International Criminal Law and the Prosecution of War Crimes, Crimes Against Humanity, Genocide and Other International Crimes

This course will begin with an overview of the notion of international crimes, the fundamental principles of international criminal law and the sources of that law. Subsequently, the course will focus on the substantive legal elements of war crimes, crimes against humanity and genocide, as well as the crimes of aggression and terrorism, modes of liability and the growth in international criminal jurisdictions for holding individuals accountable for atrocities. As such, the course will consider the Nuremberg and Tokyo trials in the aftermath of World War II and the proliferation, post-Cold War, of international and “mixed” criminal courts and tribunals for the former Yugoslavia, Rwanda, Sierra Leone, Cambodia, and East Timor, among other places. In addition, the course will trace the formation of a “code” of international criminal procedure in these courts and tribunals. Specific issues to be explored include the efficacy of international criminal jurisdictions for prosecuting international crimes while upholding due process norms; the development of a consistent body of international criminal law jurisprudence; the relationship of international criminal jurisdictions to prosecution of international crimes by national courts; alternative mechanisms for effecting justice for international crimes including truth commissions and awarding reparations; State responsibility for international crimes; and the future of international criminal law.