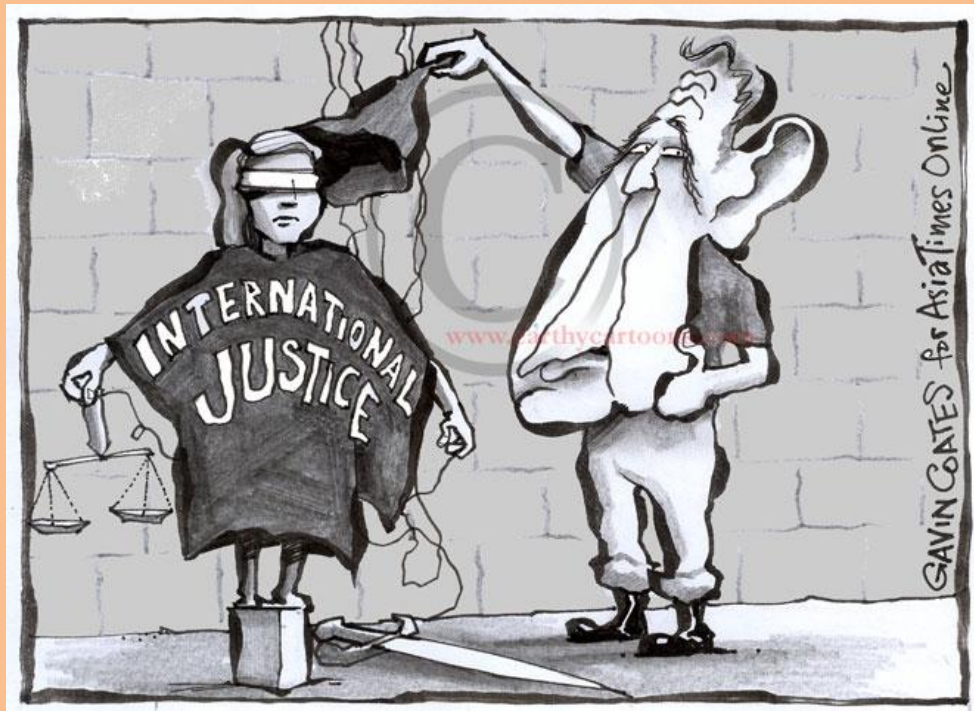


## **Class activities**

### **Class 1: January 6**

- (i) What is International Law?
- (ii) What is the purpose of International Law? Is it effective?
- (iii) Who are the main international actors?
- (iv) What are some of the topics of International Law?
- (v) Do you think International Law affects your every day life? If so, how?
- (vi) Analyze the following cartoon:



## Class 2: January 8

### War Rape

- Why wasn't anybody been tried for rape before?
- Why do you think rape is associated with war?
- Who should be responsible for rapes in wartime?

- Is there anything that can be done to prevent rapes during war?

### **Class 3: January 13**

#### **Global Sex Trade**

Video: Selling Sex in Heaven

- 1) What do you think about sex tourism?
- 2) Should North American and Western European countries continue to criminalize conducts that take place outside their territories?
- 3) Who should be considered legally responsible for sex tourism?
- 4) Should other countries criminalize conducts in Canada that are against their laws?
- 5) How can sex tourism be prevented? What legal and non legal measures could be taken?
- 6) Why do some countries encourage sex tourism?

## **Class 4: January 15**

### **Global Sex Trade**

#### Scenarios:

1) Two college male students went to a travel agency in Toronto to book a Spring Break package. They said they wanted to go to cool a place, since it was their last year in college. The travel agent asked them “What would you like to do during your Spring Break?” The students replied “You know, we want to have fun, get laid, and get drunk.” The travel agent replied “I have the perfect package for you guys. You will have a lot of fun, and a lot of chances to get laid with beautiful girls in Cambodia.” So, the two students bought a tourist package to Cambodia. On their first day, they had sex with a 12-year old girl and a 16-year old girl, respectively, for US\$ 50.

