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NATIONAL LAW UNIVERSITY, JODHPUR  
End Term Examination August-December-2025  
Semester: UG IX Semester  
Subject: International Criminal Law (Criminal Law Hons.)

Time: Three Hours

Marks:100

**Instructions:**

1. Attempt *any five* questions out of six.

Q.1). "That four great nations, flushed with victory and stung with injury stay the hand of vengeance and voluntarily submit their captive enemies to the judgment of the law is one of the most significant tributes that Power has ever paid to Reason."<sup>1</sup>  
The Nuremberg Tribunal has left an enduring legacy for the international criminal law. Yet the trials at the Tribunal are also cited as classic case of *victors' justice*. Do you agree? Yes/No. Present your arguments. (Marks 20)

Q.2). In State of Sardarpura, the ruling government has adopted policies that deliberately displace a minority ethnic community (Raikans) from fertile agricultural land to desert regions. Reports indicate the following in territory of Sardarpura:

- widespread killings of Raikan leaders,
- forcible transfer of Raikan children to neighbouring state of Mandore,
- forced sterilisation of women belonging to Raikan community, and
- propaganda campaigns portraying Raikans as "a disease to be eradicated."

The neighbouring state Mandore is contemplating to refer the case before the both ICC and ICJ, alleging that the individual leaders of Sardarpura have committed the crime of genocide and the state is responsible for genocide.

As legal advisor to Mandore, prepare arguments to establish whether the acts in Sardarpura meet requirement of genocide. Can the case be referred to ICC too? Prepare your arguments on the basis of treaty rule, customary international law and judicial precedents.

(Marks 20)

Q.3). After the killing of its long-time strongman president Kabali, state of Mandore experiences a transition to democracy. In this process, the new president, Hawk, wants to address a period of extreme violence (which included murder, torture and arbitrary arrest and detention) and coordinated suppression of unrests by government forces from 1996–1998. A religious minority group was even forcibly transferred during this time because the Government saw the group as a persistent security threat and sought the support of the leaders of the dominant religion.

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<sup>1</sup> Justice Robert H. Jackson, Chief of Counsel for the United States, in his opening statement to the International Military Tribunal, Nuremberg on 21<sup>st</sup> November 1945.



He reckons that Mandore's own court system is still too fragile to deal with these crimes. Mandore has already joined the ICC and now intends to defer this period of extreme violence to the ICC.

A. Would the ICC have jurisdiction over these alleged crimes? Which criminal jurisdiction is better suitable for investigation and prosecution of such crimes? Present your arguments.

B. What alternatives could Mandore's president propose to hold perpetrators accountable for these crimes?

(Marks 10+10)

Q.4). There was no international follow-up to criminalization of aggression after 1947 while other crimes were spelled out in the various conventions. Critically evaluate the reasons behind state's reluctance on adopting a definition of aggression.

(Marks 20)

Q.5). India is not a state party to the Rome Statute. Discuss India's objections to the ICC.

(Marks 20)

Q.6). Write short notes on any two:

- a. Principle of legality
- b. Universal Jurisdiction
- c. Terrorism as crimes against humanity

(Marks 10+10)