

GPR 436: INTERNATIONAL CRIMINAL LAW ASSIGNMENT

DATE: DECEMBER, 15 2023

DUE DATE: FEBRUARY, 23 2024: 9.00am

Dr. Evelyne Asaala

INSTRUCTIONS:

1. This is a take-home group assignment.
2. Physical presentation to be done on the above date in a venue to be communicated.
3. Each team will submit their submissions in word documents on the due date
4. Your work must be in font 12, single spacing, minimum five pages and maximum seven pages.

CONFERENCE QUESTIONS FEBRUARY 2024

1. The United States of America has written to Kenya requesting for extradition of Mr Dmitriy and Mr Maxim to face prosecution for alleged acts of displacing civilians amounting to war crimes committed in Ukraine. Both Dmitriy and Maxim are Russian nationals. While Kenya is a state party to the Rome Statute and it has domesticated it, the US has not.

You are the chief government advisor to Kenya. Citing relevant national and international laws write your legal opinion discussing the key issues for consideration in granting this extradition or in rejecting this extradition.

Some relevant laws may include:

- Extradition (Contiguous And Foreign Countries) Act, Chapter 76, Laws of Kenya (available at http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/Extradition_ContiguousandForeignCountries_Act_Cap76.pdf)
 - Extradition: Continued Application to Kenya of the United States-United Kingdom Treaty of December 22, 1931 (available at <https://internationalextraditionblog.files.wordpress.com/2011/03/kenya-exchange-of-notes.pdf>)
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2. Prosecuting the crime of aggression, war crimes and crimes against humanity in the context of the Russian vs. Ukraine: opportunities and challenges

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Criminal Law, International Criminal Law, Transitional Justice and
International Human Rights Law

Taking the role of a defense counsel and that of the prosecutor discuss whether the incidence in the Russia vs. Ukraine amount to the crime of aggression, war crimes and crimes against humanity.

3. The principle of solidarity in international law plays a fundamental role in state relations. However, its contemporary image has gradually shifted from reflecting the actual societal bonds to being mainly normative and thus functioning as a reason for action. To what extend is this statement relevant in international criminal law?

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