KRIM4956 – International criminal justice and mass violence
Sensorveiledning – Fall 2025

EXAM ASSIGNMENT

If you were given the task to improve the system of international criminal justice, what would be your main emphasis, and why? Based on the course readings, account for and discuss core critiques and shortcomings of international criminal justice, and present your recommendations for improving the system of international criminal justice.

We do not expect you to create a bibliography at the end of the assignment. Use the attached lecture plan with readings listed to remind yourself of the correct name and year for references you use and include in the main text.

GRADING GUIDANCE

Starting point

KRIM4956 critically addresses international calls to "do justice" in the aftermath of mass violence and international crimes, the rationales behind and outcomes of international criminalization processes and related re-presentations of victims and perpetrators of mass violence. The exam assignment is designed to test the students' understanding of the curriculum and allows students to demonstrate independence in their selection and use of course literature. Students have been reminded that a broad use of the curriculum is important, but also that they need to demonstrate their understanding.

Learning outcomes

While the course crosses disciplinary boundaries, and emphasizes a variety of approaches to the study of mass violence and criminal justice, the course emphasizes the special contribution that criminological and social-legal perspectives can bring at individual, symbolical and institutional levels.

Knowledge
At the end of the course, students are expected to know:

- have a thorough understanding of the central discussions and positions of how to deal with mass violence and international crimes
- know how international criminal justice has developed
- know and be able to discuss the contributions of different theoretical perspectives on justice in the aftermath of mass violence and international crimes
- be able to weigh potential prospects and limitations of criminal justice responses to mass atrocities up against each other
- know general trends in (re)presentations of victims and perpetrators and be able to reflect on potential consequences such understandings may have.

Skills
At the end of the course, students are expected to:

- be able to apply central concepts, theories and empirical examples
- be able to discuss and problematize central themes addressed through the course
- be able to critically discuss how notions of law and politics intersect and affect responses to mass violence and international crimes
- be able to present and discuss historical trends and developments addressed in lectures and literature
- be able to reflect on the relationship between theory and empirical data.

Competences
At the end of the course, students will have:

- enhanced their respect and understanding for social scientific critical thinking and inquiry
- learned what it entails to interpret, analyze and discuss scholarly texts
- developed their capability to critically reflect on the meaning and intersection of law and politics at the international level in relation to how mass violence and international crimes are addressed by the international community.

Other relevant background

The lectures and readings for KRIM4956 are organized along seven themes, in addition to an introductory lecture:

- Re-presentations of perpetrators
- Re-presentations of victims and victims' justice
- The 'justice cascade' and the growth of international criminal accountability
- The field of international criminal justice: actors, structures, inequalities
- "Entrepreneurial justice": new actors, new technologies, new justice?
- The International Criminal Court: conceptions of justice and legitimacy
- Re-imagining justice in a post-liberal international order

While some lectures may seem more relevant for the exam assignment than others, we have encouraged students to discuss and explore connections across themes and readings.

Lectures are held jointly with KRIM2956, and not recorded. Lectures are not mandatory in this course.

About the exam assignment

Overall, the exam asks students to reflect on how to improve the system of international criminal justice, based on critique of the same system in the course literature. This entails that students not only have to account for core critiques and shortcomings of international criminal justice from the course literature but demonstrate their understanding of these issues and apply this insight in a critical discussion of how to "improve" the system through offering a set of recommendations. A key purpose of this course is to train students to academically and critically approach and discuss topics that are often emotionally charged or heavily politicized in public debate. Across lectures, lecturers have challenged simple perceptions of and takes on

international criminal justice and focused on major shortcomings and critiques of the system. This exam assignment thus asks students to reflect on cross-cutting themes from the course literature and the lectures.

The exam asks the students to choose a main emphasis and explain why they have chosen this emphasis. This enables stronger students to demonstrate independence, breath and depth, while giving weaker students the opportunity to show-case their knowledge, skills, and competencies too.

Students are asked to account for and discuss core critiques and shortcomings of international criminal justice, and present recommendations for improving the system of justice. They are also advised to narrow down their main emphasis and explain why they have done so. Assignments that only present recommendations of how to improve international criminal justice without presenting and discussing core critiques from the course literature (or vice versa), do not answer the given assignment.

The exam can be meaningfully linked to a number of lectures and readings:

Many students may make use of course readings offering a 'typology' of core critiques, such as Osiel (2000), Nouwen and Werner (2014) or even Muhammad et al. (2021). Students may opt to focus on the overall development of the 'justice cascade' and international criminal justice and critically discuss the norms, ideals and expectations that it hinges on (Osiel 2000, Engle 2016, Koskenniemi 2002; Sikkink 2011).

