



**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.	704 CR OP II	INTERNATIONAL CRIMINAL LAW- II	4		1	4	5

**A. CODE AND TITLE OF THE COURSE: 704 CR OP II**

**INTERNATIONAL CRIMINAL LAW - II**

**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 elucidate on the international crimes of war crimes, genocide, crimes against humanity, aggression, torture and terrorism
- To provide students with an understanding of international criminal trials
- To discuss various international criminal tribunals and courts including Nuremberg Tribunal, Tokyo Tribunal, ICTY, ICTR, ICC and mixed tribunals

## 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

#### 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 2

## **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 3**

### **International Criminal Court**

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

## **Module 4**

### **Hybrid or Mixed Tribunals**

Special Court for Sierra Leone  
Special Panels in Dili District Court, East Timor  
Extraordinary Chambers in the Courts of Cambodia  
War Crimes Chamber for Bosnia and Herzegovina

Special Tribunal for Lebanon  
War Crimes Tribunal of Bangladesh  
Iraqi High Crimes Tribunal

#### **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).