

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: Yes
Some groups entirely in Catalan: No
Some groups entirely in Spanish: No

Other comments on languages

THE COURSE WILL BE ALL IN ENGLISH

Teachers

Marta Abegon Novella

Prerequisites

- 1) 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
- 2) Any written paper or exercise submitted must have bibliography and references

Objectives and Contextualisation

The course aims to provide the 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 in today's practice

Competences

- 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

NOTE: the obligatory readings to prepare the sessions, as well as the topics and / or question will be indicated in

CRIMES AGAINST HUMANITY AND HUMAN RIGHTS
2019-20

PART: GENERAL FRAMEWORK

Topic 1: The international system and its characteristics

- Some misunderstandings about international law and international soci
- The main actors at an international level
- The individuals. From object to subject in the international system

Preparatory Reading 1: International Humanitarian Law. Answers to your
Jurisprudence: ICJ: Democratic Republic of the Congo v Uganda, 2005,

Topic 2: The origin of International Humanitarian Law (IHL)

- Background and contemporary IHL
- "Armed conflict": *conditio sine qua non* for the application of IHL.
- The distinction between the Hague Conventions and the Geneva Conventions
- The importance of the red cross / red crescent

Activity seminar 1: examples and determination of the application of IHL
 Preparatory Reading 2: Van Schaack, B & Slye, R. "A Concise history of

Topic 3: The origin of international standards of human rights and international criminal law

- The end of the 2nd WW, origin of international criminal law and international human rights law
- Rights and obligations of individuals in the international sphere.
- Distinction and coexistence between:

a) international protection of human rights

b) international humanitarian law

c) international criminal law

d) international criminal cooperation

Seminar activity 2: research and discussion of examples of the different types of international crimes
 Preparatory Reading 3: East west street. Phillip Sand, Orion Group, ed (1996)

SECOND PART: INTERNATIONAL CRIMES

Topic 4: The 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

Seminar activity 3. Analysis of potential situations of genocide High School

Preparatory Reading 4: East west street. Phillip Sand, Orion Group, ed (05/01/2017)

Topic 5: The special case of crime against humanity

- The origin and nature of the 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 jurisprudence

Seminar activity 4: comparison of potential situations (and subtypes) of crimes against humanity

Preparatory Reading 5: Chapter where War Crimes in Antonio Cassese, International Criminal Law, 2nd ed., Ox

Topic 6: War crimes today

- What is and what is not a war crime?
- The importance of the concept of "armed conflict" and individual interna
- The prosecution of war crimes: the jurisprudential practice

Seminar activity 5: comparison of potential situations (and subtypes) of w
Preparatory reading 6.

THIRD PART: THE JUDICIAL ACTION AGAINST THE RESPONSIBLE OF INTERNATIONAL CRIMES

Topic 7: The prosecution of international crimes in domestic systems

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

Seminar activity 6 Impunity: research and discussion of different models of criminal law and their reception (or not)

Preparatory reading 7

Topic 8: The 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

Seminar activity 7: comparison between hybrid courts and *ad hoc* courts

Preparatory reading 8

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

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

Seminar activity 8: comparison between the situations and cases of the ICC

Preparatory reading 9

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

- The distinction between the individual responsibility and the state responsibility
- The universal demand for universal responsibilities of the state
- The role of international courts of Human Rights

Seminar activity 9: analysis of examples of jurisprudence in the field of human rights

Preparatory reading 10.

FOURTH PART: THE VICTIMS OF INTERNATIONAL CRIMES

Topic 11: victims of international crimes and / or human rights violations

- Differences and similarities between victims of human rights violations and international crimes.
- Reparation in international system of Human Rights: definition, principles and evolution.
- Reparation of victims of international crimes until the creation of the ICC

Seminar activity 10: comparison of reparation models

Preparatory reading 11

Topic 12: Victims before the ICC: a model of restorative justice?

- The presence of victims in the ICC
- Reparation v / s assistance to the ICC.

a) The Trust Fund.

b) Judicial decisions on reparations

c) The practice

Seminar activity 11: analysis of the jurisprudence of the ICC

Methodology

COMPULSORY ACTIVITIES

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

3.500-4.000 word paper 8in 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. It will be evaluated based on 9 activities)

3.- CLASS PARTICIPATION includes the readings and research. The active attitude of the student and interventions through the sessions (in english or spanish) 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 achive through the course the minimum grade but did participated in class and got as a final grade over 4 there is the possibility of an exam.

