

# Course guide, International Criminal Law 15 credits Spring 2023

*This course guide has been adapted to the standard format at SU. Updated 29 December 2023 by Mark Klamberg and Mariana Fakih*

Please check the course website daily for updated information! Welcome to the course!

1	Aim of the course.....	2
1.1	Content and objectives .....	2
1.2	Instruction.....	3
2	Structure of the course .....	3
2.1	Structure of the course and alignment to expectations .....	3
2.2	Detailed structure of the course .....	5
2.3	Oral and written exercises .....	9
2.4	Mandatory course elements .....	9
2.5	International and comparative elements.....	9
2.6	Interaction with surrounding society.....	9
2.7	Relation to other courses .....	9
2.8	Course literature and source material .....	10
2.9	Optional reading .....	10
2.10	Study instructions.....	10
3	Requirements regarding participation in the course .....	11
3.1	Registration.....	11
3.2	Re-registration.....	11
3.3	De-registration .....	11
4	Assignments and examination .....	12
4.1	General .....	12
4.1.1	Examination .....	12
4.1.2	Citation.....	14
4.1.2.1	Format of sources.....	14
4.1.2.2	Monography .....	14
4.1.2.3	Article in journal .....	14
4.1.2.4	Part of book.....	14
4.1.2.5	Case law .....	15
4.1.2.6	Treaties .....	15
4.1.2.7	Internet sources .....	16
4.1.2.8	Plagiarism .....	16
4.1.2.9	CHAT GPT and AI tools.....	17
4.1.3	Sources.....	19
4.1.3.1	Sources of Law .....	19
4.1.3.2	International Organizations .....	20
4.1.3.3	Tribunals and Courts.....	20
4.1.3.4	Regional Human Rights Courts.....	20
4.1.3.5	International criminal tribunals and courts .....	20

4.1.3.6	Library.....	21
4.1.3.7	Journals .....	21
4.1.3.8	Online commentaries .....	21
4.1.3.9	Advice on style.....	23
4.2	Seminars with tutorials .....	23
4.3	Moot court.....	23
4.4	Individual essay .....	23
4.4.1	Suggested paper topics.....	24
4.4.2	Length of the paper .....	26
4.4.3	Submission of the paper .....	27
5.	Other.....	27
5.1	Studying with a disability .....	27
5.2	Student influence and course development .....	28
5.3	Contact information .....	28

## 1 Aim of the course

After the course, a student should be able to

### 1.1 Content and objectives

#### 1.1.1 Overall objective of the course

The goal of the course is to provide students with the opportunity to gain deeper insight in the area of international criminal law.

#### 1.1.2 General structure of the course

The course is divided into six parts: i) introduction, ii) international crimes, iii) courts, tribunals and implementation, iv) international criminal procedure and v) general principles of international criminal law and vi) a moot court exercise.

Parts II-VI consist of lectures and seminars. Each part takes one week, the week starts with one lecture which gives an overview of the area followed by a seminar within the same area which aims to provide in-depth learning with high participation of the students which requires preparation of all students for all seminars.

As you will see in section 4.1.1 of this course guide, the examination is divided into a moot court with an oral hearing and a written assignment, an individual essay and classroom exam.

See further section 2 of this course guide.

#### 1.1.3 Expectations

Upon completion of the course, students are expected to be able to:

*Knowledge and understanding*

After completing the course, the student should be able to:

- demonstrate knowledge and understanding of international criminal law, in particular when it comes to concepts, international crimes and mechanisms for enforcement, alternative mechanisms and international criminal procedure

#### *Skills and abilities*

After completing the course, the student should be able to:

- apply and interpret legal norms in the various areas of the course
- identify, formulate and analyze legal issues concerning international criminal law in a systematic, critical and independent way
- investigate and present conclusions in English

#### *Ability to evaluate and the undertaken approach*

After completing the course, the student should be able to:

- assess international criminal law with academic, extra-legal and societal perspectives, including societal factors which have contributed to the formation of the norms relevant for the course.

## **1.2 Instruction**

Teaching is carried out in the form of lectures with discussions. Students are expected to have studied the relevant materials of the course ahead of each lecture, at least in a cursory manner. Student activity is important for the success of the course.

Different types of instructions are used for the purpose of enhancing different skills. The lectures with discussion should assist student in understanding basic concepts.

The moot court tests the student's knowledge of the substance of international criminal law and its various procedures, but, more importantly, it enhances the student's ability to creatively use this knowledge orally and in writing. The individual essay develops the student's ability to connect knowledge of the substance and procedure of international law with critical thinking. The final exam assesses the depth of students' knowledge and their comprehension of essential concepts in international criminal law.

Slides or notes used by a lecturer will in general be posted on Athena.

Please note that introduction to the course and participation in the moot court with related written exercises are mandatory.

## **2 Structure of the course**

### **2.1 Structure of the course and alignment to expectations**

The teaching and examination are aligned to the expectations (lärandemål) as listed in the curriculum (kursplan) and section 1.1.3 as follows.

