

# International Criminal Law

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## Overview

In recent years, the appalling crimes committed by ISIS in Syria and Iraq have deeply shocked the conscience of humanity. ISIS has committed crimes that amount to war crimes, crimes against humanity and possibly genocide. The nature and scope of their crimes have raised questions about the possibility of prosecuting and punishing the culprits. This is the function of international criminal law. More specifically, international criminal law is the branch of international law, which criminalises certain forms of conduct and holds perpetrators criminally responsible.

This course thus examines the elements of international crimes and the modes of prosecution at the international level. The course will discuss the history and development of international criminal law and the different modes of attributing justice. In this regard, it will discuss the establishment and jurisdiction of criminal tribunals from Nuremberg and Tokyo to the International Criminal Court, as well as alternative mechanism of attributing justice such as truth commissions. The course will then focus on the core international crimes - genocide, crimes against humanity, war crimes, the crime of aggression- and discuss their material and subjective elements through case law. It will then discuss modes of individual participation in the commission of such crimes such as perpetration, co-perpetration, aiding and abetting, joint criminal enterprise, superior responsibility. The course will examine these issues by looking into the jurisprudence of international courts and tribunals as well as into national law.

The primary objectives of the course are as follows:

1. Enabling participants to acquire knowledge of substantive international criminal law
2. Enabling participants to acquire knowledge and critical appreciation of relevant international jurisprudence
3. Capacity building among participants to be able to apply the law to real-life situations
4. Assisting participants to enhance their legal reasoning and advocacy skills

The course will be a one-credit equivalent course and will consist of the following six modules:

**Module 1:** In this module, the evolution of ICL will be discussed by focusing on the trials that followed the end of WWII (Nuremberg and Tokyo) as well as its development since then, particularly with the establishment of *ad hoc* tribunals for Yugoslavia and Rwanda, as well as of other courts and tribunals such as the Special Court for Sierra Leone or the Extraordinary Chambers in the Courts of Cambodia. It will also discuss alternative methods of attributing justice and compare them with criminal law. The discussion will be informed by case law.

**Module 2:** This module will examine the creation, structure and jurisdiction of the International Criminal Court. It will more specifically focus on the material, temporal and personal jurisdiction of the ICC, the issue of complementarity and the relationship between the ICC and the Security Council. The discussion will be informed by case law.

**Module 3:** This module will examine the elements of the crime of genocide as well as their interpretation by international courts and tribunals.

**Module 4:** This module will discuss the elements of crimes against humanity as well as their interpretation by international courts and tribunals.

**Module 5:** This module will discuss the elements of war crimes and of the crime of aggression as well as their interpretation by international courts and tribunals.

**Module 6:** This module will discuss the various forms of criminal liability according to Article 25 and Article 28 of the ICC Statute, such as perpetration, co-perpetration, commission through another person, joint criminal enterprise, aiding and abetting, incitement and superior responsibility.

<b>Modules</b>	<b>Module 1: November 15, 2016 (2 hours)</b> <b>Module 2: November 16, 2016 (2 hours)</b> <b>Module 3: November 17, 2016 (2 hours)</b> <b>Module 4: November 18, 2016 (2 hours)</b> <b>Module 5: November 19, 2016 (2 hours)</b> <b>Module 6: November 21, 2016 (2 hours)</b> <b>Assignment, feedback and related discussion: November 22, 2016 (3 hours)</b>
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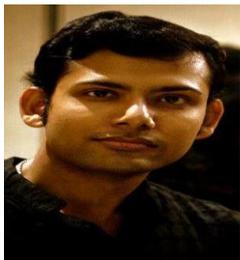
<p><b>You Should Attend If...</b></p>	<p><b>Number of participants for the course will be limited to fifty.</b></p> <p>You are:</p> <ul style="list-style-type: none"> <li>▪ Under-graduate and post-graduate students, researchers and teachers of international law and criminal law</li> <li>▪ Legal practitioners and judges</li> </ul> <p>The course is useful to international law and to criminal law students as well as to practitioners in particular criminal lawyers, judges or international lawyers who practice at the domestic or international level because it will provide them with the knowledge and skills to appreciate and apply substantive international criminal law.</p>
<p><b>Fees</b></p>	<p>The participation fees for taking the course is as follows:</p> <p><b>Participants from abroad: US \$300</b></p> <p><b>Students from WBNUJS: Free of cost</b></p> <p><b>Indian students from other institutions: INR 2000</b></p> <p><b>Academics, researchers and legal practitioners: INR 2,500</b></p> <p>The above fee include all instructional materials, computer use for assignments, library resources usage charges, 24 hour free internet facility. The participants will be provided with accommodation on payment basis.</p>

## The Faculty



Dr. Nicholas Tsagourias is a Professor of International Law at the University of Sheffield. He joined the University in 2012 from the University of Glasgow, where he had been the Professor of International Law and Security. He completed my law studies at the University of Thessaloniki in Greece, obtaining an LL.M. from the University of Bristol and his Ph.D. from the University of Nottingham. His teaching and research interests are in the fields of international law and the use of force, international humanitarian law, international criminal law, collective security law, peacekeeping, United Nations Law, international and European constitutional theory and law. He has a large number of quality publication in reputed international journals in these fields. He also sits on the editorial board for the Journal of Conflict and Security Law (Oxford University Press) and is a member of the Use of Force Committee and of the Cyber terrorism Study Group of the International law Association. He holds a visiting post at the University of Umea, Sweden and has taught at many universities in Europe and the USA.

## Host Faculty/Course Coordinator



Mr. Shouvik Kr. Guha is an Assistant Professor at the West Bengal National University of Juridical Sciences, Kolkata. He has obtained both his B.A., LL.B. (Hons.) and LL.M. from the same university and is currently pursuing his Ph.D. in Intellectual Property and Competition Laws. His teaching and research interests include Competition Law, Corporate and Financial Laws, Intellectual Property Law, Law of Contracts, International Economic Laws etc. He has authored several articles in these disciplines in journals of national and international repute. He is also the Co-Coordinator of the Centre for Financial and Regulatory Governance Studies at NUJS.

## Course Co-ordinator

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