This exam will take place at the date asigned by the faculty. The structure will be 10 short questions related with the contents of the course. In this case the maximum final grade of the course will be 6.5

Warning:

- 1) Students who copied some of the essays between them will have 0 of 1
- 2) Students that plagiarize, practices, comments or essays will be qualifie

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Class participation	31	1.24	8, 1, 11, 13
seminars	54	2.16	5, 4, 1, 11, 12, 13, 14

Type: Supervised

Paper on a case study	30	1.2	6, 1, 12
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Type: Autonomous

Readings	35	1.4	1, 12
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Assessment

COMPULSORY ACTIVITIES

- 1.- DOCUMENT OF A CASE STUDY (30% of the final grade to be delivered at the beginning of May)
3,500-4,000 words on paper where the student has to analyze one of the cases.
The structure of the paper can be (optional scheme):
1. Introduction: brief description of the situation and its context
 2. Presentation of human rights problems or international crimes based on the case
 3. Relationship of the case with the topics within the course and, if possible, with the current situation
 4. Presentation of the results obtained to protect human rights so far
 5. Proposal of new / alternative / complementary actions to improve solutions
 6. Personal comment of the case
 7. Bibliography

- 2.- SEMINAR'S ACTIVITIES (preparation and participation) (50% of the final grade)

- 3.- CLASS PARTICIPATION. 20% of the final grade

The active attitude of the student and the interventions through the sessions.
The simple presence in class without intervention will NOT count as participation.

Warning:

- 1) Students who copy some of the work between them will have a 0 from the subject.
- 2) The student body that plagiarizes, practices, comments or works will be expelled from the subject.

Reevaluation (pas / not pass):

For those students who did not reach the minimum grade but attended the class and obtained a final grade higher than 4, there is the possibility of an exam.
This exam will take place on the date assigned by the Faculty.
The structure will be 10 short questions related to the contents of the course.
Those who must use this option should know that the maximum possible grade is 4.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Class active participation	20%	0	0	8, 1, 11, 13, 14
Exam (only for reevaluation of those students who obtained a grade over 3)	80% (re-evaluation)	0	0	3, 5, 8, 9, 1, 12
final essay (compulsory)	30%	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

Key web pages:

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

[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:

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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:

Akhavan, P. "The core elements of international crimes" in *Reducing Genocide to Law: Definition, Meaning and the Ultimate Crime*, Cambridge University Press, 2012, pp. 27-55.

Ambos y Wirth. "The Current Law of Crimes against Humanity", en *Crim. L. F.*, núm. 13, 2002, pp. 1, 2-13.

Arsanjani. "The Rome Statute of the International Criminal Court", en *AJIL*, núm. 93, 1999, pp. 22 ss

Askin. "Crimes within the jurisdiction of the ICC", en *Crim. L.F.*, núm. 10, 1999

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Bassiouni. *Crimes against Humanity in International Criminal Law*, 2^a ed., 1999

Boot, *Genocide, Crimes against Humanity, War Crimes nullum Crimen sine Lege and the Subject Matter Jurisdiction of the ICC*, 2002, par. 415 ss

Cassese, A. *International Criminal Law*, 2nd ed., Oxford University Press, 2008.

Clark. "Crimes against humanity and the Rome Statute", en Clark, Feldbrugge, Pomorski (eds.). *Essays in Honour of George Ginsburgs*, 2001, pp. 139, 15

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Human Rights Watch, *Genocide, War Crimes, Crimes against Humanity: Topical digest of the case law of the ICTR and ICTY*, New York et al. 2004.

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Quenivet, *Ind. J. Int'l L.*, núm., 41, 2001, p. 478.

Ratner. "The Genocide Convention after fifty years", en *ASIL Proceedings*, núm. 92, 1998,

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Sandesh Sivakumaran, "Identifying an armed conflict not of an international character" in *The Emerging Practice of the International Criminal Court*, C. Stahn and G. Sluiter (ed.), Martinus Nijhoff, 2009, pp. 363-380

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- 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).
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- Coalition Provisional Authority, Statute of the Iraqi Special Tribunal, 10 December 2003, < 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