

## International Criminal Law – Bachelor in Law (1<sup>st</sup> cycle)

### I. Instructor

**Name:** Athina Sachoulidou

**Department:** Nova Law School

**Contact Information:** [athina.sachoulidou@gmail.com](mailto:athina.sachoulidou@gmail.com) (office address, telephone number and NOVA e-mail TBC)

**Office Hours:** Mondays, 15:00 – 17:00 (Please contact me previously by e-mail or in person after the end of the class for appointments outside office hours.)

### II. Course Information

**Course Title:** International Criminal Law

**Course Area:** OPR4

**Semester:** Winter Semester 2019/20

**Calendar Description:** Week 45 – Week 50

**Meeting Times:** Mondays, 09:00 – 12:00 & Fridays, 14:00 – 17:00

**Venue:** Room 005 on Mondays & Amphitheatre A on Fridays

**Credits:** 4 ECTS

**Pre-requisites:** This course will be offered as part of the Bachelor in Law (1<sup>st</sup> cycle) at Nova Law School. To attend the course, it is expected that the students have thorough knowledge of substantive (and procedural) criminal law, and basic knowledge of international public law.

### III. Course Description

This course will provide an insight into international criminal law in terms of a relatively new field of international law. For this purpose and after having delineated the notions “international justice”, “international criminal law” and “international crimes”, it will begin with an examination of the historical development of international criminal law (e.g. by looking into the predecessors of the ICC and exploring their origins, structure and jurisdiction). The course will proceed with discussing thoroughly the sources of international criminal law as well as interpretation in it. It will also place significant importance on modes of liability and grounds for excluding it in the broader context of international criminal law.

Given that “international criminal law” operates on both domestic and international level, the course will address the prosecution of international crimes in both national criminal courts (e.g. prosecution of organised crime, money-laundering, human trafficking, terrorism) and international ones (prosecution of genocide, crimes against humanity, war crimes and aggression), by examining both the respective theory and cases. As far as the prosecution of international crimes in international courts is concerned, the course will focus on the function of the ICC and the procedure before it, and particularly on the rules included in the Rome Statute. To assess the understanding of the latter, international tribunals that took place before the ICC will be presented in the class. At the end of the course, the students will explore with the help of the instructor the future of international criminal justice.

### IV. Learning Outcomes

After successfully completed this course, students will be able to:

1. identify concepts, terminology, sources and arenas of international criminal law,
2. apply common concepts of criminal law in the field of international criminal law,
3. distinguish between transnational crimes prosecuted before domestic courts and international crimes prosecuted before international courts,

4. work on cases related to the function of the ICC using the provisions of the Rome Statute,
5. and develop arguments on the intersection between criminal justice and politics at international level.

## **V. Course Structure (6 weeks; 2 meetings/week; 3 hours/meeting)**

### **Week 1**

1<sup>st</sup> Meeting – 4 November: Introduction to “international justice”, “international criminal law”, “international crimes”; Course agenda presentation

2<sup>nd</sup> Meeting – 7 November: History of international criminal law (war crime trials, ad hoc tribunals, regional and hybrid courts)

### **Week 2**

1<sup>st</sup> Meeting – 11 November: Sources and interpretation in international criminal law

2<sup>nd</sup> Meeting – 15 November: Modes of liability and grounds for excluding it

### **Week 3**

1<sup>st</sup> Meeting – 18 November: Prosecution of international crimes before national courts I – Regulatory framework

2<sup>nd</sup> Meeting – 22 November: Prosecution of international crimes before national courts II – Transnational crimes (e.g. terrorism, money-laundering, human trafficking, terrorism)

### **Week 4**

1<sup>st</sup> Meeting – 25 November: Prosecution of international crimes before international courts I – The Rome Statute

2<sup>nd</sup> Meeting – 29 November: Prosecution of international crimes before international courts II – International Crimes I (genocide and crimes against humanity)

### **Week 5**

1<sup>st</sup> Meeting – 2 December: Prosecution of international crimes before international courts III – International Crimes II (war crimes and aggression)

2<sup>nd</sup> Meeting – 6 December: Prosecution of international crimes before international courts IV – Procedure before the ICC

### **Week 6**

1<sup>st</sup> Meeting – 9 December: Prosecution of international crimes before international courts V – International tribunals

2<sup>nd</sup> Meeting – 13 December: The future of the international criminal justice

## **VI. Assessment Methods**

Students’ assessment will proceed on the basis of a 3-hour written exam, which will take place on January 27, 2020 at 09:00 o’ clock. Students will have to answer to both short and open questions, and solve exercises related to the previously described learning outcomes (see Session IV).

