

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: 2h/week
Credits ECTS: 6

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: Human Rights and International Courts in theory and practice

1. Know the different existing International Courts;
2. Identify the Court that is competent for a particular case;
3. Identify the specific human right breached in a particular case;
4. Distinguish between State's positive and negative obligations towards human rights protection;
5. Know the different principles on human rights' interpretation;
6. Know how to apply the interpretation principles in particular cases;
7. Know the main case-law of international Courts on human rights matters
8. Develop critical thinking and reasoning as regards human rights litigation

6. Syllabus:

Nowadays, several International Courts may be called to decide on human rights violations. This happens not only on regional courts aimed at deciding these topics, but also in global Courts, such as the International Court of Justice and also the Criminal International Court. These perspectives are often parallel and rarely overlap since each Jurisdiction has a different mandates and actors. However, basic principles as regards Human Rights interpretation and application are globally the same.

The Semester is divided in two different parts. In the first part, lectures on International Courts and Human Rights Principles take place. On the second part, students will be challenged to research and discuss jurisprudence of different International Courts on human rights protection through practical simulations, with the Activity Moot Court 360.^o

Part I – International Courts and Human Rights

1. International Human Rights Law: some basic concepts
2. International Court of Justice as a Human Rights Court
3. International Human Rights Regional Courts
4. Basic principles on Human Rights litigation and interpretation

4. Part II - Study of international jurisprudence on human rights through the Moot Court 360.^o activity

Through the 360.^o Moot Court, students will have the opportunity to discuss human rights through specific cases and through international courts' simulations. Selected human rights are:

1. Right to Life (positive and negative dimension)
2. Prohibition of torture, inhuman and degrading treatment
3. Prohibition of arbitrary detention

4. Right to privacy and private life
5. Freedom of Expression
6. Migration and Human Rights

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. Through the Moot Courts 360.^o they will learn how to apply in practice theoretical concepts and strategies, both as lawyers and as judges.

8. Teaching methodologies (including evaluation):

The Semester is divided in two different parts.

1. During the first part, lectures on International Courts and Human Rights Principles take place, as well as discussions, practical exercises and a moment of active learning in each class (both individually and collectively);
2. On the second part, students will discuss jurisprudence of different International Courts on human rights protection through practical simulations, with the Activity Moot Court 360.^o

Part 2 is prepared from the beginning of the semester. While lectures take place in classes, students will research and prepare independently their Moot Courts: choosing a particular human right, researching case-law on that topic, preparing and researching their participation in the moot court. For this purpose, they may use a special IA tutor designed by the Professor.

The Moot Courts 360.^o will then take place during the classes, and all the students must engage, prepare, discuss and vote the decisions (2 simulations per class).

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

During the lectures, students will be required to participate actively, in order to develop their critical thinking as regards human rights litigation and also to develop a deep knowledge on how human rights international justice functions.

Through the 360.^o Moot Court, students will have the opportunity to choose a human right, a particular case decided by an International Court, and act as a lawyer or a Judge President. In all classes, students are actively engaged in the decision, having to discuss it, balance the several interests at stake, and to write down their voting. Through this activity, they will understand in a more "immersive" way how international courts work in practice, their limits, their reasonings, and also how human rights' approach may be different depending on the procedural role. They will also learn the Courts' landmark decisions.

The Moot Court 360.^o is designed to develop research skills and also critical thinking, in order to maintain a permanent active role of the students during the entire semester.

10: Evaluation:

The evaluation will consist of student participation during the active moments in the first part of the semester (25%), research of the case-law (25%), participation in the moot court 360.^o as lawyers or Presidents (25%) and participation on the moot courts through discussion and written votes (25%). Attendance in classes is mandatory to complete the course.

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
- 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



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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