Widespread violations of international humanitarian law had become a practice in the contemporary world. Thus, growing concerns of the international community resulted in a demand for international criminal prosecution before an international criminal tribunal for those who committed heinous crimes recognized under customary international law as a threat to international peace and security. The culture of impunity, which existed and still exist will be replaced by punishing those who are responsible for the commission of serious human rights and humanitarian law. The availability of a permanent international body with jurisdiction to punish those responsible for such violations may add a new substantial element in order to improve that regime. The aim of this course is to analyze the differences in the jurisdiction of the International Criminal Court and the jurisdictions of the International Criminal Tribunal for former Yugoslavia and the International Criminal Tribunal for Rwanda. A comprehensive analysis of all provisions and jurisprudence developed by the various tribunals will be discussed. Importance will be placed on the nature of the differing relations that exist between the ICC, ICTY and ICTR with national criminal courts. The topics are chosen carefully so that the students can be motivated to pursue their interest in the field of international criminal law and international humanitarian laws area.

**Course Outline**

**Module –I**

1. Introduction : International Criminal Law
2. Individual Responsibility: Historical Development
   (a) Treaty of Versailles, (b) Nuremberg & Tokyo Trials (c) Genocide Convention, 1948,
   (d) Geneva Convention, 1949, ILC Draft Code of Crimes against the Peace and Security
   of Mankind
3. State Sovereignty and International Criminal Law
4. General Principles of International Criminal Law
5. Crimes and Elements of Crimes
   (a) Genocide: Prosecutor V. Akayesu (ICTR 1998); Prosecutor v. Krstic (ICTY 2004)
   (a) Modes of Criminal Responsibility and Defences,

Module II: International Criminal Court and Tribunals 9 Classes

6. International Criminal Court
7. ICC Jurisdiction over the Nationals of Non-States parties
8. International Criminal Tribunal for Yugoslavia (ICTY)
9. International Criminal Tribunal for Rwanda (ICTR)

Module III: 10 Classes

10. The Iraqi Special Tribu
11. Universal Jurisdiction, Immunities
   Ex parte Pinochet (UK House of Lords); Belgium’s 1993 Universal Jurisdiction law; ICJ Arrest warrant of 2000 (Congo v .Belgium); Congo v. France; Decisions of the International Court of Justice Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro) of 26 February 2007
12. Special Court for Sierra Leone
13. Extraordinary Court for Cambodia
14. Response of South Asian Countries to the ICC
15. Indian Perspectives on the ICC
16. The Future of International Criminal Law

Compulsory Readings:

Primary Sources

Rome Statute of the International Criminal Court, 1998
Secondary Sources

Books


Articles


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Mutua, Makau, “ America and the International Criminal Court”available at [http://www.globalpolicy.org/intljustice.htm](http://www.globalpolicy.org/intljustice.htm)


**Optional Readings**


*A.G. Israel v. Eichmann*, (1968) 36 I.L.R. 18 (District Court, Jerusalem), at 50.