

Module Title: International Criminal Law
Credit Points: 10 ECTS / 20 UK credits

Overview:

The module in International Criminal Law examines selected issues and current problems involving the criminal law aspects of international law. The course looks at the origin and purpose of international criminal law and it examines the duty to prosecute those who commit international crimes. It also focuses on the application of domestic and international law to the question of jurisdiction over international criminal activities. The course will further examine the substantive international law as contained in multi-lateral treaties concerning terrorism, war crimes and crimes against humanity. Lastly, the course will cover the International Criminal Tribunals for Former Yugoslavia and Rwanda and the permanent International Criminal Court.

Aims (To provide students with):

- an understanding of the historical and political forces leading to the creation of international criminal law
- a detailed knowledge of the theoretical basis of the principles underpinning international criminal law
- an awareness of the treaties governing international criminal law and of the tribunals which enforce them
- a practical knowledge of the proceedings before international criminal law tribunals

Module Content

- 'Horizontal' international criminal law
 - National jurisdiction to prescribe criminal laws
 - The concept of 'universal jurisdiction'
 - Ex Parte Pinochet (UK HL); Princeton Principles of Universal Jurisdiction; ICJ
- Arrest Warrant of 11 April 2000 (Congo v Belgium) Congo v France)
 - National jurisdiction to enforce criminal laws
- 'Vertical' international criminal law
 - The substantive international law
 - The concept of an international crime – definition and elements of international crimes
 - Crimes under general international law (i): general
 - Genocide (Genocide Convention (1948);
 - Crimes Against Humanity (Prosecutor v Akayesu ICTR 1998);
 - War Crimes; Crimes Against Peace, Nuremburg Principles, Art 2 para, 5
- Rome Statute
 - Crimes under general international law (ii): imposing responsibility
 - Individual Responsibility
 - Historical development; Treaty Of Versailles (1919); Nuremburg and Tokyo
- International Military Tribunals; Geneva Convention (1949); ILC Draft Codes Against the Peace and Security of Mankind (1996)
 - Crimes under general international law (iii): excluding responsibility
 - Modes of criminal responsibility and defences (Prosecutor v Blaskic ICTY 2004)
 - Treaty crimes (i): general
 - Treaty crimes (ii): focus on treaty-based responses to terrorism
- Enforcement
 - International crimes in municipal law and courts (i): imposing and excluding responsibility
 - International crimes in municipal law and courts (ii): immunity and inviolability
 - International crimes in municipal law and courts (iii): amnesties and statutes of limitation
 - International criminal tribunals (i): the International Criminal Tribunals for the former Yugoslavia and Rwanda
 - International criminal tribunals (ii): the Special Court for Sierra Leone
 - International criminal tribunals (iii): the International Criminal Court

- International criminal procedure
- The role of the UN Security Council
- Procedure in International Criminal Proceedings
 - The rules of procedure and evidence at the ICC, ICTY, ICTR and SCSL
 - Admissibility (ICC)
 - Investigation
 - Indictment/statement of charges
 - Arrest or surrender
 - Initial appearance
 - Pre-trial proceedings generally
 - Role of the pre-trial chamber at ICC compared to the ICTY and ICTR
 - Role of victims in ICC pre-trial and trial proceedings
 - Pre-trial briefs, lists of exhibits and lists of witnesses
 - The Course of the Trial

Indicative Reading

- Cassese, A., 2008. International Criminal Law 2nd ed., OUP Oxford.
- Cryer, Friman, Robinson and Wilmschurst, An Introduction to International Criminal Law and Procedure, (Cambridge University Press 2007)
- ICRC Report on the Treatment of Fourteen "High Value Detainees" in CIA Custody, 14 February 2007: <http://www.nybooks.com/icrc-report.pdf>
- International Criminal Tribunal for the Former Yugoslavia (ICTY), Statute, Article 7
- <http://www.un.org/icty/legaldoc-e/index.htm> and click Statute)
- International Criminal Tribunal for Rwanda (ICTR), Statute, Article 6. (temporary internet site: <http://69.94.11.53/ENGLISH/basicdocs/statute.html>)
- International Criminal Court (ICC), Statute, Article 27.
- <http://www.icc-cpi.int/about.html> and click on Rome Statute)
- The Manual of the Law of Armed Conflict, UK Ministry of Defence, (Oxford University Press 2005)
- Report of the International Committee of the Red Cross (ICRC) on the Treatment by the Coalition Forces of Prisoners of War and other Protected Persons by the Geneva Conventions in Iraq during Arrest, Internment and Interrogation, February 2004: http://www.globalsecurity.org/military/library/report/2004/icrc_report_iraq_feb2004.pdf
- Schabas, W.A., 2007. An Introduction to the International Criminal Court 3rd ed., Cambridge University Press.
- Schabas, W.A., 2006. The UN International Criminal Tribunals: The Former Yugoslavia, Rwanda and Sierra Leone 1st ed., Cambridge University Press.

Assessment methods

30% Assignment
70% Exam