- identify legal issues relevant for the subject fields of the course;

Teaching: The lectures will give an overview of international criminal law as well as some of the key legal problems in the area.

Examination: the students need to identify legal problems in international criminal law when they do the moot court, individual essay and final examination.

- identify non-legal factors that contribute to adoption of the legal norms discussed during the course

Teaching: The seminar/lectures on “The historical background of the ad hoc tribunals”, “Filmshow: the formation of an International Crime” and “Other Internationally Monitored tribunals” focus on extra-legal factors.

Examination: the students are instructed to consider and discuss extra- legal factors during the individual essay.

- apply the legal rules dealt with during the course

Teaching: the lectures on “crimes”, “general principles of ICL”, “international criminal procedure” will provide an overview on how substantial norms are applied in different contexts.

Examination: the students will apply ICL norms in the moot court (oral hearing) and in the individual essay.

- conduct an inquiry in one of the subject fields of the course and present the result in written as well as in verbal form

Teaching: the lectures “legal tools” and “drafting essays” together with the other lectures will provide the students with tools on how to conduct an inquiry in the field.

Examination: the students will conduct an ICL inquiry

when writing their individual essay and during the moot court (oral hearing).

## 2.2 Detailed structure of the course

Please visit the course on Athena. The table below is thematic, not necessarily chronological, and displays the structure of the course and how the various lectures and exercises fit into one another. Please note that this is **not** the definite schedule; the schedule is posted on the website and may be subject to change.

	Subject	Teacher	Textbook	Other
PART I Introduction				
	Introduction - Compulsory for all students	Mark Klamberg	Ch. 1-2	Includes instructions on drafting individual essays plus legal tools
	Jurisdictional, immunity, complementarity	Mariana Fasih	Ch. 3, 21	CLICC, Articles 5, 11-13, 17, 27 and 98
	Seminar 1: Scholarly and Critical Approaches to International Criminal Justice Mandatory	Mark Klamberg	Ch. 2.4, 23 Tutorial	
PART II International Crimes				
	Lecture: IHL and War Crimes	Sally Longworth	Ch. 12	CLICC, Article 8
	Lecture: Crime of aggression, state responsibility v individual criminal responsibility	Ylva Lennartsson Hartmann	Ch. 14	CLICC, Article 5, 8 bis, 8 ter, 15 bis, 15 ter, 25(4), 30

	Lecture: Crimes against humanity and Genocide	Sally Longworth	Ch. 10, 11	CLICC, Article 6, Article 7
	Transnational crimes and State Cooperation	Ylva Lennartsson Hartmann	Ch. 5, 14 cf Ch. 20	cf CLICC, Part IX of the Rome Statute
	Seminar 4: War Crimes and IHL Mandatory	Sally Alexandra Longworth	Ch. 12 Tutorial	CLICC, Article 8
PART III Courts, tribunals and implementation				
	Lecture: The Historical	Mats Deland	Ch. 6	
	Filmshow: the Formation of an International Crime	Mats Deland		
	Experiences from Rwanda Tribunal (ICTR)	Lennart Aspegren		
	Lecture: Other Internationally Monitored Tribunals - Sierra Leone and Cambodia	Hans Corell	Ch. 9	
	Lecture: ICC	Mariana Fasih	Ch. 8	CLICC, Parts IV, XI and XII of the Rome Statute

	<p>Lecture: Enforcement of international criminal law in domestic courts: the Swedish experience</p>	<p>Mark Klamberg</p>	<p>Ch. 4  Texts, links via Athena:  - Klamberg, "Trials in Sweden, ..."  - Klamberg, "The Evolution of Swedish Legislation on International Crimes"  - Klamberg, "The Legality of Rebel Courts during Non-International Armed Conflicts"</p>	
--	--	----------------------	--	--

	Seminar 2 Enforcement of international criminal law in domestic courts: Experiences from Scandinavia	Mark Klamberg	Tutorial Texts, links via Athena: - Høgestøl "A Norwegian Perspective on the Prosecution of International Crimes" ..... Investigation and Prosecution in Denmark of International Crimes Lars Plum..... ..... The Criminalisation and Prosecution of International Core Crimes in Finland Mikaela Heikkilä..... .....	
PART IV international criminal procedure				
	Lecture: International criminal procedure	Marianna Fasih	Ch. 17	CLICC, Parts V- VIII of the Rome Statute
	Seminar 3: Prosecutorial Strategies, Complementary, Peace	Mark Klamberg	Ch. 17.5, 22 pp. 38-43 Tutorial	CLICC, Articles 16 and 17, 53
PART V General principles of international criminal law and general matters				
	Lecture: Modes of Participation	Sally Longworth	Ch. 15.1-15.7	CLICC, Article 25 and 28



	Lecture: Mens rea	Mariana Fakh	Ch. 15.6	
	Seminar 5: Grounds for excluding Criminal Responsibility	Mariana Fakh	Ch. 16 p. 365-368 Tutorial	CLICC, Articles 30-33
PART VI Moot court and examination				
	Introduction to moot court	Mariana Fakh		Moot court material Moot court RPE
	Oral advocacy for the moot court	Melinda Taylor		
	Moot court	Mariana Fakh		
	Individual essay			
	Classroom exam			

### 2.3 Oral and written exercises

See below, section 4.

