



LUND
UNIVERSITY

Faculty of Law

JAMR35, International Criminal Law, 7.5 credits

Internationell straffrätt, 7,5 högskolepoäng

Second Cycle / Avancerad nivå

Details of approval

The syllabus was approved by Faculty of Law Board of education at undergraduate and postgraduate levels on 2016-08-31 to be valid from 2016-08-31, autumn semester 2016.

General Information

The course International Criminal Law is an elective course within the Master's Programme in International Human Rights Law at the Faculty of Law. The course is also an elective course for students within the programme leading to a Swedish professional degree Master of Laws within the specialization in International Human Rights Law.

The course is scheduled to require 5 weeks of full time studies.

Language of instruction: English

Main field of studies

Human Rights

Depth of study relative to the degree requirements

A1F, Second cycle, has second-cycle course/s as entry requirements

Learning outcomes

Knowledge and understanding

To pass the examination the student shall be able to demonstrate

- an in-depth knowledge of the structure of the international criminal justice system including the interactions between the Security Council of the United Nations, the International Criminal Court, different international and internationalized criminal tribunals and the municipal courts and authorities
- a thorough understanding of the sources of international criminal law and, in particular, the crystallization of customary international law and the relationship between customary law and treaty law

- an understanding of the moral basis of responsibility under international criminal law and the exercise of criminal jurisdiction at the international level
- an in-depth knowledge of the general concepts and principles of substantive international criminal law
- an in-depth knowledge of the core crimes, viz. genocide, crimes against humanity, war crimes and the crime of aggression
- knowledge of a range of crimes under or pursuant to international law, including organized crimes and gender-related crimes
- good and broad awareness of the current development of international criminal law and the emerging case law of the international criminal tribunals.

Competence and skills

To pass the examination the student shall be able to demonstrate

- the ability to identify and formulate legal problems concerned with international criminal law
- good research skill including the search, processing and analysis of relevant sources of law and other material, including empirical material
- the ability to make use of the legal-technical knowledge and perspectives acquired through the course
- the ability to solve cases concerning international criminal law within a limited period of time and to present the results orally and in writing
- the ability to work both individually and in groups
- the ability to critically assess and comment constructively on arguments and theories in the field of international criminal law
- the ability to engage in focused research on a specific topic and to present the result in scholarly writing.

Judgement and approach

To pass the examination the student shall be able to demonstrate

- the ability to articulate the theoretical justification and normative basis of international criminal law
- the ability to distinguish between legal arguments and arguments based on political or other considerations in the international context
- the ability to evaluate the construction of theories concerning topics in international criminal law
- insight into the constraints on the practice of international criminal law such as the problem of objectivity, selectivity and political influence.

Course content

The course will cover the central areas of international criminal law structured under the following main headings:

The History and Structure of International Criminal Law

The course will examine the concept of international criminal law as such, its place within the system of public international law and municipal law and the development of international criminal law in a historical perspective. The course will also examine the operations of the International Criminal Court and other international and

internationalized criminal tribunals.

The General Part of International Criminal Law

The general principles governing the operation of specific crimes under international law will be studied. These principles shall cover the doctrine on, inter alia, the conduct and fault elements, inchoate offences such as attempts and instigation, complicity in crime, individual responsibility, defences and excuses and the principles for command and joint enterprise responsibilities.

Crimes under International Law

The course will focus on the 'core crimes' under international law, viz. genocide, crimes against humanity, war crimes and the crime of aggression. The elements of crime for these core crimes will be studied in some details. Additional crimes under or pursuant to international law may be examined in order to illustrate various aspects of international criminal justice and issues such as the gender perspective, the position of victims and human rights in international criminal proceedings.

The Development of International Criminal Law

The subject of international criminal law will be studied in a developmental perspective. The crystallization of new general principles and substantive norms of international criminal law as well as the practical functioning of the existing system of international and internationalized criminal tribunals will be examined.

Course design

Instruction is given in the form of lectures and seminars, where active participation is expected.

Assessment

The students are assessed on the basis of

- an oral presentation in obligatory seminars (30 % of the final grade) and
- a take home exam (70 % of the final grade).

Additionally, active participation during the seminars can affect the final grade in borderline cases.

Subcourses that are part of this course can be found in an appendix at the end of this document.

Grades

Marking scale: Fail, Pass, Pass with credit, Pass with distinction.

All grading criteria rest on the baseline set up for the grade B. Criteria for the grade BA are additional to those for the grade B. Criteria for the grade AB are additional to those for the grade BA. Each grade criterion consists of a qualitative and a quantitative dimension. To be awarded a specific grade, the grade criterion must be satisfied in its qualitative as well as its quantitative dimension.

Grading criteria are applied to all dimensions listed as "Learning outcomes" in this syllabus. By way of example, an AB would presuppose that the student's examination reflect her or his mastery with regard to knowledge and understanding, skills and abilities and values and attitudes as laid down in the syllabus as "learning outcomes". Grading is done primarily using Qualitative and Quantitative criteria. The Quantitative criterion reflects how well read the student is whereas the Qualitative criterion reflects how well the student can use his/her knowledge to make a well structured critical and analytical argument and put it in a proper context.

B – Basic command

In order to pass the student must be able to demonstrate a solid ability independently to search for and to evaluate legal and other sources in the field of international criminal law, the ability to conduct satisfactory analysis of a legal question in relation to different sources, good knowledge of substantive international criminal law as well as international criminal procedure, good knowledge of the working of the International Criminal Court and knowledge of other international criminal tribunals, a general awareness of the development of international criminal law at different levels, an adequate understanding of the theoretical underpinning of international criminal law, an understanding of the relation between law and politics in this area and the ability to convey the student's knowledge both orally and in written form.

BA – Advanced command

In order to achieve this grade, the student must show a broad as well as deep knowledge of substantive international criminal law and international criminal procedure, very good knowledge of the working of the International Criminal Court and other international criminal tribunals and the way that these tribunals and national courts interact within an international criminal justice system, the ability to conduct deep and nuanced analyses of a legal question in relation to different sources, a good awareness of the development of international criminal law at different levels and the ability to articulate the normativity of international criminal law, a good understanding of the theoretical underpinning of international criminal law, the ability to respond to questions and interact with other students at presentations and seminars, the ability to carry out assignments in a timely manner and a good command of presentation and communication skills.

AB – Mastery

In order to achieve the highest grade the student must, in addition to the general knowledge and skill in the overall subject of international criminal law required for the grade of BA, be able to demonstrate in-depth knowledge of an aspect of international criminal law showing a deep awareness of the historical, systematic and theoretical underpinnings of the particular aspect of international criminal law being studied. The student's independent choice of the specific aspect for in-depth study should be scientifically motivated and must demonstrate a very good ability in identifying an interesting legal topic relevant to the study of international criminal law.

Written works shall, in particular, be of a good professional standard with regard to both the substantive content and the technical aspects.

Entry requirements

Passed examination in courses corresponding to the first year of the Master's programme equivalent to 52.5 credits.

Further information

The University views plagiarism as a very serious academic offence, and will take disciplinary actions against students for any kind of attempted malpractice in connection with examinations and assessments. The penalty that may be imposed for this, and other unfair practice in examinations or assessments, includes suspension from the University.

Subcourses in JAMR35, International Criminal Law

Applies from H16

1601 International Criminal Law, 7,5 hp
Grading scale: Fail, Pass, Pass with credit, Pass with distinction