2) Two college students, aged 20, go to Thailand. One is a US citizen and the other one is Canadian. They pick up girls in a local bar. The girls are 17 years old. The Canadian student has consensual sex with one of the girls. After having sex, the girl tells him that her family lives in poverty. He leaves a US\$ 20-bill on the night table and leaves.

3) The American student has consensual sex with a 17-year old girl in Thailand. They fall in love and start dating. He proposes to her and invites her to go live in the States. They fly to New York, and when they clear immigration at JFK he is arrested.

4) A Canadian citizen travels to Jamaica. He has consensual sex with a 14-year old girl. He doesn't give her any money or presents.

5) While on business in Thailand, a dual Canadian-Thailand businessman has sex with a 13-year old boy for US\$ 60.

6) A Canadian accountant is sent to work in San Jose, Costa Rica for a 12-month period. While in San Jose, he pays a 15-year old female prostitute to have sex with him.

7) After their first several encounters, the Canadian accountant starts dating the girl. They have consensual sex and he never pays her again. They get married in San Jose and come back to Canada when his project in Costa Rica ends.

8) A travel agency in Soo Michigan advertises sex tourist packages in South East Asia. A Canadian female teacher, who is a US permanent

resident, buys the package with the intent to have paid sex with young boys. But, once there she changes her mind and spends all her days on the beach and shopping.

9) A Canadian travel agency advertises sex tourist packages in South East Asia. A Canadian female teacher, who resides in Canada, buys the package with the intent to have paid sex with young boys. But, once there she changes her mind and spends all her days on the beach and shopping.

10) A Canadian female teacher travels to the Dominican Republic and has consented sex with a 12-year old girl there. She never pays her.

11) A Canadian permanent resident and Chilean citizen aged 30 travels to Chile with his friend's 14-year old daughter, also a

Canadian citizen of Chilean origin. In Santiago, they have consented sex. He buys her expensive gifts, such as jewels and coats.

12) A Canadian male citizen, aged 35, travels to Vietnam with his wife. There, he has paid sex with a 17-year old girl while his wife was sightseeing. His wife comes back earlier and finds her husband and the girl in the hotel room. She goes to the police. The police arrest her husband, and refer him to a court. He is acquitted because paid sex with anyone over 16 is legal. When the couple comes back to Canada, the wife goes to the police and report the incident that took place in Vietnam.

13) A Canadian male citizen, aged 30, travels to the Dominican Republic and forces a 15-year old boy to have sex with him.



14) A US female citizen, aged 25, travels to the Dominican Republic and forces a 15-year old boy to have sex with her.

15) A Canadian female citizen has consented sex with a 16-year old girl in Haiti. She takes pictures of their sexual acts.

## **Class 5: January 20**

### **Sources and Actors of International Law**

#### Scenarios:

1. The General Assembly recently adopted the United Nations Declaration on Human Cloning, by which Member States were called on to adopt all measures necessary to prohibit all forms of human cloning inasmuch as they are incompatible with human dignity and the protection of human life. A leading South Korean university launched a human cloning program. The Philippines

sent a letter to the South Korean government demanding the government to order the immediate termination of that program or else the Philippines would take this case to the International Court of Justice. Can the Philippines succeed? Why? Why not?

2. Professor Cassale, a very respected Italian scholar, published a book on International Law where he holds that “In the case of secession non military bases may continue to be used by the state that built them, provided that it offers to pay adequate compensation to the state where that base is located.” There is a conflict between Russia and Estonia as Estonia, now an independent state, wants to build a wind farm to generate clean electricity where there is a Soviet built nuclear plant. Russia offers compensation, which is considered adequate by Estonia, to keep operating the nuclear plant. Estonia refuses the compensation as it prefers to build the wind farm. There is no treaty and no international custom about this issue. Estonia brings the complaint

to the International Court of Justice and Russia invokes the book.

Can Russia be successful? Why? Why not?

