



NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM

PROGRAMME: B.A.,LL.B.(HONS.)FYIC

**DETAILS OF COURSE OFFERED**

ODD SEMESTER (VII) — ACADEMIC YEAR :.....

SL. NO	COURSE CODE	COURSE TITLE	L	T/P	CR	CH
<b>1</b>	<b>BL704.7</b> <b>(CRIMINAL</b> <b>LAW</b> <b>OPTIONAL</b> <b>PAPER II)</b>	<b>INTERNATIONAL</b> <b>CRIMINAL LAW-II</b>	<b>4</b> <b>PER</b> <b>WEEK</b>	<b>1</b> <b>PER</b> <b>WEEK</b>	<b>4</b>	

- A. CODE AND TITLE OF THE COURSE: **BL704.7 (CRIMINAL LAW**  
**OPTIONAL PAPER- II) ,INTERNATIONAL CRIMINAL LAW -II**
- B. COURSE CREDIT: **4 (TOTAL MARKS 200)**
- C. MEDIUM OF INSTRUCTION: **ENGLISH**
- D. COURSE COMPILED BY: **DR. GITANJALI GHOSH**
- E. COURSE INSTRUCTOR: **DR. GITANJALI GHOSH**

## **1. COURSE OBJECTIVES**

Criminal law is generally perceived of being in the municipal domain. However, starting from Nuremberg to the International Criminal Court, there is an entire regime governing international crimes that needs to be thoroughly studied as well.

In the light of the growing importance of international criminal law, it is not only desirable but also imperative for students to have a thorough knowledge of the subject. Hence, the primary objective of this course is to generate and sustain an interest to study international criminal law in the minds of the students.

As the students are already familiar with the basics of criminal and international law, this course will take their study one notch higher.

The objectives of the course, in particular, are as follows:

- Provide students with an understanding of the development of international criminal law
- Elucidate on the international crimes of war crimes, genocide, crimes against humanity, aggression, torture and terrorism
- Provide students with an understanding of international criminal trials
- Discuss various international criminal tribunals and courts including Nuremberg Tribunal, Tokyo Tribunal, ICTY, ICTR, ICC and mixed tribunals

## **2. TEACHING METHODOLOGY**

The teaching methodology shall aim at the generation of critical thinking among the students. The topic for a particular class shall be informed to the students beforehand and readings shall be assigned to them for the said topic. They are expected to have a basic idea about the topic prior to the class. Subsequent to a brief lecture on the topic, there shall be class discussion on the same as well as on the readings assigned. Pursuant to the class discussion, the teacher shall substantiate the issues raised and answer any questions posed or left unanswered. Topics shall also be assigned to be students for presentation in class to develop their teaching learning abilities. Movie reviews substantiating their importance to the course syllabus is a novel feature of this class.

## **3. COURSE LEARNING OUTCOMES**

At the completion of the course, it is humbly expected that the students shall:

- Comprehend the subject matter of the course
- Be able to analyze contemporary international criminal law problems in the light of the concepts learnt
- Be able to articulate their ideas on the subject matter of the course
- Produce at least one research paper of publishable quality
- Desire to take up international law for further studies

#### **4. COURSE EVALUATION METHOD**

The course shall be assessed for 200 marks. The Evaluation scheme would be as follows:

Sl. No.	Marks Distribution	
1	Seminar Paper	60 marks
2	Seminar Paper presentation	30 marks
3	Moot Memorial	50 marks
4	Moot Oral	50 marks
5	Attendance in class	10 marks
	Total	200 marks

#### **5.DETAILED STRUCTURE OF THE COURSE (SPECIFYING COURSE MODULES AND SUB-MODULES)**

##### **MODULE I**

- **Tracing the development of International Criminal Tribunals**
  - Post-World War I
  - Post-World War II
  - Post-Cold War
- **International Military Tribunals**
  - International Military Tribunal (Nuremberg Tribunal)
  - International Military Tribunal for the Far East (Tokyo Tribunal)
- **UN Ad hoc Tribunals**
  - International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (ICTY)
  - International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994 (ICTR)

## **MODULE II**

- **Evolution of the International Criminal Court**

- Developments prior to the Rome Conference
- The Rome Conference
- Negotiations at the Rome Conference
- Signatories
- Opposition
- Court becoming operational

- **Jurisdiction**

- Temporal (ratione temporis) jurisdiction
- Personal (ratione personae) jurisdiction
- Territorial (ratione loci) jurisdiction
- Acceptance of jurisdiction by a non-party State
- Subject-matter (ratione materiae) jurisdiction
- Admissibility
- Triggering of jurisdiction

- **Crimes before the ICC**

- War Crimes
- Crimes Against Humanity
- Genocide
- Aggression

## **MODULE III**

- **International Criminal Court**

- Composition of Court
- Administration of Court
- Investigation
- Prosecution
- Pre-trial
- Trial
- Appeal
- Revision
- Penalties
- Enforcement of sentence

