

## **SYLLABUS**

**International Humanitarian Law**

**and**

**International Criminal Law**

**Máster Universitario en  
Diplomacia y Organizaciones  
Internacionales**

**DESCRIPTION SHEET**

**COURSE DETAILS**

<b>CODE</b>	573345
<b>NAME</b>	International Humanitarian Law and International Criminal Law
<b>NATURE</b>	Core course (Compulsory)
<b>TERM</b>	Second term
<b>LANGUAGE</b>	English (2 sessions in Spanish)
<b>ECTS CREDITS</b>	3.0

**COORDINATOR**

Knut Traisbach, Adjunct Professor of Public International Law at CEI International Affairs

**AIMS AND SCOPE**

The course is an introduction to the international legal regimes pertaining to the regulation of armed conflicts and the criminal responsibility of individuals for international core crimes. International humanitarian law (IHL) has a long history in international relations, whereas international criminal law (ICL) has undergone a more recent development mainly after the end of the Cold War. Both legal regimes relate to each other in multiple ways and to the norms of general international law.

The first part of the course is dedicated to the core principles and legal regulations of IHL and focuses mainly on the historical development, the basic principles of humanitarianism, the distinction between international and non-international armed conflicts, the legal regulation of means of warfare, the protection of different categories of persons and problems of proportionality in armed conflicts.

The second part of the course deals with ICL and focuses principally on its institutional and legal development after World War II at the domestic and international level. Apart from a deeper understanding of the core crimes of genocide, war crimes, crimes

against humanity and aggression, the course introduces students to the procedural complexities as well as the practical problems of international criminal trials.

The course follows a problem-based approach which means that each session starts from a specific problem or concrete case(s). This enables students to construct, apply, and test their knowledge about the different aspects of IHL and ICL.

## CORE COMPETENCIES AND SKILLS

### GENERAL

- Mastering the specialized language pertaining to IHL and ICL in oral and written form.
- Developing a critical and analytical capacity for independent argumentation and reasoning.
- Applying the acquired knowledge and problem-solving skills in new or unfamiliar environments within broader (or multi-faceted) contexts related to the area of study.
- Using and applying the acquired knowledge to complex decision-making situations with limited or incomplete information and reflecting on the related social and ethical responsibilities.
- Conducting independent research and autonomously constructing knowledge about IHL and ICL.
- Commitment to the plurality and diversity of society.

### SPECIFIC

- Understanding the history and sources of IHL and ICL and their interrelations.
- Understanding the nature, substantial content and conceptual foundations of IHL and ICL.
- Understanding the status, rights and obligations of State and non-State actors in armed conflicts.
- Understanding the legal framework and its application of individual international criminal responsibility.
- Identifying and analyzing the legal and practical tasks and challenges of the International Committee of the Red Cross, the International Criminal Court and ad-hoc tribunals.

- Recognizing and critically evaluating the strengths, weaknesses and challenges of IHL and ICL.
- Formulating and debating possible answers to these challenges and problems in international and multicultural environments, supported by original legal argumentation on an advanced level.

### LEARNING OUTCOMES

- Understanding and being able to critically comment upon the sources, principles, history and institutions of IHL and ICL, including the concept and elements of grave violations of IHL and of international crimes.
- Understanding the institutional role and applicable legal regimes of the International Red Cross and Red Crescent Movement and of international criminal tribunals during and after conflict situations.
- Knowing and interpreting the scope and limits of immunities of State officials before domestic and international criminal tribunals.
- Critically evaluate the main challenges arising from the interpretation and application of IHL and ICL both in theory and in practice.
- Critically analyzing the strength and weakness of enforcement mechanisms of IHL and ICL.
- Organizing and adapting arguments in a discussion and being able to independently analyze situations and cases that relate to IHL and/or ICL.

### SCHEDULE

**Note:** The detailed schedule of the course may be modified as a consequence of circumstances that may arise due to the Covid-19 pandemic and in order to accommodate guest speakers. Some of the assigned readings will be further specified regarding the required page ranges.

#### **WEEK 1: From The Hague to Geneva and back to The Hague: The regulation of armed conflicts and international criminal responsibility of individuals.**

Introduction to the course.

Historical development of international humanitarian law and international criminal law.

Interrelation of the legal regimes and their relation to human rights.

Definitions of armed conflict.

Central principles of humanitarianism in international and non-international armed conflicts.

The Hague law and the Geneva law.

Key actors.

The changing nature of war.

**WEEK 2: Means and Methods of Warfare and Categories of Protected Persons.**

The conduct of hostilities. Distinction and Proportionality. Necessity. Prohibited weapons and means of warfare. Prisoners of War, the wounded and sick, civilians and other categories of persons.

**WEEK 3: International Humanitarian Law and the War against Terror.**

The challenge of terrorism. Lawful and unlawful combatants. Torture. Targeted Killings.

**WEEK 4: Seminar: Contemporary International Humanitarian Law.**

Simulation exercise based on practical examples. [Subject to change until confirmation of lecturer].

