

Degree	Type	Year
2500257 Criminology	OT	4
2500786 Law	OT	4

## Contact

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## Teaching groups languages

You can view this information at the [end](#) of this document.

## Prerequisites

Important remark

- 1) A high level of english is required to be able to follow the classes which will be entirely in english. It will be also necessary a certain level of spanish to be able to interact in group work with other students
- 2) ALL written paper or exercise submitted must include the sources from where the information was extracted (bibliography and references). Non-inclusion will lower the grade
- 3) The evaluation method is continuous and therefore attendance to the sessions is mandatory

The subject is adapted to the Sustainable Development Goals (SDG)

## Objectives and Contextualisation

The course aims to offer students a vision and understanding of the central problems of international criminal law and human rights, as well as the scope and content of the legal responses that the international community has designed for their protection and safeguarding. Concepts such as human rights, war crimes, crimes against humanity, genocide, victims and (transitional) justice will be studied. This seeks to offer a broad and in-depth knowledge of the relevant issues, as well as the development of academic skills through the analysis of internationally recognized (and eventually protected) human rights, international crimes, the responses and care for victims, both theoretically and in recent practice.

## Competences

Criminology

- 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.
- Students must demonstrate they comprehend the criminological theories.

- Students must demonstrate they know a variety of criminal policies in order to face criminality and its different foundations.
- Working autonomously.
- Working in teams and networking.

#### Law

- Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
- Integrating the importance of Law as a regulatory system of social relations.
- Present information in a way that is appropriate to the type of audience.
- 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 criminological theories.
4. Applying the scientific criminological knowledge to the delinquency analysis.
5. Correctly drawing up every part of a criminological research project.
6. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
7. Drawing up an academic text.
8. Efficiently applying the foundations of the different crime policies in the professional activity.
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. Working autonomously.
12. Working in teams and networking.
13. 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 compulsory readings to prepare the sessions, as well as the topics and / or questions will be announced at the virtual campus (moodle). All documentation will be in English.

#### FIRST BLOCK: GENERAL FRAMEWORK

Topic 1 (introductory): The individual within the international system

- Some misunderstandings about international society and its legal system
- The main actors at the international level and their role in the development of international standards
- Individuals. From object to subject in the international system?

Topic 2: Conceptualization, synergies and differences of international regimes that directly address individuals and their integration in Public International Law

- The regimes of *ius in bello* and *ius ad bellum* until the world wars
- The transformation of the international legal system towards people after the 2nd World War:

- Distinction, coexistence and synergies between regimes:

- a) international protection of human rights
- b) international humanitarian law
- c) international criminal law
- d) international criminal cooperation

Topic 3: The different nature of responsibility for the violation of human rights and for the commission of international crimes

- The distinction between persecution mechanisms (for crimes) and protection mechanisms (for human rights): two independent but complementary courses of action

- Human Rights: From recognition to international protection. Evolution and political logic behind existing mechanisms

- International Criminal Law: from impunity to (limited) prosecution. Evolution and political interests behind existing mechanisms

Topic 4: The determination of the victim in the face of international crimes and/or human rights violations

- The different conceptions of the victim and their relationship with the locus standi to obtain reparation
- International principles on reparation for human rights violations: definition, characteristics and evolution.
- Differences and similarities between victims of human rights violations and international crimes.

SECOND BLOCK: INTERNATIONAL CRIMES

Topic 5: introduction to international criminal law

- The background
- The role of the Statute and the Nuremberg Trial in the definition of crimes
- Comparison between the Nuremberg Trial and the International Military Tribunal for the Far East

Topic 6: 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

Topic 7: 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
- Crime against humanity in practice: the importance of jurisprudence

Topic 8: War crimes today

- What is and what is not a war crime?
- The importance of the concept of "armed conflict" and individual international responsibility for determining the crime

- Prosecution of war crimes: jurisprudential practice.

