

INTERNATIONAL CRIMINAL LAW – EXAM PERIOD SPRING SEMESTER 2021–2022

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Exam duration: Three (3) hours

June 15, 2022

SECTION A (6 points)

Justify all your answers with max. three sentences. Mere reference to the Rome Statute's provisions is not considered a fully justified answer.

- ✓ 1. International crimes are not subject to a statute of limitations.
 - a. True
 - b. False

2. The International Criminal Court is the only forum for adjudicating the commission of international crimes.
 - a. True
 - b. False

- ✓ 3. The ICC may adjudicate cases of international crimes that have been committed:
 - a. during an armed conflict
 - b. after the hostilities have ceased
 - d. during long-term occupation
 - c. all the above

4. In the case of low-gravity crimes, the ICC may:
 - a. only impose financial penalties
 - b. only impose security measures
 - c. none of the above

5. The Rome Statute does not penalise the use of nuclear weapons. This statement is:
 - a. true
 - b. partially true
 - c. false

6. The liability of a legal person excludes the liability of natural persons for having been involved in the commission of international crimes in favour of the interests of the legal person. This statement is:

- a. true
- b. partially true
- c. false

SECTION B (14 points)

1. Amir is the leader of the paramilitary group 'Red Power', which aims to exert control in the territory of Concordia after the end of the war with the neighbouring country, Latveria, while the paramilitary group 'Black panthers' is also trying to achieve the very same goal. Both groups use armed force against each other. On 4 April 2016, Amir visits a camp where orphans of Concordia reside. There, he gives a passionate speech against the paramilitary group 'Black panthers' and its members. Among other things, he promises to those who will follow him and fight together with the 'Red Power' that they will enjoy a rich life and have their younger siblings adopted by members of his group so that they won't have to suffer a miserable life in an orphanage. Being inspired by Amir and his promises, Halil, a 13-year-old boy, becomes one of his personal guards and as such participates in the bombarding of the cathedral of Concordia on 4 June 2016 – an action that is organised to showcase the power of the 'Red Power' group, which consists of supporters of another religion than the predominant one in Concordia. Amir does not participate personally in the attack, but he is the one who designs it and selects the members who will get involved into it. Kamil, a 17-year-old boy, also accepts Amir's open invitation to become a member of the 'Red power' and participates in the hostilities against 'Black panthers', during which he kills a Black Panther-Fighter on 14 June 2016. Amir was aware of the scheduled attack.

Which international crimes are committed by Amir, Halil and Kamil according to the Rome Statute, which was signed and ratified by Concordia in December 2012? (10 points)

2. Damian, a high-level member of Concordia's military forces and brother-in-law of the prime minister, is suspected of having organised two attacks against members of the 'Red Power' group – being himself a secret supporter of the 'Black Panther' group and hoping that the latter will take on the control of Concordia. Those attacks, which take place in October 2016, allegedly lead to the death of ten civilians. Damian is tried for his acts before Concordia's criminal courts in January 2017. He is found innocent due to lack of solid evidence speaking against his direct involvement in the attacks. Jordan, an admiral receiving orders by Damian in the period between June and December 2016, is prevented from testifying before the court, being, *inter alia*, warned about his future in the State military forces.

Can the ICC exercise jurisdiction in this case? (4 points)

Good luck/Boa Sorte!