

International Law

Academic year 2018-2019

Accountability for International Crimes

DI118 - Printemps - 6 ECTS

Course Description

This course explores the forms and mechanisms available in international law to hold individuals, states, groups and legal entities accountable for acts amounting to international crimes such as genocide, crimes against humanity, war crimes and aggression. Since these crimes have generally a collective dimension, the course intends to stimulate critical reflection on the merits and flaws of existing international principles and institutions in allocating responsibility and accountability. The course will therefore examine issues related to the enforcement of individual criminal responsibility for international crimes at the national and international level, state responsibility and reparation to victims of international crimes, the interplay between state responsibility and individual criminal responsibility, international responsibility and accountability of corporations, non-state actors and of international organizations. Ultimately, the course intends to provide students with a solid understanding of the existing pluralistic system of international accountability for international crimes and of its main challenges.

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Syllabus

The course will use as a background case study the crimes committed in the context of the armed conflict in Syria and the related quest for legal accountability. The main focus will be on mechanisms for individual criminal accountability, discussing in particular the potential role of the ICC, the creation of an ad hoc tribunal, resort to universal criminal jurisdiction and the question of international immunities. The course will also examine how and to what extent states and other international actors are internationally responsible for acts amounting to atrocity crimes and the mechanisms to make them legally accountable and to ensure reparation to the victims of these crimes.

This course complements the course on international criminal law and is therefore directed to students who wish to acquire a more advanced knowledge of the available principles and institutions for the enforcement of the international rules on mass atrocities.

The course will cover the following topics:

- The jurisdiction of the International Criminal Court (ICC), with a focus on the triggering mechanisms and the pre-conditions to the exercise of criminal jurisdiction
- The exercise of criminal jurisdiction by states on the basis of universal criminal jurisdiction
- The establishment of an ad hoc international tribunal
- Modes of criminal liability, with a focus on superior responsibility, perpetration and aid and abetting
- State responsibility for atrocity crimes
- The question of reparation to victims of atrocity crimes
- Impediments and obstacles at the national and international level, with a focus on state immunities and immunities of state agents
- Responsibility and accountability of non-state armed groups and other collective entities

Assessment: the course will be assessed through an open book written examination (70%) and class presentation and participation (30%)