#### Topic 9: The dual nature of the crime of aggression

- The concept of aggression in International Law: the distinction between State aggression and the crime of aggression
- Difficulties surrounding the definition of the crime of aggression
- The current status of the crime of aggression

### THIRD BLOCK: THE PREVENTION AND REMEDIES PROVIDED FOR VICTIMS OF INTERNATIONAL CRIMES

#### Topic 10: The role of domestic jurisdictions: general issues

- Conceptual problems surrounding the domestic prosecution of those responsible for international crimes
  - a) The societal debate on justice and/or peace
  - b) The role of the "duty to protect"
- The recognition / non-recognition of international crimes in national legislation; their normative status and the obligation to prosecute
- The role of international human rights courts in the practice of domestic judicial action

#### Topic 11: Alternative responses to the traditional model of domestic jurisdictions: Universal Jurisdiction and Transitional Justice

- Transitional justice as an ad hoc model of justice: concept and purpose
- Pros and cons of universal jurisdiction
- The conflict between immunity regimes, impunity, and a possible duty to prosecute

#### Topic 12: The Prosecution of International Crimes by specific international tribunals: Ad Hoc Tribunals and Hybrid Tribunals

- The importance of the sociopolitical framework for the creation of ad hoc and hybrid tribunals
- General characteristics of ad hoc tribunals and their distinction from hybrid tribunals
- International practice (ad hoc tribunals vs. hybrid tribunals?)

#### Topic 13: The Proposal for the Permanent International Prosecution of International Crimes: The International Criminal Court

- Origin, nature, and structure of the ICC
- Limited jurisdiction and its jurisprudence: from its origins to the present
- Victims in the ICC:
  - a) The presence of victims in the ICC
  - b) Reparation vs. assistance in the ICC: the role of the Trust Fund
  - c) Practice

## Topic 14: The International Criminal Court in Practice

- Study of situations and cases
- New challenges

### Activities and Methodology

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Seminars	22	0.88	2, 3, 4, 5, 6, 8, 12, 13
theoretical classes and participation	22	0.88	2, 3, 4, 8, 12, 13
Type: Supervised			
Tutoring for the supervision of readings	22	0.88	1, 3, 4, 6, 10
Tutoring on the final project and the required book reading	24	0.96	1, 2, 6, 8, 10, 12
Type: Autonomous			
Book	16	0.64	2, 3, 6, 9, 11
Research paper	29	1.16	1, 2, 3, 5, 7, 9, 11
Session preparation	15	0.6	2, 6, 8, 9, 10, 11

#### Course development

The subject is entirely based on continuous assessment. This means that each week students must prepare the session in advance by completing the recommended readings listed in the course syllabus. Therefore, each session will include a verification test to ensure preparation.

Additionally, during the first week of class, students will be divided into permanent working groups for the development of specific activities. There will be group presentations-five minutes each-supported by a poster (NOT PowerPoint) designed for the occasion. These presentations will help bridge theoretical concepts with practical applications. Following the presentations, there will be a Q&A and debate session on the key concepts.

Moreover, at the end of each of the three course blocks [general (part I), substantive (part II), and procedural (part III)], an integrative activity will be conducted to ensure that the knowledge acquired up to that point has been consolidated.

Furthermore, throughout the course, each student must carry out an individual research inspired by a judicial ruling or an official report. For the development of the research, each student must formulate a question to be answered. The research question and structure will require prior approval from the teacher. This activity will be evaluated in class through a brief exam based on the research results (60%), as well as an outline to be submitted the week before, including the structure, bibliography used, a glossary of key concepts addressed, and a concluding evaluative opinion (40%).

Finally, in the first third of the course, small seminars will be scheduled in the Department office during tutoring hours to discuss the chosen required reading book.

Students are reminded that, given the proposed methodology, active and continuous participation throughout the course (not just mere attendance) is essential and will consequently be a crucial element of the evaluation.

Annotation: Within the schedule set by the centre or degree programme, 15 minutes of one class will be reserved for students to evaluate their lecturers and their courses or modules through questionnaires.