### 2.4 Mandatory course elements

Please note that introduction to the course and participation in the moot court are mandatory.

### 2.5 International and comparative elements

All of the elements are international. There are elements of comparative law when dealing with criminalized acts, modes of participation, general principles of criminal law and criminal procedure.

### 2.6 Interaction with surrounding society

The course continuously deals with political, social and economical issues related to international criminal justice, not least when the students write individual essays focused on a chosen problem. Several of the lecturers have lengthy practical experience which is shared with the students.

### 2.7 Relation to other courses

This is one of the specialized and advanced courses which are offered to exchange students and Swedish students during the end of the law programme. The course connects to previous courses in the law programme such as Criminal Law (straffrätt), Procedural Law (processerätt) and Public International Law (folkrätt).

The course may from Autumn 2016 be part of the study year (studieår) "Public International Law and the Individual" (Folkrätten och individen) which includes two specialized courses and a thesis (30 credits). The specialized courses consists of Human Rights in a Global Perspective" (15 credits) and "International Criminal Law" (15 credits). *Nota bene*: this study year is only available for students who are registered and writing their final thesis within the law programme (4,5 years) at Stockholm University.

## 2.8 Course literature and source material

- Cryer, Robert, Robinson, Darryl & Vasiliev, Sergey, An Introduction to International Criminal Law and Procedure, Cambridge University Press, Cambridge, fourth edition, 2019

- Cryer, Robert, International Criminal Law Documents, 2019

Commentary on the Law of the ICC available at <http://www.cmn-kh.org/CLICC/>

Course literature is available at Juristernas bokhandel, but only to a limited extent.

## 2.9 Optional reading

Power and Law in International Society: International relations as the Sociology of International Law, Mark Klamberg, Routledge, 2015, 182 pp, chapters 1, 2 and 6 available as e-book through the Stockholm University Library website.

## 2.10 Study instructions

Teaching and learning in this course are 1) partly carried out in the form of traditional lectures with discussions and 2) partly pursuant to problem-based learning (PBL).

For the traditional lectures, students are expected to have studied the relevant materials of the course ahead of each lecture, at least in a cursory manner. This is the traditional lecture-textbook method. Any slides or notes used by a lecturer will be posted on Athena. For readings instructions, please see above, section 2. The table under 2.2 contains detailed references to the literature and source material for

each lecture/seminar.

For seminars you need to prepare by reading cases and articles as indicated in tutorials.

PBL is a student-centered pedagogy in which students learn about a subject through the experience of problem solving and high degree of participation. With traditional learning teachers can arguably teach 1) knowledge and 2) comprehension. PBL help students to move up the ladder of more advance types of learning such as 3) application, 4) analysis, 5) synthesis and 6) evaluation. The PBL method is sometimes called the case method. This explained by the fact that the PBL method may often include reading adjudicated cases. However, the problem method is different in the sense that it is not based solely adjudicated cases but on cases created specifically for this purpose. Each case contains raw facts which the students' study, solve and discuss in class. PBL in this course consists of attending seminars and participating in an oral moot court. Participation in the moot court is mandatory.

### 3 Requirements regarding participation in the course

#### 3.1 Registration

A Swedish student who intends to participate in the course must be registered by the second day of the course at the latest.

**International master students** must have successfully completed the mandatory elements of the first course of their master programme in order to be registered on this course.

**Exchange students** register on the course through their university account in Ladok at the beginning of their exchange, the week before the semester starts.

#### 3.2 Re-registration

Re-registration on the course is done by the course administrator.

#### 3.3 De-registration

If for some reason, a student does not intend to take the course, they must de-register within three weeks after the start of the course (known as "early withdrawal

period"). This is done through the student's university account in Ladok. This is of great importance to guarantee a place in a group the next time the student applies for the course. The early withdrawal period is calculated from the Monday of the week the course starts and three weeks ahead. The last day is always a Sunday.

Please note that de-registrations may have consequences for the right to receive student grants, including Erasmus grants. Please, contact CSN for more information if you are a Swedish student, or the Office of International Affairs if you are an international master student or an exchange student.

## **4 Assignments and examination**

### **4.1 General**

#### **4.1.1 Examination**

##### *Examined moments*

The course is examined through the moot court with a written assignment, an individual essay and classroom exam.

##### *Exam registration*

Students must register for the exam no later than 10 calendar days before the date of the exam. Registration for the exam requires registration on the course. Students who have not registered for the exam are not allowed to write the exam.