3. Netherlands ratified the Moon Agreement. Canada has not. Netherlands wants to invoke environmental obligations arising out of the Agreement against Canada. Is this possible?
4. France, Spain, Russia, and the United States have the following principles in their domestic laws. What is the general common principle? France: Foreign correspondents of internationally accredited news agencies must be given access to the theatre of operations in armed conflicts, provided they make a request in writing. Spain: Foreign correspondents of internationally accredited news agencies must be given access to the theatre of operations in armed conflicts, if requested with at least 72 hours in advance. United States: Foreign correspondents of internationally accredited news agencies must be given access to the theatre of operations in armed conflicts, provided they agree to comply with orders issued by the military officer in charge. Russia: Foreign

correspondents of internationally accredited news agencies must be given access to the theatre of operations in armed conflicts, if previously registered with the Department of Foreign Affairs.

5. Suppose, there is an international armed conflict between Belize and Honduras. BBC, the leading UK news organization wants to go to Belize to broadcast the conflict live. Can it invoke the general principle of law mentioned above?
  
6. The United States, Russia, France, and the United Kingdom, together with other European, and Latin American states are making declarations that they regard the clean up of nuclear plants as an imperative obligation. China objects and issues a declaration saying that there is no such obligation in international law. Brazil refuses to clean up its nuclear plants. The United States formally complains to Brazil and threatens to sue before the International Court of Justice. Can the US succeed? Why? Why not?

7. The United States, Russia, France, and the United Kingdom, together with other European, and Latin American states have long regarded the cooperation to clean up nuclear plants as an imperative obligation. So, for example, when France decided to clean up a nuclear plant in its Guyana territory, it sought the collaboration of the United States, which it gave it without seeking any monetary compensation. When Argentina sought help from China on account of this long established international customary norm, China refused saying that it now objects to that international custom. Argentina wants to bring a case against China before the International Court of Justice. Can Argentina succeed? Why? Why not?

8. An NGO that elaborated a draft international treaty on the protection of the Environment together with the Canadian government wants to vote in the international assembly discussing this treaty. You are the president of the assembly. Can you allow

the NGO to vote? Can you allow it to participate in the deliberations without voting?

Class 7 January 27

## **Foreign Legal Research**

**Class 9: February 3**

## **Private International Law**

Analyze the conflict of law rule in each of the following scenes:

- 1) The Simpsons: What law applies to the consequences of Homer's impersonation?
  
- 2) The Simpsons: Suppose Homer Simpson enter into a distribution agreement to distribute Mr. Sparkle's detergent in the US and Canada. Suppose Homer Simpson does a very poor job in distributing the products. Let's assume that Mr.

Sparkle wants to sue Homer for breach of contract. What law applies?

- 3) Friends: Suppose Rosita was manufactured in Mexico and the scene took place in Canada. Assume that Rachel got hurt when the chair broke and wants to sue the manufacturer. What law would apply to this alleged tort?
- 4) Seinfeld: The Maestro. Suppose the house in Tuscany is inhabitable and Jerry Seinfeld wants to sue the owner for breach of contract. What law applies?
- 5) Friends: What law applies to the contract dispute between Ross's and Emily's parents?
- 6) Friends: Ross gets back to New York. He wants to marry Rachel, but he is unsure whether his marriage is valid or not. What law applies to the marriage? Suppose that according to the applicable law, Ross is legally married to Emily. Assume

that Ross and Rachel decide to travel to Canada and get married in Ontario. Can they legally do so?

## International Child Abductions

### **Class 11: February 10**

#### **Nuremberg:**

- What are the flaws of the Nuremberg trials?
- What are the positive aspects of the Nuremberg trials?
- Do you think it was victor's justice?
- What was the role of women in the trials?
- What was the role of the United States in the trials?
- What do you think about trying people for acts that were not considered crimes at the moment of commission?
- Would you have done something differently?

### **Class 12: February 12**



## **International Criminal Court**

- Do you welcome the establishment of the International Criminal Court? What are its main weak and strong aspects?
- Should trials last so long? What can be done to speed international trials without compromising the accused's rights?
- What are the discrepancies between the horror of mass murder and the dispassionate proceedings of a courtroom?
- Is global justice possible? What is required for international justice to become a reality?

