Roll No.												

PRESIDENCY UNIVERSITY

BENGALURU

End - Term Examinations – December 2025

Date: 09- 12-2025 **Time:** 01:00pm – 04:00pm

School: SOL	**Program:** BA./BBA/B.Com LL.B.(Hons.)	
Course Code :LAW4054	**Course Name:** International Criminal Law	
Semester: VII	**Max Marks**: 100	**Weightage**: 50%

CO - Levels	CO1	CO2	CO3	CO4	CO5
Marks	24	19	19	14	24

Instructions:

(i) Read all questions carefully and answer accordingly.

(ii) Do not write anything on the question paper other than roll number.

Part A

Answer ALL the Questions. Each question carries 2marks. 10Q x2M=20M

1.	Define International Criminal Law.	**2 Marks**	**L2**	**CO1**
2.	Identify two major historical milestones in the development of ICL.	**2 Marks**	**L2**	**CO2**
3.	In the context of defenses, differentiate between the defenses of **Duress** and Necessity under the Rome Statute.	**2 Marks**	**L1**	**CO5**
4.	What was the major jurisprudential finding of the **Prosecutor v. Akayesu** (ICTR, 1998) case regarding sexual violence?	**2 Marks**	**L1**	**CO5**
5.	State the core purpose of the International Criminal Tribunal for the former Yugoslavia (ICTY).	**2 Marks**	**L2**	**CO4**
6.	List two key critiques of the ICC mentioned by its opponents.	**2 Marks**	**L2**	**CO4**
7.	What is the core tension evaluated under the Principle of State Sovereignty in ICL?	**2 Marks**	**L1**	**CO2**
8.	Identify two major historical milestones in the development of ICL.	**2 Marks**	**L2**	**CO1**
9.	Mention most significant **foundational legacy** of the Nuremberg Trials for International Criminal Law (ICL)?	**2 Marks**	**L1**	**CO3**
10.	According to Article 30 of the Rome Statute, what two concepts comprise the "Mental Element" (*mens rea*)?	**2 Marks**	**L2**	**CO3**

Part B

Answer the Questions. **Total Marks 80M**

11.		Examine the legal tension between state sovereignty and the international community's obligations under the Genocide Convention, 1948	**10 Marks**	**L3**	**CO1**
		Or			
12.		Analyzing this chronology and drawing on the final 1996 ILC Draft Code, evaluate its crucial contribution to the ultimate scope and content of the Rome Statute of the International Criminal Court (ICC).	**10 Marks**	**L4**	**CO1**

13.		Assess the legal tension between the right to self-defense and the prohibition on the use of force, specifically in the context of prosecuting the Crime of Aggression under the Rome Statute. Critically examine the requirements of Article 8 *bis* and the prescribed roles of the UN Security Council and the ICC in exercising jurisdiction over, and assigning responsibility for, such alleged actions.	**10 Marks**	**L6**	**CO4**
		Or			
14.		Critically analyze the specific jurisprudential contributions of the International Criminal Tribunal for the former Yugoslavia (ICTY) that fundamentally advanced the development of international criminal law.	**10 Marks**	**L3**	**CO4**

15.		Analyze the extent to which the Nuremberg and Tokyo Tribunals constituted a legal rupture in the traditional concept of state sovereignty by formally instituting the principle that individuals bear direct duties under international law. Assess the continuing efficacy of the Nuremberg Principles as foundational precedent for modern international justice mechanisms, considering both their influence on contemporary international criminal law instruments and their current limitations in addressing twenty-first-century conflicts.	**10 Marks**	**L6**	**CO1**
		Or			
16.		Critically examine the historical trajectory of international criminal law from the Treaty of Versailles to the establishment of the International Criminal Court.	**10 Marks**	**L4**	**CO1**

17.	**a.**	Analyze the inherent challenges faced by the principle of "Nullum Crimen Sine Lege" (No crime without law) when prosecuting serious international crimes that were defined primarily by customary international law prior to treaty codification (e.g., during the post-World War II tribunals).	**7 Marks**	**L3**	**CO2**
	b.	Critically evaluate how the Rome Statute of the International Criminal Court (ICC) attempts to rigidly codify and adhere to the "Nullum Crimen Sine Lege" principle, focusing on the provisions of Articles 22 (Principle of Legality) and 23 (Non-Retroactivity).	**8 Marks**	**L5**	**CO2**
		Or			

