

## I. SUBJECT TECHNICAL SPECIFICATIONS

| Data on the subject |  |
|---------------------|--|
| Name                | International Criminal Law   |
| Degree              | E-1 I Program (Bachelor in Law and Diploma in International Legal Studies) |
| Year                | Third  |
| Nature              | First semester   |
| ECTS Credits        | 4,5  |
| Department          | Public Law   |
| Area                | Criminal Law   |
| Profesores          | Adam Dubin, M.A., J.D.   |
|                     |  |

| Teaching staff |  |
|----------------|--|
| Profesor       | Adam Dubin   |
| Grupo          | 3º E-1 I   |
| e-mail         | <a href="mailto:Adubin@cid.upcomillas.es">Adubin@cid.upcomillas.es</a> |
| Despacho       | ED-234   |

| Contribution of the subject to the professional profile  |  |
|--|--|
| <p>The course provides foundational knowledge in substantive International Criminal Law and international criminal procedure. It is highly recommended for students interested in International Criminal Law (ICL) and international cooperation. The course may serve to further engage in international or transnational practice or international public or private professional context.</p> |  |

## II. COMPETENCES TO BE IMPROVED

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|---|
| Generic competences   |
| Instrumental competences  |
| Students should be able to express and communicate spontaneously, fluently and precisely in English.  |
| Specific competences of the subject   |
| Conceptual competences  |
| Students should be able to understand concepts and legal institutions in ICL systems.   |
| Procedural competences  |
| Students should be able to examine selected issues involving the application of ICL.<br>Students should be able to analyze and criticize international criminal law standards and other historical texts. |
| Professional competences  |
| Students should be able to develop legal arguments and draft legal briefs on topics of ICL.   |

## III. THEMATIC AREA AND CONTENT

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| <b>AREA 1: INTRODUCTION TO INTERNATIONAL CRIMINAL LAW</b>  |
| <b>Theme 1: FUNDAMENTALS OF INTERNATIONAL LAW</b>  |
| 1.1. Notion and evolution of International Criminal Law<br>1.2. Usage of case law and jurisprudence in international criminal courts<br>1.3. Sources of International Criminal Law<br>1.4. The international criminal courts and ad hoc tribunals <ul style="list-style-type: none"><li>a. Historical Background</li><li>b. Jurisdiction</li><li>c. Statutes</li><li>d. Proceeding and procedure</li></ul> |
| <b>Theme 2: International Crimes</b>   |
| 2.1 International crimes <ul style="list-style-type: none"><li>a. War crimes</li><li>b. Crimes against Humanity</li><li>c. Genocide</li><li>d. Aggression</li></ul> 1.9.5. Sexual Violence in International Criminal Law   |

### Theme 3: Modes of Criminal Liability & Exclusion of Liability & Alternative Forms of Justice

- 3.1 Joint and Indirect Perpetration
- 3.2 Omission Liability and Superior Responsibility
- 3.3 Additional Modes of Liability and Inchoate crimes
- 3.4 Justifications and Excuses
- 3.5 Obedience To Superior Orders and Official Capacity
- 3.6 Transitional Justice Mechanisms

## IV. BIBLIOGRAPHY AND RESOURCES

### Basic Bibliography

#### Text books

Cassese, A., *International Criminal Law, second edition*, Oxford, New York, Oxford University Press, 2008.

#### Chapters of books

Bassiouni, M. Cherif, "The history of Universal Jurisdiction and its place in International Law", in Macedo, Stephen (ed.), *Universal jurisdiction. National Courts and the prosecution of serious crimes under International Law*, Philadelphia, University of Pennsylvania Press, 2006, pp. 39-63.

#### Websites

Rome Statute A/CONF.183/9, Adoption, 17.07.1998 entry into force 01.07.2002

[http://www.icc-cpi.int/NR/rdonlyres/EA9AEFF7-5752-4F84-BE94-0A655EB30E16/0/Rome\\_Statute\\_English.pdf](http://www.icc-cpi.int/NR/rdonlyres/EA9AEFF7-5752-4F84-BE94-0A655EB30E16/0/Rome_Statute_English.pdf)

International Criminal Tribunal for Rwanda, <http://www.unictr.org/>

International Criminal Tribunal for the Former Yugoslavia <http://www.icty.org/>

International Criminal Court <http://www.icc-cpi.int/>

United Nations Treaty Collection, <http://treaties.un.org/Home.aspx>

### Additional Bibliography

#### Text books

Cassese, A., *The Oxford Companion to International Criminal Justice*, Oxford, Oxford University Press, 2009.

Byron, C., *War crimes and crimes against humanity in the Rome Statute of the International Criminal Court*, Manchester, Manchester University Press, 2009.

Cryer, R. / Friman, H. / Robinson, D. / Wilmshurst, E., *An introduction to International Criminal Law and Procedure*, Cambridge, Cambridge University Press, 2007.

Elis, M. S. / Goldstone, R. J. (eds.), *The International Criminal Court: challenges to achieving justice*

*and accountability in the 21<sup>st</sup> century*, New York, Idebate Press, 2008.