## **VII. Additional matters**

1. The course will consist of short lectures and seminar-style discussion. This said, the students are expected to actively participate in the in-class discussion (including exercises solving), and work on readings to be made accessible before each meeting. This kind of active participation in the class also includes *discussing at the beginning*

of each meeting the “muddiest” point of the previous one to answer any remaining understanding questions, and giving thoughtful feedback to their colleagues.

2. The syllabus can be subject to adjustments reflecting the progress of the scheduled meetings. Students will be alerted on time in class of any changes to the syllabus. The latter will be regularly updated online.

## **VIII. Readings and Resources**

### **1. Legal texts**

- Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague (18 October 1907), available at: <https://ihl-databases.icrc.org/ihl/INTRO/195>
- The Geneva Conventions (12 August 1949), available at: <https://www.icrc.org/en/doc/assets/files/publications/icrc-002-0173.pdf>
- UN Convention on the Prevention and Punishment of the Crime of Genocide (9 December 1948), available at: [https://www.oas.org/dil/1948\\_Convention\\_on\\_the\\_Prevention\\_and\\_Punishment\\_of\\_the\\_Crime\\_of\\_Genocide.pdf](https://www.oas.org/dil/1948_Convention_on_the_Prevention_and_Punishment_of_the_Crime_of_Genocide.pdf)
- European Convention for the Protection of Human Rights and Fundamental Freedoms (4 November 1950), available at: [https://www.echr.coe.int/Documents/Convention\\_ENG.pdf](https://www.echr.coe.int/Documents/Convention_ENG.pdf)
- UN International Covenant on Civil and Political Rights (16 December 1966), available at: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>
- UN Principles of International Cooperation in the Detection, Arrests, Extradition and Punishment of Persons Guilty of War Crimes, and Crimes against Humanity (3 December 1973), available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/PersonsGuilty.aspx>
- UN Model Treaty on Mutual Assistance in Criminal Matters (14 December 1990), available at: [https://www.unodc.org/pdf/model\\_treaty\\_mutual\\_assistance\\_criminal\\_matters.pdf](https://www.unodc.org/pdf/model_treaty_mutual_assistance_criminal_matters.pdf)
- UN Model Treaty on Transfer of Proceedings in Criminal Matters (14 December 1990), available at: <https://digitallibrary.un.org/record/105575>
- \* Statute of the International Criminal Tribunal for the Former Yugoslavia (25 May 1993; adopted by Resolution 827), available at: [http://www.icty.org/x/file/Legal%20Library/Statute/statute\\_sept\\_09\\_en.pdf](http://www.icty.org/x/file/Legal%20Library/Statute/statute_sept_09_en.pdf)
- \* Statute of the International Criminal Tribunal for Rwanda (8 November 1994, adopted by Resolution 955), available at: [https://unictr.irmct.org/sites/unictr.org/files/legal-library/100131\\_Statute\\_en\\_fr\\_0.pdf](https://unictr.irmct.org/sites/unictr.org/files/legal-library/100131_Statute_en_fr_0.pdf)
- \* Rome Statute of the International Criminal Court (17 July 1998), available at: <https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf>
- UN Convention against Transnational Organized Crime (Palermo Convention – 15 November 2000), available at: [https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/UNITED\\_NATIONS\\_CONVENTION\\_AGAINST\\_TRANSNATIONAL\\_ORGANIZED\\_CRIME\\_AND\\_THE\\_PROTOCOLS\\_THERETO.pdf](https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/UNITED_NATIONS_CONVENTION_AGAINST_TRANSNATIONAL_ORGANIZED_CRIME_AND_THE_PROTOCOLS_THERETO.pdf)
- \* ICC Elements of Crimes (9 September 2002), available at: <https://www.icc-cpi.int/NR/rdonlyres/336923D8-A6AD-40EC-AD7B-45BF9DE73D56/0/ElementsOfCrimesEng.pdf>
- \* ICC Rules of Procedure and Evidence (3-10 September 2002), available at: <https://www.icc-cpi.int/iccdocs/pids/legal-texts/rulesprocedureevidenceeng.pdf>

