

## Course Outline

<b>Course number</b>	<b>RMP134</b>
<b>Course title</b>	<b>International Criminal Law</b>
<b>Credit points</b>	3 ECTS (2 LV CP)
<b>Total hours</b>	24
<b>Course level</b>	Masters
<b>Prerequisites</b>	None

### COURSE RESPONSIBLE

<b>Name</b>	<b>Academic degree</b>	<b>Academic position</b>
Raphael Oidtmann	MA; MCL; MSt	Parliamentary and Legal Advisor, State Parliament of Hesse; Adjunct Lecturer in International Law, Mannheim Law School; PhD Candidate, Goethe University Frankfurt

### COURSE ABSTRACT

One of the most significant developments both in international law and international relations throughout the last three decades has been the (re-)emergence of an international legal order based on a robust interpretation of the concept of international criminal justice. By establishing both international and hybrid criminal courts addressing international core crimes such as genocide, crimes against humanity and war crimes, the international community has demonstrated an ever more growing commitment to end impunity for the most heinous crimes affecting mankind as a whole and to hold those bearing individual criminal responsibility personally liable.

This course offers a comprehensive introduction to international criminal law (ICL) and familiarizes students with a fundamental understanding of this increasingly important realm of public international law. In a first take, the course provides an overview both of international criminal law's theoretical foundations as well its historical development before turning towards its fundamental principles, including individual criminal responsibility. Subsequently, the course will turn towards (some of) the key actors in past and present international criminal justice, most importantly the ad-hoc tribunals for the Former Yugoslavia and Rwanda as well as the International Criminal Court (ICC) before turning towards both the procedural and substantive dimensions of international criminal law, including an in-depth assessment of the four core international crimes genocide, crimes against humanity, war crimes, and the crime of aggression. Subsequently, contemporary ICL-related developments – such as most importantly in the context of the War in Ukraine – will be addressed and complemented by an invited guest lecture.

The course relies on a dual approach where theory is followed by practice: thus, several lectures are followed by a seminar where the material of the preceding session is discussed and applied *in concreto*.

## GRADING CRITERIA

Criteria	Weighting
Final exam	60%
Reflection paper (c. 1,000 words)	40%

**Please note that active participation in all course seminars may increase the final grade by 1 point.**

## COURSE REQUIREMENTS

To pass this course, students need to pass a final exam and to submit/pass a short reflection paper on a given topic.

Students are strongly encouraged to actively participate in lectures and seminars and make informed contributions.

## COURSE PLAN – MAIN SUBJECTS

No.	Main subjects	Planned sessions
1	History and principles of international criminal law	3
2	Key actors of international criminal law	3
3	International crimes: theory and practice	5
4	Current challenges in international criminal law	1

## **COURSE PLAN – SESSIONS**

Session	Subjects and readings	Lecturer
1	<p><b>Principles of International Criminal Law</b></p> <p>Mandatory reading:</p> <p>Robert Cryer et al., <i>An Introduction to International Criminal Law and Procedure</i>, 4th ed. (Cambridge: Cambridge University Press, 2019), Chapter 2: 'The Aims, Objectives and Justifications of International Criminal Law'; Chapter 6: 'The History of International Criminal Prosecutions: Nuremberg and Tokyo'.</p> <p>Gerhard Werle, "Individual Criminal Responsibility in Article 25 ICC Statute," <i>Journal of International Criminal Law</i> 5 (2007), pp. 953–975.</p> <p>ICC, <i>Prosecutor v. Al-Bashir</i>, No. ICC-02/05-01/09, Appeals Judgment, 6 May 2019, paras. 95–162.</p>	Raphael Oidtmann
2	<p><b>History of international criminal law</b></p> <p>Mandatory reading:</p> <p>Robert Cryer et al., <i>An Introduction to International Criminal Law and Procedure</i>, 4th ed. (Cambridge: Cambridge University Press, 2019), Chapter 6: 'The History of International Criminal Prosecutions: Nuremberg and Tokyo'.</p> <p>United Nations, <i>Agreement for the Prosecution and Punishment of the Major War Criminals of the European Axis</i> ('London Agreement'), 8 August 1945, 82 U.N.T.C. 280. Available at: <a href="https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.2_Charter%20of%20IMT%201945.pdf">https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.2_Charter%20of%20IMT%201945.pdf</a>.</p> <p><i>Nuremberg Principles</i>. Available at: <a href="https://legal.un.org/ilc/texts/instruments/english/draft_articles/7_1_1950.pdf">https://legal.un.org/ilc/texts/instruments/english/draft_articles/7_1_1950.pdf</a>.</p>	Raphael Oidtmann
3	<p><b>Understanding International Crimes</b></p> <p>Mandatory reading:</p> <p>Carsten Stahn, <i>A Critical Introduction to International Criminal Law</i> (Cambridge: Cambridge University Press, 2018), Chapter 1: "International Crimes".</p>	Raphael Oidtmann
4	<p><b>Conceptualizing War Crimes</b></p> <p>Mandatory reading:</p> <p>Robert Cryer et al., <i>An Introduction to International Criminal Law and Procedure</i>, 4th ed. (Cambridge: Cambridge University Press, 2019), Chapter 12: 'War Crimes';</p> <p>Harmen van der Wilt, 'War Crimes and the Requirement of a Nexus with an Armed Conflict', <i>Journal of International Criminal Justice</i>, Vol. 10(5) (2012): 1113–1128.</p>	Raphael Oidtmann