Swedish students receive a grade on the learning outcome-based four-grade grading scale AB-U. International master students and exchange students receive a grade on the learning outcome-based seven-grade grading scale A-F(x).

All students have the right to receive grades according to the grading scale A-F(x). Swedish students who wish to do so must report this to the course coordinator/teaching assistant at least five working days before the written exam.

Students with a documented disability who have been issued a certificate of extra pedagogical support from Stockholm University must report this to the course administrator/teaching assistant as soon as possible (see below, "studying with a disability").

##### *Documents allowed at the exam*

All students are required to show a valid ID on the day of exam. Driving licenses, passports and ID cards that are still in date are approved as identification. In case

of stolen or lost ID, students may also prove their identity by providing a police report of no more than three months. Foreign ID documents are also accepted, preferably passports and ID cards.

*Permitted aids and other exam regulations*

Students must be in the examination room at least 15 minutes before the exam is set to start.

At the exam, different examination options can be applied. Information about the different examination options and the rules that apply can be found on the [Department of Law's website](#). The presence of unauthorized exam aids, notes and the like, as well as violations of exam regulations may lead to a notification to the university Disciplinary Committee. The Disciplinary Committee, led by the university president, can decide on a warning or a suspension.

In the ICL course, the examination option 4 is applied.

The maximum score is as follows:

Moot court

Written memo	10 pts
Oral presentation	10 pts
Individual paper (essay)	40 pts
Exam	40 pts
TOTAL	100 pts

Swedish grade:

AB= 85-100

Ba= 71-84

B= 55-70

ECTS-grade:

A= 92-100

B= 85-91

C= 78-84

D= 71-77

E= 55-70

-----

FX= Fail F= Fail

These limits may be revised, but only downwards.

*Request for grade review*

Requests for grade reviews are submitted on a special form to the course

administrator/teaching assistant. The request must be carefully supported and a copy of the exam must be attached.

## 4.1.2 Citation

### 4.1.2.1 Format of sources

You can choose whether to use Oxford referencing style or Harvard referencing style.

Oxford referencing: references are in footnotes. The first time a source is used, use the full reference. In subsequent references use *ibid.* if it is the immediately subsequent footnote, otherwise use short form. In addition to footnotes, you should also indicate the full reference in bibliography at the end of the text.

Harvard referencing: references are embedded in the text in short form and enclosed in parenthesis, either within or after a sentence, for example: (Sluiter, 2002, p. 35). In addition to references embedded in the text, you should also indicate the full reference in bibliography at the end of the text

Legal texts normally use Oxford referencing, social sciences use Harvard referencing. Since this is text combining law and political science you can choose which style to use. However, it is important that you are consistent and stick to the one referencing style throughout the entire text., don't mix the two styles.

### 4.1.2.2 Monography

Göran Sluiter, *International Criminal Adjudication and the Collection of Evidence: Obligations of States*, Intersentia, Antwerpen/Oxford/New York, 2002

Short form: Sluiter, 2002

### 4.1.2.3 Article in journal

Michela Miraglia, *Admissibility of Evidence, Standard of Proof, and Nature of the Decision in the ICC Confirmation of Charges in Lubanga*, *Journal of International Criminal Justice*, vol 6, 3 (2008): 489-503

Short form: Miraglia, 2008

Several authors (three or more): Gideon Boas et al., *International Criminal Law Practitioner Library: International Criminal Procedure Volume 3*, Cambridge University Press, Cambridge, 2011

Short form: Boas et al., 2011

### 4.1.2.4 Part of book

Gilbert Bitti, *Two bones of Contention between Civil and Common Law: The Record of the Proceedings and the Treatment of the Concursum Delictorum*, Horst Fischer/Claus Kreß/Sascha Rolf Lüder (Eds.), International and national prosecution of crimes under International Law, 273-288, Second Edition, Berliner Wissenschafts-Verlag, Berlin, 2004

Short form: Bitti, 2004

Several editors (three or more):

Peter Malanczuk, *Protection of National Security Interests*, Antonio Cassese et al. (Eds.), The Rome Statute of the International Criminal Court, 1371-1386, Oxford University Press, Oxford, 2002

Short form: Malanczuk, 2002

#### 4.1.2.5 Case law

**ICTY** (and other international criminal tribunals) *Prosecutor v. Tadić*, (Case No. IT-94-1), ICTY T. Ch., Decision on the Defence Motions to Summon and Protect Defence Witnesses, and on the Giving of Evidence by Video-link, 25 June 1996

Short form: *Tadić*, ICTY T. Ch., 25 June 1996

**ICC** (pls include document number as indicated below) *Prosecutor v. Lubanga*, ICC PT. Ch. I, Second Decision on the Prosecution Requests and Amended Requests for Redactions under Rule 81, ICC-01/04-01/06-455, 20 September 2006

Short form: *Lubanga*, ICC PT. Ch. I, 20 September 2006

**ICJ**

*Corfu Channel* (United Kingdom of Great Britain and Northern Ireland v. Albania), ICJ, Judgment, 9 April 1949

