

Yaroslav Mudryi National Law University

Department of International Law

S Y L L A B U S

of the academic discipline

«International criminal law /

Міжнародне кримінальне право»

Level of higher education – second (master's) level

Degree of higher education - master

Field of knowledge - 08 "Law"

Specialty - 081 "Law"

The status of the academic discipline - at the student's choice

Recruitment year - 2021

Kharkiv - 2021

Syllabus of the academic discipline «International criminal law / Міжнародне кримінальне право» for students of the second (master's) level of higher education in the field of knowledge 08 "Law" specialty 081 "Law". Kharkiv: Yaroslav Mudryi National Law University, 2021. 16 p.

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Head of the Department – Volodymyr Mykolayovych Steshenko,
PhD, professor

Yes, no, about the teacher

The name of the academic discipline	International criminal law / International criminal law
Status of the academic discipline	At the student's choice
Teacher	Senatorova Oksana Vasylivna, assistant professor of the Department of International Law, Doctor of Jurisprudence, associate professor
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Consultations	in accordance with the developed schedule of individual consultations
Online consultations	Group consultations in Telegram Individual consultations using the "Zoom" service

Abstract of the academic discipline

It is given a comprehensive understanding of the formation, development and modern challenges of international criminal law, the genesis of the concept of international crime, its correlation with transnational and ordinary crimes, the evolution of the concepts of various categories of international crimes (genocide, crimes against humanity, war crimes and the crime of aggression). The legal principles, jurisdiction and modern problems of the functioning of the International Criminal Court (hereinafter referred to as the ICC) are defined, as well as the peculiarities of the international criminal process *sui generis*, the unique role of victims in the international criminal process, problematic issues of cooperation between the UN Security Council, states and the Court, the peculiarities of the ICC's jurisdiction regarding the situation of the armed conflict in Ukraine. Students of the course are introduced to the main theoretical discussions in the field of international criminal law and practical difficulties associated with the implementation of its norms in the national legal systems of states. Listeners are aware of the framework and features of international criminal law in modern contexts: challenges of regionalization and the doctrine of immunities of heads of state, jurisdictional features of incriminating the crime of aggression, selectivity of cases, difficulties in protecting the rights of certain categories of persons (women, children), correlation

of transitional justice and international criminal law.

The purpose and tasks of the educational discipline

The purpose of the educational discipline is to form a comprehensive system of professional knowledge about international crimes over which the jurisdiction of the International Criminal Court extends, about the main procedures of the Court, its cooperation with states and other subjects of international law, development of basic abilities, skills and other competencies of students of higher education in the sphere of application of norms of international criminal law in both international and national jurisdictions, implementation of its norms in the national law of Ukraine, critical evaluation of the doctrine and judicial practice of international criminal courts.

Task :

- formation of an in-depth system of theoretical knowledge (concepts, doctrines) regarding international criminal law;
- awareness of the foundations and dynamic practices of the International Criminal Court, the specifics of its jurisdiction and the specifics of the cooperation of states with this unique international organization;
- development of skills for orientation in the main regulatory acts regarding the fight against international crimes and cooperation regarding such crimes;
- acquisition of skills in qualification, investigation and criminal prosecution of international crimes;
- assimilation of scientific and theoretical approaches, practical methods, methods of professional activity in the application of norms of international criminal law, standards of legal aid in criminal cases in the national legal order of Ukraine;
- mastering innovative practices, legal techniques of interpretation of normative legal acts and judicial practice of the International Criminal Court and *ad hoc tribunals* , as well as acts that constitute the contractual and legal basis of Ukraine's relations with other states in the field of combating international crimes and in the field of legal assistance in criminal matters affairs

Educational discipline in the structure of the educational and professional program. Interdisciplinary connections

Prerequisites : "International Law".

Details : " Universal and regional systems of human rights protection / Universal and regional systems of human rights protection" , " Transitional justice / Transitional justice".

Expected learning outcomes of a student of higher education

As a result of mastering the academic discipline, the student of higher education must demonstrate the following learning outcomes:

RN ND 1. Demonstrate knowledge and understanding of modern legal doctrines, categories and principles of international criminal law

RN ND 2. To analyze the influence of historical events on the current state of development and the future of international criminal law, transnational criminal law, legal aid in criminal cases.