Session	Subjects and readings	Lecturer
5	<p><b>Conceptualizing Crimes Against Humanity</b></p> <p>Mandatory reading:</p> <p>Robert Cryer et al., <i>An Introduction to International Criminal Law and Procedure</i>, 4th ed. (Cambridge: Cambridge University Press, 2019), Chapter 11: 'Crimes Against Humanity'.</p> <p>Leila Nadya Sadat, "Crimes against Humanity in the Modern Age," <i>American Journal of International Law</i>, Vol. 107 (2013): 334–372;</p> <p>International Law Commission, 'Draft Articles on Prevention and Punishment of Crimes Against Humanity', 2019. Available at: <a href="https://legal.un.org/ilc/texts/instruments/english/draft_articles/7_7_2019.pdf">https://legal.un.org/ilc/texts/instruments/english/draft_articles/7_7_2019.pdf</a>.</p> <p>ICTY, <i>Prosecutor v. Tadić</i>, IT-94-1, Appeals Judgement, 15 July 1999, paras. 238–272.</p>	Raphael Oidtmann
6	<p><b>Conceptualizing Genocide</b></p> <p>Robert Cryer et al., <i>An Introduction to International Criminal Law and Procedure</i>, 4th ed. (Cambridge: Cambridge University Press, 2019), Chapter 10: 'Genocide'.</p> <p>United Nations, <i>Convention on the Prevention and Punishment of the Crime of Genocide</i>, 9 December 1948., U.N.T.S. 78 277, Articles I–VIII;</p> <p>ICTR, <i>Prosecutor v. Rutaganda</i>, Case No. ICTR-96-3-T, Trial Judgement, 6 December 1999, paras. 59–63;</p> <p>ICTR, <i>Prosecutor v. Akayesu</i>, ICTR-96-4-T, Trial Judgment, 2 September 1998, paras. 492–524.</p>	Raphael Oidtmann
7	<p><b>Conceptualizing the Crime of Aggression</b></p> <p>Mandatory reading:</p> <p>Robert Cryer et al., <i>An Introduction to International Criminal Law and Procedure</i>, 4th ed. (Cambridge: Cambridge University Press, 2019), Chapter 13: 'Aggression'.</p> <p>Elements of Crimes, Article 8<sup>bis</sup>. Available at: <a href="https://www.icc-cpi.int/sites/default/files/ElementsOfCrimesEng.pdf">https://www.icc-cpi.int/sites/default/files/ElementsOfCrimesEng.pdf</a>;</p> <p>Jennifer Trahan, 'Revisiting the History of the Crime of Aggression in the Light of Russia's Invasion of Ukraine', <i>American Society of International Law Insights</i>, Vol. 26(2) (2022). Available at: <a href="https://www.asil.org/insights/volume/26/issue/2">https://www.asil.org/insights/volume/26/issue/2</a>.</p>	Raphael Oidtmann
8	<p><b>International Criminal Procedure</b></p> <p>Mandatory Reading:</p> <p>Robert Cryer et al., <i>An Introduction to International Criminal Law and Procedure</i>, 4th ed., (Cambridge: Cambridge University Press, 2019), Chapter 15: General Principles of Liability'; Chapter 16: 'Defences/Grounds for Excluding Criminal Responsibility'; Chapter 21: 'Immunities'.</p>	Raphael Oidtmann