Short form: *Corfu Channel*, ICJ, 9 April 1949

**ECtHR** (and other human rights courts)

*Doorson v. The Netherlands*, (Application No. 20524/92), ECtHR, Judgment, 26 March

1996 Short form: *Doorson v. The Netherlands*, ECtHR, 26 March 1996

**Human Rights Committee**

*Wolf v. Panama*, (Communication No. 289/1988), HRC, Views, 26 March

1992 Short form: *Wolf v. Panama*, HRC, 26 March 1992

#### 4.1.2.6 Treaties

European convention for the Protection of Human Rights and Fundamental Freedoms adopted 4 November 1950 as amended by Protocol No. 11 and 14, 213 UNTS 221

Short form: ECHR

Charter of Fundamental Rights of the European Union, published 26 October 2012, C

326/391 Short form: EU Charter of Rights

#### **4.1.2.7 Internet sources**

Internet sources can be used with the following guidelines:

- 4.1.2.7.1 If the source is available in printed form as well as on internet, use the format indicated in 3.1.2.1-3.1.2.6, do not indicate internetaddress. This is relevant for example in relation to case law and articles in journals which you can assume exist in printed form. In other words, even if you find a case or article in a journal though internet, treat them as printed sources.
- 4.1.2.7.2 It is not enough to indicate on which website you find some information, for example [www.un.org](http://www.un.org) is an uncomplete reference. A reader will not be able to find, check and read such a reference.
- 4.1.2.7.3 By the same reasoning, it is not enough with a reference only consisting of an internetaddress because they may change.
- 4.1.2.7.4 Thus, if you use a reference from internet, indicate the author (if applicable), organization or equivalent that is the owner/publisher of the website, title of the relevant page on the website, date when the page was published (if date is indicated on the website), internetaddress, last date when you visited the website - as done in the following example:

Ban Ki-moon, United Nations Department of Public Information, *UN Saddened by Coal Mine Tragedy, Secretary-General Says he Stands Together with People of Turkey*, 15 May 2014, <<http://www.un.org/News/Press/docs//2014/sgsm15845.doc.htm>>, checked 16 May 2014

Short form: Ban Ki-moon, 2014

#### **4.1.2.8 Plagiarism**

You may never use any source or copy from the internet without referencing in the main text, footnotes and/or in endnotes. We check all writing, including the individual essays, with anti-plagiarism software, and any form of plagiarism immediately turns into a formal complaint with Stockholm University. If you are unsure about what is ok and not, check with the teacher.

To plagiarize is to present content from some others work as your own. It is to omit information on who is the author or where the material originates. Plagiarism



includes to copy text in verbatim (in its entirety) as well as presenting results, ideas and conclusions as it is your own. Plagiarism can include text as well as other material such as a picture, figure or a diagram.

Scholarly work to a large extent builds on the work of others, there is nothing wrong in that. Thus, how does one avoid plagiarism?

- Be careful to always indicate correct references to your sources. It is often time consuming to do that afterwards and there is also a risk that you will omit a source that you have used. Thus, write down your references continuously as you are drafting your text or making notes.
- It is allowed to build on the conclusions and analysis of others, in such cases you must indicate who have made these conclusions/analysis, either by a reference in a footnote or in the main text if it is a principal conclusion/analysis.
- If it is a longer and principal argument/sentences(s) of an author, it is suitable to quote the argument/sentence(s) with a reference in a footnote.
- It is approved to use conclusions/analysis from student essays, in such cases you must make references and work independently in relation to such sources in the same way as you do with other sources.

#### ***4.1.2.9 CHAT GPT and AI tools***

During this course we permit you to use CHAT GPT and similar search/AI tools provided that you follow all of the instructions below. We believe this to some extent already is or will become a tool used by practicing lawyers. Ideally it will lead to more time for analysis and discussion by the author(s). During this course it is relevant for the a) moot court motion, and b) the individual essay. You will find the service here: <https://openai.com/blog/chatgpt/>

What is written below in relation to CHAT GPT is applicable to all AI tools with similar functionality.

You have to follow the instructions below.

1. You have to provide a printout of the question(s) you used and the full text provided by CHAT GPT. This should be copied into a word document and uploaded via Athena.
  - a. You can either use the question that you have been given by us (the teachers) or the question as modified by you. This includes the possibility to add several subordinate questions in order to answer an overarching question. Our experience is that it is very important which question you use in CHAT GPT, small differences may generate very different quality in the answers provided by CHAT GPT. Thus, you need to analyse the answer CHAT GPT provides and adjust the question(s) if necessary, in other words an iterative process.
  - b. You have to highlight in yellow in this printout what parts you have used in your own document, regardless if the text is used verbatim or modified (moot court motion or individual essay).
  
