



INTERNATIONAL CRIMINAL LAW – WINTER SEMESTER 2021/22

Lecturer: Athina Sachoulidou, Assistant Professor, NOVA School of Law

Date: January 31, 2021 | Venue: Amphitheatre A + Room 3 + ZOOM

Begin at 13h | Duration: 3 hours

Section A: Multiple-Choice Questions (5 out of 20 points)

Justify all your answers with up to three sentences. Mere reference to the respective legal provisions is not considered a fully justified answer.

1. Victims of international crimes may refer cases directly before the International Criminal Court (ICC).

- a. True
- b. False

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→ In order to the ICC it is by Referral by a State Party, by the Security Council

2. The ICC benefits from self-referral of cases.

- a. True
- b. False

3. The Rome Statute penalizes the use of all means of warfare the use of which may be banned by other international conventions.

- a. True
- b. False

4. The ICC may adjudicate cases of war crimes committed by child soldiers.

- a. True
- b. False

5. The ICC is the only forum where international crime cases are adjudicated.

- a. True
- b. False

Section B: Exercise (15 out of 20 points) ✓

*national
owned
conflict*

Euphoria, a State positioned close to rich natural gas reserves and of unique natural beauty, has been suffering from severe internal political disturbances for the past ten years that ended with a military coup in November 2018. Arnoux, the military leader behind the coup and new prime minister of Euphoria's military government, pursues a rigid policy against civilian demonstrators. The latter are broken up violently and with the use of armed force – with some of them even being shot dead. Besides, there are also reports released in the international press suggesting that female members of Euphoria's communist party have been raped by members of the military forces in the aftermath of civil demonstrations against the regime. Despite the international reactions, the policies of Arnoux' government remain the same.

*murder
rape*

*- non-vested groups (Art 6 x)
- art 7 (constitutional)*

In March 2019, Massive Dynamic Corporation (MDC), an international constructor, agrees to build three luxury hotels in Euphoria aiming to host businessmen involved in natural gas industry as well as nature lovers who have never stopped visiting Euphoria despite the atrocities described above (that sometimes have even targeted tourists) – that project is an initiative of Arnoux' government which seeks to, *inter alia*, tone up the national income. Considering the yeasty circumstances, Bastian, the CEO of the company who happens to be a personal friend of Anakin (high-level member of Arnoux' government) agrees to pay "fees" to Euphoria's government for allowing locals to work for the MDC and –in times of increased disturbances and opposition– just for entering the premises of MDC. Arnoux government uses those fees alongside other recourses to equip the national law enforcement agencies in order to ensure "internal peace and security".

The MDC concludes the respective project within two years. During this time, there was an incident where the local police entered the company's premises in Euphoria and beaten up ten local employees and let them standing full of blood for more than three hours outdoors. Bastian was personally informed, but that incident has never been reported to the authorities, whether national or international.

rapinon

Upon his return to Corcodia, where MDC is registered, Bastian (a national of Corcodia himself) requires your legal advice in your capacity as International Criminal Law expert as regards the liability of MDC and himself for the incidents in Euphoria. Euphoria is not a State-Party to the Rome Statute. On the contrary, Corcodia has been one of the first States that signed and ratified the Rome Statute since the latter entered into force, namely on 1 July 2002.

Assess the events described above by commenting on: 1) ICC personal jurisdiction (2.5 points); 2) ICC local jurisdiction (2.5 points); 3) ICC material jurisdiction, including potentially criminal conducts, modes of liability and grounds for excluding liability (10 points).

Remember to number your pages. Please do not put your name (or any other information that may lead to your identification) on the exam paper, otherwise your exam will be invalidated.

Good luck/Boa sorte!