UNIVERSITÀ DI PAVIA

Anno Accademico 2019/2020

HUMAN RIGHTS AND INTERNATIONAL JUSTICE

Anno immatricolazione	2019/2020
Anno offerta	2019/2020
Normativa	DM270
SSD	IUS/13 (DIRITTO INTERNAZIONALE)
Dipartimento	DIPARTIMENTO DI SCIENZE POLITICHE E SOCIALI
Corso di studio	WORLD POLITICS AND INTERNATIONAL RELATIONS (POLITICA NEL MONDO E RELAZIONI INTERNAZIONALI)
Curriculum	PERCORSO COMUNE
Anno di corso	1°
Periodo didattico	Secondo Semestre (24/02/2020 - 29/05/2020)
Crediti	6
Ore	40 ore di attività frontale
Lingua insegnamento	English
Tipo esame	ORALE
Docente	RICCI CAROLA (titolare) - 6 CFU
Prerequisiti	The Course requires: (i) proficiency in the English language at the level of the European standard C1 and (ii) the basic knowledge of the fundamentals of international law. For those who have never taken any exam in International Law, the following back-ground readings are recommended: 1. V. LOWE, International law, OUP, Oxford, 2007, Chapters 2, 3, 4 and 5 or, alternatively also V. LOWE, International Law. A very short introduction, OUP, Oxford, 2015 (available in kindle format too); 2. A. CLAPHAM, Human Rights. A very Short Introduction, OUP, Oxford, 2007, Ch. 1, 2, 3, 5, 7, 8; 3. The readings can be complemented by listening to the following lectures, available at the website of the United Nations Audiovisual Library of International Law (http://www.un.org/law/avl):

	3.a: Judge Christopher Greenwood, “The Sources of International Law”, at the following link: http://legal.un.org/avl/ls/Greenwood_IL_video_2.html 3.b: Judge Thomas Buergenthal, “A Brief History of International Human Rights Law”, at the following link: http://legal.un.org/avl/ls/Buergenthal_HR_video_1.html 3.c: Mr. Kevin Riordan, “Basic Idea about International Criminal Law”, at the following link: http://legal.un.org/avl/ls/Riordan_CLP_video_1.html
Obiettivi formativi	The course aims at exploring the tensions and congruences between human rights, international justice and the law, encouraging critical and creative thinking about challenges and solutions towards a higher degree of effectiveness of human right protection in practice. In particular, on successful completion of the course, the students will be able to: (i) recognize the nature of the different rights and obligations stemming out from human rights conventions and jus cogens rules; (ii) identify the specific rule of law applicable to hypothetical disputes and practical cases on human rights violations and to international crimes; (iii) analyze the case law rendered by existing international courts having jurisdiction over fundamental human rights’ protection and the punishment of international crimes, in order to evaluate the degree of effectiveness of the rights of individuals as emerging subjects of international law; (iv) formulate, both individually and as member of a group, a well-organized assertion using proper juridical methodology and terminology in order to either assess or criticize a certain position with regard to a specific legal issue.
Programma e contenuti	The first part of the course will be devoted to the responsibility of the States to protect human rights through the analysis of the relevant case-law of the International Court of Justice (ICJ) and the European Court of Human Rights (ECHR), considering the role of other actors in the international arena (namely NGOs and multinationals). Then, since one of the major advances of the human rights movement in recent decades has been the development of individual criminal accountability for mass atrocities, the class will continue with an overview of the key substantive elements of international criminal law, followed by a survey of the institutional architecture employed to achieve accountability in different contexts, and the particular evidentiary and procedural challenges posed by such cases. The analysis will be devoted to the “judicial reaction” to the commission of international crimes by the ICJ, the International Criminal Tribunal for the Former Yugoslavia (ICTY), International Criminal Court (ICC) and the so called ‘internationalised tribunals’ such as the Special Tribunal for Lebanon; lectures by prominent International Law Scholars will be organized during the entire semester as indicated in the following schedule.
Metodi didattici	The specific characteristic of the course is its interactive nature based on a 'learning by doing approach', that require: (i) Class participation. Students are expected to participate actively in class discussions, having read carefully the week’s readings in due time for the class. Moreover, each student will be the “respondent” for a selected decision (see “case-law” sections indicated infra in the Syllabus) presented to the class by a group specified by the teacher.

	Participation will comprise 25% of the final grade. (ii) Class presentation, addressing a specific decision (see “case-law” sections indicated in the detailed Syllabus on kiro date-base) assigned by the teacher; each presentation will involve collaboration by a group of five students. Each group should examine the empirical case relevant to the course and its work should be informed by the theoretical categories reviewed in the course readings and classes. The presentation will be worth 25% of the total grade for the course. (iii) Oral exam: each student will be required to study the content of the course (required readings and cases); this oral exam will count for 50% of the final grade.
Testi di riferimento	(i) For attending students, all the required readings (indicated in due time within a detailed Syllabus of the Course) will be made available on electronic reserve (within the students’ login area in Kiro database on the Course webpage with restricted access to attending students http://elearning2.unipv.it/scipol/course), when not available directly on-line. Please print these readings, bring them to class and be prepared to open analysis and discussion. (ii) Non-WPIR students not attending the classes will be required to prepare the following textbook: (a) for Italian-speaking students on of the two following text: 1. FOCARELLI C., La persona umana nel diritto internazionale, Il Mulino Bologna, 2013, or 2. ZANGHÌ C., La protezione internazionale dei diritti dell’uomo, III ed., Giappichelli, Torino, 2013. (b) for English-speaking non attending students: Christian Tomuschat, Human Rights. Between Idealism and Realism, Third edition, Oxford University Press, 2014
Modalità verifica apprendimento	Oral exam for non-attending students. All the attending students are required to carry out all the reading indicated for the class and are expected to participate actively in the discussion. In particular, attending students taking Human Rights and International Justice must satisfy three course requirements through: (i) a participation to class discussion, (ii) a presentation to the class of a specific decision among those selected by the teacher in the “case-law” section of each topic indicated in the Syllabus and, (iii) a final examination which will be oral (see also under 'metodi didattici', teaching methodogy).
Altre informazioni	A study visit to the International Courts sitting in The Hague could be organised, upon availability of the hosting International Organisations. Participation will be free but at the expenses of the attending students admitted.
Obiettivi Agenda 2030 per lo sviluppo sostenibile	$lbl_legenda_sviluppo_sostenibile