who Followed His Father into Auschwitz by Jeremy Dronfield

Doctor from Hell by Vivien Spitz

The Diary of Anne Frank by Anne Frank

The Bielski Brothers by Peter Duffy

The Great Escape: Nine Jews Who Fled Hitler and Changed the World by Kati Marton

##### Ukraine and Eastern Europe

Stalin's War on Ukraine RED FAMINE by Anne Applebaum

Iron Curtain: The Crushing of Eastern Europe 1944-1945 by Anne Applebaum

With God in Russia by Walter J. Ciszek

##### Rwanda Genocide:

Machete Season: The Killers in Rwanda Speak by Jean Hatzfeld

Life Laid Bare by Jean Hatzfeld

Blood Papa: Rwanda's New Generation by Jean Hatzfeld

Antelope's Strategy: Living in Rwanda After Genocide by Jean Hatzfeld

Lebanon:

The Ghosts of Martyr's Square: An Eyewitness Account of Lebanon's Life Struggle  
by Michael Young

Former Yugoslavia:

To End a War: The Conflict In Yugoslavia – America's Inside Story – Negotiating  
with Milosevic by Richard Holbrooke