

International Criminal Law

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This course in International Criminal Law exposes students to the concepts and enforcement of international criminal law.

The course will start from an introductory presentation of the nature of international crimes and international justice, with reference to collective violence, State responsibility and the development of individual criminal responsibility under international law. In addition, we will consider the interplay of international criminal law and other bodies of law (human rights law; humanitarian law; and the influence of the common law and civil law traditions on international criminal law).

Next the course will focus on the fundamentals of international criminal law: sources, general principles and prohibited conduct. We will explore first the so called “Nuremberg” crimes (war crimes, crimes against humanity, genocide, and aggression) and then other international/transnational crimes, such as acts of terrorism.

The course then considers the development of national, international and hybrid mechanisms for international criminal law enforcement. We will consider the main issues relating to international criminal justice: international criminal procedure; State cooperation (and non-cooperation) with international criminal tribunals; and international vs. national prosecution.

The course will end with an analysis of alternative paths to criminal justice. Key issues like “retribution”, “restitutive justice”, “collective restitution”, “rehabilitation”, and “transitional justice” will be examined. Within this framework we will consider not only the question of amnesties, but also truth and reconciliation commissions, *gacaca* courts and others.

A course outline and list of reading assignments will be provided. For each class there will be both required and recommended readings. You are expected to be prepared for the class and to participate in the discussion.

Classes will also include video recorded pieces of trials. We will also watch video recorded interviews of practitioners working for international courts and tribunals.

COURSE OUTLINE

I. INTRODUCTION TO INTERNATIONAL CRIMINAL LAW

a. The notion and scope of international criminal law

- b. State responsibility and criminal liability of individuals
- c. Modes of international criminal liability
- d. The role of the United Nations in the development of international criminal law

II. FUNDAMENTALS OF INTERNATIONAL CRIMINAL LAW

- a. Sources of international criminal law
- b. General principles of international criminal law
- c. The question of immunity and other circumstances excluding criminal liability
- d. The prohibited conducts during conflicts
- e. The prohibited conducts in time of peace

III. INTERNATIONAL CRIMINAL LAW ENFORCEMENT

- a. The rationale for international criminal justice
- b. Prosecution and punishment at international level
- c. Principles and rules governing international criminal trials
- d. The specificity of international trials
- e. Other criminal tribunals with international elements
- f. The prosecution of crimes at national level

IV. ALTERNATIVES TO INTERNATIONAL CRIMINAL JUSTICE

- a. Which kind of justice for crimes under international law?
- b. The role of truth in reconciling societies
- c. *Gacaca* courts and other forms of participative community justice