**WEEK 5: From Nuremberg to The Hague – through Various Detours.**

The notion of responsibility in international law. International criminal responsibility of individuals. International crimes/core crimes.

**WEEK 6: The ad-hoc tribunals and hybrid tribunals.**

The Yugoslavia and Rwanda tribunals. Key cases and developments. Hybrid tribunals. Challenges of international criminal justice.

**WEEK 7: (sesión excepcional en castellano) La persecución de los crímenes internacionales por la Corte Penal Internacional.**

Origen, naturaleza y estructura de la CPI.

La determinación de la jurisdicción de la CPI.

El procedimiento ante la CPI.

**WEEK 8: Review of cases before the ICC: From the African continent to Afghanistan and Bangladesh/Myanmar.**

**WEEK 9: The ICC from “Inside”.**

**WEEK 10: Simulation - Trial of a War Criminal**

During this simulation session, students will experience first-hand some of the complexities, practical challenges and moral dilemmas of a trial of a war criminal.

**WEEK 11: The prosecution of international crimes on the domestic level.**

Domestic systems and the fight against impunity.

The question of jurisdiction and transitional justice.

Universal jurisdiction.

**WEEK 12: Challenges and Outlook.**

**PREVIOS KNOWLEDGE REQUIRED**

Previous knowledge of international affairs, international organizations and the role of norms in international relations is welcomed but not strictly necessary.

**RELATION TO OTHER MASTER'S COURSES**

No enrollment restrictions.

**OTHER REQUIREMENTS**

Students who come from undergraduate studies other than those specified in the official regulations of the master's degree must have attended prior the following "Preparatory Courses":

- Introduction to Public International Law (2 ECTS)
- Introduction to International Relations and International Politics (2 ECTS)
- Introduction to Global Economy and Trade (2 ECTS)

**TEACHING METHODS**

This course consists of one in-person class session per week of two hours.

Class sessions will consist of lectures, debates (with the entire class and within smaller groups) and assignments (both in and outside class). The sessions will be devoted to learning, challenging and applying the different aspects and concepts of International Organizations Law presented during the course. Activities will be based on prior announced research tasks, small test or group activities. Analysis of cases will give you the opportunity of applying the concepts to real world situations and will allow you to test your understanding and knowledge with other class members.

The teacher will assume that students have studied the assigned readings in advance.

**Note:** Both the methodology of the course and the evaluation may be modified as a consequence of circumstances related to the Covid-19 pandemic.

## GRADING

The course offers the options of single and continuous evaluation. Students may choose the option they prefer by filling out a form available at the secretary's office of the affiliated center within the deadlines established by CEI's regulations. The minimum compulsory attendance for the two evaluations is 80% of the sessions (9.5 sessions, 2 hours each).

Continuous evaluation: The evaluation will combine grades for attendance and participation (10%), two continuous evaluation assignments (25% each) and a final exam (40% of the final grade). One of the continuous assignments consists of case presentations by groups of students. Session 2-12 – excluding the sessions given by invited instructors – will start with short presentations of one or two practical cases by one or two groups of students. The group divisions and case assignments will take place during the first week of the programme.

The second assignment will consist of a practical simulation and a short written reflection related to the simulation.

Late submissions of assignments will not be accepted, unless an exception has been requested and granted before the deadline. If a student misses an assignment unexcused, the assignment will count as 'not presented' without the possibility of an alternative assignment.

In case of the single evaluation, the final grade will exclusively consist of a grade for the final exam (100%).

## WORKLOAD

### EXPECTED HOURS COMMITTED

<b>TOTAL</b>	75
<b>THEORETICAL CLASSES AND SEMINARS</b>	25
<b>SUPERVISED PERFORMANCE</b>	25
<b>INDEPENDENT PERFORMANCE</b>	25

## BASIC BIBLIOGRAPHY

ICRC (lead author N. MELZER), *International Humanitarian Law: A Comprehensive Introduction*, Geneva: ICRC, 2019. Available for free in six different languages (including English and Spanish): <https://shop.icrc.org/international-humanitarian-law-a-comprehensive-introduction-pdf-en> [Choose PDF as document type.]

A. CASSESE, P. GAETA et al. (eds), *Cassese's International Criminal Law*, Oxford: Oxford University Press, 3rd edn, 2013.

E. CRAWFORD, A. PERT, *International Humanitarian Law*, Cambridge: Cambridge University Press, 2nd edn, 2020.

R. CRYER, D. ROBINSON, S. VASILIEV, *An Introduction to International Criminal Law and Procedure*, Cambridge: Cambridge University Press, 3rd edn, 2014.

G. WERLE, F. JESSBERGER et al, *Tratado de derecho penal internacional*, Valencia : Tirant lo Blanch, 2nd edn, 2011. Available through UN library: [https://csuc-ub.primo.exlibrisgroup.com/permalink/34CSUC\\_UB/11sras6/alma991004352359706708](https://csuc-ub.primo.exlibrisgroup.com/permalink/34CSUC_UB/11sras6/alma991004352359706708)