RN ND 3. To determine the peculiarities of national and international criminal jurisdiction, to be able to resolve issues of conflict between the jurisdictions of states and states and the International Criminal Court, to determine the systemic foundations of the International Criminal Court.

RN ND 4. To characterize the elements of international crimes, to determine the principles of their implementation in the national legal order and ways to overcome conflicts between the material norms of international and national law, to be able to determine the contextual elements of international crimes and to collect evidence confirming them.

RN ND 5. Demonstrate an understanding of the general principles of international criminal law and the principles of individual criminal responsibility for international crimes.

RN ND 6. To determine the methods and procedures of the International Criminal Court necessary for solving specific problems, the principles of

cooperation of states with the International Criminal Court, to understand the obligations of Ukraine in the context of the submitted applications under Art. 12(3) of the Rome Statute.

RN ND 7. Determine the tasks and functions of all bodies called to fight international crimes at the international universal and regional levels.

RN ND 8. To provide a legal assessment of the state of implementation of norms of international criminal law in the legal system of Ukraine.

RN ND 9. Provide consultations on the possibility of applying sources of international criminal law and norms of legal aid in criminal cases in the law enforcement practice of Ukraine.

RN ND 10. To be able to interpret the norms of international treaties and customs, as well as decisions of international courts, to apply in practice the norms of international treaties on legal aid in criminal cases.

RN ND 11. Provide consultation on issues of international criminal law, transnational criminal law and legal assistance in criminal cases.

RN ND 12. Provide consultations to victims of international crimes regarding their role in the international criminal process and opportunities to protect their rights.

**Types of educational activities and independent work
for students of full-time higher education**

No	Classroom classes (contact)		Individual work (in hours)
	Topics of lectures	Topics of practical classes	
1	Formation and development of international legal cooperation in the fight against crime	Formation and development of international legal cooperation in the fight against crime	8
2	National criminal jurisdiction: concepts, principles. Peculiarities of the principle of universal jurisdiction	National criminal jurisdiction: concepts, principles. Peculiarities of the principle of universal jurisdiction	8
3	International criminal law: concepts, sources,	International criminal law: concepts, sources, general	8

	general principles	principles	
4	International Criminal Court: status, judicial system and jurisdiction	International Criminal Court: status, judicial system and jurisdiction	8
5	Concept and features of international crimes	Concept and features of international crimes	8
6	The crime of genocide and crimes against humanity: signs, contextual elements	The crime of genocide and crimes against humanity: signs, contextual elements	8
7	The crime of aggression and war crimes: signs, contextual elements	The crime of aggression and war crimes: signs, contextual elements	8
8	Jurisdiction of the International Criminal Court regarding the situation in Ukraine.	Jurisdiction of the International Criminal Court regarding the situation in Ukraine.	8
9	Principles of international criminal responsibility	Principles of international criminal responsibility	8
10	International criminal process and legal assistance in criminal cases	International criminal process and legal assistance in criminal cases	8

**Types of educational activities and independent work
for students of higher education in the correspondence form of education**

No	Topics of lectures	Topics of practical classes	Individual work (in hours)
1	International criminal law: concepts, sources, general principles	International criminal law: concepts, sources, general principles	110
2	International Criminal Court: status, judicial system and jurisdiction	International Criminal Court: status, judicial system and jurisdiction	
3	International criminal process and legal assistance in criminal cases.	-	

Independent work of students

Independent work of students is carried out in the following forms:

- preparation of an individual final written work;
- elaboration of new scientific and educational literature, international normative acts and normative acts of foreign countries;
- preparation of presentations on the subject;

- work on cases of the International Criminal Court;
- performance of practical tasks, self-testing;
- writing essays and abstracts;
- preparation of theses or reports for scientific and practical conferences;
- participation in competitions of student scientific works;
- preparation for practical classes, colloquiums and testing.

Tasks and methodical recommendations for independent work are given in Methodical materials for the educational discipline " International criminal law / International criminal law" for students of the second (master's) level of higher education in the field of knowledge 08 "Law" specialty 081 "Law.

