

## **INTERNATIONAL CRIMINAL COURT**

***Responsible Faculty Instructor:***  
**Gudmundur Eiriksson 91210**  
Professor

Credits: 2

Credits Type: Elective

Cross-registration: No

Pre-requisites: None

### **COURSE DESCRIPTION (COURSE VISION):**

The course provides an introduction to the field of international criminal law through a study of the practice and procedures of the International Criminal Court (“the Court”). It focuses on the evolution of individual criminal responsibility under international law and the role of international criminal courts in the prosecution of crimes of concern to the international community as a whole. It involves a comprehensive treatment of the origins of the Court and its work to date, as well as its future prospects, in the light of academic and Government comments on its working methods and record.

### **TEACHING METHODOLOGY:**

Since most contemporary practice takes place in the realm of international law, more specifically through the application of international agreements, the course will commence with an overview on the nature of international law and the law of treaties, as well as on the work of the United Nations International Law Commission on international criminal law. Following a treatment of the historical background of international adjudication, beginning with the International Military Tribunal for Germany (Nuremberg Tribunal) and the International Military Tribunal for the Far East (Tokyo trials) and proceeding to the immediate precursors of the Court, namely the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), the negotiations leading to the adoption of the Rome Statute will be discussed. Thereafter, through lectures and readings, the Rome Statute and other basic instruments of the Court will be dealt with.

### **INTENDED LEARNING OUTCOMES:**

**Analyse and critically describe** the main substantive rules of international criminal law.

**Demonstrate an ability to analyse international treaties** through a study of the constituent documents of the International Criminal Court.

**Present orally** results of legal research.

READING LIST (upto 10 select readings):

1. Robert Cryer, Hakan Friman, Darryl Robinson, Elizabeth Wilmshurst, *Introduction to International Criminal Law and Procedure*, Cambridge University Press, 2<sup>nd</sup> Edition (2010)
2. Van Schaack, B. & Slye, R. (2010) INTERNATIONAL CRIMINAL LAW AND ITS ENFORCEMENT: CASES AND MATERIALS, New York, Foundation Press, 4-203 [4-26, 99-160] – Jerry Fowler, Page 65-97.
3. Bassiouni, M.C. (1983) *The Penal Characteristics of Conventional International Criminal Law*, 15 CASE WESTERN INTERNATIONAL JOURNAL OF INTERNATIONAL LAW, Page 27-37.
4. Bassiouni, M.C. (1997) *From Versailles to Rwanda in Seventy-Five Years: The Need to Establish a Permanent International Criminal Court*, 10 HARVARD HUMAN RIGHTS JOURNAL, Page 11-62.
5. Kittichaisaree, K. (2001) INTERNATIONAL CRIMINAL LAW, Oxford, Oxford University Press, Page 43-63.
6. Hall, C.K. (1998) *The First Proposal for a Permanent International Criminal Court*, INTERNATIONAL REVIEW OF THE RED CROSS, no. 322, Page 57-74.
7. Shraga, D. & Zacklin, R. (1994) *The International Criminal Tribunal for the Former Yugoslavia*, 5 EUROPEAN JOURNAL OF INTERNATIONAL LAW, Page 360-380.
8. Moghalu, K.C. (2002) *Image and Reality of War Crimes Justice: External Perceptions of the International Criminal Tribunal for Rwanda*, 26 FLETCHER FORUM OF WORLD AFFAIRS, Page 21-46.
9. Kirsch, P. & Robinson, D. (2002) Reaching Agreement at the Rome Conference, in Cassesse, A. et al. (eds.), THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT: A COMMENTARY, Oxford, Oxford University Press, Page 67-91.
10. Schabas, W.A. (Sixth Edition, 2022) *An Introduction to the International Criminal Court*, Cambridge, Cambridge University Press: Jurisdiction, Page 51-180; Admissibility, Page 181-202; General Principles of Criminal Law, Page 203-248.

WEEKLY READING PLAN (WEEKLY OUTLINE):

A weekly plan is provided below:

MODULES	WEEK(S)
<b>MODULE 1: TITLE</b> <ul style="list-style-type: none"> <li>• Module Description</li> </ul>	-
I. Introduction to course II. Selected aspects of public international law <ul style="list-style-type: none"> <li>The nature of public international law</li> <li>The law of treaties</li> </ul> III. Assignment of cases/special projects/moots IV. Scope of International Criminal Law V. Bases of criminal jurisdiction	Week 1

VI. Historical Background to International Adjudication		
CONTD.		Week 2
I.	The Work of the United Nations International Law Commission on international criminal law	Week 3
II.	<a href="#"><u>International Military Tribunal for Germany</u></a> (Nuremberg Tribunal)	
III.	<a href="#"><u>International Military Tribunal for the Far East</u></a> (Tokyo trials)	
IV.	<a href="#"><u>International Criminal Tribunal for the former Yugoslavia</u></a> (ICTY)	
V.	<a href="#"><u>International Criminal Tribunal for Rwanda</u></a> (ICTR)	
VI.	The Negotiations Leading to the Adoption of the Rome Statute	
CONTD.		Week 4
The International Criminal Court: Practice and Procedure		Week 5
1)	Legal structure	
2)	Crimes within the jurisdiction of the Court	
CONTD.		Week 6
CONTD.		Week 7
Mid -Term		Week 8
Jurisdiction of the Court		Week 9
CONTD.		Week 10
1)	General principles of criminal law	
2)	Composition and administration of the Court	
3)	Investigation and prosecution	
4)	The trial	
1)	Miscellaneous	
	Imprisonment; Expenses	
1)	Elements of Crimes	
2)	Rules of Procedure and Evidence	
3)	Questions not covered in the Statute	
	Nuclear weapons; other weapons of mass destruction;	
drug trafficking; ecocrimes		
4)	Review Conference	
“Internationalized Courts and Tribunals”		Week 13
REVISION		Week 14