
INTERNATIONAL PUBLIC LAW in Fall 2020 (LW5000)

Course Code	LW5000	Professor(s)	Sharon Weill
Prerequisites	None	Office Number	
Class Schedule	F: 14:30-16:05 in G-009 T: 09:00-10:35 in G-009	Office Hours	By appointment (Teams)
Credits	4	Email	sweill@aup.edu
Semester	Fall 2020	Office Tel. Ext.	

Course Description

COURSE DESCRIPTION:

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This is an introductory course to international law. It introduces students to the structure of the international legal order and explores global challenges such as the use of force, human rights, international crimes and migration. The course is based on case studies and aims at reflecting in a critical manner on the role of international law through the practices of the different actors involved such as States, NGOs and International organizations. The course develops an empirical approach to address the gap between the international law doctrine and its practice, while thinking of the future of international law.

Course Learning Outcomes

Understanding of key concepts, relevant actors and main institutions of the international legal order; be able to apply the relevant rules of international law into specific cases.

Demonstrating fluency in legal reasoning; developing a critical analysis of international law and its socio-political impact through case studies.

Be able to do an independent research and a well-structured written work

General Education

Course Outline

OUTLINE:

1. Introduction (international rule of law; sources, actors)
2. Human rights law I (treaties and mechanism)
3. Human rights law II (times of emergency: COVID 19)
4. The UN Charter and the Use of force
5. IHL
6. Refugee Law and asylum courts
7. International Criminal Law I (The crimes)
8. International Criminal Law II (Courts: ICC, Hybrid Court, and national courts)

Schedule and contents may be subject to change if the Professor deems it useful.

September

Week II – 28th – 2nd

Introduction

The international rule of law?

- Sources of international law
- Subjects of the international legal order
- International law and domestic law
- Main institutions and actors
- State responsibility

Class work: treaties/reservation/ratification/ Security Council Resolutions

Presentations: UN Security Resolutions (Teams file)

https://www.un.org/securitycouncil/sites/www.un.org.securitycouncil/files/chapter_vii_re_solutions.pdf

READINGS:

Textbook, chapter 3 and 6 (in teams: file 'Introduction')

Week III – 5th – 9th

Collective Security, Aggression, The UN Charter and Prohibition of the Use of Force

The UN and The Security Council

- to look for SCR

Legal documents:

The 1945 UN Charter, Art. 2(4), 51

Readings:

Text-book, Evans, Chapter 20

Human Rights Law: I

Human rights law I: Treaties and mechanism

State responsibility in case of breaches

- Absolut rights/derogation/limitation

Working class: treaty reports by States (torture or ICCPR)

Presentation: A case of the European court of Human Rights

Legal documents:

UN declaration of Human Rights

The International Covenant of Civil and Political Rights, The European Convention on HR

Readings:

Text-book, Evans, Chapter 25: International human rights law

September 30th – last day to drop/add courses online

Catch up lecture: web seminar

October

Week IV –12th – 16th

Human Rights Law II

Human Rights Law in times of emergency: COVID 19

UN and NGOs reports

Week V – 19th – 23rd

Presentation: ECtHR decisions

Guantanamo trials:

For Friday 23rd:

1. Research Handbook on International Law and Terrorism, edited by Ben Saul (2020):

<https://ebookcentral.proquest.com/lib/aup/detail.action?docID=6190750>

Chapters 18 and , if you have time, chapter 14 or 17 or 13

1. Each one of you shall present one case/report as indicated in the team file week 3-4_Human Rights/GiTMO/GiTMO cases.

Guest lecturer: Adv Mitch Robinson

Week VI – 26th – 30th

IHL

READINGS

Remote lecture, not online (Tues 27th), working from home during the time of the lecture. You can contact me on teams for help if needed.

- Follow the instructions and register:

<https://kayaconnect.org/course/info.php?id=1284>

- Use Google Chrome as browser and allow pops for this site (otherwise it will not work). If you need, here is a video explaining how to set your browser in a way that allows pops for a specific site: <https://www.youtube.com/watch?v=YNx2xvVt9Do>

By the 2ed of November you shall send me the certification that you have done all 8 modules.

Further readings:

IHL, Nils Melzer (ICRC, 2016), Chapter 3: Conduct of Hostilities

Book available on Teams

Sassoli, protection, Ch 8

October 28th, Mid-semester

November

Week VII – 2nd – 6th

International Criminal Law: Crimes and courts

War crimes and universal jurisdiction, Annual review, 2020 (Trial international and other NGOs)

Homework:

https://trialinternational.org/wp-content/uploads/2020/03/TRIAL-International_UJAR-2020_DIGITAL.pdf

Week VIII – 10th

Aggression, War crimes, Crimes against Humanity and Genocide

The ICC

READINGS

- The 2002 Rome Statute, articles 5-8
- Textbook, Chapter 13, International criminal law, pp. 465-489
- ICC Prosecutor Office, Report on Preliminary Examination Activities 2019

<https://www.icc-cpi.int/itemsDocuments/191205-rep-otp-PE.pdf>

To go further:

