

JUEN08, International Criminal Law, 15,0 högskolepoäng
International Criminal Law, 15.0 credits
Avancerad nivå / Second Cycle

Fastställande

Kursplanen är en historisk, äldre version, faställd av Juridiska fakultetsstyrelsens utbildningsnämnd 2008-03-04 och senast reviderad av Juridiska fakultetens nämnd för utbildningen på grund- och avancerad nivå. Den reviderade kursplanen gällde från och med 2008-03-04.

Allmänna uppgifter

International Criminal Law (JUEN08) is an optional course within the programme leading to a Swedish professional law degree. It is also open to students participating in international exchange programmes with the Faculty of Law.

This course can not be combined with the course JAMR11 International Criminal Law, 7,5 credits Lectures and compulsory course materials are in English. The course requires 10 weeks of full-time studies.

Huvudområde Fördjupning

- A1N, Avancerad nivå, har endast kurs/er på grundnivå som förkunskapskrav

Kursens mål

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

Skills and abilities

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

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

Kursens innehåll

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.

Kursens genomförande

The students are assessed on the basis of (i) an oral presentation of an assigned topic and the student's 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.

Marks are given to the various parts of the assessment in the following proportion:

- Oral presentation: 10 points
- Written test: 10 points
- Term paper: 30 points
- Paper Seminar: 10 points
- Essay: 40 points

Kursens examination

Betyg

Betygskalan omfattar betygsgraderna Underkänd, Godkänd, Icke utan beröm godkänd, Med beröm godkänd.

The following grades are awarded based on the cumulative result of the examination:

- Pass with distinction (AB)
- Pass with credit (BA)
- Pass (B) and Fail (U)

Förkunskapskrav

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.