

European and International Criminal Law

UGRA_016172

Departments	Department of International, European Union and Comparative Law, Department of Law
Teaching Languages	English
ECTS	6
Teacher responsible	Traisbach Knut - knut.traisbach@esade.edu

Course Goals

GENERAL

- Mastering the specialized language pertaining to IHL and ICL in oral and written form.
- Developing a critical and analytical capacity for independent argumentation and reasoning.
- Applying the acquired knowledge and problem-solving skills in new or unfamiliar environments within broader (or multi-faceted) contexts related to the area of study.
- Using and applying the acquired knowledge to complex decision-making situations with limited or incomplete information and reflecting on the related social and ethical responsibilities.
- Conducting independent research and autonomously constructing knowledge about IHL and ICL.
- Commitment to the plurality and diversity of society.

SPECIFIC

- Understanding the history and sources of IHL and ICL and their interrelations.
- Understanding the nature, substantial content and conceptual foundations of IHL and ICL.
- Understanding the status, rights and obligations of State and non-State actors in armed conflicts.
- Understanding the legal framework and its application of individual international criminal responsibility.
- Identifying and analyzing the legal and practical tasks and challenges of the International Committee of the Red Cross, the International Criminal Court and ad-hoc tribunals.
- Recognizing and critically evaluating the strengths, weaknesses and challenges of IHL and ICL.
- Formulating and debating possible answers to these challenges and problems in international and multicultural environments, supported by original legal argumentation on an advanced level.

- Understanding and being able to critically comment upon the sources, principles, history and institutions of IHL and ICL, including the concept and elements of grave violations of IHL and of international crimes.
- Understanding the institutional role and applicable legal regimes of the International Red Cross and Red Crescent Movement and of international criminal tribunals during and after conflict situations.
- Knowing and interpreting the scope and limits of immunities of State officials before domestic and international criminal tribunals.
- Critically evaluate the main challenges arising from the interpretation and application of IHL and ICL both in theory and in practice.
- Critically analyzing the strength and weakness of enforcement mechanisms of IHL and ICL.
- Organizing and adapting arguments in a discussion and being able to independently analyze situations and cases that relate to IHL and/or ICL.

Previous knowledge

Previous knowledge of international affairs, international organizations and the role of norms in international relations is welcomed but not strictly necessary.

Prerequisites

All students from the programme are welcome. A good command of English is necessary. I will suppose that all students have a basic knowledge of public international law, international organizations (especially the UN) and the role of legal norms in international governance based on previous courses. Reading daily news, especially the European and international sections, is a prerequisite for the course as we will also discuss current affairs.

Recommended courses

Public International Law
Human Rights Law
International Relations

Teaching methodology

Class sessions will consist of lectures, debates (with the entire class and within smaller groups) and assignments. The sessions will be devoted to learning, challenging and applying the different concepts of IHL and ICL during the course. Analysis of cases will give you the opportunity of applying the concepts to real world situations and will allow you to test your understanding and knowledge with other class members.

Description

Short description

The course is an introduction to the international legal regimes pertaining to the regulation of armed conflicts and the criminal responsibility of individuals for international core crimes. International humanitarian law (IHL) has a long history in international relations, whereas international criminal law (ICL) has undergone a more recent development mainly after the end of the Cold War. Both legal regimes relate to each other in multiple ways and to the norms of general international law.

The first part of the course is dedicated to the core principles and legal regulations of IHL and focuses mainly on the historical development, the basic principles of humanitarianism, the distinction between international and non-international armed conflicts, the legal regulation of means of warfare, the protection of different categories of persons and problems of proportionality in armed conflicts.

The second part of the course deals with ICL and focuses principally on its institutional and legal development after World War II at the domestic and international level. Apart from a deeper understanding of the core crimes of genocide, war crimes, crimes against humanity and aggression, the course introduces students to the procedural complexities as well as the practical problems of international criminal trials.

Bibliography

R. CRYER, D. ROBINSON, S. VASILIEV, *An Introduction to International Criminal Law and Procedure*, Cambridge: Cambridge University Press (Book)

E. CRAWFORD, A. PERT, *International Humanitarian Law*, Cambridge: Cambridge University Press (Book)

Activities

In-class discussions and debates

Analytical exercises

Written and/or oral exams

Role-play exercises and simulations

Teamwork

Quizzes/tests

Group presentations

Readings

Case study resolution

Case study analyses

Content

#	Topic
1	From The Hague to Geneva and back to The Hague: The regulation of armed conflicts and international criminal responsibility of individuals.
2	Institutional history and development of ICL
3	General Principles of International Criminal Law
4	Core Crimes
5	International Humanitarian Law
6	Cases and situations
7	Simulation of trials

Assessment

Tool	Assessment tool	Category	Weight %
Individual or team exercises	Continuous Assessment: Case analysis, Retake and ordinary round Simulation		40.00%
In-class analysis and discussion of issues	Attendance, active participation, in-class activities	Retake and ordinary round	25.00%
Written and/or oral exams	Final Exam	Retake and ordinary round	35.00%

PROGRAMS

113-Law Exchange Program (Undergraduates: Law)
113 Year 1 (Optative)

DD05-Double Degree Program (exchange) (Undergraduates: Law)
DD05 Year 1 (Optative)

GDL20-Double Degree in Law and Global Governance, Economics and Legal Order (Undergraduates: Law)
GDL20 Year 5 (Optative)

GRE20-Bachelor in Law (Undergraduates: Law)
GRE20 Year 4 (Optative)
GRE20 Year 2 (Optative)
GRE20 Year 3 (Optative)
GRE20 Year 1 (Optative)