



NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM

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

DETAILS OF COURSE OFFERED

ODD SEMESTER – ACADEMIC YEAR 2022-23

| SL. No | COURSE CODE | COURSE TITLE | L | T | P | CR | CH |
|--------|-------------------|----------------------------------|---|---|---|----|----|
| 1. | 703 CR OP I | INTERNATIONAL CRIMINAL LAW- I | 4 | | 1 | 4 | 5 |

A. CODE AND TITLE OF THE COURSE: 703 CR OP I

INTERNATIONAL CRIMINAL LAW - I

B. COURSE CREDIT: 4 (TOTAL MARKS 100)

C. MEDIUM OF INSTRUCTION: ENGLISH

D. COURSE COMPILED BY: DR. GITANJALI GHOSH

E. COURSE INSTRUCTOR: DR. GITANJALI GHOSH

1. OBJECTIVE OF STUDY

The objectives of the course are as follows:

- To provide students with an understanding of the development of international criminal law
- To introduce students to the principles of jurisdiction, elements of crimes, modes of liability, justifications and excuses, immunities under international criminal law
- To elucidate on the international crimes of war crimes, genocide, crimes against humanity, aggression, torture and terrorism

2. COURSE LEARNING OUTCOME

At the completion of the course, it is 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 and produce at least one research paper of publishable quality
- Desire to take up criminal law for further studies

3. DETAILED STRUCTURE OF THE COURSE

Module 1

Fundamentals of International Criminal Law

Main features of International Criminal Law

Sources of International Criminal Law

Notion of International Crimes

Principle of Legality- Substantive Justice and Strict Legality

Historical Evolution of International Criminal Law

Early Attempts

Nuremberg and Tokyo Tribunals

Cold War Period

ICTY and ICTR

ICC

Hybrid or Mixed Courts

International and National Jurisdiction

Direct and Indirect Enforcement

Exclusive jurisdiction (Nuremberg Model)

Precedence of International Criminal Tribunals (UN Ad hoc Tribunals Model)

Precedence of Domestic Courts

Complementarity (ICC model)

Module 2

Elements of International Crimes

Objective Element
Subjective Element
Intent
Special Intent (*Dolus Specialis*)
Recklessness
Knowledge
Gross Negligence
Negligence

Modes of Criminal Liability

Perpetration
Joint Criminal Enterprise
Indirect Perpetration
Co-perpetration
Conspiracy
Attempts
Aiding and Abetting
Ordering
Planning and Preparation
Instigating
Inchoate Crimes
Superior Responsibility
Command Responsibility

Circumstances excluding Criminal Liability

Self-defence
Necessity and Duress
Mistake of Fact
Mistake of Law
Intoxication
Mental Incapacity
Superior Orders

Immunities

Classes of immunities
Functional and personal immunities
Lifting of immunities in cases of international crimes

Module 3

War Crimes

Notion of the offence
Origin of the offence
Link between the offence and armed conflict- international or non-international
Objective Elements of the offence
Subjective Elements of the offence

Crimes Against Humanity

Notion of the offence
Origin of the offence
Objective Elements of the offence
Subjective Elements of the offence

Genocide

Notion of the offence
Origin of the offence
Objective Elements of the offence
Subjective Elements of the offence
Genocide Convention

Module 4

Aggression

Notion of the offence
Origin of the offence
Objective Elements of the offence
Subjective Elements of the offence

Torture

Notion of the offence
Origin of the offence
Objective Elements of the offence
Subjective Elements of the offence
Torture under international human rights law

Terrorism

Notion of the offence
Origin of the offence
Efforts to codify
Diverse forms

4. PRESCRIBED READINGS

- ANTONIO CASSESE, INTERNATIONAL CRIMINAL LAW (2d ed. OUP 2008).

- GERHARD WERLE & FLORIAN JESSBERGER, PRINCIPLES OF INTERNATIONAL CRIMINAL LAW (3d ed. OUP 2014).
- ILIAS BANTEKAS, INTERNATIONAL CRIMINAL LAW (4th ed. Hart Publishing 2010).
- ROBERT CRYER ET AL., AN INTRODUCTION TO INTERNATIONAL CRIMINAL LAW AND PROCEDURE (Cambridge University Press 2007).
- RONALD C. SLYE & BETH VAN SCHAACK, INTERNATIONAL CRIMINAL LAW (Wolters Kluwer Law & Business 2009).
- GEERT-JAN ALEXANDER KNOOPS, DEFENCES IN CONTEMPORARY INTERNATIONAL CRIMINAL LAW (2d ed. Martinus Nijhoff Publishers 2008).
- ROUTLEDGE HANDBOOK OF INTERNATIONAL CRIMINAL LAW (William A. Schabas & Nadia Bernaz eds., Routledge 2011).
- SERGEY SAYAPIN, THE CRIME OF AGGRESSION IN INTERNATIONAL CRIMINAL LAW (Springer 2014).