<b>Session</b>	<b>Subjects and readings</b>	<b>Lecturer</b>
9	<p><b>The International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda</b></p> <p>Mandatory reading:</p> <p>Robert Cryer et al., <i>An Introduction to International Criminal Law and Procedure</i>, 4th ed. (Cambridge: Cambridge University Press, 2019), Chapter 7: 'The Ad Hoc International Criminal Tribunals'.</p>	Raphael Oidtmann
10	<p><b>Ad-hoc Tribunals: ECCC, STL &amp; SCSL</b></p> <p>Mandatory reading:</p> <p>Robert Cryer et al., <i>An Introduction to International Criminal Law and Procedure</i>, 4th ed. (Cambridge: Cambridge University Press, 2019), Chapter 9: 'Other Hybrid and Special Courts'</p>	Raphael Oidtmann
11	<p><b>The International Criminal Court</b></p> <p>Mandatory reading:</p> <p>Robert Cryer et al., <i>An Introduction to International Criminal Law and Procedure</i>, 4th ed. (Cambridge: Cambridge University Press, 2019), Chapter 8: 'The International Criminal Court'.</p> <p>David Bosco, <i>Rough Justice: The International Criminal Court in a World of Power Politics</i> (Oxford: Oxford University Press, 2014), pp. 38–60, 68–75.</p>	Raphael Oidtmann
12	<p><b>The War in Ukraine and International Criminal Law</b></p> <p>Mandatory reading:</p> <p>Jennifer Trahan, "U.N. General Assembly Should Recommend Creation of Crime of Aggression Tribunal for Ukraine: Nuremberg is Not The Model," <i>Just Security</i>, 7 March 2022. Available at: <a href="https://www.justsecurity.org/80545/u-n-general-assembly-should-recommend-creation-of-crime-of-aggression-tribunal-for-ukraine-nuremberg-is-not-the-model/">https://www.justsecurity.org/80545/u-n-general-assembly-should-recommend-creation-of-crime-of-aggression-tribunal-for-ukraine-nuremberg-is-not-the-model/</a>.</p> <p>Combined Statement Calling for the Creation of a Special Tribunal for the Punishment of the Crime of Aggression Against Ukraine and Declaration on a Special Tribunal for the Punishment of the Crime of Aggression Against Ukraine. Available at: <a href="https://gordonandsarahbrown.com/wp-content/uploads/2022/03/Combined-Statement-and-Declaration.pdf">https://gordonandsarahbrown.com/wp-content/uploads/2022/03/Combined-Statement-and-Declaration.pdf</a>.</p>	Raphael Oidtmann

## **COURSE LEARNING OUTCOMES**

The learning outcomes of this course are the following:

## Knowledge

Upon successful completion of the course, students:

1. will acquire basic knowledge on the history and current state of international criminal law;
2. will understand international criminal law terminology, systems, actors and institutions;
3. will learn about modern issues and recent debate around international criminal law;

## Skills

Upon successful completion of the course, students will develop:

1. legal research skills allowing them to engage in basic independent research in the field of international criminal law;
2. presentation skills to develop a legal argument;
3. skills necessary to apply international law to different historical, political, and socio-economic settings;

## Competencies

Upon successful completion of the course, students:

1. will be able to use knowledge, skills and personal, social and methodological abilities developed in the field of international criminal law;
2. will be able to identify the contemporary problems of the international legal systems and offer their solutions to them;
3. will have developed take a critical approach to different disciplines and various debates involving international law.

## COURSE RESULTS

<b>Study results</b>	<b>Evaluation criteria</b>		
	<b>(40-69%)</b>	<b>(70-89%)</b>	<b>(90-100%)</b>
<b>Knowledge</b>	The student has acquired only basic knowledge of the course subject. The student lacks an understanding of some of the core issues of the course subject.	Overall, the student's knowledge complies with the expectations. However, there are issues that the student does not fully understand in-depth.	The student has demonstrated in-depth knowledge and understanding of the issues related to the course subject.
<b>Skills</b>	The student has demonstrated only a basic level of skills.	The student has demonstrated good skills.	The student has demonstrated excellent skills.
<b>Competences</b>	The student can apply the knowledge only at a basic level. The student struggles with the assessment and evaluation of legal issues. The student can identify the relevant legal norms. However, the student cannot correctly apply them.	The student can apply the knowledge at a reasonably good level. However, the student does not have the necessary level to be able to fully apply the acquired knowledge independently. The student has some problems to correctly apply the legal norms.	The student can apply the knowledge independently and correctly. The student can assess and evaluate legal issues, identify the relevant legal norms, and correctly apply them.

