

## A Comparative Study on Conspiracy in International Criminal Courts

Seyed Mostafa Mousavi<sup>1</sup>  
Dr. Mahin Sobhani<sup>2</sup>✉  
Dr. Mojtaba Janipour<sup>3</sup>

Received: 2017/09/26

Accepted: 2019/06/12

M.A in Criminal Law & Criminology at University of Guilan According to the nature of international crimes which are often committed because of the conspiracy between two or more persons, there is much more need to criminalize conspiracy for international crimes than for ordinary crimes. Although there was the conspiracy in the Nuremburg and Tokyo Charters in general, it has been limited to Genocide in ICTY and ICTR Statutes and finally, it was removed from the ICC Statute. Exploring the statutes and jurisprudence of the international criminal courts shows that there are two different kinds of conspiracy: conspiracy as an inchoate crime, and conspiracy as a mode of participation. Even though by introducing various modes of collective responsibility in Art. 25(3) of the statute of the ICC, it is not necessary to express conspiracy as a mode of participation in the ICC, there also remains the necessity of criminalizing conspiracy as an inchoate crime in the ICC.

**Keywords:** *Conspiracy, Joint Criminal Enterprise, Inchoate Crime, Modes of Participation, Crimes against Peace, Genocide.*

---

1. M.A in Criminal Law & Criminology at University of Guilan

2. Assistant Professor , Uuniversity of Guilan

mahin\_sobhani@yahoo.com ✉

3. Associate Professor, University of Guilan