## Assessment

### Continous Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
CLASS PARTICIPATION	5 %	0	0	1, 4, 6, 8, 9, 10
CLASS PREPARATION	25%	0	0	3, 5, 6, 9, 10, 11, 12
LITERARY SEMINAR	10 %	0	0	1, 4, 6, 10, 11
POSTER	15%	0	0	1, 4, 7, 12, 13
PRACTICAL ACTIVITIES AT THE END OF EACH BLOCK (preparation and participation)	15%	0	0	1, 2, 3, 4, 6, 12, 13
RESEARCH	30%	0	0	1, 2, 3, 5, 6, 7, 8, 9

### Assessable Activities

1.- INDIVIDUAL RESEARCH. (30% of the final grade) Preparation of a theoretical review research. To determine the topic, structure and question to be analyzed, it is essential to previously had the approval of the teaching staff.

Students must submit a written research data sheet with their findings one week before the written test. The technical file and all the works in general, can be delivered in Spanish, Catalan or English. NOTE: to be considered evaluable, the research must obtain a grade higher than 3.6. The criteria from which the research will be scored are: Technical file (40%) + written exam (60%)

score      concept

0.5      Structure

0,5      Bibliography

1      Application and management of the concepts worked on throughout the course

1      Final evaluative conclusions

1	Strictness
6	Written exam
10	TOTAL

## 2.- PREPARATION OF THE SESSIONS. (25% of the final grade)

Being a subject of continuous evaluation, -without final exam-, each week the session must be prepared according to what is indicated for each occasion in the virtual campus. For its evaluation, a preparation verification test will be carried out during the session and at the end of the course this 25% of the grade will be calculated using as a reference the average of 80% of the tests that have been carried out throughout the course.

## 3.- COMPREHENSIVE PRACTICAL SESSIONS (preparation and participation) (15% of the final grade).

There will be 3 assessable practices (5% each) that will correspond to the end of each thematic block (part I; parts II & III; parts IV & V). The specific details of each practice will be specified on campus.

## 4.- POSTER.(15% of the final grade). Preparation and oral presentation with the help of a poster (10%) + active participation the other students' presentations (5%)

At the beginning of the course, it will be possible to choose -or it will be assigned- a real situation or case that must be presented to the rest of the class by explaining a poster. As the course progresses, the concepts that have been worked on should be integrated. The poster and the presentation will account for 10% of the final grade and will be evaluated independently of the questions and debate session that will be opened from the presentations. The other 5% will correspond to the quality of the participation, questions and interventions that each person makes as an audience in the other presentations.

## 5.- LITERARY SEMINAR. (10% of the final grade). Reading, file and participation in a thematic seminar on ONE of the following books:

a) East-West Street. On the origins of genocide and crimes against humanity. Philippe Sands, Weindenfeld & Nicolson, London, 2016 (387 pp.) (Historical Essay. The legal gestation of international crimes: Nazism and the crimes of Genocide and Crime against Humanity)

b) Half of a Yellow Sun. Chimamanda Ngozi Adichie, Collins, 2007 (448 pp.) (Historical novel set in Africa: the Biafran war 1967-70)

c) The Reader, Bernhard Schlink, Random House, 2011 (224 pages) (romantic novel with historical content, Nazism) + Small Country, Gael Faye, Random House, 2019 (194 pages) (historical novel that tells the childhood of a boy in the middle of genocide gestation)

## 6.- PARTICIPATION IN THE CLASSES (5% of the final grade).

The active attitude of the student and the interventions throughout the sessions (in English or Spanish) will represent 5% of the final grade. NOTE: the mere "attendance" or "presence" in class without contributions is not considered participation.

## FRAUDULENT CONDUCTS

1) The copying of works among the students will be scored with a 0 of that part of the evaluation for the people involved.

2) Students who plagiarize or use AI for their practices, comments or work will be rated with a "0" final grade for the course, and therefore without the right to re-evaluation.

#### CONDITION OF ASSESSEABLE STUDENT

Students will be eligible for evaluation as long as they have completed a set of activities that account for at least 2/3 of the total grade for the course. If the value of the activities completed does not reach this threshold, the course instructor may consider the student as not eligible for evaluation.