### **Class 13: February 24**

- 1) Spanish bombings. It was proved that some of the perpetrators and counsellors of these bombings are Pakistan nationals. Pakistan is not a party to the ICC. Spain is.
- 2) September 11. Assume these events took place after July 1, 2002.  
Could they be tried before the ICC?

- 3) Rwanda. Assume these events took place after July 1, 2002. Could they be tried before the ICC? What international crimes appear on the video?
- 4) Pulp Fiction. The victims are Brett, a Canadian citizen and his friend a Mexican citizen. A general principle of law found in most Western nations is that intentional and unlawful killing is prohibited. Is the US government internationally responsible towards Mexico and Canada for this incident?
- 5) Montreal Massacre. Suppose a similar event takes place here at Algoma U because Kevin, –a Canadian citizen, part-time student, who is also an RCMP officer- wanted to take the International Law class and was unable to register because it was full. He blamed it on students that fill classes, so he killed Kristina, and Ludmila, who are citizens of Sweden, and Argentina, respectively. He also killed Prof. Hermida, a dual Canadian and Argentine citizen, and several other Canadian students. Can Kevin be tried before the ICC?

- 6) Vienna Tribunal. Are these international crimes? Assuming they took place after July 1, 2002, can they be tried before the ICC?
- 7) Danish Cartoonist. [Read the following article](#). Suppose a group of extreme Muslims kidnapped and killed the cartoonist, and the editor of all European newspapers that reprinted the cartoon. The Muslim extremists cited a principle of Sharia law generally accepted in the Muslim world that says that whoever defame Prophet Mohammed must be killed. A) Would this be an international crime? B) If so, could it be tried before the ICC? C) Could you successfully argue that this law is a source of international law as it is a principle of generally accepted in most of Islamic countries.
- 8) Canadian Bacon. Is the Canadian government responsible for taking Honey as a hostage? Is it an international crime? Supposing this took place after July 1, 2002, can the Canadian Primer Minister be tried before the ICC?

- 9) [London bombings. Emerging Portraits Of Suspects | July 13, 2005 20:22:05](#). Fifty six civilians of different nationalities died, and more than seven hundred were injured as a result of a series of three bombs that exploded in the London underground, and a fourth on a Double Decker bus. Assuming that there are perpetrators or participants that are still alive, can these events be tried before the ICC?

### **Class 15: March 3**

### **International Humanitarian interventions and human security**

### **[Human Trafficking](#)**

### **Class 10: March 19**

### **Extradition**

### **Scenarios**

1. Three Canadian citizens traveled to Uganda. While there one of the men raped the woman, while the other witnessed the event. Suppose Uganda requests the extradition of these three men and suppose that Canada and Uganda have a bilateral agreement. Would the Canadian government extradite?
2. The respondents are each wanted on three counts of aggravated first-degree murder in the State of Washington. If found guilty, they will face either the death penalty or life in prison without the possibility of parole. The respondents are both Canadian citizens and were 18 years old when the father, mother, and sister of the respondent Rafay were found bludgeoned to death in their home in Bellevue, Washington, in July 1994. Both Burns and Rafay, who had been friends at high school in British Columbia, admit that they were at the Rafay home on the night of the murders. They claim to have gone out on the evening of July 12, 1994 and when they returned, they say, they found the bodies of the three murdered Rafay family members. Thereafter, the respondents

returned to Canada. As a result of investigative work by undercover RCMP officers, they were eventually arrested.

3. While on holidays in Paraguay a few years ago, Professor Hermida was invited to a dinner at Faculty Club of the University of Asuncion. To his surprise, a military official –now a member of the Senate- known for torturing hundreds of people during the last military dictatorship in Paraguay, attended the dinner. During a heated argument about Human Rights, Professor Hermida insulted the senator and threatened to hit him. It is a crime to utter threats in Canada and Paraguay.