Key to much of the central literature in this field is a concern with the Global North's dominance in the construction of international criminal justice institutions and ideals, and the limitations this entail on the idea(l) of a truly global conception of what justice after mass violence can and should look like (Reynolds & Xavier 2016). Here, issues of representation and an actor-focus in international criminal justice is particularly relevant (Christensen 2015; Lohne 2019; d'Allessandra & Sutherland 2021).

Students may also opt for a critical discussion of the benefits and limitations of individual criminal prosecution of crimes and harms that may be equally or better understood as contingent on complex, social and structural factors with reference to a number of readings (Baines 2009, Smeulers 2014). Several students are expected to use the Ongwen-case as an example, as this has been a recurring case study throughout lectures. Students may also engage a victim/survivor-orientation and discussion of how victims are represented and used at the international criminal justice institutions (e.g., Hoyle & Ullrich 2014, Kendall & Nouwen) – leading to critical questions of – and perspectives on – who international criminal justice is designed for, and what conceptions of justice lie at its core. Students may use a number of readings to critically address the risk of constructing hierarchies of (more or less 'worthy') victims and perpetrators, conflicts and continents – drawing on critique from the Global South and beyond (Reynolds & Xavier 2016; Vasiliev 2022).

Many will also likely discuss more recent developments where the ICC engages in investigations that targets war crimes, crimes against humanity and genocide also in non-African contexts, which may stir reflections that look to the future promises and pitfalls of the ICC and international criminal justice as such (e.g., Muhammad et al 2021, Stahn 2023, Vasiliev 2022, Kersten 2020). As part of this, many students may opt to discuss international criminal justice's dependency on states, and how new geopolitical developments are threatening the

entire system of international criminal justice (Stahn 2023; Vasiliev 2022). Students may also critically discuss the promises and pitfalls of new technologies in international criminal justice (d'Allessandra & Sutherland 2021) and new developments in the field towards hybrid institutions, domestic courts and universal jurisdiction.

In making their recommendations, students are more "free" to suggest ways to improve the system, but stronger students will manage to explicitly connect their recommendations to specific weakness in the system. Some students may also opt to discuss alternative conceptions of justice, drawing on Nouwen and Werner (2014), or reflections by Stahn (2023) on re-imagining justice in a multipolar world.

Some may also prioritize a discussion of the symbolic value of prosecution (Koskenniemi 2002; Lohne 2019; Osiel 2000) and the meaning, value and limitations of expressivism. The production, impact and premises of official, historical accounts produced by criminal courts (Sander 2019; Houge 2023; Rauschenbach 2018) can also provide meaningful entry points here, and some may again connect this to new technological and legal developments related to documentation practices and domestic prosecutions of international crimes under universal jurisdiction (d'Allessandra & Sutherland 2021).

This listing of readings is not exhaustive, nor are the angles suggested. In their responses, students are expected to be critical and balanced, taking into account various perspectives and discussing these in relation to each other.

In terms of recommendations, we expect these to be made as an extension of core critiques accounted for above. This means that recommendations may focus on issues of (increased) representation in both institutions of international criminal justice and to define the 'universal'; on (increasing) state cooperation or (decreasing) state control of international criminal justice; on (increased) reliance on national and regional and ad hoc courts to deal with international crimes; and on (increased) reliance on technology to document and investigate atrocity crimes. Although the course does not specifically deal with abolitionism, the critique of international criminal accountability for complex atrocities may also lead some students to steer their recommendations in this direction. Again, these directions are not exhaustive.

On grading

The candidates have a lot of freedom, and the assessment guidance is not intended as a recipe. The examiners must evaluate the overall impression, and candidates can provide good and relevant responses in ways other than those outlined above, as long as they are well-grounded in the course readings.

Examiners should take into account that we expect a writing style and form of argumentation that many students may have little experience with: The students come from across disciplines and faculties, and a large share of the student group are exchange students used to a very different style of academic education.

However, at the MA level, students are expected to have a strong command of academic writing and language, to be able to clearly define and justify their focus, to present and analyze their chosen perspectives, and to provide their essays with a meaningful structure. At the MA level, we also expect students to critically engage with the course literature by making comparisons between different perspectives.

To achieve grades in the upper half of the scale, students must demonstrate a thorough understanding of the course materials and provide an analysis of the perspectives presented in them. The best students tend to present a theoretical framework for their assignment early on.

The distinction between good and very good texts does not depend on the number of course texts used but rather on how the literature is applied and actively engaged to discuss the topic of the assignment. The candidates' level of analytical reasoning, precision regarding nuances and in contrasting different theoretical perspectives, as well as the significance of concepts used in their arguments, will be positively considered. If a candidate assumes that key concepts are known to the examiner, this will count against them: by providing explanations, the candidate demonstrates understanding.

Grading will be based on an overall assessment. Assignments that do not use the course literature will not pass the exam. However, as this is a school exam without access to the readings, we do not expect quotes, and have also underscored to the students that if they cannot not remember where a relevant argument, perspective or concept belongs in the readings, it is more important that they explain and use it than it is that they refer it to the correct author.

