

Seminar FS 2025

## **Imprisonment and International Crimes**

Subject: Law / International Criminal Law / Criminology / Penology

Examination type: Seminar paper

Language: English

Lecturer: Dr. Filip Vojta

ECTS: 5

### **Seminar Description & Learning Outcome:**

Over the past two years, the international community has witnessed a significant increase in the number of arrest warrants issued by the International Criminal Court (ICC) against suspected perpetrators of war crimes and crimes against humanity committed in various armed conflicts, including in the Central African Republic, Georgia, Libya, the State of Palestine and Ukraine. These developments raise the prospect that the suspects, who also include high-ranking state and military officials, will stand in the dock and ultimately be sentenced for crimes the gravity and impact of which «deeply shock the conscience of humanity» (Preamble to the ICC Statute, para. 2).

While sentences should reflect the guilt of those convicted and thus represent deserved justice, the legitimacy of that justice also depends on how sentences are actually enforced, in accordance with which penal principles and with what ultimate outcome. With the rise of the international human rights movement in the wake of the atrocities of the Second World War, international criminal courts have replaced the death penalty with imprisonment as the principal sentence for international crimes. Accordingly, the modalities, experiences and effects of such imprisonment have varied drastically over time. In particular, since the 1990s and the establishment of the UN International Criminal Tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR), international criminal courts (including the ICC) have relied on various national prisons to incarcerate internationally convicted perpetrators of atrocity crimes. As practice increasingly shows, this nascent and evolving “international” penal system has brought with it various challenges that have had a significant impact on perceptions of international criminal justice, on security in conflict-torn states, and on the process of reconciliation in the societies where the crimes were committed.

The aim of the seminar is to introduce students to the legal, penological and criminological foundations of the international penal system. During the course of the seminar, students will learn about different models for the enforcement of international sentences, the penal philosophy behind

each model, the normative frameworks governing the imprisonment and release of internationally convicted war criminals, and the empirical challenges to effective and fair enforcement. They will come away from the seminar with a strong understanding of how the post-trial phase of international criminal justice works, the challenges to its legitimate functioning, and how it could be improved to contribute more effectively to the overall mandate of international criminal justice, namely to protect «the peace, security and well-being of the world» (Preamble to the ICC Statute, para. 3).

### **Seminar Structure & Didactic Methods:**

The seminar combines teaching with independent research by the students, overseen by the lecturer. Students will be required to write seminar papers (maximum 15 pages) analysing the functioning of the international penal system based on a predetermined number of self-selected case studies. In their analyses, students will draw on resources such as the case law and jurisprudence of international criminal courts, publicly available reports and academic literature. The quality of the written paper will determine the grade received in the seminar.

Students will also be required to give a short presentation (maximum 15 minutes) on their research during the seminar, followed by a discussion session. The presentations will serve as a basis for “peer review” feedback from other students and the lecturer on the progress of their work and will not be graded. However, students are encouraged to take useful comments and suggestions made during the discussion of the presentations into account when completing their papers.

In addition to the seminar itself, which will take place as a block course in mid-May, students will be required to attend two-to-three introductory lectures over a two-week period at the beginning of the semester. These lectures will prepare students for research on their seminar papers by introducing them to different topics relevant to the seminar and explaining the important methodological aspects of their research. Prior to the presentation of research findings in May, students and the lecturer will convene in mid-April to briefly discuss progress and any potential challenges. The seminar may also include a guest lecture by a person involved in the enforcement of international sentences, subject to availability.

The seminar has two key didactic goals. First, it seeks to provide students with substantive interdisciplinary knowledge on a specific topic in the disciplines of international criminal law, transitional justice, supranational criminology and penology. Second, it aims to cultivate transferable research skills that students can apply to other areas of their studies, such as writing a master’s thesis, and to future professional endeavours. The seminar is offered in English for a deliberate didactic reason: many of the key sources and academic discussions on this topic are in English, and by engaging with these materials, writing, and presenting their seminar papers in English, students will further develop their professional language skills. This is particularly

valuable for those aspiring to pursue an international career, as it enhances their ability to operate effectively in a global professional and academic environment.

### **Relevant Dates:**

- Introductory meeting/1<sup>st</sup> Lecture: 20.02.2025, 11:15-13:00, UniS (Room A 024)
- 2<sup>nd</sup> Lecture: 28.02.2025, 13:15-15:00, UniS (Room A 015)
- 3<sup>rd</sup> Lecture: 07.03.2025, 13:15-15:00, UniS (Room S 201)
- Progress Briefing: 11.04.2025, 13:15-15:00, UniS (Room A 015)
- Seminar: 15.05.2025, 10:15-16:00, UniS (Room A -124)
- Seminar Paper Submission: 02.06.2025

### **Target Audience & Admission Requirements:**

Admission to the seminar is open to students at the Master's level. A maximum of **ten students** will be admitted to the seminar. The seminar is also open to international students. Good English skills are required to participate in the seminar.

### **Registration:**

Applications with the name of the seminar, confirmation of participation, student's name, e-mail, matriculation number, field of study and semester number within the Master's programme should be sent from **15 January 2025, 10:00 a.m.** to: [filip.vojta@unibe.ch](mailto:filip.vojta@unibe.ch) (letter of motivation or similar not required). Places in the seminar will be allocated on a first-come, first-served basis.

### **Contact Person:**

For questions and further information, please contact:

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