

| Degree              | Type | Year | Semester |
|---------------------|------|------|----------|
| 2500257 Criminology | OT   | 4    | 0        |

## Contact

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## Use of languages

Principal working language: english (eng)

Some groups entirely in English: Yes

Some groups entirely in Catalan: No

Some groups entirely in Spanish: No

## Other comments on languages

THE COURSE WILL BE ALL IN ENGLISH

## Prerequisites

The course will be all in english

## Objectives and Contextualisation

The course aims to provide a non lawyer student an insight view of the core topics of international human rights law and international criminal law, as well as the scope and the content of the legal responses available under two branches of contemporary international law, namely human rights law and international criminal law, to atrocities that can be defined as war crimes, crimes against humanity, genocide and human rights violations, all by offering a broad and deep understanding of relevant issues and supporting the development of academic skills through the analyzing of such issues theoretically and in practice

## Skills

- Ability to analyse and summarise.
- Analysing the conflict and criminology by using the criminological theories and their psychological and sociological foundations.
- Drawing up an academic text.
- Respectfully interacting with other people.
- Students must demonstrate a comprehension of the best crime prevention and intervention models for each specific problem.
- Students must demonstrate they know a variety of criminal policies in order to face criminality and its different foundations.
- Verbally transmitting ideas to an audience.
- Working autonomously.
- Working in teams and networking.

## Learning outcomes

1. Ability to analyse and summarise.
2. Accurately applying the prevention models in specific crime situations.
3. Applying the scientific criminological knowledge to the delinquency analysis.
4. Drawing up an academic text.
5. Efficiently applying the foundations of the different crime policies in the professional activity.
6. Respectfully interacting with other people.
7. Verbally transmitting ideas to an audience.
8. Working autonomously.
9. Working in teams and networking.

## Content

### CRIMES AGAINST HUMANITY AND HUMAN RIGHTS

2016-2017

#### PART ONE: GENERAL FRAMEWORK

##### Topic 1: The international system and its characteristics

- Ø Some misunderstandings about international law and international society
- Ø The main actors at international level
- Ø The normative system of international society
- Ø Who decided the structural principles of international society and its reflection in international law

##### Topic 2: A conceptual framework: Individuals under international law

- Ø Distinction between International criminal Law, International Humanitarian Law and International protection of human rights
- Ø Distinction between individuals rights and individuals obligations under international law
- Ø Distinction between international crimes, transnational crimes and domestic crimes

##### Topic 3: The origin of modern International Human rights law & International criminal law

- Ø What was before the Nüremberg Trials
- Ø The 1940' socio-political context
- Ø The origin of international criminal law:
  - London Charter 1945 and it's conciliation with the principle of legality
  - The trials and their heritage
  - Ø The origin of International human rights law:
    - creation of UN and the Universal declaration of HR
    - the regional declaration & conventions of human rights

**Debate 1:** International law and individual: prevention and/or reaction against violations of human rights?

#### PART TWO.

#### INDIVIDUALS AS INTERNATIONAL CRIMINALS: THE CRIMES

##### Topic 4: War crimes today

- What is and what is not a war crime: the Geneva Conventions and it's protocols
- The importance of the concept of armed conflict": distinction between international and non-international armed conflict
- The fundamental role of the ICRC

- The prosecution of War crimes: the case law practice

**Topic 5: The difficulties around the crime of Genocide**

- The concept of genocide: The 1948 Convention
- The specificity of the crime of genocide
- The evolution: the role played by case law practice

**Topic 6: The special case of crime against humanity**

- The origin and nature of crime against humanity
- The concept of crime against humanity: general characteristics and the evolution of its specific subtypes
- The crime against humanity in practice: the importance of the case law

**Topic 7: The double nature of crime of aggression**

- State's aggression and individual crime of aggression
- The difficulties around an agreement on the definition of aggression
- The present situation of the crime of aggression

**Debate 2:** Are we missing crimes?

**PART THREE.**

**THE PROSECUTION OF INTERNATIONAL CRIMINALS**

**Topic 8:** The international prosecution of international criminals by ad hoc and hybrids tribunals

- Ø The importance of the socio political framework for the creation of ad hoc and hybrids tribunals
- Ø General characteristics of the ad hoc tribunals
- Ø The distinction between ad hoc tribunals and hybrids tribunals

**Topic 9:** The international prosecution by the International Criminal Court

- Ø Origen, nature and structure of the ICC
- Ø The limited jurisdiction
- Ø The case law: from the beginning till today

**Topic 10:** The International criminal law prosecution by domestic system

- Ø The recognition of international crimes as ius cogens by some states (i.e. Argentina, Estonia)
  - Ø The debate in domestic society about justice and/or peace (i.e. Uruguay, South Africa; CAC)
  - Ø The law conflict between the immunity regime and the duty to prosecute
    - Ø The recognition/non recognition of international crimes as part of domestic law

**Debate 3:** International or domestic prosecution....? (pros & cons)

## PART FOUR:

### THE VICTIMS REPARATION REGIME UNDER INTERNATIONAL LAW

#### Topic 11: Reparation principles under international law

- Ø Reparation as a human right
- Ø Distinction between reparation for violation of human right & reparation for international crime

#### Topic 12: The reparations under the ICC: a restorative model of justice?

- Ø Victims presence at the ICC
- Ø Reparation mechanism under the ICC
- Ø The Trust Fund
- Ø Case law

#### Topic 13: International mechanisms related with reparations in cases of violation of human rights

- Ø Differences and similarities between the conventional and non conventional mechanisms
- Ø The contrast between general and regional protection: commissions / committees / Courts

**Final Debate:** The presence of the individual in the international system: a worthy effort?

## Methodology

### Compulsory activities

#### PAPER ON A CASE STUDY

3.500-4.000 word paper where the student has to analyze one of the case studies after a consultation with the teacher. The structure of the paper must have:

1. Introduction: brief description of the situation and its context
2. Presentation of the human rights problem/s and or international crimes founded in the case
3. Relation of the case with the topics within the course and if it is possible, comparison with other situations studied at class
4. Presentation of the results obtained to protect the human rights so far
5. Proposal for new/alternative/complementary actions to improve the solutions
6. Personal comment of the case

#### CAMPAIGN REPORT

1.000 words report of a campaign of one topic related with the course by an international organization (IGO or NGO). The report has to include:

1. Introduction: brief description of the topic (context)
2. An explanation of the campaign (aim or purpose and the actions)
3. Presentation of the results obtained to protect the human rights so far
4. Personal evaluation

NOTE: the paper on the case study, the campaign report and the reading test CANNOT be submitted by e-mail !!!

### Optional activities:

#### Optiona A: Active student

#### ORAL PRESENTATIONS

Preparation and presentation of the campaign and the case study to the rest of the class.

The presentation of the case study (using power point) has to be focus on the main issues and questions that the situation presents and open a debate about possible way to face it.

### **CLASS PARTICIPATION**

The active attitude of the student and interventions through the sessions is compulsory and it will represent the 20% of the final mark. The simple assistance to classes without intervention will NOT count as participation

### **READINGS**

The previous preparation of the sessions is compulsory and it will count for the final mark.

The compulsory readings for each session, as well as the topics and/or questions to prepare them will be poin it out at the campus virtual (moodle) and there will be a reading test or a short question in each session previous to the debate. Therefore the tests or short question cannot be submitted by mail.

### **Option B. Passive student (50%):**

For those students who cannot follow the class &/or participated in them regularly, there will be an exam which will cover the optional 50% of the final mark. The exam will be 7 short questions (7/10) related with the course content (theory & readings) and 1 long question (3/10) related with the cases analyzed during the course.

### **Activities**

| Title                   | Hours | ECTS | Learning outcomes |
|-------------------------|-------|------|-------------------|
| <b>Type: Directed</b>   |       |      |                   |
| Class participation     | 31    | 1.24 | 3, 6, 1, 7, 9     |
| <b>Type: Supervised</b> |       |      |                   |
| Campaign report         | 19    | 0.76 | 4, 1, 8           |
| Oral presentation       | 20    | 0.8  | 6, 1, 7, 9        |
| Paper on a case study   | 35    | 1.4  | 4, 1, 8           |
| <b>Type: Autonomous</b> |       |      |                   |
| Readings                | 45    | 1.8  | 1, 8              |

### **Evaluation**

#### **EVALUATION SYSTEM**

#### **Compulsory (50%):**

#### **1.- PAPER ON A CASE STUDY (35% ) (To be deliver at the beginning of May)**

3.500-4.000 word paper where the student has to analyze one of the case studies. The structure of the paper can be:

Introduction: brief description of the situation and its context

Presentation of the human rights/international crime problem/s founded in the case

Relation of the case with the topics within the course and if it is possible, comparison with other situations studied at class

Presentation of the results obtained to protect the human rights so far

Proposal for new/alternative/complementary actions to improve the solutions

Personal comment of the case

## **2.- CAMPAIGN REPORT (15%: mid term)**

1.000 words pages report of a campaign or the following of one topic related with the course by an international organization (IGO or NGO)

The written papers have to be deliver by hand. Papers are NOT accepted by e-mail.

### **Optional**

#### **Option A. Active student (50%):**

##### **1.- ORAL PRESENTATION (20% power point or similar support needed)**

Preparation and presentation of a case by 2 or 3 students. It has to be focus on the main issues and questions that the situation presents and open a debate about possible ways to face it.

##### **2.- READING TESTS (10%)**

Tests to check the readings for the class

##### **3.- CLASS AND DEBATE PREPARATION & PARTICIPATION (20%)**

This percentage will be evaluated based on the **active** attitude of the student. Just the presence without an active participation is not enough to evaluate this 20%.

#### **Option B. Passive student (50%):**

For those students who cannot follow the class &/or participated in them regularly, there will be an exam which will cover the optional 50% of the final mark. The exam will be 7 short questions (7/10) related with the course content (theory & readings) and 1 long question (3/10) related with the cases analyzed during the course.

#### **Reevaluation:**

**The reevaluation will take place through the course, according with the grades of each activity. Therefore, there is no reassessment examination**

### **Evaluation activities**

| Title                                    | Weighting        | Hours | ECTS | Learning outcomes |
|--|------------------|-------|------|-------------------|
| Campaign report                          | 15% (compulsory) | 0     | 0    | 5, 4, 1, 8        |
| Class active participation (optional, A) | 20% (option A)   | 0     | 0    | 3, 6, 1, 7, 9     |
| Exam (option B)                          | 50% option B     | 0     | 0    | 3, 6, 1, 8        |
| Oral presentation (optional, A)          | 20% (option A)   | 0     | 0    | 2, 6, 1, 7, 9     |

|                                    |                  |   |   |               |
|------------------------------------|------------------|---|---|---------------|
| Paper on a case study (compulsory) | 35% (compulsory) | 0 | 0 | 2, 5, 4, 1, 8 |
| Reading tests (option A)           | 10% (option A)   | 0 | 0 | 1, 8          |

## Bibliography

### Basic Legislation:

#### International Criminal Law

Statute of the International Criminal Tribunal for the Former Yugoslavia (ICTY-Statute) UN Doc. S/RES/827 (1993)

Statute of the International Criminal Tribunal for Rwanda (ICTR-Statute), UN Doc. S/RES/955 (1994),

Rome Statute of the International Criminal Court. Adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on 17 July 1998, UN-Dok. A/Conf. 183/9.

UNTAET (United Nations Transitional Administration for East Timor) Regulation 15/2000  
<http://www.un.org/peace/etimor/untaetR/r-2000.htm>

Special Court Statute for the Special Court for Sierra Leone (22, January, 2002) <  
<http://www.specialcourt.org/documents/Statute.html>.

Coalition Provisional Authority, Statute of the Iraqi Special Tribunal, 10 December 2003, <  
[www.cpa-iraq.org/audio/20031210\\_Dec10\\_Special\\_Tribunal.htm](http://www.cpa-iraq.org/audio/20031210_Dec10_Special_Tribunal.htm)

### Key web pages:

[www.echr.coe.int/hudoc.htm](http://www.echr.coe.int/hudoc.htm) The European Court of Human Rights Case law

<http://www.bayefsky.com/bystate.php> This free website includes an extensive documents library organized by country and subject matter. You can find information on ratification, reservations and declarations, state reports, and other key documents.

### International Organisations and Related Human Rights and ICL Websites:

[The United Nations](#)

[United Nations Human Rights Council](#)

[United Nations Treaty Bodies](#)

[United Nations Special Procedures](#)

[United Nations Security Council](#)

[United Nations Economic and Social Council](#)

[International Labour Organisation \(LBO\), Geneva, Switzerland](#)

[www.icc-cpi.int/Menu/ICC](http://www.icc-cpi.int/Menu/ICC)

[World Health Organisation](#)

[UN Children's Fund \(UNICEF\)](#)

[UN Environmental Programme](#)

[OHCHR](#) United Nations Office of the High Commissioner for Human Rights

[United Nations Commission for the Status of Women](#)

[Un High Commissioner for Refugees, Geneva, Switzerland](#)

[UN Development Programme](#)

[UN Division for the Advancement of Women](#)

[OHCHR International Law](#) Link to UN Human Rights instruments

### **Non-Governmental Organizations:**

[Global Rights](#) A human rights advocacy group that partners with local activists to challenge injustice and amplify new voices within the global discourse

[Human Rights Watch](#) A global independent organisation dedicated to defending and protecting human rights.

[Amnesty International](#) A global charity which campaigns for internationally recognised human rights for all

[Save the Children](#) International Charity which campaigns on behalf of children

[The International Committee of the Red Cross](#) An organisation dedicated to the protection of the lives and dignity of victims of armed conflict and other violence.

[Index on Censorship](#) Organisation promoting freedom of expression

[Minority Rights Group, International](#) International organisation working to secure the rights of minorities and indigenous peoples

[World Organisation against Torture](#) A coalition of non-governmental organisations fighting against torture, summary executions and other inhumane treatment

[www.iccnw.org/](#) coalition for the International Criminal Court coalition of non-governmental organizations lobbying in favor of the ICC

[International Women's Rights Action Watch \(IWRAP\)](#) organized in 1985 at the Third World Conference on Women in Nairobi, Kenya, to promote recognition of women's human rights under the United Nation's Convention on the Elimination of All Forms of Discrimination against Women (the CEDAW Convention), an international human rights treaty

[Freedom House](#) Independent nongovernmental organization that supports the expansion of freedom in the world.

### **Bibliography:**

#### **General:**

**Brownlie, Ian**, Principles of Public International Law. 5. Aufl. Oxford 1998.

**Simma, Bruno**, International Human Rights Law and General International Law: A Comparative Analysis. In: Academy of European Law (Hrsg.), Collected courses of the Academy of European Law. Vol. IV (1995), Book 2, S. 153-236.

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#### **Bibliography on international criminal law:**



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SANCHEZ, J. Inter-American Court, Crimes Against Humanity and Peacebuilding in South America. ICIP, WP 2010/2, [http://www20.gencat.cat/docs/icip/Continguts/Publicacions/WorkingPapers/Arxius/WP10\\_2\\_ANG.pdf](http://www20.gencat.cat/docs/icip/Continguts/Publicacions/WorkingPapers/Arxius/WP10_2_ANG.pdf)

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- Rome Statute of the International Criminal Court. Adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on 17 July 1998, UN-Dok. A/Conf. 183/9.
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- The four Geneva Conventions, 12 August 1949
- Protocol I and II additional to the Geneva Convention, 8 June 1977
- Protocol II additional to the Geneva Convention, 2005
- Convention on the Prevention and Punishment of the Crime of Genocide, 9, December 1948