



## Course and Examination Fact Sheet: Autumn Semester 2021

### 7,370: International Criminal Law

ECTS credits: 4

#### Overview examination/s

(binding regulations see below)

Central - Written examination (100%, 90 mins.)

Examination time: inter-term break

#### Attached courses

Timetable -- Language -- Lecturer

[7,370,1.00 International Criminal Law](#) -- Englisch -- [von der Decken Kerstin](#)

#### Course information

#### Course prerequisites

Students must have a basic knowledge of public international law (by having attended the lecture "public international law", for example).

#### Learning objectives

Students will have an in-depth knowledge of the historical development, the various international criminal courts and tribunals, the four international crimes and the main aspects of the individual responsibility. They will be able to analyse cases and decide about the criminal responsibility of individuals in international criminal law.

#### Course content

The purpose of the course is to provide an overview over the emergent field of international criminal law. Although its origins extend far back in history, international criminal law as a new field of international law only developed after the Second World War. The war crimes trials at Nuremberg and Tokyo marked the first time that the international community punished former high-level government officials for violations of public international law. After a long standstill during the Cold War, international criminal law experienced a resurgence in the 1990's. The ad hoc tribunals for the former Yugoslavia and Rwanda were established. Only a few years later, the International Criminal Court was created. Since then, international criminal law has evolved continuously, both institutionally (hybrid tribunals) and normatively (a growing number of judgments which clarify the exact meaning of the provisions). Today, the four international crimes - war crimes, crimes against humanity, genocide, aggression - form part of public international law. They show to the world that the international community does not tolerate the commission of the most serious crimes any longer.

#### Course structure and indications of the learning and teaching design

The course will be offered as a "block course" on four consecutive days during the break. It will be composed of four different parts:

I. Historical overviews (International Humanitarian Law, International Criminal Law, the Military Tribunals of Nuremberg and Tokyo)

II. Today's International Criminal Courts and Tribunals (Yugoslavia, Rwanda, the International Criminal Court, hybrid tribunals)

III. International Crimes (War Crimes, Crimes against Humanity, Genocide, Aggression)



## IV. Individual Responsibility (Modes of participation, defences)

The first two parts will be more descriptive in nature, focussing on historical aspects as well as on the nature of the underlying conflicts and the ways the international community tried to solve them with the help of international criminal courts and tribunals. Students will acquire the in-depth knowledge necessary to understand why and how international criminal law developed and is structured nowadays. All aspects will be discussed and compared in class.

The second two parts, in contrast, will consist of a lecture ending with one or several cases to be solved by the students together in class. The aim is thus twofold: first to acquire knowledge and second to apply this knowledge. The (small) cases to be solved are based upon judgments of international criminal courts and tribunals.

## Course literature

David P. Stewart, International Criminal Law in a Nutshell, 2nd edition 2019 (compulsory reading)

Robert Cryer / Darryl Robinson / Sergey Vasiliev, An introduction to international criminal law and procedure, 4th edition 2019 (for in depth reading)

## Additional course information

A "Reader" will be available containing all the relevant legal texts. IT IS NECESSARY TO BUY THE "READER" BEFOREHAND AND BRING IT TO CLASS!!!

The power-point slides presented during the course will be made available on StudyNet. It is advisable to print them out / have them available during classes in order to make annotations.

The classes will NOT be recorded since teaching will take place with a lot of interaction and discussion with students.

In the case of the President's Board having to implement new directives due to the SARS-CoV-2 pandemic in AS 2021, the course information listed above will be changed as follows:

- The course is conducted online via the platform zoom;
- The lecturer informs via StudyNet on the changed implementation modalities of the course.

The examination information listed below would be changed as follows:

- There are no changes necessary to the examination information, i.e. HSG students will write a central written exam, and exchange students, who stay in St. Gallen for this autumn semester only, will write a paper.

## Examination information

### Examination sub part/s

#### 1. Examination sub part (1/1)

##### Examination time and form

Central - Written examination (100%, 90 mins.)

Examination time: inter-term break

##### Remark

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##### Examination-aid rule

Extended Closed Book for Examinations in Law

The use of the examination aids is restricted. In addition to the principles set out in this section, other permitted examination aids must be listed exhaustively in the section "supplementary aids".



