

COURSE DETAIL

INTERNATIONAL CRIMINAL JUSTICE

Country

Italy

Host Institution

University of Bologna

Program(s)

University of Bologna

UCEAP Course Level

Upper Division

UCEAP Subject Area(s)

Legal Studies International Studies

UCEAP Course Number

178

UCEAP Course Suffix**UCEAP Official Title**

INTERNATIONAL CRIMINAL JUSTICE

UCEAP Transcript Title

INTL CRIMNAL JUSTCE

UCEAP Quarter Units

6.00

UCEAP Semester Units

4.00

Course Description

This is a graduate level course that is part of the Laurea Magistrale program. The course is intended for advanced level students only. Enrollment is by consent of the instructor. The course examines the theoretical and practical aspects of international criminal justice. Subsequently, the course proceeds to examine the concept of international crimes and the fundamental distinction between retributive and restorative justice models. Thereafter, the course focuses on the different and numerous mechanisms of international criminal justice.

The first part of the course is devoted to an examination of the fundamental tenets and historical development of international criminal law and justice. In particular, the course examines the experience of the Nuremberg Tribunals, as well as the development of further mechanisms and institutions, both at a national and international level, including the International Criminal Court (ICC). The latter represents a significant case study, which offers a convenient vantage point from which to discern the characteristic traits of international crimes (large-scale violence accompanied by the requisite of “gravity”) along with the related obstacles to effective prosecution. After an overview of the trigger mechanisms of the Court, the course examines some relevant features of the Court (e.g., the Court’s composition, the criteria for the appointment of judges) as well as some of the most controversial judicial decisions, which have prompted debate about the challenges of a potentially universal jurisdiction. These decisions include, for example, those in the situations of Libya, Burundi, Comoros Islands (incident of “Freedom Flotilla for Gaza”), Myanmar, Sudan and Afghanistan.

Particular emphasis is placed on other mechanisms of a retributive nature that have been established to prosecute international crimes. These include the experience of the ad hoc Tribunals for the former Yugoslavia and Rwanda, but above all the mixed (or hybrid) tribunals, which have emerged as a manifestation of an alternative paradigm of international justice. This paradigm involves, in various forms, national players in the efforts to deliver justice (e.g. judges, lawyers, victims, activists). It is noteworthy that the

Extraordinary Chambers in the Courts of Cambodia were established to try the former leaders of the Khmer Rouge, while the Kosovo Specialist Chambers and Prosecutor's Office, and the Extraordinary African Chambers in Senegal were created to try former Chadian ruler Hissène Habré.

The second part of the course examines some of the most intriguing and pioneering experiences that are anchored in the tenets of restorative justice, including the various Truth and Reconciliation Commissions. In this regard, the course analyses the Latin American experience, with particular reference to the cases of Colombia, Argentina and Peru. The South African Truth and Reconciliation Commission will be treated as a case study of particular relevance.

The last part of the course is devoted to an examination of the most notable rulings handed down by regional human rights courts (notably, the European and Inter-American Courts of Human Rights) and national courts (from Latin America, Spain, Germany, Italy and France) on international crimes. The objective is to identify and examine the salient issues pertaining to international criminal justice at both the national and international levels. In particular, the course focuses on the challenging task of balancing the pursuit of substantive justice with the maintenance of strict and formal legality, and the competing demands of peace and justice.

At the end of the course students will have learned: the foundational principles of international criminal law and justice; the historical evolution of international criminal justice and its current mechanisms; how to critically analyze the different responses to international crimes. Students are expected to acquire the necessary skills to identify the political and juridical main concerns of the selected different contexts and mechanisms - whether at the national or international level, retributive or restorative.

Language(s) of Instruction

English

Host Institution Course Number

91192

Host Institution Course Title

INTERNATIONAL CRIMINAL JUSTICE

Host Institution Campus

BOLOGNA

Host Institution Faculty

Host Institution Degree

LM in INTERNATIONAL RELATIONS

Host Institution Department

POLITICAL AND SOCIAL SCIENCES

[Print](#)