



LUND
UNIVERSITY

Faculty of Law

JUEN08, International Criminal Law, 15 credits

International Criminal Law, 15 högskolepoäng

Second Cycle / Avancerad nivå

Details of approval

The syllabus was approved by on 2008-03-04 and was last revised on 2013-03-18 by Educational Committee of the Law Faculty Board. The revised syllabus applies from 2013-03-18, autumn semester 2013.

General Information

The course Human Rights and the Right to Development is an elective course within the Master's Programme in International Human Rights Law at the Faculty of Law. The course is open to students on the programme leading to a Swedish Professional Law. It is also open to students participating in international exchange programmes with the Faculty of Law.

Lectures and compulsory course materials are in English.

Main field of studies

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Depth of study relative to the degree requirements

A1N, Second cycle, has only first-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
- an in-depth knowledge of the principles and procedures of international prosecution including sentencing and the treatment of victims
- 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, obtained from the study of different opinions represented in the literature
- an in-depth knowledge of the core crimes, viz. genocide, crimes against humanity, war crimes and the crime of aggression, obtained from the study of different opinions represented in the literature
- knowledge of a range of crimes under 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
- ability to articulate research methodology
- the ability to participate in public debates and to contribute to advanced discourses on international criminal justice with 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

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 including arguments for and against the use of punishment as a means to achieve justice in the international context
- 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
- an appreciation of the cultural, religious, ethnic and gender aspects of international criminal law

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 and war crimes. The elements of crime for these core crimes will be studied in some details. Further specific crimes will 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 prosecution.

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. The course will also deal with topics related to international criminal law such as the doctrine of sovereign immunity and State responsibility.

Course design

The students are assessed on the basis of (i) an oral presentation of an assigned topic and the students overall performance in obligatory seminars, (ii) an invigilated written test on the content of the course, (iii) a term paper focusing on a specific topic examined during the course, (iv) performance at a seminar based on a submitted written paper and (v) an essay on a topic to be agreed with the supervisor.

Assessment

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.

Mastery – AB

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

Students on the Master's programme in International Human Rights Law: Passed examination in courses corresponding to the first term of the Master's programme equivalent to 30 credits.

Students within the programme leading to a Swedish professional degree Master of Laws: prerequisites stated in the curriculum for the Master of Law Programme at the Faculty of Law.

Prerequisites for international exchange students: relevant undergraduate studies corresponding to three years at a university level.

Further information

The course is scheduled to require 10 weeks of full-time studies.

Subcourses in JUEN08, International Criminal Law

Applies from V08

0801 International Criminal Law, 15,0 hp
Grading scale: Fail, Pass, Pass with credit, Pass with distinction