### **2. Books**

- Cryer, R./Friman, H./Robinson, D./Wilmshurst, E. (2010), *An Introduction to International Criminal Law and Procedure*, 2<sup>nd</sup> edition, Cambridge: Cambridge University Press

- Satzger, H. (2018), *International and European Criminal Law*, 2<sup>nd</sup> edition, Munich; Oxford; Baden-Baden: C.H. Beck
- Triffterer, O./Ambos, K. (eds.) (2016), *Rome Statute of the International Criminal Court. A commentary*, 3<sup>rd</sup> edition, Munich: Beck

### 3. Articles

- Askin, K. (1999), Crimes within the Jurisdiction of the International Criminal Court, *Criminal Law Forum* 10: 33-59
- Clark, R. (2001), The Mental Element in International Criminal Law: The Rome Statute of the International Criminal Court and the Elements of Offences, *Criminal Law Forum* 12: 291-334
- Cryer, R. (2006), International Criminal Law vs State Sovereignty: Another Round?, *European Journal of International Law* 16 (5): 979-1000
- Graefrath, B. (1990), Universal Jurisdiction and an International Criminal Court, *European Journal of International Law* (1990): 67-88
- Kai, A. (1999), General Principles of Criminal Law in the Rome Statute, *Criminal Law Forum* 10: 1-32
- Nsereko, D. (1999), The International Criminal Court: Jurisdictional and Related Issues, *Criminal Law Forum* 10: 87-120
- Philips, R. (1999), The International Criminal Court Statute: Jurisdiction and Admissibility, *Criminal Law Forum* 10: 61-85
- Schabas, W. (2001), International Criminal Court: The Secret of its Success, *Criminal Law Forum* 12: 415-428
- Tallgren, I. (2002), The Sensibility and Sense of International Criminal Law, *European Journal of International Law* 13 (3): 561-595

### IX. Optional Readings and Suggestions

Babaian S. (2018), *The International Criminal Court – An International Criminal World Court? Jurisdiction and Cooperation Mechanisms of the Rome Statute and its Practical Implementation*, Cham: Springer Nature

Bassiouni C. (ed.) (2008), *International Criminal Law*, Leiden: Martinus Nijhoff

Boas, G./Bischoff J./Reid N./Don Taylor B. (2011), *International Criminal Procedure*, Cambridge: Cambridge University Press

Brown, B. (ed.) (2011), *Research Handbook on International Criminal Law*, Cheltenham; Northampton: Edward Elgar Publishing Limited

Cassese, A. (ed.) (2009), *The Oxford companion to international criminal justice*, Oxford; New York: Oxford University Press

Çakmak C. (2017), *A Brief History of International Criminal Law and International Criminal Court*, New York: Springer Nature

Damaška M. (2008), What is the Point of International Criminal Justice, *Chicago-Kent Law Review* 83: 329

Grover, L. (2014), *Interpreting Crimes in the Rome Statute of the International Criminal Court*, Cambridge: Cambridge University Press

Huikuri S. (2019), *The Institutionalization of the International Criminal Court*, Cham: Springer Nature

Sloane R. (2007), The Expressive Capacity of International Punishment, *Stanford Journal of International Law* 43: 39

Van der Wilt, H./Paulussen, C. (eds.) (2017), *Legal responses to transnational and international crimes*, Cheltenham: Edward Elgar Publishing Limited

Zeegers K. (2016), *International Criminal Tribunals and Human Rights Law. Adherence and Contextualization*, Dordrecht: Springer Nature