Kleffner, J. F., *Complementarity in the Rome Statute and National Criminal Jurisdictions*, International Courts and Tribunals series, Oxford, Oxford University Press, 2008.

Kroplinski, M. E., *The International Criminal Court and the Balkan crisis. The capture and indictment of Slobodan Milosevic*, Germany, VDM Verlag Dr. Müller, 2007.

Macedo, S. (ed.), *Universal Jurisdiction. National courts and the prosecution of serious crimes under International Law*, Philadelphia, University of Pennsylvania Press, 2004.

Politi, M. / Gioia, F., *The International Criminal Court and national jurisdictions*, UK, Ashgate, 2008.

Politi, M. / Nesi, G. (eds.), *The International Criminal Court and the crime of aggression*, UK, Ashgate, 2004.

Raimondo, F. O., *General principles of International Criminal Courts and Tribunals*, Leiden, Boston, Martinus Nijhoff Publishers, 2008.

Stigen, J., *The relationship between the International Criminal Court and National jurisdiction. The principle of complementarity*, Leiden, Boston, Martinus Nijhoff Publishers, 2008.

Stahn, C. / SLUITER, G., *The emerging practice of the International Criminal Court*, Leiden, Boston, Martinus Nijhoff Publishers, 2009.

Triffterer, O., *Commentary on the Rome Statute of the International Criminal Court. Observers' Notes, article by article*, second edition, Baden-Baden, C.H Beck Hart Nomos, 2008.

#### Other material

*International Criminal Court and Opposition to the Court*, Arthur N.R. Robinson, President of the Republic of Trinidad and Tobago

<http://www.youtube.com/watch?v=HY84gfC4cfQ>

*The International Criminal Court: Seeking Global Justice*, Luis Moreno Ocampo,

<http://www.youtube.com/watch?v=csfUx1BeaEE>

WCRC 2: "Historical Evolution of the Crime of Aggression" - Professor M. Cherif Bassiouni,  
<http://www.youtube.com/watch?v=SnKnZ0cgdqU&feature=related>

*Including Aggression in the Rome Statute - Consequences for the International System*,  
<http://www.youtube.com/watch?v=MgubUiAArKI&feature=related>

## V. TEACHING METHODOLOGY

### Methodology: Activities

Lectures, class presentations and discussions will be based on the analysis of the syllabus. Power-point presentations, video-conferences, movies and other materials will be used by the professor. Active participation by students is expected. The professor will use the Socratic Method to generate class discussion and participation.

### Independent study methodology: Activities

Students will be required to study and analyze some legal materials and cases provided in advance by the professor.

## VI. SUMMARY OF STUDENT WORK HOURS

| SUMMARY OF STUDENT WORK HOURS |                         |                                   |                       |
|-------------------------------|-------------------------|-----------------------------------|-----------------------|
| Activity                      | Number of contact hours | Number of independent study hours | Total number of hours |
| Lecture                       | 25                      | 17,5                              | 42,5                  |
| Practical class               | 20                      | 10                                | 30                    |
| Case studies                  | 0                       | 25                                | 25                    |
| Evaluation: exam              | 3                       | 15                                | 18                    |
| Evaluation: exam review       | 1                       |                                   | 1                     |
| ECTS Credits: 4`5             | 45 (+4)                 | 67,5                              | 112,5 (+4)            |

## VII. GRADE EVALUATION AND CRITERIA

| Evaluation Activities                                  | Generic and Specific Competences   | Indicators  | Evaluation Weighting |
|--|--|---|----------------------|
| Case studies   | <ul style="list-style-type: none"> <li>- Spontaneous, fluent and precise communication in English</li> <li>- Understanding of ICL concepts and institutions</li> <li>-Analysis of international criminal law standards and other historical texts</li> <li>-Proposal of original and innovative solutions to develop advisory work on ICL topics.</li> </ul> | <ul style="list-style-type: none"> <li>-Master mechanics and grammar concepts necessary for clear expression</li> <li>-Written communication and formal presentation in English               <ul style="list-style-type: none"> <li>- Proficiency in the development of legal arguments</li> </ul> </li> <li>-Identify, apply and develop basic principles and institution of ICL</li> </ul> | 30%                  |
| Evaluation: exam                                       | <ul style="list-style-type: none"> <li>- Spontaneous, fluent and precise communication in English</li> <li>-Understanding of ICL concepts and institutions</li> <li>- Examination of selected issues involving the application of ICL.</li> <li>-Analysis of international criminal law standards and other historical texts</li> </ul>                      | <ul style="list-style-type: none"> <li>- Essay Exam</li> </ul>  | 70%                  |
| Special academic activities suggested by the professor |  |   | 5%                   |

## Grades

The final grade (100%) will be determined by:

- a) The final exam (closed book) which will be made up of a combination of theoretical and practical questions addressing the generic and specific competences (70%)
- b) The case studies the students will have to prepare (30%)

Comillas students participating in the Erasmus program will be graded 100% on the basis of the exam

The final grade in the second exam (extraordinary exam) will be determined only by the final exam, although the evaluation of the case studies prepared during the class time will be taken into account as described above (30%) if the student passed this part. From the third exam on, the student will have to choose between the standard course (70% final exam-30% case studies) and a final exam (100%).