

## **International Criminal Procedure (LW530) – Module Outline**

### **Lecturer:**

Dr. Paul Bradfield

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### **Class dates:**

Semester 2, academic weeks 1-4

Tuesdays at 2-5pm, ICHR Seminar Room

### **Module Description:**

The course introduces students to the laws of procedure and evidence before the International Criminal Court. It explores the rights of the accused, the rights of victims and the main procedures inherent to the pre-trial, trial, appeal and sentencing stages of a case before the ICC.

### **Learning Outcomes:**

On successful completion of this course, you will:

- Understand the main procedural stages of a case before the ICC.
- Discuss and evaluate the scope and content of the rights of accused and victims before the ICC.
- Analyse topical issues of procedure and evidence before the ICC.

### **Module Materials:**

Class reading will consist of a range of scholarship, articles and select caselaw. Reading lists will be provided in advance of each seminar.

### **Course Assessment:**

Evaluation is undertaken through the submission of a written essay of 3,000 words via Canvas. The word count includes footnotes. Essays should demonstrate significant research, familiarity with the literature, independent thought and critical analysis. Please refer to the LLM Guidelines for general formatting requirements.

*Seminar 1 – Introduction and Pre-Trial (12 January)*

This session introduces the law of procedure and evidence of the ICC. There will be a focus on the pre-trial stage, including the confirmation of charges process under Article 61 of the Rome Statute and the rights of accused persons.

*Seminar 2 – Trial (19 January)*

This session examines the law and practice relating to the trial stage, with a particular focus on evidence. Issues covered will include the disclosure regime, the admissibility criteria for evidence, the process of witness testimony and protective measures, and the ‘no case to answer’ procedure.

*Seminar 3 – Guilty pleas, sentencing and appeals (26 January)*

This session considers the law and practice relating to guilty pleas, sentencing and appeals. Key legal issues and select caselaw will be discussed, with a focus on the *Ongwen* case, which concerned a victim-perpetrator.

*Seminar 4 – Victim participation and reparations (9 February)*

This class will examine the concept of victim participation and reparations at the ICC – unique legal aspects of proceedings before the ICC. The example of the *Kony* case from the Ugandan situation will be examined in detail.