

International Criminal Law (B001722)

Course size *(nominal values; actual values may depend on programme)*

Credits 6.0

Study time 180 h

Course offerings and teaching methods in academic year 2023-2024

A (semester 2)	Dutch	Gent	lecture independent work
B (semester 1)	Dutch	Gent	lecture independent work

Lecturers in academic year 2023-2024

Vermeulen, Gert	RE23	lecturer-in-charge
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Offered in the following programmes in 2023-2024

	crdts	offering
Master of Science in Teaching in Social Sciences(main subject Laws)	6	B
Master of Laws in Laws	6	B

Teaching languages

Dutch

Keywords

International, European, EU, European Union, Council of Europe, criminal law, Jurisdiction, Universal, Treaty, Extradition, Legal assistance, Europol, Eurojust, Cooperation in criminal matters, Mutual recognition, Justice, Judicial cooperation, Police cooperation

Position of the course

The course addresses the (application of the) rules, the bottle-necks and the evolution regarding substantive as well as procedural (international police and judicial cooperation in criminal matters) international criminal law. Previously gained basic insight into the historical and intrinsic theoretical foundations of Belgian substantive and procedural criminal law and the sources and decision making structures of European and international law will allow students to better grasp the content of this specialist course.

Contents

Aspects of substantive international criminal law (criminal law under international law and Belgian law)

- international treaty and customary law concerning universal/international incriminating behaviour, such as genocide, crimes against humanity, war crimes, terrorism, and international humanitarian law
- sanctionising infringements of substantive international criminal law for international (ad hoc) tribunals, paying special attention to the International Criminal Court
- (application of) extra-territorial jurisdiction, paying special attention to the law concerning serious violations of international humanitarian law
- case-studies: Pinochet, Yerodia, Sharon, Franks, ...

Aspects of procedural international criminal law

- analysis and study of relevant legal instruments which are developed on a national, Benelux-, Schengen-, EU- and Council of Europe-level concerning respectively judicial and police cooperation in criminal matters
- judicial cooperation: extradition, mutual legal assistance, transfer of proceedings,

transfer of the enforcement of criminal judgements, cooperation with international tribunals, Eurojust, mutual recognition, European arrest warrant,...

- police cooperation: controlled delivery, cooperation in joint investigation teams, cross-border pursuit, observation and -undercover, information exchange, cooperation with Europol, ...
- case-studies: Moreno-García, Verbesselt-Van Engeland, Erdal,...

Initial competences

- Having basic knowledge of the European and international institutional context of the reaction to deviance and crime, including criminal policy, and administration of criminal justice
- Having knowledge of relevant sources on this matter and of their means of disclosure

Final competences

- 1 - To understand and to be able to apply and comment on the European and international (institutional context of the) administration of justice, in particular with regard to the aspects legislation, investigation, prosecution, sanctioning and enforcement of the sanction
- 2 - To know and to be able to use/apply the sources and rules of substantive and procedural international criminal law, as relevant specialism for penal sciences
- 3
 - To know and be able to correctly use the jargon specific to the course subjects.
- 4 - To have the ability to reflect on aspects of international criminal law in a critical-scientific manner, this orally through the participation in discussion and on the oral exam, as well as on the written exam.
- 5 - To be aware of the important role for a criminal law specialist to elaborate on the international dimension to criminal law (e.g. in light of a specific legislative or policy initiative).
- 6 - To have the ability to elaborate on relevant current affairs in light of the social and political context.
- 7 - To have the ability to draft a problem statement and defend a creative position based on a scientifically well-founded analysis and a logical legal reasoning.

Conditions for credit contract

Access to this course unit via a credit contract is unrestricted: the student takes into consideration the conditions mentioned in 'Starting Competences'

Conditions for exam contract

This course unit cannot be taken via an exam contract

Teaching methods

Lecture, Independent work

Extra information on the teaching methods

Adjusted teaching methods may be used if necessary due to Covid-19

Lecture: Education is provided in the form of (online) (response) lectures. The lectures aim at familiarising students with the application of legal rules, obstacles and evolution of substantial and procedural (international police and judicial cooperation in criminal matters) international criminal law. The self-exploring character is activated through response lectures. By asking questions and provoking reactions, active participation and critical thinking is spurred.

Independent work:

1. An online reader is made available to students, and they are expected to prepare for the seminars by reading the recommended literature that will broaden their knowledge of the topics handled in the corresponding seminar. The literature is explicitly discussed during the seminars.
2. Students are to independently formulate a research question, relevant for the course. On the basis of that question, they are to write a critical paper. In this paper, they are to defend a creative viewpoint regarding a relevant question by offering a scientifically researched analysis and logical reasoning.

Learning materials and price

- Ufora reader (mandatory and optional readings)
- G. Vermeulen, Basisteksten Internationaal en Europees Strafrecht, Gompel&Svacina, 13th edition (forthcoming Summer 2023) (price approx. 35 EUR)
- slides lecturer and possibly supplementary teaching materials, distributed via Ufora
- Students' own lecture notes

References

Included in learning material
Possible supplementary references to the teaching material will be distributed during the lectures and via Ufora

Course content-related study coaching

- Continuous feedback/coaching possible, via Ufora, e-mail or (video) appointment

Assessment moments

end-of-term and continuous assessment

Examination methods in case of periodic assessment during the first examination period

Oral assessment, Written assessment

Examination methods in case of periodic assessment during the second examination period

Oral assessment, Written assessment

Examination methods in case of permanent assessment

Assignment

Possibilities of retake in case of permanent assessment

examination during the second examination period is possible

Extra information on the examination methods

75 % periodical evaluation: written exam with supplementary oral exam for consolidation/verificaton purposes (+/-2) | Covid-19: in case of an online written exam, there will be no supplementary oral exam

The written exam tests the knowledge, insights and scientific thinking abilities en written and oral communication skills of the examinandus. The questions aim at testing if the student has gained insights and knowledge relating to the terminology, the relevant structures, the system, and the principles of the course area. Finally, the questions aim at testing if the student can apply the gained knowledge by formulating an opinion regarding a complex legal issue.

The oral exam supplements the written exam and is aimed at verifying/consolidating the written exam (re-evaluating, where necessary going into more detail and understanding certain associations and links). It can have a correcting effect with a maximum variation of 2 points.

25 % non-periodic evaluation.

Course paper: reflection paper

Each year the paper is aimed at discussing a contemporary theme in the field of international criminal law. Consequently, the topic of the assignment changes every year but is always linked to a certain aspect of the course. It enables the student to apply the theoretical and legal frameworks discussed in the course to a certain policy issue or legal problem and reflect upon it critically.

Examples of previous years: the developments in relation the E-Evidence at the European level, the prosecution of foreign fighters, Puigdemont and the European Arrest Warrant

2nd chance: updated or new paper. Subject remains the same.

Calculation of the examination mark

25% paper as detailed above

75 % written exam with supplementary oral exam for consolidation/verificaton purposes (+/-2) | Covid-19: in case of an online written exam, there will be no supplementary oral exam

STUDENTS ARE REQUIRED TO PARTICIPATE IN ALL EVALUATION COMPONENTS (both periodic and non-periodic evaluation), OTHERWISE, THE STUDENT WILL BE DECLARED FAILED.This means that if the final score is ten or more (out of twenty),

this score will be reduced to the highest non-passing grade (7/20).

Facilities for Working Students

Pursuant to the faculty rules on the position of working students, working students are allowed to hand in their course paper solely in an electronic format.