

030056 SE Seminar: “International Criminal Justice”

Summer Term 2024, 2 hours, 4 ECTS

em. o. Univ.-Prof. Dr. Frank HÖPFEL
Univ.-Prof.ⁱⁿ Dr.ⁱⁿ Ursula KRIEBAUM
Dr.ⁱⁿ Andrea LEHNER
Univ.-Prof. Dr. Stephan WITTICH

in collaboration with Prof. Dr. Christina Binder (Universität der Bundeswehr München) and Prof. Dr. Gerhard FIOILKA (Université de Fribourg)

List of Possible Topics

1. The Situation in Ukraine

1. The scope of jurisdiction of the ICC concerning Ukraine
2. The possibility of a special Tribunal for Aggression
3. The Allegation of Genocide case (Ukraine v Russian Federation) before the ICJ
4. The various bodies of collecting evidence concerning war crimes committed in Ukraine

2. The International Criminal Court

a. Situations and Cases

5. Bangladesh/Myanmar and the ICC (The Situation concerning the alleged deportation of the Rohingya people from Myanmar to Bangladesh and recent developments in Myanmar)
6. ICC and Sudan – Topical Problems including the problem of enforcing arrest warrants
7. The decisions of the ICC regarding Malawi, Chad and South Africa
8. ICC and Uganda – Serving as an Example for Difficulties with Amnesty Laws
9. Legal Aspects of the Case Against Jean-Pierre Bemba
10. ICC Timbuktu destruction case (Mali)
11. The interplay of the ICC and the UN: Should persons be brought before the ICC and become object of targeted sanctions of the UN?
12. In the interest of justice? The start of investigations on the Situation in the Islamic Republic of Afghanistan
13. Palestine and the ICC
14. Georgia and the ICC

b. Gender Issues in International Criminal Law

15. The Crime of Forced Pregnancy Under the Rome Statute
16. A “gender-sensitive” International Criminal Court? – The Protection of Victims and Witnesses of Sexual or Gender Violence in the Proceedings

c. The Kampala Review Conference 2010

17. The Definition of the Crime of Aggression After Kampala
18. The Jurisdiction of the Court in Relation to the Crime of Aggression

d. Substantive Law and Miscellaneous

19. Accountability for environmental crimes under the Rome Statute?
20. Addressing cyber-enabled crimes under the Rome Statute
21. Examining and prosecuting war crimes in Syria in national and international proceedings
22. The Prerequisites for Reparations Under the ICC Statute
23. The Declarations to the Rome Statute in Light of the Prohibition of Reservations to the Statute (Art 120 RS)
24. The Use of Illicit Weapons Under the Rome Statute
25. The Crime of Torture in International Humanitarian Law, War Crimes and Crimes Against Humanity
26. The applicable law (Article 21 Rome Statute)
27. The increased reservations of African states towards the ICC including the experience of the Extraordinary African Chambers in Dakar (the case against Hissène Habré)
28. The responsibility of commanders and other superiors (Article 28 RS), in comparison with Article 7 (3) ICTY Statute
29. Articles 97 and 98 Rome Statute: the present discussions
30. Amici curiae before the ICC and experience of the ICTY
31. The issue of immunities in connection with the proceedings before the ICC and the present request for an advisory opinion of the International Court of Justice
32. The amendments to the Rome Statute by Belgium and the proposed amendment by Switzerland

3. The *ad hoc* Criminal Tribunals: ICTY, ICTR, and the Residual Mechanism

a. Substantive Law

33. War Crimes in Non-International Armed Conflicts in the ICTY Case-law, including the Criteria for an “Armed Conflict”
34. Modes of Participation, including the Forms of Joint Criminal Enterprise (“JCE”), in the Jurisprudence of the *ad hoc* Tribunals

b. Procedural Issues

35. Standard of Proof in International Criminal Justice: Proof of Guilt Beyond Reasonable Doubt – with Special Consideration of Issues of Recognition and Identification
36. Plea Bargaining (“Plea Agreements”) in Proceedings before the ICTY
37. Completion Strategy: The Residual Mechanism and the Interplay Between the ICTY / ICTR and National Courts
38. Sentencing Principles and Practice, including Questions of Early Release

4. Internationalized (“Hybrid”) Courts: Sierra Leone, East Timor, Cambodia, Lebanon and Kosovo

39. The Kosovo Specialist Chambers & Specialist Prosecutor’s Office in The Hague on the background of the ICTY experience with particular regard to witness protection
40. The Experience of the ECCC (the “Cambodia Tribunal”)
41. Sierra Leone and East Timor: The Co-existence of Criminal Courts (“SCSL”, East Timor) and Truth and Reconciliation Commissions (“TRCs”)
42. Child Soldiers in the Case Law of the SCSL and the ICC
43. Trials in Absentia (The example of the Special Tribunal for Lebanon – STL)

5. Other Issues in International Criminal Law

44. The definition of the crime of genocide in the practice of the International Court of Justice (The case Croatia v. Serbia)
45. The Srebrenica case before the courts in the Netherlands
46. The Application of the Principle of Universal Jurisdiction
47. The Liability of Legal Persons in International Criminal Law – from Nuremberg to the ICC including recent developments at the Special Tribunal for Lebanon
48. Individual Criminal Accountability of Business Leaders for Human Rights Violations
49. Contempt of Court as Measure to Protect Witnesses
50. Terrorism as an International Crime including the Interlocutory Decision of 16 February 2011 of the Special Tribunal of Lebanon
51. The Austrian criminal law on international crimes: a comparison with the ICC Statute

52. Acceptance and Criminalisation of IS fighters in Austria returning from Syria
53. The enforcement of international criminal law at the national level: the recent judgements in Germany on State Torture in Syria and on the crime of genocide against the Yazidis
54. The question of immunity for state officials before national criminal courts when applying rules of public international law – the judgement of the German Federal Supreme Court from 28 January 2021 (3 StR 564/19)
55. Organized Crime and the International Criminal Court