



FACULDADE DE DIREITO
Universidade de Lisboa

Ficha de unidade curricular

Curso de Mestrado em Direito e Prática Jurídica
Especialidade Direito Internacional e Relações Internacionais 2022/2023

Unidade curricular

0432-Justiça Internacional (International Justice) – Turma B (ENG) S.1.

Docente responsável e respetiva carga letiva na unidade curricular (preencher o nome completo)

Prof. Doutora Ana Rita Gil

Outros docentes e respetivas cargas letivas na unidade curricular

N/a

Objetivos de aprendizagem (conhecimentos, aptidões e competências a desenvolver pelos estudantes)

Subject: War and International Courts

Nowadays, several International Courts may be called to decide on war matters. War can be legally discussed under the *ius ad bellum* and also under the *ius in bellum perspectives*. The International Court of Justice, the Criminal International Court but also Human Rights Courts may have jurisdiction to deal with war in different points of view. These perspectives are often parallel and rarely overlap since each Jurisdiction has a different mandate. After learning on the functioning and competence of these International Courts, students will be challenged to research and discuss jurisprudence where the same conflict gave way to several decisions from different International Courts.

Conteúdos programáticos

Parte I – International Courts

1. Historical Overview
2. International Court of Justice
3. Ad hoc Criminal Courts
4. International Criminal Court
5. European Court of Human Rights
6. Inter-American Court of Human Rights
7. African Court of Human Rights and Peoples

Parte II

Case Studies on rulings on War

Demonstração da coerência dos conteúdos programáticos com os objetivos da unidade curricular

Students will first learn the competences of each International Court, which are diverse and encompass different actors.

Further, they will develop research skills, since they will be required to investigate important cases where ideally gave raise to several cases dealt with by different Courts.

Metodologias de ensino (avaliação incluída)

Classes will be divided in seminars, and will require an active role from the students

1. Part I will be developed with dialogues with the students, who will be in charge, simultaneously, to make a glossary on conflicts that have taken place since 1945, which raised cases were decided by the International Courts
2. Part II will be developed through independent research: students will choose one conflict and explain its



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development, as well as the case-law that it has raised to. .

Evaluation will consist in the students' participation and case-law's discussion (50%) and final exam (50%).

Bibliografia principal

- ARMIN VON BOGDANDY E INGO VENZKE, *In Whose name? A Public Law Theory of International Adjudication*, Oxford, University Press, 2016
- CESARE ROMANO, KAREN ALTER, YUVAL SHANY, *The Oxford Handbook of International Adjudication*, Oxford, University Press, 2014
- CHITTARANJAN AMERASINGHE, *Jurisdiction of International Tribunals*, Kluwer Law International, The Hague, 2003
- CHITTARANJAN AMERASINGHE, *Jurisdiction of Specific International Tribunals*, Martinus Nijhoff, Leiden, 2009
- CHIARA GIORGETTI (ed.), *The Rules, Practice and Jurisprudence of International Courts and Tribunals*, Brill- Nijhoff, 2012
- DARIO MOURA VICENTE (Ed.), *Towards a Universal Justice? Putting International Courts and Jurisdictions into Perspective (Collected papers of the ILA Regional Conference Held in Lisbon in 2014)*, Brill-Nijhoff, 2016
- KAREN ALTER, LAURENCE HELFER E MIKAEL MADSEN (Ed.), *International Court Authority*, Oxford, University Press, 2018
- NIENKE GROSSMAN et al. (ed.), *Legitimacy and International Courts*, Cambridge, Cambridge University Press, 2018
- RUTH MACKENZIE, CESARE ROMANO, YUVAL SHANY E PHILIPPE SANDS, *The Manual on International Courts and Tribunals*, 2.^a ed., Oxford, University Press, 2010
- THERESA SQUATRITO et al. (ed.), *The Performance of International Courts and Tribunals*, Cambridge, Cambridge University Press, 2018
- YUVAL SHANY, *Assessing the Effectiveness of International Courts*, Oxford, University Press, 2014
- YUVAL SHANY, *The competing Jurisdictions of International Courts and Tribunals*, Oxford, University Press, 2003