#### RE-EVALUATION

For students who have not obtained a minimum grade of 5 during the course, but have obtained more than 4, there is the possibility of an exam that will take place on the date assigned by the faculty for the re-evaluation. The structure of the exam will be 10 short questions related to the contents of the course and the maximum final grade that can be obtained from the subject will be 6.5

#### SINGLE ASSESSMENT

There is the possibility of a single evaluation that will take place on the day scheduled by the Faculty for a final exam. This evaluation will include:

- a) A written exam of the theoretical concepts worked on in class, based on the themes outlined in this syllabus and the material uploaded to the virtual campus
- b) The resolution of a case study that will be given at the beginning of the course and regarding which questions will be asked on the day of the exam
- c) The elaboration of a poster that must be presented and defended orally. The poster must be the result of the analysis of a news item or current event through the application of concepts worked on throughout the course.

## Bibliography

### Bibliography

Basic Legislation:

International Criminal Law

Rome Statute of the International Criminal Court & Elements of the Crime. 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.

Basic Principles and Guidelines on the right to a remedy and reparation for victims of gross violations of IHL and serious violations of IHL, Res. 60/147, 16 December 2005  
<https://www.ohchr.org/en/professionalinterest/pages/remedyandrepairation.asp>

International Human Rights Law

Universal Treaties: <https://www.ohchr.org/en/professionalinterest/pages/coreinstruments.aspx>

European Convention for the protection of Human Rights and Fundamental Freedoms  
<https://www.ohchr.org/EN/Issues/ESCR/Pages/RegionalHRTreaties.aspx>

American Convention on Human Rights  
<https://www.ohchr.org/EN/Issues/ESCR/Pages/RegionalHRTreaties.aspx>



Other Legislation:

- 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)
- 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

Webs:

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

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

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.

<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.

Other Bibliography:

International Public Law:

Brownlie, Ian, Principles of Public International Law. 5. Aufl. Oxford 1998. Disponible en/a la biblioteca digital de la UAB

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.

Rehman, Javaid. International human rights law (2nd. Edition) Pearson education Ltd. Harlow, 2009. Disponible en/a la biblioteca digital de la UAB.

International Criminal Law:

Akhavan, Payam. "The core elements of international crimes" in Reducing Genocide to Law: Definition, Meaning and the Ultimate Crime, Cambridge University Press, 2012, pp. 27-55. Disponible en/a la biblioteca digital de la UAB.

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

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De Hoogh, André J.j., "Articles 4 and 8 of the 2001 ILC Articles on State Responsibility...", en *BYIL*, núm. 72, 2001/2002, pp. 255.

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Guifoyle, Douglas., *International Criminal Law*, Oxford Univ. Press, 2016

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

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Meron, Theodor (1995). "International Criminalization of Internal Atrocities", en *American Journal of International Law (AJIL)* 89, págs. 554 - 577.

Ntanda Nsereko, en McDonald y Swaak-Goldman. *Substantive and Procedural Aspects of International Criminal Law*, vol. I, 2000, pp. 113 ss

O'Keefe, Roger. "State Immunity and Human Rights: Heads and Walls, Hearts and Minds", *Vanderbilt Journal of Transnational Law*, 2011, Vol 45, pp. 999-1045

Olásolo, Hector, *Int. Criminal Law Review (ICLR)* 5 (2005), 122,

Philip Sands (ed.), *From Nuremberg to the Hague: The Future of International Criminal Justice*, Cambridge University Press, 2003, pp. 1-29

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Sharga, D. "The Second Generation UN-Based Tribunals: A Diversity of Mixed Jurisdictions" in C. Romano, A. Nollkaemper, J. Kleffner (ed.), *Internationalized Criminal Courts*, Oxford University Press, 2004, pp. 15-38.

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## Software

See the Virtual Campus (moodle)

## Language list

Name	Group	Language	Semester	Turn
(TE) Theory	1	English	second semester	morning-mixed

PROVISIONAL