- Sergey Vasiliev , “The Crises and Critiques of International Criminal Justice”, The Oxford Handbook of International Criminal Law (2020)
- Marie-Sophie Devresse and Damien Scalia, “An Empirical Analysis of International Criminal Law: The Perception and Experience of the Accused”, The Oxford Handbook of International Criminal Law (2020)
- Courtney Hillebrecht, “International Criminal Accountability and the Domestic Politics of Resistance: Case Studies from Kenya and Lebanon” Law and Society Review (2019)
- International Criminal Court At the Mercy of States (Chapter 8 from the book: *Hiding in Plain Sight: The Pursuit of War Criminals from Nuremberg to the War on Terror* by Eric Stover and Victor Peskin, UC Press, 2016)

UN Audio lectures:

- Fatou Bensouda, The Office of the Prosecutor of the International Criminal Court: Successes, Challenges and the Promise of International Criminal Justice

https://legal.un.org/avl/ls/Bensouda_CLP_video_1.html

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- William Schabas, Genocide:

https://legal.un.org/avl/ls/Schabas_CLP_video_1.html

November 11th to 13th, fall break (no classes)

November 16th, Mid-semester grades due

November 17th: mid-term papers

Week IX – 16th- 20th

The ICC – preliminary investigations

20th of November 12:30

ICRC guest lecturer

Week X – 23rd – 27th

Migration and Refugee law - terms and legal framework

In this section we will get familiar with the different legal terms concerning migrants and refugees, and the condition for having asylum.

READINGS

- Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status

under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees (2011)

<https://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=4f33c8d92>

To read pp. 1-36

- Text book International Organization and Global Governance, Chapter 54
- T. Shiff, "Reconfiguring the Deserving Refugee: Cultural Categories of Worth and the Making of Refugee Policy", Law & Society Review 54 (1), 102-132, 2020.
- US court statistiques

<https://www.justice.gov/eoir/workload-and-adjudication-statistics>

November 27th, last day to withdraw from a course

last day to choose credit/no credit option

December

Week XI - 30th – 4th and Week XII – 7th – 11th

Work group: mock trial

READINGS

- Sharon Weill, Kim Thuy Seelinger, and Kerstin Bree Carlson (eds), The President on Trial: Prosecuting Hissène Habré (OUP, 2020).

Available at: <https://oxford-universitypressscholarship-com.proxy.aup.fr/view/10.1093/oso/9780198858621.001.0001/oso-9780198858621>

December 11th, last day of classes,

December 12th - 15th, reading days

December 16th – 22th, Final Exam

January 4nd, all grades due

Textbooks

This course doesn't have any textbook.

Attendance Policy

ATTENDANCE POLICY:

Students studying at The American University of Paris are expected to attend ALL scheduled classes, and in case of absence, should contact their professors to explain the situation. It is the student's responsibility to be aware of any specific attendance policy that a faculty member might have set in the course syllabus. The French Department, for example, has its own attendance policy, and students are responsible for compliance. Academic Affairs will excuse an absence for students' participation in study trips related to their courses.

Covid-19:

Students studying at The American University of Paris are still expected to attend ALL scheduled classes. Due to the Covid-19 pandemic, students will have the option of attending classes remotely when special circumstances apply. For example when students are placed under quarantine by the French authorities or by their doctor, or when students present

symptoms of Covid-19 and are directed, by their doctor or the AUP Health Office, to remain home. It is still the student's responsibility to be aware of any specific attendance policy that their professor might have set in the course syllabus. In particular, Students attending remotely from distant Time Zones should check with their professors about the specific attendance policy for remote learners.

Plagiarism:

Presenting someone else's ideas as your own is unacceptable under any circumstances. Any assignment that is proven to be plagiarized will receive zero. Plagiarism is academic misconduct and a serious breach of university policy. University disciplinary procedures will be carried out in case of infraction.

Classroom comportment:

As a courtesy to all, no eating, no email, Twitter or Facebook consultation in class. Mobile phones must be switched off throughout class.

Attendance at all exams is mandatory.

IN ALL CASES OF MISSED COURSE MEETINGS, THE RESPONSIBILITY FOR COMMUNICATION WITH THE PROFESSOR, AND FOR ARRANGING TO MAKE UP MISSED WORK, RESTS SOLELY WITH THE STUDENT.

Whether an absence is excused or not is ALWAYS up to the discretion of the professor or the department. Unexcused absences can result in a low or failing participation grade. In the case of excessive absences, it is up to the professor or the department to decide if the student will receive an "F" for the course. An instructor may recommend that a student withdraw, if absences have made it impossible to continue in the course at a satisfactory level.

Students must be mindful of this policy when making their travel arrangements, and *especially during the Drop/Add and Exam Periods.*

ENGLISH LANGUAGE PROFICIENCY STATEMENT: As an Anglophone university, The American University of Paris is strongly committed to effective English language mastery at the undergraduate level. Most courses require scholarly research and formal written and oral presentations in English, and AUP students are expected to strive to achieve excellence in these domains as part of their course work. To that end, professors include English proficiency among the criteria in student evaluation, often referring students to the university Writing Lab where they may obtain help on specific academic assignments. Proficiency in English is monitored at various points throughout the student's academic career, most notably during the admissions and advising processes, while the student is completing general education requirements, and during the accomplishment of degree program courses and senior theses.

Grading Policy

GRADING:

Final grades are based on:

1. Class participation and preparation (short papers, readings etc) (20%)
2. Mid-term assignment (20%) 17th of November; 4-5 pages, 1.5 space, 12 font including bibliography
3. Presentation (10%)

Final exam/paper (50%)

Other