The following applies in principle:

- All calculators of the Texas Instruments TI-30 series as well as monolingual or bilingual dictionaries (not specialised dictionaries) without hand written notes are accepted. All other calculator models and electronic dictionaries are not allowed;
- Furthermore, any kind of communication and all programmable and communication-capable electronic devices such as notebooks, tablets, mobile phones etc. are not permitted;
- The procurement of examination aids is the sole responsibility of the students;
- All official federal enactments in the four national languages and in the English translation of the Swiss Federal Chancellery as well as the official enactments of the Canton of St.Gallen are always permitted. The decrees that are required for the examination are listed under the heading "examination aids-rule";
- Additional examination aids and private collections of enactments are only permitted if they are explicitly listed in the examination aids-rule. This is an exhaustive list. Any private collections not listed are expressly prohibited and will be confiscated without substitution, regardless of whether they are commented, uncommented or annotated legal editions;
- Unless otherwise defined in the examination aids-rule, all permitted documents may be combined in any number and language.

The following preparation of the legal texts is permitted:

- References to other articles of the law, including all designations and numbers as they appear in the permitted legal texts (e.g: Art 62 ff. OR4 / Art. 164 para. 1 lit. a BV5 / Art. 25 para. 2 lit. a no. 8 MWSTG6 / Art. 158 BV in connection with Art. 4 ParlG7 / Art. 29 II BV etc.), these must be written in a national language and/or in English;
- Markings with any kind of pens including highlighters in different colours (e.g: underlining, encircling, special characters like arrows, stars, etc.). Systematic marking of individual letters is not permitted, and all other notes and comments are also prohibited;
- Registers: Self-adhesive labels in the margin of the respective legal text are permitted, but they may only be used with the marginalia, titles, articles (e.g: Art. 141 BV: Optional referendum or 5th title: Federal authorities or Art. 5 BV) of the relevant page.

Print-outs and copies of legal texts approved (i.e. all official editions or permitted private collections including tables of contents and subject indexes) must correspond 1:1 to the original; the original source must be clearly traceable.

## Supplementary aids

Reader

## Examination languages

Question language: English

Answer language: English

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## Examination content

The content of the examination are the historical overviews, the international criminal courts and tribunals, the international crimes and the individual responsibility.

Exchange students, who stay in St. Gallen for this autumn semester only, will not take part in the central written exam. Instead, there will be a decentral exam for them. The decentral exam will consist of a paper to be written after the classes have taken place. The paper will have to be handed in at the end of the semester. All exchange students who want to take part in the decentral exam are asked to send an e-mail to [kerstin.vonderdecken@unisg.ch](mailto:kerstin.vonderdecken@unisg.ch) before the last day of classes. After the last day of classes, they will receive an e-mail with the topic of the paper, the exact deadline, and all formal requirements.

## Examination relevant literature



1. David P. Stewart, International Criminal Law in a Nutshell, 2<sup>nd</sup> edition, 2019
2. Slides presented during the course (to be found on Canvas, all will be uploaded until the day of the last session)
3. Reader (to be bought before class)

## Please note

Please note that only this fact sheet and the examination schedule published at the time of bidding are binding and takes precedence over other information, such as information on StudyNet (Canvas), on lecturers' websites and information in lectures etc.

Any references and links to third-party content within the fact sheet are only of a supplementary, informative nature and lie outside the area of responsibility of the University of St.Gallen.

Documents and materials are only relevant for central examinations if they are available by the end of the lecture period (CW51) at the latest. In the case of centrally organised mid-term examinations, the documents and materials up to CW 42 are relevant for testing.

Binding nature of the fact sheets:

- Course information as well as examination date (organised centrally/decentrally) and form of examination: from bidding start in CW 34 (Thursday, 26 August 2021);
- Examination information (regulations on aids, examination contents, examination literature) for decentralised examinations: in CW 42 (Monday, 18 October 2021);
- Examination information (regulations on aids, examination contents, examination literature) for centrally organised mid-term examinations: in CW 42 (Monday, 18 October 2021);

Examination information (regulations on aids, examination contents, examination literature) for centrally organised examinations: two weeks before the end of the registration period in CW 45 (Monday, 8 November 2021).