

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination October-November, 2023

Semester: UG IX Semester

International Criminal Law (Criminal Law Honours.)

Time: Three Hours

Marks:100

*Instructions:*

1. Answer any five questions.
2. Support your answers with relevant statutory provisions and case laws

Q.1) Write a short note on:

- a. India's reluctance to become a member of ICC.
- b. The scope of atrocities in Manipur is covered under the Rome Statute.

(Marks 10+10=20)

Q.2) 'While deciding matters under ICC the atrocities inflicted upon the victims should not be read in the present. They should also be evaluated in the light of the treatment of victims in the past'. Verify the validity of the statement in light of the Rohingya Muslim atrocities.

(Marks 20)

Q.3) '...doctrine of joint criminal enterprise fails to offer a sufficiently nuanced treatment of intentionality, foreseeability and culpability.'- Jens David Ohlin

In light of Article 25 highlight the concerns of the author reflected in the above statement. Do you agree?

(Marks 20)

Q.4) After the killing of its long-time strongman President D, country T experiences a transition to democracy. In this process, the new president wants to address a period of extreme violence and coordinated suppression of unrest by government forces (leaving thousands dead or locked up in detention centres) from 2020-2023. An ethnic minority was even exterminated during this time because the Government saw the group as a persistent security threat and also sought the support of the leaders of the dominant ethnic community. He reckons that T's court system is still too fragile to deal with these crimes. T has already joined the ICC and now intends to defer this period of extreme violence to the ICC.

Would the ICC have jurisdiction over these alleged crimes? If yes, would the Court conflict with the principle of complementarity by admitting the case?

(Marks 20)

Q.5) State X and State Y have been at war for the last 4 years. The war was not only limited to these two nations rather the neighbouring nations also started declaring their alliances. State



A declared to be an ally of State Y. In the year 2021, State X captured State A. The civilian population of State A was subjected to the following atrocities:

- Compelled to participate in the war against State Y.
- Subjected to biological experiments not therapeutic or recommended.
- Sold to the 'elites' of their nation to generate funds for the ongoing war.

- a) Would the ICC have jurisdiction under Article 8 of the Rome Statute?
- b) Do you think if the offence is proved in the above question Officer Z can be excused from the culpability as even though it was his battalion who in his presence committed these crimes he never explicitly gave any instructions or approval?

(Marks 10+10=20)

Q.6) Evaluate the significance of ICTY and ICTR in shaping international criminal law.

(Marks 20)