Candidates can provide good and relevant responses in ways other than those outlined above, as long as they are well-grounded in the course readings.

Grading is primarily based on four criteria:

- Knowledge and understanding
- Analytical ability and relevance
- Language
- Reliability

The following applies to the different grades:

A grade responses

- Demonstrate exceptional insight into course literature and perspectives.
- Relate well to the course material and select and explain a conceptual framework(tool box that is exemplary in its application in the analysis.
- Present an independent analysis
- Demonstrate an excellent ability for critical reflection on concepts, theory, and positions within the course material.
- Use precise and rigorous language, showing a particular ability to structure and articulate knowledge and analytical insights.

The best assignments are those that analyze and discuss nuances and provide reasoned arguments, and are convincingly grounded broadly in the course material. An A-grade response is analytically meaningful and identifies and discusses overarching questions that are relevant to their recommendations. There are few, if any, criticisms to be made regarding language and structure. Although the highest grade is difficult to attain, examiners should not hesitate to award an A if the response meets the criteria.

B grade responses

- Provide a very good account of relevant course readings and demonstrate their understanding of the curriculum, making a justified selection.
- Show that the candidate has acquired substantial knowledge of key terminology and uses it effectively to understand and discuss the assignment.
- Demonstrate a clear ability for independent reading and argumentation based on the course material
- Avoid superficial use of jargon.

A B-grade response has a well-developed analytical framework and identifies key concepts that are applied concretely in the text. The candidate can juxtapose different perspectives, incorporate a wide range of viewpoints from the course reading list, and demonstrates both insight into and an overview of the course material. Language and structure are clear. Discussions should be convincing, analytically meaningful, and based on the course content.

C grade responses.

- Show that the candidate has acquired significant content knowledge from the course material.
- In the use of theory and concepts from the curriculum, the candidates do not display significant gaps in knowledge.
- Demonstrate adequate knowledge of terminology and the ability to use it in discussion, but the depth and breadth of understanding fall somewhat short of the two higher grade levels.
- Show ability for critical reflection regarding concepts, theories, and positions from the course material, but there is uncertainty in precision and analytical application.
- Express ideas well, but there may be occasional unevenness in language that can obscure coherence and precision.

A C-grade response is a good, average response where the candidate is expected to provide a reasoned interpretation of the assignment and a response that consistently addresses relevant perspectives. The use of course material and concepts is broad enough—but both can be somewhat unsubstantiated. The analysis may be somewhat inconsistent but is overall satisfactory in most areas.

D grade responses

- Include a partial and somewhat good account of the course material, but do not demonstrate sufficient overview or convincing knowledge of terminology.
- Have a reasonable understanding of some concepts, but the response is more of a repetition than a discussion, meaning the candidate does not demonstrate adequate ability for independent reading and argumentation.
- Reflect only limitedly on various concepts, theories, and positions—and do not discuss them in relation to each other or in context.
- Address the assignment but do not distinguish between what is important and what is not.
- Express ideas somewhat well, but the writing is marked by incomplete reasoning and a lack of coherence.
- Use (some) terms incorrectly or misuse concepts.

In a D-grade response, the candidate typically retells contributions from the course material without applying concepts and perspectives, and without connecting the account to the assignment text. The level of precision will be below average.

E grade responses

- Present an account of the course material only at a minimum level, with the material treated superficially, failing to convince that the candidate has a comprehensive understanding. When the course material is applied, it typically resembles mere repetition rather than relevant discussion.
- Do not utilize relevant concepts, and concepts and theories are misrepresented.
- Do not relate the response to the course material, making the response largely irrelevant to the assignment text. It is often characterized by assertions and opinions that are disconnected from the curriculum.
- Demonstrate a very limited ability for independent reading, argumentation, and reflection.
- Exhibit unclear or confusing language with little coherence.

E-grade responses demonstrate a low level of understanding of the course material, do not address the assignment, and fail to problematize or discuss either the topic of the assignment or the course texts and perspectives against each other.

F grade responses

- Lack fundamental knowledge of the course texts.
- Do not relate to the course material and do not demonstrate knowledge of subject terminology.
- Fail to use relevant concepts for understanding and discussion, and concepts and theories are misrepresented.
- Show no ability for independent reading, reflection, or argumentation related to concepts, theories, and/or positions.
- Lack relevance to the assignment text.
- Express ideas in an unclear or confusing manner.

The above grading description is based on and elaborated from the University of Oslo's regulations for using a letter grade scale for grading, available here: https://www.uio.no/english/studies/examinations/grades/index.html

Syllabus for the course:

1. Introduction

Kersten, Mark (2020). "No justice without peace, but what peace is on offer? Palestine, Israel and the International Criminal Court." *Journal of International Criminal Justice* 18(4): 1001-1015.