2. You have to provide an explanation on how you have used CHAT GPT.
  - a. In relation to the moot court motion, this explanation is to be provided in a separate word document uploaded via Athena. The explanation should be ½ - 1 page.
  - b. In relation to the individual essay, you should provide this in the introductory chapter in the section on method. The explanation should be ½ - 1 page.
  - c. This explanation should contain the following components:
    - i. Which question(s) did you use? Was it the same question as provided by the teacher or did you create your own questions? You need to motivate your choice and course of action.
    - ii. How did you use the answer provided?
      - It is allowed to copy-paste parts of the text from CHAT GPT into your text if you find and add sources into footnotes with the same standard as normally used. You should write in the footnote: "text generated by CHAT GPT by use of the question ...."
      - It is also allowed to modify parts of the text from CHAT GPT and paste into your text if you find and add sources into footnotes with the same standard as normally used. You should write in the footnote: "text generated by CHAT GPT by use of the question ....., subsequently modified"
    - iii. If you find that the answer from CHAT GPT is of poor quality and you have not used it at all, please state that and explain how

you came to the conclusion that it was of such bad quality. This could example be an explanation that based on your research you found that the answer CHAT GPT is wrong and/or inaccurate.

### 3. Plagiarism and Impact on Grading

- a. The use of text from CHAT GPT without mentioning it in your text or the explanation (section 2 above) that you have used this tool is considered to be plagiarism and will immediately result into a formal complaint with Stockholm University.
- b. The use of text from CHAT GPT where you mention in your text or the explanation (section 2 above) that you have used this tool but without adding other sources is considered to be bad quality which may lead to a lower grade, including a fail.
- c. CHAT GPT may in some cases help you to identify rules, arguments and conclusions in an expedient manner. However, you have to conduct your own research and add your own analysis. The grading will consider to what extent you have done that.

## 4.1.3 Sources

### 4.1.3.1 Sources of Law

Domestic law normally relies on sources of law such as:

1. Statute law (adopted by parliament/congress)
2. Case law (from courts)
3. Preparatory works (by the Government and/or committees)
4. Doctrine (writings of legal scholars who are perceived as authorities)

Different domestic jurisdiction assigns different legal value to the sources listed above, for example in the UK case law is relied upon extensively while preparatory works are perceived as having very low/none value (as a binding source of law). This may be contrasted with continental European jurisdiction which rely more on statute law, in some cases on preparatory works (for example Scandinavia) and less on case law.

Under the traditional approach International law has three sources of law (as enumerated in article 38 of the ICJ Statute)

1. Treaties
2. International customary law
3. General principles of law

Doctrine and case law are not sources of law in themselves, they are subsidiary means for the determination of the rules of law (1-3 above).

Article 21 of the Rome Statute indicates the applicable law for the Court.

Instruction: Left-click + ctrl to use the links below

#### **4.1.3.2 *International Organizations***

[Council of Europe \(CoE\)](#)

[United Nations \(UN\)](#)

[United Nations Treaty Collection](#)

[International Committee of the Red Cross \(ICRC\)](#)

#### **4.1.3.3 *Tribunals and Courts***

[International Court of Justice \(ICJ\)](#)

[International Tribunal for the Law of the Sea \(ITLOS\)](#)

[Court of Justice of the European Union \(ECJ\)](#)

[Administrative Tribunal of the International Labour Organisation](#)

#### **4.1.3.4 *Regional Human Rights Courts***

[European Court of Human Rights \(ECtHR\)](#)

[Hudoc database](#)

[Inter-American Court of Human Rights \(IACHR\)](#)

[African Court on Human and Peoples' Rights \(AfCHPR\)](#)

#### **4.1.3.5 *International criminal tribunals and courts***

[Trial of the Major War Criminals before the International Military Tribunal \(IMT\)](#)

[Database at the Library of Congress](#)

[Database Yale University](#)

[Trials of War Criminals Before the Nuremberg Military Tribunals Under Control Council Law No. 10 \(NMT\)](#)

[Database at the Library of Congress](#)

[International Criminal Tribunal for Rwanda \(ICTR\) Cases](#)

[International Criminal Tribunal for the former Yugoslavia \(ICTY\) Cases](#)

[Court records](#)

[Mechanism for International Criminal Tribunals](#)

[\(MICT\) International Criminal Court \(ICC\)](#)

[Extraordinary Chambers in the Courts of Cambodia \(ECCC\) Special Court for Sierra Leone \(SCSL\)](#)

## Special Tribunal for Lebanon (STL)

### 4.1.3.6 *Library*

[Stockholm University](#)

[Library Libris](#)

### 4.1.3.7 *Journals*

[Hein-on-line](#) (access: Stockholm University)

[Westlaw start](#) (access: Stockholm University, first log in through the University library website)

### 4.1.3.8 *Online commentaries*

[Commentary on the Law of the International Criminal Court \(CLICC\)](#)

## 4.1.4 How papers will be evaluated

The papers will be evaluated mainly on the basis of the following criteria (which we have adopted from the course Law and Information Communication Technology Assessment criteria).

