

## MESTRADO EM PRÁTICA JURÍDICA

### INTERNATIONAL JUSTICE

\*

17.02.23

**Prof. Doutora Ana Rita Gil**

**120 min.**

#### **Distinguish between:**

1. Crimes against humanity and genocide **(5 val.)**

- *Both – Rome Statute*
- *Competence ICC : against individuals*
- *Crimes against Humanity – Article 7: set of acts + committed in the context of a general attack on the civilian population, with knowledge of this attack (lack of elements: common crime)*
- *Genocide – Article 6: set of acts + specific intent: acts committed with the intention of destroying, in whole or in part, a racial, ethnic, religious or national group*

2. Mediation and conciliation **(5 val.)**

- *Principle of peaceful settlement of disputes - Article 33 et sq. UN Charter & 1970 Declaration on Principles of Friendly Relations*
- *Diplomatic means: Negotiation, Mediation and “good offices”, Inquiry, Conciliation, Regional Organisations (art. 52(1))*
- *Conciliation: mediation + inquiry*

3. Dispute settlement and advisory opinions in the International Court of Justice **(5 val)**
  - *Dispute settlement: parties – States / binding nature*
  - *Advisory opinions: Art. 65 ICJ Statute / requested by Assembly General, Security Council (Art. 96 UNC), other Int Organisations (in their field) / no binding / importance*
  - *Examples*
  
4. Legal standing in the European Court of Human Rights and legal standing in the International Court of Justice **(5 val.)**
  - *Both: defendants always States*
  - *ECtHR: Art. 33/ 34, Individual applications lodged by any person, group of individuals, company or NGO having a complaint about a violation of their rights, Inter-State applications brought by one State against another.*
  - *ICJ: Article 34: Only States may be parties, International Organisations may only provide information*