2. Re-presentations of Perpetrators

Baines, Erin K. (2009). "Complex political perpetrators: reflections on Dominic Ongwen." *The Journal of Modern African Studies* 47 (02):163-191.

Houge, A. B. (2023). Imageries of Self: Guilty Plea Statements in Sexual Violence Cases at the ICTY. *International Criminal Justice Review*, *33*(2), 179-196.

Rauschenbach, M. (2018). Individuals Accused of International Crimes as Delegitimized Agents of Truth. *International Criminal Justice Review*, *28*(4), 291-316.

Smeulers, Alette (2014). "Perpetrators of International Crimes: Towards a Typology." *SSRN*.

3. Re-presentations of Victims and Victims' Justice

Henry, Nicola. (2010). "The impossibility of bearing witness: wartime rape and the promise of justice." *Violence against women* 16 (10):1098-1119.

Hoyle, Carolyn, and Leila Ullrich (2014). "New Court, New Justice?: The Evolution of 'Justice for Victims' at Domestic Courts and at the International Criminal Court." *Journal of International Criminal Justice*.

Kendall, Sara & Sarah Nouwen (2013). "Representational practices at the International Criminal Court: The gap between juridified and abstract victimhood", *Law and Contemporary Problems.* 76 (2013): 235.

4. The 'justice cascade' and the growth of international criminal accountability

Engle, Karen (2016). "A genealogy of the criminal turn in human rights." *Anti-impunity and the human rights agenda* (2016): 15-67.

Sikkink, Kathryn (2011) 'Introduction' to *The Justice Cascade,* W.W. Norten & Company, New York.

5. The field of international criminal justice: actors, structures, inequalities

Kirabira, Tonny Raymond (2022). "NGOs and the Legitimacy of International Criminal Justice: The Case of Uganda." *International Criminal Law—A Counter-Hegemonic Project?* The Hague: TMC Asser Press, 153-174.

Lohne, Kjersti (2019). *Advocates of humanity: Human rights NGOs in international criminal justice*. Oxford University Press.

6. "Entrepreneurial justice": new actors, new technologies, new justice?

Aksamitowska, Karolina (2022) "The Counter-Hegemonic Turn to 'Entrepreneurial Justice'in International Criminal Investigations and Prosecutions Relating to the Crimes Committed in Syria and Eastern Ukraine." *International Criminal Law—A Counter-Hegemonic Project?*. The Hague: TMC Asser Press, 135-152.

Burgis-Kasthala, Michelle (2019). "Entrepreneurial justice: Syria, the Commission for International Justice and Accountability and the renewal of international criminal justice." *European Journal of International Law* 30.4: 1165-1185.

D'Alessandra, Federica & Kirsty Sutherland (2021). The Promise and Challenges of New Actors and New Technologies in International Justice, *Journal of International Criminal Justice*, 19(1): 9–34.

7. The International Criminal Court: conceptions of justice and legitimacy

Christensen, Mikkel Jarle (2015). "From symbolic surge to closing courts: The transformation of international criminal justice and its professional practices." *International Journal of Law, Crime and Justice* 43(4): 609-625.

Houge, Anette Bringedal (2019) "Narrative expressivism: A criminological approach to the expressive function of international criminal justice." *Criminology & Criminal Justice* 19(3): 277-293.

Koskenniemi, Martti (2002) "Between impunity and show trials." *Max Planck Yearbook of United Nations Law* 6(1): 1-32.

Nouwen, Sarah M.H., and Wouter G. Werner. (2015). "Monopolizing Global Justice: International Criminal Law as Challenge to Human Diversity." *Journal of International Criminal Justice* 13 (1):157-176.

Reynolds, John & Sujith Xavier, (2016). 'The Dark Corners of the World': TWAIL and International Criminal Justice, *Journal of International Criminal Justice*, 14(4): 959–983.

Sander, Barrie (2019). "The expressive turn in international criminal justice: a field in search of meaning" *Leiden Journal of International Law.* 32(4): 851-872.

8. Re-imagining justice in a post-liberal international order

Muhammad, S., Holá, B., & Dirkzwager, A. (2021). Reimagining the icc: Exploring Practitioners' Perspectives on the Effectiveness of the International Criminal Court. *International Criminal Law Review,* 21(1): 126-153.

Osiel, Mark (2000). "Why prosecute? Critics of punishment for mass atrocity." *Human Rights Quarterly* 22(1): 118-147.

Stahn, Carsten (2023). "Re-imagining the ICC in a Multipolar World." *The International Criminal Court in Its Third Decade*. Brill Nijhoff, 562-594.

Vasiliev, Sergey (2022). "Watershed Moment or Same Old? Ukraine and the Future of International Criminal Justice," *Journal of International Criminal Justice* 20(4): 893–909.