

Introduction: What is International Criminal Law?





International law typically governs the rights and responsibilities of States.



Criminal law, conversely, is paradigmatically concerned with prohibitions addressed to individuals, violations of which are subject to penal sanction by a State.



The development of a body of international criminal law which imposes responsibilities directly on individuals and punishes violations through international mechanisms is relatively recent. It was not until the 1990s, with the establishment of the ad hoc Tribunals for the former Yugoslavia and for Rwanda, that it could be said that an international criminal law regime had evolved. This is a relatively new body of law which is not yet uniform, nor are its courts universal.



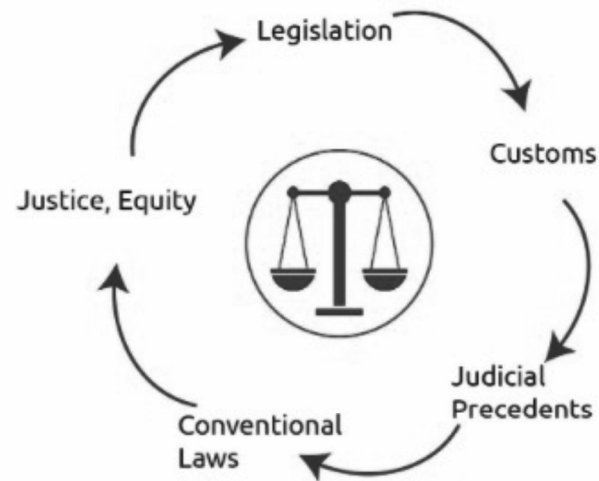
International criminal law developed from **various sources**.



The meaning of the phrase ‘international criminal law’ depends on its use, but there is a plethora of definitions, not all of which are consistent.

Sources of International Criminal Law

SOURCE OF LAW



As international criminal law is a subset of international law, its sources are those of international law.

These are usually considered to be those enumerated in Article 38(1) (a)–(d) of the Statute of the International Court of Justice, in other words:

- 1) **treaty law,**
- 2) **customary law,**
- 3) **general principles of law**
- 4) **judicial decisions and the writings of the most qualified publicists (as a subsidiary means of determining the law)**

International Criminal Law and others areas of law



The three areas for which an understanding is the most important are:



human rights law,



international humanitarian law and



the law relating to State responsibility.

The body of Criminal Law





International criminal law is **double-structured**, comprising both international law and criminal law. It should be appraised from the standpoints of both bodies of law. Its sources are those of international law, but its consequences are penal.



Certain fundamental principles of national criminal law systems have now become entrenched in international law, and more particularly, in human rights law.



One aspect of human rights law with a close analogue in criminal law theory is the **prohibition of retroactive criminal prohibitions and penalties** (sometimes referred to together as the **principle of legality** or **nullum crimen sine lege**)

That's it for today.
Thank you for coming and attending.