Educational, methodical and information support academic discipline

Normative and legal acts

1. Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Customs Similar to Slavery of 1956. URL: https://zakon.rada.gov.ua/laws/show/995_160#Text
2. Additional Protocol to the Geneva Conventions of August 12, 1949 of the year concerning the protection of victims of international armed conflicts (Protocol I), dated June 8, 1977 URL : https://zakon.rada.gov.ua/laws/show/995_199#Text
3. Additional Protocol to the Geneva Conventions dated August 12, 1949, relating to the protection of victims of armed conflicts of a non-international character (Protocol II), dated June 8, 1977 URL : https://zakon.rada.gov.ua/laws/show/995_200#Text
4. Additional protocol to the Geneva Conventions of August 12, 1949, concerning the adoption of an additional distinctive emblem (Protocol III), dated December 8, 2005 URL : https://zakon.rada.gov.ua/laws/show/995_g74#Text
5. European Convention on Combating Terrorism of 1977. URL: https://zakon.rada.gov.ua/laws/show/994_331#Text

6. Geneva Convention on the Treatment of Prisoners of War of 1949. URL: https://zakon.rada.gov.ua/laws/show/995_153#Text
7. Kishinev Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters of 2002. URL: https://zakon.rada.gov.ua/laws/show/997_619#Text
8. Convention on Combating Hostage Taking of 1979. URL: https://zakon.rada.gov.ua/laws/show/995_087#Text
9. Convention on combating illegal seizure of aircraft of 1970. URL: https://zakon.rada.gov.ua/laws/show/995_167#Text
10. Convention on Combating Unlawful Acts Against the Safety of Civil Aviation of 1971. URL: https://zakon.rada.gov.ua/laws/show/995_165#Text
11. Convention on Combating Trafficking in Persons and the Exploitation of Prostitution by Third Parties of 1949. URL: https://zakon.rada.gov.ua/laws/show/995_162#Text
12. Convention on the Prevention and Punishment of the Crime of Genocide of 1948. URL: https://zakon.rada.gov.ua/laws/show/995_155#Text
13. Convention on the Protection of Cultural Property in the Event of Armed Conflict of 1954. URL: https://zakon.rada.gov.ua/laws/show/995_157#Text
14. Convention on the Protection of the Civilian Population in Time of War of 1949. URL: https://zakon.rada.gov.ua/laws/show/995_154#Text
15. Convention on the Improvement of the Fate of the Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea of 1949. URL: https://zakon.rada.gov.ua/laws/show/995_152#Text
16. Convention on the Improvement of the Fate of the Wounded and Sick in Active Armies of 1949. URL: https://zakon.rada.gov.ua/laws/show/995_151#Text
17. Convention on offenses and certain other acts committed on board an aircraft of 1963. URL: https://zakon.rada.gov.ua/laws/show/995_244#Text
18. Convention on the Suppression of the Crime of Apartheid and its Punishment of 1973. URL: https://zakon.rada.gov.ua/laws/show/995_149#Text

19. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984. URL: https://zakon.rada.gov.ua/laws/show/995_085#Text
20. UN Convention against Transnational Organized Crime of 2000 URL: https://zakon.rada.gov.ua/laws/show/995_789#Text
21. Council of Europe Convention on the Prevention of Terrorism of 2005 URL: https://zakon.rada.gov.ua/laws/show/994_712#Text
22. International Convention on Combating Acts of Nuclear Terrorism of 2005. URL: https://zakon.rada.gov.ua/laws/show/995_d68#Text
23. UN International Convention on Combating Bomb Terrorism of 1997 URL: https://zakon.rada.gov.ua/laws/show/995_374#Text
24. UN International Convention on Combating the Financing of Terrorism of 1999. URL: https://zakon.rada.gov.ua/laws/show/995_518#Text
25. International Convention on the Elimination of All Forms of Racial Discrimination of 1966. URL: https://zakon.rada.gov.ua/laws/show/995_105#Text
26. Minsk Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters of 1993. URL: https://zakon.rada.gov.ua/laws/show/997_009#Text
27. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementing the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, adopted at Montreal on September 23, 1971. URL: https://zakon.rada.gov.ua/laws/show/995_269#Text
28. Protocol on the prevention and suppression of trafficking in persons, especially women and children, and its punishment, supplementing the UN Convention against Transnational Organized Crime. URL: https://zakon.rada.gov.ua/laws/show/995_791#Text
29. Protocol against the illegal importation of migrants by land, sea and air, supplementing the UN Convention against Transnational Organized Crime. URL: https://zakon.rada.gov.ua/laws/show/995_790#Text

