

## **International Criminal Law**

Start date: 08/19/2024

End date: 08/22/2024

Modality: in-person

Course Responsible Professor Full name: Daniel Trecca

Participating Professors: Mark Winston

### **Grading**

I will not be giving an exam at the conclusion of the seminar, so your grade is going to be based on the effort, thoughtfulness, and insight that you demonstrate during our class sessions. This does not mean, certainly, that someone who speaks twenty times during the seminar is automatically going to get a better grade than someone who speaks five times. It is not a numbers game!

However, if you do not participate in class by asking questions, making comments, and challenging each other and me, I will have no basis to determine how well you are comprehending the material and concepts that we discuss and, just as importantly, how you are thinking about the law's role in our society and where it can make a difference for the better.

### **Day One**

On the first day, I would like to spend a significant amount of time discussing the U.S. criminal justice system and how, in practice, it often works. I spent many years as a criminal prosecutor in the U.S., and I want to give you insight into how investigations and prosecutions work in the U.S.

I also want you to be prepared to discuss how criminal justice systems work in your countries; their pros and cons; and what you like about them and what you would like to see changed.

### **Day Two**

On day two, we will spend significant time on the U.S. Foreign Corrupt Practices Act, as well

as some time on the U.K. Bribery Act and other areas of substantive law, including extraterritoriality and extradition. I would like you to be prepared to discuss what corporate crime means to you and how you think it should be defined.

### **Days Three and Four**

While we might spend some additional time on these two days discussing substantive areas of law, much of our time will be spent doing mock client counseling sessions to be followed by a mock trial. I have separately provided a fact pattern that I want you to carefully review in advance of the seminar, and each of you has been assigned a role to play.

For starters, I want to see - and I want your classmates to see - how some of you advise your clients and the factors that go into such advice. We will then engage in a mock trial where there will be opening and closing statements, questioning of witnesses through direct and cross examination, objections, and more.

### **Bibliography**

It is not my intention to bury you with a lot of reading material in advance of the seminar. I am providing you now a few documents that you might find of interest: an article on the extraterritorial application of the U.S. Foreign Corrupt Practices Act; information from the U.S. Department of Justice on extradition; a plea agreement in a FCPA matter involving Siemens Corporation; and two articles that I authored.

As just mentioned in Section 5 above, I do want you to thoroughly read in advance of the seminar the fact pattern for the legal exercise problem that we will be doing on the third and fourth days of the seminar.