## **MODULE IV**

- **Hybrid or Mixed Tribunals**

- Special Court for Sierra Leone
- East Timor Special Panels for Serious Crimes

- Extraordinary Chambers in the Courts of Cambodia
- War Crimes Chamber for Bosnia and Herzegovina
- Regulation 64 Panels of Kosovo
- Special Tribunal for Lebanon
- War Crimes Tribunal of Bangladesh
- Supreme Iraqi Criminal Tribunal

## 6. PRESCRIBED READINGS

- Cenap Cakmak, *A Brief History of International Criminal Law and International Criminal Court* (Palgrave Macmillan 2017).
- William A. Schabas, *An Introduction to the International Criminal Court* (3rd edn, Cambridge University Press 2007)
- Antonio Cassese, *International Criminal Law* (2nd edn, OUP 2008) Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 20 and 21.
- Gerhard Werle and Florian Jessberger, *Principles of International Criminal Law* (3rd edn, OUP 2014) Part One (A, B, D, F, G, H); Part Two (A, B, C, D, E, F, G, H); Parts Three, Four, Five, Six
- Ilias Bantekas and Susan Nash, *International Criminal Law* (3rd edn, Routledge-Cavendish 2007) Chapters 1, 2, 3, 4, 5, 6, 7, 8, 10, 17 and 18.
- Ilias Bantekas, *International Criminal Law* (4th edn, Hart Publishing 2010) Chapters 1, 2, 3, 4, 5, 7, 8, 9, 10, 12, 13, 21 and 22.
- Mohamed M. El Zeidy, *The Principle of Complementarity in International Criminal Law: Origin, Development and Practice* (Martinus Nijhoff Publishers 2008).
- Robert Cryer (et al), *An Introduction to International Criminal Law and Procedure* (Cambridge University Press 2007) Chapters 1, 2, 3, 4, 10, 11, 12, 13, 14, 15, 16, 17 and 18.
- Robert Cryer, *Prosecuting International Crimes* (Cambridge University Press 2005) Chapters 1, 5 and 6.
- Ronald C. Slye and Beth Van Schaack, *International Criminal Law* (Wolters Kluwer Law & Business 2009) Chapters 1, 2, 3, 4 and 5.
- Geert-Jan Alexander Kooops, *Defences in Contemporary International Criminal Law* (2nd edn, Martinus Nijhoff Publishers 2008).
- Ronald C. Slye and Beth Van Schaack, *International Criminal Law* (Wolters Kluwer Law & Business 2009) ) Chapters 6, 7, 8 and 10.
- William A. Schabas and Nadia Bernaz (eds), *Routledge Handbook of International Criminal Law* (Routledge 2011) Chapters 7, 8, 9, 10, 11, 15, 17, 18, 20, 22 and 25.
- Beatrice Krebs, 'Justifications and Excuses in Article 31(3) of the Rome Statute' (2013) 2(3) CAMBRIDGE JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW 382-410.
- John F. Murphy, "Challenges of the new terrorism" in David Armstrong (ed), *Routledge Handbook of International Law* (Routledge 2009) Chapter 19.
- Sergey Sayapin, *The Crime of Aggression in International Criminal Law* (Springer 2014).
- William Schabas, "International Crimes" in David Armstrong (ed), *Routledge Handbook of International Law* (Routledge 2009) Chapter 18.
- Christian Much, 'The International Criminal Court (ICC) and Terrorism as an International Crime' (2006) 14 MICHIGAN STATE JOURNAL OF INTERNATIONAL LAW 121-138.

- Guglielmo Verdirame, 'The Genocide Definition in the Jurisprudence of Ad hoc Tribunals' (2000) 49 INTERNATIONAL AND COMPARATIVE LAW QUARTERLY 578-598.
- Mary Ellen O'Connell & Mirakmal Niyazmatov, 'What is Aggression?' (2012) 10 JOURNAL OF INTERNATIONAL CRIMINAL JUSTICE 189-207.
- Massimo Renzo, 'Crimes Against Humanity and the Limits of International Criminal Law' (2012) 31 LAW AND PHILOSOPHY 443-476.

### **International Statutes**

- Charter of the International Military Tribunal
- Charter of the International Military Tribunal for the Far East
- Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991
- Statute of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994
- Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 90.
- Rules of Procedure and Evidence of the International Criminal Court
- Regulations of the International Criminal Court
- The International Crimes (Tribunals) Act, 1973
- Law on the Establishment of Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea
- Memorandum of Understanding between the Republic of Indonesia and the United Nations Transitional Administration in East Timor regarding Cooperation in Legal, Judicial and Human Rights Related Matters
- Regulation No. 2000/11 on the Organization of Courts in East Timor
- Regulation No. 2000/30 on Transitional Rules of Criminal Procedure
- Law of the Supreme Iraqi Criminal Tribunal
- UNMIK Regulation No. 2000/64 on Assignment of International Judges/Prosecutors and/or Change of Venue
- Statute of the Special Tribunal for Lebanon
- Lebanese Criminal Code
- Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Residual Special Court for Sierra Leone
- Statute of the Special Court for Sierra Leone
- Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone