

**Crimes against Humanity and Human Rights**

Code: 100471  
ECTS Credits: 6

Degree	Type	Year	Semester
2500257 Criminology	OT	4	0
2500786 Law	OT	4	0

**Contact**

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**Use of languages**

Principal working language: english (eng)  
Some groups entirely in English: No  
Some groups entirely in Catalan: No  
Some groups entirely in Spanish: No

**Other comments on languages**

THE COURSE WILL BE ALL IN ENGLISH

**Teachers**

Patricia Toro Lozano

**Prerequisites**

A high level of english is required to follow the course. It will be also necessary a certain level of spanish to understand the rest of the students interventions

**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**

**Criminology**

- Ability to analyse and summarise.
- Drawing up an academic text.
- Respectfully interacting with other people.
- Verbally transmitting ideas to an audience.
- Working autonomously.

- Working in teams and networking.

#### **Law**

- Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
- Drawing up and formalising works, reports, documents, rulings.
- Integrating the importance of Law as a regulatory system of social relations.
- Searching, interpreting and applying legal standards, arguing every case.
- Students must be capable of learning autonomously and having an entrepreneurial spirit.
- Students must be effective in a changing environment and when facing new tasks, responsibilities or people.
- Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

### **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. Correctly drawing up every part of a criminological research project.
5. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
6. Drawing up an academic text.
7. Efficiently applying the foundations of the different crime policies in the professional activity.
8. Respectfully interacting with other people.
9. Students must be capable of learning autonomously and having an entrepreneurial spirit.
10. Students must be effective in a changing environment and when facing new tasks, responsibilities or people.
11. Verbally transmitting ideas to an audience.
12. Working autonomously.
13. Working in teams and networking.
14. Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

### **Content**

#### **Syllabus**

#### **CRIMES AGAINST HUMANITY AND HUMAN RIGHTS**

**2018-19**

#### **PART: GENERAL FRAMEWORK**

Topic 1: The international system and its characteristics

- Some misunderstandings about international law and international society
- The main players at the international level
- The individual, from object to subject in the international system.

Topic 2: The origin of contemporary international standards of human rights and international criminal law

- The end of the 2ndWW, origin of international criminal law & International human rights Law
- Rights and obligations of individuals in international law: Distinction between

a) International protection of human rights,

- b) International humanitarian law,
- c) International criminal law and
- d) International cooperation to fight against crime.

Reading:

Seminar activity 1: research & discussion of examples of each regime

Topic 3. Individuals as victims of international crimes and/or violations of human rights.

- Distinction between a victim of a violation of human rights and victim of international crimes
- The reparation in international law: Definition, Principles, evolution
- Reparation & transitional justice

Reading:

Seminar activity 2: research & discussion of reparation examples within transitional justice process

## **PART TWO: INTERNATIONAL CRIMES**

Topic 4: Difficulties surrounding the crime of genocide

- The concept of genocide: The 1948 Convention
- The specificity of the crime of genocide
- Evolution: the role played by jurisprudential practice

Reading:

Seminar activity 3: analysis of potential situations of genocide

Topic 5: War crimes today

- What is and what is not a war crime?: the Geneva Conventions and their protocols
- The importance of the concept of "armed conflict": distinction between international and non-international armed conflicts
- The key role of the ICRC
- The prosecution of war crimes: case law

Reading:

Seminar activity 4: Comparison of potential situations (and subtypes) of war crimes

Topic 6: 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
- Crime against humanity in practice: the importance of the case law

Reading:

Seminar activity 5: Comparison of potential situations (and subtypes) of crimes against humanity

### **PART THREE: JUDICIAL ACTION AGAINST INTERNATIONAL CRIMINAL RESPONSIBLE**

Topic 7: The prosecution of international crimes within domestic systems

- Recognition of international crimes as *ius cogens* by some states (ex. Argentina, Estonia)
- The debate in society on justice and / or peace (ex. Uruguay, South Africa, CAR)
- The conflict between immunity law and the duty to prosecute (Al Bashir, Pinochet, RDC..)
- Recognition / non-recognition of international crimes as part of national legislation

Reading:

Seminar activity 6: *Impunity*. Research & discussion of different models of domestic criminal law and its reception (or not) of international crimes

Topic 8: International persecution of individuals by *ad hoc* tribunals and hybrid courts

- The importance of the socio-political framework for the creation of *ad hoc* and hybrid courts
- General characteristics of *ad hoc* tribunals
- The distinction between *ad hoc* tribunals and hybrid courts

Reading:

Seminar activity 7: Comparison between *ad hoc* tribunals and hybrid courts

Topic 9: International persecution of individuals by the International Criminal Court

- Origin, nature and structure of the ICC
- Limited jurisdiction
- Case law: from the beginning to the date

Reading:

Seminar activity: Comparison between ICC situations & cases

Topic 10: The judicial action against the states as responsible for international crimes

- The distinction between the responsibility of the individual and the responsibility of the state
- The requirement of responsibility in the state at a universal level
  - The role of the International Tribunals of Human Rights: ECHR, IACHR, ACHR

Reading:

Seminar activity: Analysis of examples of HR Courts case law

## **PART FOUR: THE REPARATION REGIME OF VICTIMS OF INTERNATIONAL CRIMES**

Topic 11: Reparations for violation of human rights

- Differences and similarities between conventional and non-conventional mechanisms
- Action by commissions and committees
- Judicial action: domestic & international human rights tribunals

Reading

Seminar activity 10: comparison between examples of domestic & international reparations

Topic 12: Reparations of the ICC: a model of restorative justice?

- Who has the right to be repaired at the ICC?
- Mechanism of reparation under the ICC
- The Trust Fund

Reading:

Seminar activity 11: Analysis of the case law

## **Methodology**

### **COMPULSORY ACTIVITIES**

#### **1.- PAPER ON A CASE STUDY (30% of the final grade to be delivered the beginning of May)**

3.500-4.000 word paper (in English or Spanish) where the student has to analyse one of the case studies after a consultation with the teacher. The structure of the paper can be (optional):

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
  1. Relation of the case with the topics within the course and if it is possible, comparison with other situations studied at class
3. Presentation of the results obtained to protect the human rights so far
4. Proposal for new/alternative/complementary actions to improve the solutions
5. Personal comment of the case

#### **2.- SEMINAR ACTIVITIES (preparation and participation) (50% of the final grade (5 x 10 activities))**

#### **3.- CLASS PARTICIPATION**

include the readings and research. 20% of the final grade ( 5 x 10) The active attitude of the student and interventions through the sessions (in English or Spanish) is compulsory and it will represent the 20% of the final grade. The simple presence in class without intervention will NOT count as participation

#### **REEVALUATION OPTION(pas/not pass):**

For those students who did not achieve through the course the minimum grade but did assist to class and got as a final grade over 3 there is a chance of an exam. this exam will take place at the date assigned by the faculty. The structure will be 10 short questions related with the contents of the course

## Activities

Title	Hours	ECTS	Learning outcomes
<b>Type: Directed</b>			
Class participation	31	1.24	8, 1, 11, 13
seminars	54	2.16	5, 4, 1, 11, 12, 13, 14
<b>Type: Supervised</b>			
Paper on a case study	30	1.2	6, 1, 12
<b>Type: Autonomous</b>			
Readings	35	1.4	1, 12

## Evaluation

### EVALUATION SYSTEM

#### COMPULSORY ACTIVITIES

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##### Reevaluation (pas/not pass):

For those students who did not achieve through the course the minimum grade but did assist to class and got a final grade over 3 there is a chance of an exam. This exam will take place at the date assigned by the faculty. The structure will be 10 short questions related with the contents of the course

## Evaluation activities

Title	Weighting	Hours	ECTS	Learning outcomes
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Class active participation	20%	0	0	8, 1, 11, 13, 14
Exam (only for reevaluation of those students who obtained a grade over 3)	50%	0	0	3, 5, 8, 9, 1, 12
final essay (compulsory)	30% (option A)	0	0	7, 10, 5, 4, 6, 9, 1, 12
seminarios (10 over 11)	50% (compulsory)	0	0	2, 7, 3, 5, 4, 6, 9, 1, 12, 14

## 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/Menus/ICC](http://www.icc-cpi.int/Menus/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/](http://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.

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#### **General:**

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

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Bassiouni. *Crimes against Humanity in International Criminal Law*, 2<sup>a</sup> ed., 1999

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*Human Rights Watch*, "Commentary on the 4th Preparatory Commission meeting for the ICC", marzo de 2000, p. 3.

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- *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)

- 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