<b>Grade</b>	<b>Criteria</b>
<b>AB (A)*</b>	An excellently structured reasoning with a clear focus on the central aspects and with a high relevance in light of the questions posed; extensive reference to legal sources and the correct use of relevant facts; great ability to engage in abstract reasoning and to make an independent assessment of the problems, including critical reflection.
<b>AB (B)*</b>	A very well structured reasoning with a clear focus on the central aspects and with a high relevance in the light of the questions posed; reference to legal sources and the correct use of relevant facts; great ability to engage in abstract reasoning and to make an independent assessment of the problems, including critical reflection.
<b>BA (C)*</b>	A well structured reasoning with a focus on the central aspects and with relevance in the light of the questions posed; reference to legal sources and the correct use of relevant facts; ability to engage in abstract reasoning and to make independent and balanced assessment of the problems.
<b>BA (D)*</b>	A structured and relevant reasoning which covers some of the central aspects in light of the questions posed; reference to legal sources and the correct use of relevant facts; signs of an ability to engage in abstract reasoning and to make an independent assessment of the problems.
<b>B (E)*</b>	A transparent reasoning which observes some aspects that are central to the questions posed; some reference to legal sources and relevant facts; signs of an ability to make an independent assessment of the problems.
<b>Fx</b>	A reasoning which observes aspects that are central to the questions posed but insufficient reference to legal sources and the relevant facts and/or no signs of an ability to make an independent assessment of the problems.

**F** A reproduction of disjointed facts with insufficient reasoning.

\*The symbols in brackets represent the equivalent of the stated grade on the A – F scale.

In the grading of the papers these criteria will be used, although the weight given to the different criteria will vary depending on the assignment; please see further under each assignment.

**Please copy the following table and insert it at the end of every paper in this course.** This table contains the criteria for grading which will be used in the grading, and it will also facilitate in giving you feedback. Please do not forget to pick up your papers after they have been graded, since they contain valuable feedback.

<b>Overall assessment</b>	
<b>Method, analysis, argumentation</b>	
<b>Presentation (focused, clear and logical outline)</b>	
<b>Sources (citations, use of relevant material)</b>	
<b>Facts, knowledge about the subject</b>	
<b>Conclusions, critical reflections</b>	

<b>Style</b>	
<b>Other comments</b>	

#### *4.1.39 Advice on style*

In essays and scholarly writing, try to avoid using **bold** font and underlining, it is better to use *italics* when you wish to emphasise a certain word or phrase.

## **4.2 Seminars with tutorials**

For the following seminars you need to prepare by reading cases and articles as indicated in tutorials posted on the course website.

- Seminar 1: Scholarly and Critical Approaches to International Criminal Justice
- Seminar 2: Enforcement of international criminal law in domestic courts: Experiences from Scandinavia
- Seminar 3: Prosecutorial Strategies, Complementary, Peace vs Justice
- Seminar 4: War Crimes and IHL
- Seminar 5: Grounds for excluding Criminal Responsibility

The seminars are intended to deepen student's understanding through critical analysis and the questions are guidance for a general discussion following the questions.

## **4.3 Moot court**

See separate documents posted on the course website:

1. Cases
2. Rules of Procedure Moot court

## **4.4 Individual essay**

The third assignment is an essay in which you are expected to write in the field of

international criminal law.

### 3.4.1 Topic of the individual essay

Below you will find some topics that will give you an opportunity to refer to several different areas of international criminal law.

Legal sources and other sources have to be properly referenced. Consult section 4.1.2 and 4.1.3 in this document.

#### 4.4.1 Suggested paper topics

- Command Responsibility
- Immunities of Heads of State
- Complementarity
- Conflicts and IHL
  - Operation Cast Lead 2008-09
  - Georgia-Russia 2008
  - Libya 2011
  - Iraq 2003
  - Syria 2011-
  
- Genocide and crimes against humanity
  - Khmer Rouge 1975-1979
  - The Anfal Campaign 1986-1989
  - Holodomor, Ukrainian SSR 1932–1933
  - Srebrenica, 1995
  - Armenia, WW I
  - The Holocaust
  - Darfur 2003
  
- The crime of aggression
  
- Trafficking as an international crime
  
- Crimes against women
  
- Truth and reconciliation commissions



- Principles of jurisdiction
- Domestic implementation of international criminal law – write about your own country
- Cases concerning ICL in domestic courts – write about a case from your country
- Enforcement of non-cooperation of states with ad hoc tribunals/ICC
- The standard “beyond reasonable doubt”
- The hybrid nature of international criminal procedure
- The Role of the Prosecutor at the *ad hoc* tribunals/ICC
- Access to documents and materials (disclosure/dossier system)

It is strongly suggested that you start to take down notes on your own thoughts on your chosen topic as soon as possible.

#### 3.4.2 What the individual essay should contain

Your essay should contain the following:

1. You should state a puzzle (dilemma or problem). A good puzzle is something that appears to be a contradiction. The purpose of the essay is to solve the contradiction.
2. You should state purpose of the essay and research questions.