<b>Grading criteria</b>	<b>Learning outcomes</b>								
	<b>1.</b>	<b>2.</b>	<b>3.</b>	<b>4.</b>	<b>5.</b>	<b>6.</b>	<b>7.</b>	<b>8.</b>	<b>9.</b>
Final exam	X	X	X	X		X	X		X
Reflection paper	X	X	X	X		X	X	X	X
Participation in class	X	X	X		X	X	X	X	X



## COURSE LITERATURE

### Compulsory literature

No.	Author, year, title, publisher
<b>Academic literature</b>	
1	Robert Cryer et al., <i>An Introduction to International Criminal Law and Procedure</i> , 4th ed. (Cambridge: Cambridge University Press, 2019).
2	Carsten Stahn, <i>A Critical Introduction to International Criminal Law</i> (Cambridge: Cambridge University Press, 2018).
3	David Bosco, <i>Rough Justice: The International Criminal Court in a World of Power Politics</i> (Oxford: Oxford University Press, 2014).
4	Gerhard Werle, "Individual Criminal Responsibility in Article 25 ICC Statute," <i>Journal of International Criminal Law</i> 5 (2007), pp. 953–975.
5	Leila Nadya Sadat, "Crimes against Humanity in the Modern Age," <i>American Journal of International Law</i> , Vol. 107 (2013): 334–372.
6	Harmen van der Wilt, "War Crimes and the Requirement of a Nexus with an Armed Conflict," <i>Journal of International Criminal Justice</i> , Vol. 10(5) (2012): 1113–1128.
7	Jennifer Trahan, "Revisiting the History of the Crime of Aggression in the Light of Russia's Invasion of Ukraine," <i>American Society of International Law Insights</i> , Vol. 26(2) (2022). Available at: <a href="https://www.asil.org/insights/volume/26/issue/2">https://www.asil.org/insights/volume/26/issue/2</a> .
8	Jennifer Trahan, "U.N. General Assembly Should Recommend Creation of Crime of Aggression Tribunal for Ukraine: Nuremberg is Not The Model," <i>Just Security</i> , 7 March 2022. Available at: <a href="https://www.justsecurity.org/80545/u-n-general-assembly-should-recommend-creation-of-crime-of-aggression-tribunal-for-ukraine-nuremberg-is-not-the-model/">https://www.justsecurity.org/80545/u-n-general-assembly-should-recommend-creation-of-crime-of-aggression-tribunal-for-ukraine-nuremberg-is-not-the-model/</a> .
<b>International legal instruments</b>	
1	UN, Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948., U.N.T.S. 78 277.
2	Rome Statute of the International Criminal Court, 1998.
3	Elements of Crimes of the International Criminal Court. Available at: <a href="https://www.icc-cpi.int/sites/default/files/ElementsOfCrimesEng.pdf">https://www.icc-cpi.int/sites/default/files/ElementsOfCrimesEng.pdf</a> .

4	UN, Agreement for the Prosecution and Punishment of the Major War Criminals of the European Axis (London Agreement), 8 August 1945, 82 U.N.T.C. 280. Available at: <a href="https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.2_Charter%20of%20IMT%201945.pdf">https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.2_Charter%20of%20IMT%201945.pdf</a> .
5	Nuremberg Principles. Available at: <a href="https://legal.un.org/ilc/texts/instruments/english/draft_articles/7_1_1950.pdf">https://legal.un.org/ilc/texts/instruments/english/draft_articles/7_1_1950.pdf</a> .
6	ILC, Draft Articles on Prevention and Punishment of Crimes Against Humanity, 2019. Available at: <a href="https://legal.un.org/ilc/texts/instruments/english/draft_articles/7_7_2019.pdf">https://legal.un.org/ilc/texts/instruments/english/draft_articles/7_7_2019.pdf</a> .
7	Combined Statement Calling for the Creation of a Special Tribunal for the Punishment of the Crime of Aggression Against Ukraine and Declaration on a Special Tribunal for the Punishment of the Crime of Aggression Against Ukraine. Available at: <a href="https://gordonandsarahbrown.com/wp-content/uploads/2022/03/Combined-Statement-and-Declaration.pdf">https://gordonandsarahbrown.com/wp-content/uploads/2022/03/Combined-Statement-and-Declaration.pdf</a> .
<b>Case law</b>	
1	ICC, <i>Prosecutor v. Al-Bashir</i> , No. ICC-02/05-01/09, Appeals Judgment, 6 May 2019.
2	ICTR, <i>Prosecutor v. Rutaganda</i> , Case No. ICTR-96-3-T, Trial Judgement, 6 December 1999.
3	ICTR, <i>Prosecutor v. Akayesu</i> , ICTR-96-4-T, Trial Judgment, 2 September 1998.
4	ICTY, <i>Prosecutor v. Tadić</i> , IT-94-1, Appeals Judgement, 15 July 1999.