



MESTRADO EM PRÁTICA JURÍDICA
INTERNATIONAL JUSTICE

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120 min.

I

1. Distinguish between:

a. Arbitration and judicial settlement in International Law (4 val.)

- . *States' duty to solve disputes by peaceful means*
- . *Chapter VI United Nations Charter - free choice of means*
- . *arbitration and judicial settlement: adjudication / binding decisions*
- . *arbitration: Hague Convention 1899 and the Permanent Court of Arbitration*
- . *principles of arbitration: consent, composition of the tribunals, applicable Law*
- . *judicial settlement: also consent, Courts, statute*

b. Special Jurisdiction and General Jurisdiction in International Justice (4 val.)

- . *distinction on *ratione materiae**
- . *e.g.: International Tribunal for the Law of the Sea vs International Court of Justice*

II

In 24 February 2022, the Russia Forces invaded Ukraine. Until 25.01.23, the United Nations Law estimates that at least 18.000 people have died or became wounded due to the conflicts.

a. Ukraine considers that this invasion breaches International Law and intends to demand the Russian Federation before the International Courts. In which of existing Courts is this possible? (5 val.)

. *International Court of Justice:*

- *Judicial body of the UN*
- *Membership – Art. 93 UN Charter*
- *Legal Standing: only States – Art. 94 UN Charter*
- *However: jurisdiction: compromis/ special Convention/ optional clause jurisdiction – Art. 36/2 Statute / forum prorogatum*
- *Interim measures: Art. 41 Statute: irreparable harm*
- *Case Ukraine vs Russia, 2022*

. *European Court of Human Rights:*

- *Judicial body of the Council of Europe - ECHR*
- *Membership – mandatory jurisdiction: Russia until 16 September 2022*
- *Legal Standing: States vs States or Individuals vs States – Art. 33 and 34 ECHR*
- *Interim measures – Art. 39 rules of the Court*
- *Case Ukraine vs Russia, 2022*

b. Portugal wishes to provide some information to the judicial procedure. Is it possible? (2 val.)

. *International Court of Justice:*

- *Third parties: Art. 62/63 Statute*
- *Cases: interest of legal nature that may be affected by the decision or decision on a Convention to which it is a party*
- *Case Ukraine vs Russia, 2022 – Genocide Convention*

. *European Court of Human Rights:*

- *Cases before Chamber and Grand Chamber*
- *Yes: State-Parties*

c. **A, mother of a deceased Ukrainian soldier, wants to ask to an International Court to order Russia to stop the conflict, and also compensation for the loss of her son. Where can she direct her appeal? (5 val.)**

. *ECHR: individuals vs States*

. *Deceased son: violation right to life – (Art. 2 ECHR)*

. *Order to stop the conflict: need to claim that she is a direct victim*

. *Need to fulfil all admissibility conditions (Art. 35 ECHR) – exhaustion of domestic remedies, 4 months deadline, etc*