30. Statute of the International Military Tribunal for the Far East of 1946. URL: <https://docs.cntd.ru/document/902053853>
31. Statute of the International Military Tribunal for the Trial and Punishment of Major War Criminals of the European Axis Countries of 1945. URL: https://zakon.rada.gov.ua/laws/show/998_201#Text
32. Statute of the International Criminal Tribunal for the former Yugoslavia, 1993. URL: https://zakon.rada.gov.ua/rada/show/995_711#Text
33. Statute of the International Criminal Tribunal for Rwanda, 1994. URL: https://zakon.rada.gov.ua/laws/show/995_d65#Text
34. Resolution of the UN General Assembly "On the Definition of Aggression" of 1974. URL: https://zakon.rada.gov.ua/laws/show/995_001-74#Text
35. Rome Statute of the International Criminal Court of 1998. URL: https://zakon.rada.gov.ua/laws/show/995_588#Text

Basic literature:

1. Verle, G. Principles of international criminal law: textbook. Odessa: Phoenix; Moscow: Translit, 2011. 882 p.
2. Cassese A. _ International Criminal Law. Oxford University Press, 2013. 528 p.
3. The Oxford Handbook of International Criminal Law / Edited by Kevin Heller, Frederic Megret, Sarah Nouwen, Jens Ohlin, and Darryl Robinson. Oxford University Press , 2020. 918 p .
4. Commentary on the Rome Statute of the International Criminal Court. Ed. by O. Triffterer. Second Edition, Baden-Baden, 2008.
5. [Commentary on the Law of the International Criminal Court](#) / Edited by Mark Klamberg. Brussels: Torkel Opsahl Academic EPublisher. 2017. 819 p.
6. Stahn S. A [Critical Introduction to International Criminal Law](#) Oxford University Press, 2018 . 464 p.

7. Cryer R. , Friman H. , Robinson D ., Wilmshurst E. _ An Introduction to International Criminal Law and Procedure . Cambridge University Press , 2014. 522
8. Niels Meltzer. [International humanitarian law: a general course](#) . ICRC, 2021. 398 p.
9. Henkerts Zh-M., Doswald-Beck L. [Usual international humanitarian law](#) . T.1 Norms. ICRC, 2006. 818 p.
10. [Understanding the International Criminal Court](#) / ICC documents.

Additional literature

1. David E. [Principles of the law of armed conflicts](#) . Moscow : ICRC , 2011. 1144 p .
2. Boister, N. An Introduction to Transnational Criminal Law: Edition 2. Oxford University Press. 2018. 512 p.
3. Bassiouni C. International Extradition: United States Law and Practice (6th Edition). Oxford International Law Library. 2014. 1328 p.
4. Senator Oksana. Die Ukraine und der Internationale Strafgerichtshof: Der lange Weg zur Gerechtigkeit. *Ukraine-analysen* NR. 208, 06.11.2018. P. _ 7–11. URL : <http://www.laender-analysen.de/ukraine/pdf/UkraineAnalysen208.pdf>
5. Oksana Senatorova. Prosecution of International Crimes Committed in Ukraine: Current Challenges and Perspectives. *Religion & Society in East and West* , 2022. NR. 4.
6. Senator Oksana. Special Tribunal for the Crime of Aggression Against Ukraine: Filling in the Gaps and Avoiding the Pitfalls. [Ukraine-Analysen](#) . July 2022. No. 270.
7. Senatorova Oh _ In _ "The International Criminal Court: What are the problems of jurisdiction regarding the war in Ukraine and how to solve them?" // website of the Center for International Humanitarian Law and Transitional Justice. October 28, 2020 URL : <https://ihlaw.org/mizhnarodnyj-kryminalnyj-sud- u k rayina />

8. Senatorova O. V. Principles of the Nuremberg Trials as the basis of international criminal justice. *Theory and practice of jurisprudence* . 2011. No. 1(1)

9. Theory and practice of international criminal law: a textbook / [Zelinska N.A., Andreychenko S.S., Dryomina-Volok N.V., Koval D.O.; under the editorship Prof. N.A. Zelinska]. Odesa: Phoenix, 2017.