4. While on a swimming tournament in Dominican Republic, Lauren was arrested for the commission of the crime of theft, for refusing to tip a server at a restaurant. Lauren complained that the service was very poor, so she left no tip. The Dominican Republic Criminal Code defines theft as: “anyone that takes anything with intent to deprive, the owner of it, or anyone that refuses to give to the owner what legally belongs to the owner.” In the Dominican

Republic, tips to food servers are considered a legal obligation, so servers are entitled to a tip by law.

5. Professor Hermida gave a conference in St. Petersburg, Russia. He stole a Russian doll for his private collection. There is no extradition treaty between Russia and Canada. Nonetheless, the Russian government requested the Canadian government to extradite Prof. Hermida for prosecution.
6. On his way back from Russia, Professor Hermida became very agitated because he had ordered a vegetarian meal, and the flight attendant brought him beef. So, he threw the tray with the beef at the flight attendant, who fell on the emergency exit handle. As a result, the emergency exit opened, and the captain had to make an emergency landing in Gander, NF because he could not continue to Toronto Pearson. At the captain's request, RCMP officers arrested Professor Hermida at the airport. The Russian government submitted an extradition request based on the Montreal Convention for the Suppression of Unlawful Acts against Civil Aviation,

ratified by both Canada and Russia. The Convention sets forth that it is an offence to “perform an act of violence against a person on board an aircraft in flight if that act is likely to endanger the safety of that aircraft”. Furthermore, the Convention prescribes that “If a Contracting State which makes extradition conditional on the existence of a treaty receives a request for extradition from another Contracting State with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of the offences.”

7. Courtney got a paid internship in Colombia. She worked with the Red Cross in Bogota, assisting victims the civil war to seek refugee status in Canada. After her twelve-month internship ended, she returned to Canada. Since Courtney did not pay any income tax in Colombia, the government requested her extradition for prosecution. Failure to file income tax returns in Colombia is a crime. In Canada, committing fraud on a tax return also constitutes a crime.



8. Kevin and Emily lived in Sault, Michigan. They were married for several years, but Kevin cheated on Emily on several occasions. Last year, Kevin met a woman from Sault, Ontario and decided to live with her here in Sault Ste. Marie, Ontario. Tired of Kevin's adventures, Emily decided to file for divorce. Since Michigan divorce proceedings when spouses are not present in the court are quite lengthy in Michigan, Emily succeeded in convincing US authorities to request the Canadian government to extradite Kevin to appear before the Michigan court.
  
9. While on a study abroad program in Korea, an Algoma U student painted graffiti on a wall at the University. He was immediately arrested for vandalism, a crime that carries a minimum penalty of 10 years in prison and a maximum of life. Since he was given bail pending the trial, he took the first flight home and returned to the Sault. The Korean government requested the Canadian government to extradite him. Vandalism carries a maximum penalty of two years in prison if tried as an indictable offence.

10. Professor Hermida, whose childhood dream was to become a filmmaker, traveled to Hollywood to participate as an extra in a new Brooke Shields movie. There he saw how another extra stole some jewellery from Brooke Shields. Once he got back, the Canadian government received an extradition request so that Prof. Hermida testified in the extra's prosecution for theft.

## **Class 19: March 17**

### **International Space Law**

1) Algomaspac, a private corporation made up of International Law students and based in Sault Ste. Marie, Ontario launched a satellite –Algomaspac- to Outer Space in January, 2008 from a small launch site built near Algoma U. The satellite exploded when achieving an altitude of 100 km and disintegrated. One of its pieces reentered the Earth near Lyon, France and killed over 100 people. Who is

legally responsible for this incident? How will the families of the victims be compensated?