The purpose should relate to explain why you have chosen the actual topic, what you want to achieve, for example if you want to examine need for more detailed regulation, if you have a hypothesis etc.

The purpose leads you to state certain research questions and/or a hypothesis. Your essay should focus to answer these research questions and nothing else. Questions that can be answered yes/no are not good.

Examples of research questions.

If you want to write a traditional and descriptive essay:  
"what does/should rule x mean?" potential answers:  
A/B/C

If you want to write a more critical and analytical essay:  
"what should one presume in order to believe rule x  
means A/B/C?" This will help you to discover and  
discuss the ideology and assumptions of an  
institution/rule.

3. Description and analysis of relevant legal sources and rules
4. If available, different views among scholars and/or states on how to deal with the problem
5. Your own analysis and view of the problem, to be presented in the section analysis and conclusions. You should consider and discuss extra- legal factors and critically reflect on the role of international criminal justice.

This should be reflected in your essay by using the following sections and headings:

1. Problem
2. Purpose and research question(s)
3. Delimitations
4. Legal framework
5. Analysis
6. Conclusions

#### **4.4.2 Length of the paper**

The paper should be **5-10 pages** long (excluding front page, table of contents and bibliography) and pages should be numbered.

Format:

Size 12 Times New Roman font style

The text of the paper must be 1.5 spaced. Use footnotes for sources

Include the following headings/components: 1) Introduction (Problem, purpose, research question(s), limitations), 2) analysis, 3) conclusions

Recommendation: use 1-2 books or 3 articles

Regarding other formal requirements, please consult section 4.1.2 and 4.1.3 in this document, which is available under course material. It applies to all written assignments during this course, unless modified by our own instructions.

#### **4.4.3 Submission of the paper**

It should be handed in on → 20 March 2024 via Athena

**IMPORTANT: PLEASE DO NOT FORGET TO WRITE YOUR NAME AND THE NAME OF THE TOPIC AREA ON THE *FIRST* PAGE OF THE PAPER!**

We have adapted the assignment to the amount of time that you will have at your disposal to work on it. It is in any case advisable that you begin work on the paper as soon as possible in order to meet the deadline. Computer failures and short-term illnesses are unfortunately all too common occurrences, so be sure to take such risks into account when planning your time.

## **5. Other**

### **5.1 Studying with a disability**

#### *General*

Stockholm University offers various forms of extra pedagogical support for people with permanent disabilities. The support offered depends on the individual's situation and is intended to facilitate studies. The goal is for all students to have an opportunity to study on equal terms.

To take advantage of the support offered, students must submit an application to the university's Disability Services (part of the Student Services). To do this, they must log into the system NAIS via a link found on Student Services's web page (Stockholm University > Education > Studying with a disability > how to apply for support) and fill in the online form. To complete the application, a certificate confirming the disability must be attached.

When the application is received, the student will be contacted by the Student Services to book a personal meeting.

Once the student is granted support, they will need to contact their department's contact person and submit the certificate issued by the Student Services. The contact person at the Department of law for Swedish students is Viktoria Pettersson, director of studies, Tel.: 08-16 13 04 or e-mail: [viktoria.pettersson@juridicum.su.se](mailto:viktoria.pettersson@juridicum.su.se). International master students must contact the Office of International Affairs at [master@juridicum.su.se](mailto:master@juridicum.su.se). Exchange students must also contact the OIA using the email [exchange@juridicum.su.se](mailto:exchange@juridicum.su.se).

### *Examination*

Note that the course administrator/teaching assistant must be informed of a student's documented disability **no later than 3 weeks** before each examination in order for the extra pedagogical support to be in place in time. If the information is received later, the department cannot guarantee that the examination can be carried out as desired. **Please also note that registration for the exam must be done in the usual manner no later than 10 calendar days before the exam.** Also note that in order to receive extra pedagogical support during the entire course (e.g. note-taking assistance) or special extra measures (e.g. dividing up the exam), the course administrator/teaching assistant must be contacted at the latest by **at the start of the course.**

## **5.2 Student influence and course development**

All students are asked to complete an anonymous electronic course evaluation at the end of the course. The course evaluation is of great importance for the quality assurance of the course content and its pedagogical structure. The course is constantly changing and evolving, and the views and ideas expressed in the course evaluation are always carefully considered.

## **5.3 Contact information**

Head of course:

Mark Klamberg

08-16 13 28

Room C 779

[ICL@juridicum.su.se](mailto:ICL@juridicum.su.se)

Mariana Fakh

08-16 32 05 Room C 642

[ICL@juridicum.su.se](mailto:ICL@juridicum.su.se)

Course administrator:

Sara Freeman 08-16 25 75

Room C 770 (Reception hours: Tuesdays and Thursdays 13-15)

[ICL@juridicum.su.se](mailto:ICL@juridicum.su.se)