

Recent Case Law of International Courts

Syllabus

20 September 2023

Short introduction to the course (ca. 45 mins)

I. USE OF FORCE

27 September 2023

ICJ, *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Judgment of 19 December 2005 (Merits), I.C.J. Reports 2005, p. 168

ICJ, *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Judgment of 9 February 2022 (Reparations), Summary

<https://www.icj-cij.org/case/116>

11 October 2023

ICJ, *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*, Order of 16 March 2022 and Declaration of Vice-President Gevorgian

<https://www.icj-cij.org/case/182>

II. SELF-DETERMINATION

18 October 2023

ICJ, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Advisory Opinion)*, 9 July 2004, I.C.J. Reports 2004, p. 136

<https://www.icj-cij.org/case/131>

25 October 2023

ICJ, *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965 (Advisory Opinion)*, 25 February 2019, I.C.J. Reports 2019, p. 95

<https://www.icj-cij.org/case/169>

III. CLIMATE CHANGE

1 November 2023

IACtHR, *Advisory Opinion OC-23/17, The Environment and Human Rights*, 15 November 2017

https://www.corteidh.or.cr/docs/opiniones/seriea_23_ing.pdf

8 November 2023

CRC, *Chiara Sacchi et al. v. Argentina*, Communication No. 104/2019, UN Doc CRC/C/88/D/104/2019, 22 September 2021

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2F88%2FD%2F104%2F2019&Lang=en

CCPR, *Daniel Billy et al. v. Australia*, Communication No. 3624/2019, UN Doc CCPR/C/135/D/3624/2019, 21 July 2022

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F135%2FD%2F3624%2F2019&Lang=en

IV. EXTRATERRITORIAL APPLICATION OF HUMAN RIGHTS TREATIES

15 November 2023

ICJ, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Advisory Opinion)*, 9 July 2004, I.C.J. Reports 2004, p. 136, paras 107–113

<https://www.icj-cij.org/case/131>

IACtHR, *Advisory Opinion OC-23/17, The Environment and Human Rights*, 15 November 2017, paras 71–104

https://www.corteidh.or.cr/docs/opiniones/seriea_23_ing.pdf

CRC, *Chiara Sacchi et al. v. Argentina*, Communication No. 104/2019, UN Doc CRC/C/88/D/104/2019, 22 September 2021, paras 4.3, 5.2, 10.1–10.12

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2F88%2FD%2F104%2F2019&Lang=en

22 November 2023

ECtHR, *Ukraine and the Netherlands v. Russia*, app. no. 8019/16, 43800/14 and 28525/20, Decision of 30 November 2022 (Grand Chamber), paras 1–706

<https://hudoc.echr.coe.int/eng?i=001-222889>

V. ATTRIBUTION OF CONDUCT AND NORM CONFLICT

29 November 2023

ECtHR, *Behrami v. France and Saramati v. France and Others*, app. no. 71412/01 and 78166/01, Decision of 2 May 2007

<https://hudoc.echr.coe.int/eng?i=001-80830>

ECtHR, *Al-Jedda v. United Kingdom*, app. no. 27021/08, Judgment of 7 July 2011

<https://hudoc.echr.coe.int/eng?i=001-105612>

6 December 2023

ECtHR, *Al-Dulimi and Montana Management Inc. v. Switzerland*, app. no. 5809/08, Judgment of 21 June 2016 (Grand Chamber)

<https://hudoc.echr.coe.int/eng?i=001-164515>

VI. HUMAN RIGHTS AND STATES' MARGIN OF APPRECIATION

13 December 2023

ECtHR, *S.A.S. v. France*, app. no. 43835/11, Judgment of 1 July 2014 (Grand Chamber)

<https://hudoc.echr.coe.int/eng?i=001-145466>

CCPR, *Yaker v. France*, Communication No. 2747/2016, UN Doc CCPR/C/123/D/2747/2016, 17 July 2018

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/123/D/2747/2016&Lang=en

20 December

Exam week