2) Since the cause of the accident was attributed to the lack of technical capacity of the launch site, International Law students that own Algomaspaces managed to convince NASA authorities to let them launch their new satellite Algomosat II. The new satellite was launched in February. During countdown operations, a satellite antenna detached from the satellite and killed 2 NASA technicians. While it reached Outer Space, it disintegrated. Several satellite debris reentered the Earth in Valencia, Spain and killed near 50 people. Most of them were Spanish nationals, but there were three French citizens that were having holidays in Spain among the victims. A technical investigation revealed that the satellite exploded because a meteorite crashed against it and neither NASA nor Algomaspaces were negligent as it was impossible to foresee the presence of the meteorite.

3) Boeing –a US company- and LMI –a Russian firm- jointly launched a satellite from a privately-owned launch site in Australia. The satellite failed in Outer Space, disintegrated and killed 200 in Chile. Boeing and LMI had signed a contract saying that LMI would be liable for all damages caused by the satellite. The contract was signed by the US and Russian governments and reaffirmed that only the Russian government would be responsible for damages caused by the satellite and exonerated the US government from liability. The victims' families in Chile sue the US government. Is this legal? Do they have to sue the Russian government only?

4) The victims' families in Chile appoint a US law firm who sue Boeing in Seattle. Can they succeed? How can Boeing defend itself?

5) A Russian satellite collides with a Chinese satellite, and the Chinese satellite crashes against the International Space Station, killing 3 US astronauts on board. A technical investigation reveals

that the Russian satellite failed because Russian engineers had made a mistake in the fuel calculations. Who is legally responsible for the killing of the US astronauts? Who can the US government sue?

6) The US and France reached an agreement to build a telecommunications satellite. In this agreement, the US would be responsible for 75% of all damages paid and France for the remaining 25%. The satellite fails and kills 20 people in Italy. The Italian government claims that it would need \$100,000,000 to compensate the victims' families. It claims the entire amount from the US. The US replies that it is prepared to pay only \$75,000,000 and that Italy should claim \$25,000,000 from France. Italy does not want to sue France as they share many political interests, so it hires you – a Sault Ste. Marie law firm specialized in International Law to advise the Italian government on its rights.

7) Arianespace, a French space vehicle, collides with Algomosat III – an illegally launched Canadian telecommunications satellite from

Algomaspac, as a result of which 50 people are killed in Sudbury, ON. The Canadian government claims \$50,000,000 from France for causing the accident. France replies that it is not liable for any amount, as the accident was not its fault as its technicians were not aware of the presence of Algomasat III in Outer Space. The French government said that if Algomaspac had followed all international legal steps associated with the launch of its telecommunications satellite, Arianespace would have been aware of its presence and it would not have collided with Algomasat III. The Canadian government seeks your advice to advise on this situation.

- 8) A Canadian male astronaut commits sexual assault against a US female astronaut in a US module on board the International Space Station. The US commander arrests the Canadian astronaut and chains it to a chair for several days until he is sent back to Earth in a special Space Shuttle mission. The US arrests the Canadian astronaut and tries him for sexual assault. The Canadian government complains to the US because it wants to try it in

Canada. Besides, the Canadian government threatens the US government with legal actions for depriving the freedom of the Canadian astronaut. Ottawa claims that it had exclusive jurisdiction over its astronaut, so the US commander behaviour was illegal. The Canadian government seeks your International Law advice.

9) A Japanese astronaut in the International Space Station steals a US astronaut's memento while visiting the US module. The Japanese astronaut is arrested by the US commander and sent back to Earth. When he arrives, he is tried in the US for theft. The Japanese government complains to the US and holds that it has exclusive jurisdiction over its Japanese nationals. The US government refuses to hand over the Japanese astronaut and sentences him to 4 years in a US prison. The Japanese government seeks your International Law advice.

10) A Canadian astronaut in the International Space Station attempts to murder a French astronaut. The French government complains

to Canada, but the Canadian government replies that the Canadian astronaut was under extreme pressure and he intended to kill his French colleague in an effort to be brought back to Earth earlier than scheduled. The Canadian government announces that it will not prosecute the Canadian astronaut. When the astronaut is brought back to Earth in the United States, both the French and the Canadian government request the US government to send the astronaut to France and to Canada, respectively. The US government seeks your International Law advice.