10. Havronyuk M. I. Modern all-European criminal legislation: problems of harmonization: monograph. Kyiv: Istyna, 2005. 264 with.

Internet resources

1. The website of the International Criminal Court is <https://www.icc-cpi.int/Pages/Main.aspx>

2. Report of the Prosecutor of the International Criminal Court on the actions of the preliminary investigation of the situation in Ukraine for 2020 - <https://www.icc-cpi.int/itemsDocuments/2020-PE/2020-pe-report-ukr-rus.pdf>

3. Nuremberg Trials Project - http://nuremberg.law.harvard.edu/php/docs_swi.php?DI=1&text=overview

4. International Residual Mechanism for Criminal Tribunals (United Nations International Residual Mechanism for Criminal Tribunals) - <https://www.irmct.org/en>

5. Information page of the UN on International and Hybrid Criminal Courts and Tribunals (International and Hybrid Criminal Courts and Tribunals) - <https://www.un.org/ruleoflaw/thematic-areas/international-law-courts-tribunals/international-hybrid-criminal-courts-tribunals/>

6. Main legal texts of the International Criminal Court - <https://www.icc-cpi.int/resource-library#legal-texts>

7. International Committee of the Red Cross - <https://www.icrc.org/ru>

SENMK

Standardized electronic educational and methodological complex of the

Department of International Law. URL:

http://library.nlu.edu.ua/index.php?option=com_k2&view=itemlist&task=category&id=217:kafedra-mizhnarodnoho-prava&Itemid=151

Requirements of the teacher

Those seeking higher education *must* : regularly attend lectures and practical classes; systematically and actively work on them; convincingly present arguments when solving tasks; qualitatively perform written tasks, control and independent work, etc. Practical classes missed for valid reasons can be made up after prior agreement with the teacher.

Applicants of higher education *are recommended* to: participate in scientific conferences, competitions of scientific works, the work of the scientific circle of the department, prepare theses of scientific reports, etc.

A mandatory requirement is that students of higher education comply with the norms of **the** " Code of Academic Ethics of the National Law University named after Yaroslav the Wise" (https://nlu.edu.ua/wp-content/uploads/2020/02/kodeks_academichnoyi_etyky.pdf).

During classroom classes, it is allowed to use gadgets only for educational purposes (for example, to view lecture presentations). It is allowed to use laptops and tablets for keeping lecture notes and tracking the necessary information.

Control measures

Evaluation of the results of mastering the educational discipline " International criminal law / International criminal law" provides for current and final control and is carried out on the basis of a cumulative point-rating system.

Current knowledge control includes:

- quality control of students' assimilation of the program material of the educational discipline in practical classes using the following tools: oral/written survey, express survey, solving practical tasks, participation in work on an educational case, preparation of a presentation, essay, essay, etc. The current control

is aimed at checking the level of the student's preparation in studying the material. In the course of the practical session, the student can receive an assessment on a four-point scale (0, 3, 4, 5);

- quality control of the students' assimilation of the program material of the educational discipline, which is conducted at the end of the modules in the form of colloquiums.

The mandatory form of independent work of students is the preparation of an individual final written work. The maximum number of points based on the results of the defense of an individual final written work is 20 points.

The form of *final control of the* knowledge of higher education students in an academic discipline is a differentiated assessment. The minimum number of points to receive a differentiated credit is 60.

Scale of final pedagogical control

Rating according to the ECTS scale	Definition	Rating on a national scale for credit	Rating on a 100-point scale used at NYU
AND	Excellent - Excellent execution, with only a small number of errors	counted	90 - 100
IN	Very good - above average with a few errors		80-89
WITH	Good - generally correct work with a number of minor errors		75-79
D	Satisfactory - not bad, but with a significant number of shortcomings		70-74
IS	Sufficient – performance meets minimum criteria		60-69
FX	Unsatisfactory - work needs to be done before rewriting	not counted	35-59
F	Unsatisfactory - serious further work is required, a mandatory repeat course		0 - 34