



FACULDADE DE DIREITO
Universidade de Lisboa

Ficha de Unidade Curricular

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

1. Nome da Unidade curricular:

Justiça Internacional

2. Informação Complementar:

Duração: Semestral Anual
Horas de Trabalho: 196
Créditos ECTS: 7

3. Docente responsável e respetiva carga letiva na unidade curricular:

Ana Rita Gil, 2 h/semana

4. Outros docentes e respetivas cargas letivas na unidade curricular:

n/a

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

Assunto: Guerra e Tribunais Internacionais

Atualmente, vários Tribunais Internacionais podem ser chamados a decidir sobre questões de conflitos armados. Esta matéria pode ser discutida legalmente sob as perspetivas do *ius ad bellum* e também do *ius in bello*. O Tribunal Internacional de Justiça, o Tribunal Penal Internacional, mas também os Tribunais de Direitos Humanos podem ter competência para lidar com a mesma sob diferentes pontos de vista. Essas perspetivas geralmente são paralelas e raramente se sobrepõem, pois cada Jurisdição tem um mandato diferente.

Esta UC visa não só que os mestrandos aprendam, num primeiro momento, as normas que pautam o funcionamento e competência destes Tribunais Internacionais. Posteriormente, serão desafiados a pesquisar e discutir jurisprudência em matéria de conflitos armados.

6. Conteúdos programáticos:

Parte I – Tribunais Internacionais

1. A Justiça Internacional no contexto dos mecanismos de resolução pacífica dos diferendos de Direito Internacional Público
2. Tribunal Internacional de Justiça
3. Jurisdições Internacionais de Direitos Humanos, em especial do Tribunal Europeu de Direitos Humanos
4. Tribunal Penal Internacional

Parte II - Estudo de jurisprudência internacional em matéria de conflitos armados

7. Demonstração da coerência dos conteúdos programáticos com os objetivos da unidade curricular:

Os alunos aprenderão primeiro as competências de cada Tribunal Internacional, que são diversas e abrangem atores diferentes.

Visa-se ainda que desenvolvam competências de investigação autónomas, tendo de analisar casos tratados por diferentes Tribunais, em matéria de conflitos armados.

8. Metodologias de ensino:

As aulas serão divididas em seminários, e exigirão um papel ativo dos alunos.

1. A parte I será desenvolvida com diálogos com os alunos, que se encarregarão de preparar as aulas teóricas de análise das competências dos três tribunais mais estudados, nomeadamente através do *case study* “Guerra da Ucrânia”



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2. A Parte II será desenvolvida através de pesquisa independente: os alunos irão escolher um conflito e explicar o seu desenvolvimento, bem como a jurisprudência a que se refere.

9. Avaliação:

A avaliação consistirá na participação dos alunos e discussão de jurisprudência (50%) e exame final (50%).

10. Demonstração da coerência das metodologias de ensino com os objetivos de aprendizagem da unidade curricular:

Com esta UC pretende-se não só que os mestrandos conheçam a jurisdição dos vários tribunais, mas ainda que investiguem, de forma autónoma, o seu funcionamento na prática. Assim, considera-se adequado que os mesmos investiguem casos específicos em que os tribunais estudados decidiram casos relativos a conflitos armados. Esta temática foi escolhida por permitir sinergias com outras disciplinas do mestrado, como o Direito das Nações Unidas, e ainda devido à natureza das normas envolvidas (sobretudo normas de *ius cogens*).

11. 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
GIL, Ana Rita, “Judicial relief in war times? Ukraine vs. Russia (2022) before the International Court of Justice”, e-publica, Vol. 10, Issue 1, 2023 May 12, 2023
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

12. Observações:

(máximo 1000 caracteres)

NOTA: este mapa é preenchido tantas vezes quantas as necessárias para descrever as diferentes unidades curriculares.



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Curricular Unit Sheet

Master's Degree in Law and Legal Practice Specialization International Law and International Relations

1. Curricular Unit Name:

International Justice

2. Complementary Information:

Duration: Semester Annual
Work hours: 196
Credits ECTS: 7

3. Responsible Academic staff and respective workload in the curricular unit:

Ana Rita Gil – 2hours/week

4. Other academic staff and respective workloads in the curricular unit:

n/a

5. Learning outcomes of the curricular unit:

Subject: War and International Courts

Nowadays, several International Courts may be called to decide on armed conflicts. Conflicts can be legally discussed under the *ius ad bellum* and also under the *ius in bello* perspectives. The International Court of Justice, the Criminal International Court but also Human Rights Courts may have jurisdiction to deal with armed conflicts 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 of different International Courts on armed conflicts.

6. Syllabus:

Part I – International Courts

1. International Justice in the context of mechanisms for the peaceful resolution of disputes under Public International Law
2. International Court of Justice
3. International Human Rights Jurisdictions, in particular the European Court of Human Rights
4. International Criminal Court

Part II - Study of international jurisprudence on armed conflicts

7. Demonstration of the syllabus coherence with the curricular unit's objectives:

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

It is also intended that they develop autonomous investigative skills, having to analyse cases dealt with by different Courts, in terms of armed conflicts.

8. Teaching methodologies (including evaluation):

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 of preparing the theoretical classes of analysis of the competences of the three most studied courts, namely through case studies on the war in Ukraine
2. Part II will be developed through independent research: students will choose one conflict and explain its development, as well as the case-law that it has raised to.



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9. Demonstration of the coherence between the teaching methodologies and the learning outcomes:

With this UC it is intended not only that the master's students know the jurisdiction of the various courts, but also that they research, autonomously, their functioning in practice. Thus, it is considered appropriate that they research specific jurisprudence in which the studied courts decided cases related to armed conflicts. This topic was chosen because it allows for synergies with other disciplines of the master's degree, such as United Nations Law, and also due to the nature of the rules involved (mainly *ius cogens* rules).

10: Evaluation:

The evaluation will consist of student participation and jurisprudence discussion (50%) and final exam (50%).

11: Main Bibliography:

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
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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

12: Remarks:

NOTE: this map can be filled in as many times as necessary to describe the different curricular units.