18.		**Scenario:** Alex, intending to harm Ben, pushes Ben into a busy road. Ben manages to avoid being hit by a car but falls and suffers a severe concussion. While in the hospital, Ben contracts a virulent infection due to hospital negligence and dies a week later. **Question**: Based on the scenario, assess Alex's potential criminal liability by analyzing the elements of *actus reus* (the criminal act) and causation. Also, discuss whether the hospital's negligence (the intervening act) is likely to be considered a 'break in the chain of causation' (*novus actus interveniens*) sufficient to absolve Alex of liability for Ben's death.	**7.5*2 =15 Marks**	**L5**	**CO2**

19.		The fictional State of Kappa is not a party to the Rome Statute. However, widespread and systematic attacks on a minority ethnic group, potentially constituting Crimes Against Humanity, are committed within Kappa's territory. Following the violence, two key developments occur: 1. Referral by State Sigma: State Sigma, a State Party to the Rome Statute, refers the situation in Kappa to the ICC Prosecutor, arguing that State Kappa is unwilling and genuinely unable to prosecute the high-level perpetrators. **2.** Domestic Investigation: State Kappa's government, realizing the international pressure, immediately establishes a Special Investigative Unit (SIU) composed of national judges and military lawyers to investigate and prosecute the crimes. The international community, however, views the SIU as entirely controlled by the government and thus a sham investigation**.**			
	a.	Analyze the threshold requirements for the ICC to exercise jurisdiction over the situation in State Kappa. Specifically, discuss whether State Sigma's referral, given that Kappa is a non-State Party, provides a valid jurisdictional basis under the Rome Statute.	**8 Marks**	**L3**	**CO3**
	b.	Referencing the State Kappa scenario (a non-State Party establishing an allegedly sham investigation), critically analyze the core argument of opposition—that the ICC's exercise of jurisdiction over non-State Parties (via UN Security Council referral or other means) constitutes an unacceptable violation of state sovereignty and the principle of non-intervention in internal affairs. Evaluate	**7 Marks**	**L4**	**CO3**
		Or			
20.		A State has been accused before the ICC of launching pre-emptive strikes against another nation, claiming the right of self-defense. Assess the legal issues surrounding the crime of aggression and the application of Article 8 bis of the Rome Statute. In your answer, discuss the roles of the UN Security Council and ICC in determining jurisdiction and responsibility.	**15 Marks**	**L3**	**CO3**

21.	**a.**	Critically analyze the significance of the International Criminal Tribunal for Rwanda (ICTR) judgment in *Prosecutor v. Jean-Paul Akayesu* (1998) concerning the development and interpretation of	**15 Marks**	**L4**	**CO5**

		international criminal law.			
	b.	Based on the *Akayesu* judgment, briefly explain and illustrate the following conceptual distinction: The difference between the specific intent required for the crime of Genocide (to destroy the protected group) and the general criminal intent (or *mens rea*) required for the underlying acts of murder or rape that fulfill the *actus reus* of Genocide.	**5 Marks**	**L2**	**CO5**
		Or			
22.		The leadership of the fictional State of Veridia, facing widespread political dissent, initiates "Operation Phoenix," a coordinated campaign designed to suppress all opposition groups. The operation is overseen by the Minister of Internal Security and carried out by the National Police Force (NPF).Over a three-month period in three major urban centers, the NPF executes the following actions: 1. Systematic Detentions: Thousands of journalists, lawyers, political activists, and suspected sympathizers are arrested based on centrally prepared lists. 2. Torture: Detained individuals are routinely subjected to severe physical and mental abuse in unofficial detention centers, including waterboarding and electric shock, to extract confessions and force them to denounce their affiliations. 3. Sexual Violence: Female political prisoners are subjected to rape and other forms of sexual violence by NPF officers as a means of terror and intimidation. 4. Enforced Disappearance: Hundreds of detainees vanish without a trace; the State refuses to acknowledge their detention or provide information on their whereabouts. 5. Official Policy: Internal memoranda and public statements from the Minister of Internal Security refer to the opposition as a "political disease" that must be "eliminated from the body politic." The scale and coordination of the actions are undeniable.			
	a.	Analyze the factual scenario provided to determine if the actions of the Veridian NPF meet the **contextual elements** required to classify them as **Crimes Against Humanity** under Article 7 of the Rome Statute.	**7 Marks**	**L3**	**CO5**
	b.	With the contextual elements of a widespread or systematic attack taken as given, analyze the scenario to identify and define the specific **substantive Crimes Against Humanity** committed by the NPF under Article 7. Detail the dual requirement for **criminal intent**, explaining the distinction between the **intentionality** required for the specific underlying crime (*actus reus*) and the **knowledge requirement** linking the individual's conduct to the overarching policy of the attack.	**13 Marks**	**L4**	**CO5**