

BBA.LL.B (HONS) – IX-SEMESTER

INTERNATIONAL CRIMINAL LAW

COURSE CODE:

Course Objectives- Widespread violations of international humanitarian law had become a practice in the contemporary world. Thus, growing concerns of the international community resulted in a demand for international criminal prosecution before an international criminal tribunal for those who committed heinous crimes recognized under customary international law as a threat to international peace and security.

Course Outcomes:

1. To understand the issues and challenges with respect to International Criminals
2. To understand principles and procedures for prosecuting International Criminals
3. To analyse the development of International Criminal law through various international legal documents
4. To interpret and analyse the International agreements in India to prosecute International Criminals
5. To identify and able to conduct research on emerging trends in International Criminal Law.

UNIT-I: Introduction: International Criminal Law, Individual Responsibility: Historical Development, Treaty of Versailles, Nuremberg & Tokyo Trials, Genocide Convention, 1948, Geneva Convention, 1949, ILC Draft Code of Crimes against the Peace and Security of Mankind

UNIT-II: State Sovereignty and International Criminal Law, General Principles of International Criminal Law, Crimes and Elements of Crimes, Genocide: Prosecutor V. Akayesu (ICTR 1998); Prosecutor v. Krstic (ICTY2004), Modes of Criminal Responsibility and Defences, Prosecutor v Samuel Hinga Norman, Case No. SCSL-2004-14-AR729E, Prosecutor V. Blaskic, (ICTY 2004)

UNIT-III: International Criminal Court and Tribunals, International Criminal Court, ICC Jurisdiction over the Nationals of Non-States parties, International Criminal Tribunal for Yugoslavia (ICTY), International Criminal Tribunal for Rwanda (ICTR), The Iraqi Special Tribunal, Universal Jurisdiction, Immunities

UNIT-IV: Ex parte Pinochet (UK House of Lords); Belgium's 1993 Universal Jurisdiction law; ICJ, Arrest warrant of 2000 (Congo v .Belgium); Congo v. France, Decisions of the International Court of Justice Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro) of 26 February 2007

UNIT-V: Special Court for Sierra Leone, Extraordinary Court for Cambodia, Response of South Asian Countries to the ICC, Indian Perspectives on the ICC, The Future of International Criminal Law

Text Books:

1. Ambos, K., "General Principles of Criminal Law in Rome Statue" Criminal Law Forum, Vol.10, (1999), pp. 1-32.

2. Arnold, R, "The Mens Rea of Genocide under the Statute of the International Criminal Court" *Criminal Law Forum*, vol.14, n.2 (2003), pp. 127-151.
3. Arsanjani, Mahnoush H. , " The Rome Statute of the International Criminal Court" *American Journal of International Law*, vol. 93, n.1 (1999),
4. Bassiouni, M.C., "From Versailles to Rwanda in Seventy Five Years: The Need to Establish a Permanent International Criminal Tribunal", *Harvard Human Rights Journal*, vol.10 (1997), pp. 11-62.
5. Cryer, Robert, "International Criminal Law vs State Sovereignty: Another Round?" *The European Journal of International Law*, Vol. 16 No. 5, 979–1000.

Reference Books:

1. *Duke Journal of Comparative and International Law*, vol.11, n.5 (2001), pp. 6-38
2. Heyder, Corrina, " The UN Security Council's Referral of the Crimes in Darfur to the International Criminal Court in the Light of U.S. Opposition to the Court: Implications for the International Criminal Court's Functions and Status", *Berkeley Journal of International Law*, vol. 24(2006).
3. Jamison, Sandra L., "A Permanent International Criminal Court: A Proposal that Overcomes Past Objections", *Denver Journal of International Law and Policy*, n.23 (1995)
4. Maogoto, Jackson Nyamuya, "War Crimes and Real Polititick: International Justice from World War I to the 21st Century" available at <http://www.rienner.com>
5. Mutua, Makau, "America and the International Criminal Court" available at <http://www.globalpolicy.org/intljustice.htm>