

Recent Case Law of International Courts

Course Description

Contact

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Course description

Cases before international courts raise fascinating, often highly political issues and shape the future development of international law. In this course, we will critically analyse some of the most important judgments issued in recent years by the International Court of Justice, the European Court of Human Rights and the UN Human Rights Committee.

Each double lesson will be devoted to a detailed analysis of one or two cases decided by an international court. The cases will cover the following subject areas:

1. Use of force
2. Self-determination
3. State immunity
4. Prohibition of torture or ill-treatment
5. Extraterritorial application of human rights treaties
6. Attribution of conduct and norm conflict

Prerequisites

A basic knowledge of public international law is indispensable.

Course objectives

At the end of the course, students should have a thorough understanding of the most pressing challenges facing international law today. In addition, they should have a good understanding of the role and functioning of the courts covered in the course, in particular their jurisdiction. Finally, the course aims at developing the skill to read and analyse judgments of international courts in an effective manner.

Course format

After the introductory lecture there will be 12 two-hour sessions devoted to the analysis of the cases. Preparation and active student participation is key to the success of this course. Students are expected to read the judgments and to contribute actively to class by giving a presentation (see below) and taking part in the discussions.

Assessment

- Oral exam (15 minutes) at the end of the semester:
 - Students can choose one subject area (out of the six subject areas) that they do not want to be examined on.
 - At least one exam question will relate to the subject area on which the student presented.
 - The other exam questions may relate to the remaining four subject areas.
- Short presentation (maximum 10 minutes) in class:
 - The topic of the presentation can be chosen from a list of topics at the beginning of the semester.
 - If a student gives a good presentation, this may be taken into account by rounding up the overall mark. There will be no rounding down of the mark based on the presentation.

Both assessments are mandatory.

Reading

You are expected to read the judgments and decisions assigned for the respective session. For links to the full text of the judgments please refer to the "Syllabus" posted on the website of Lehrstuhl Moeckli. While some of the judgments are long, one of the objectives of the course is to develop the skill to read court decisions in an efficient manner by quickly identifying the most relevant issues and sections.

In addition, students are encouraged to do their own research before the sessions and identify and read relevant secondary materials (journal articles, case commentaries etc.).

For textbooks on public international law in general, see for example:

- Malcolm N. Shaw, *International Law*, 7th ed., Cambridge 2014
- James Crawford, *Brownlie's Principles of Public International Law*, 8th ed., Oxford 2012
- Malcolm Evans (ed.), *International Law*, 4th ed., Oxford 2014

Please make sure that you have the texts of the international treaties that are relevant to the cases discussed with you in class. You can either print these off from the Internet or use a collection of international law documents, such as:

- Malcolm Evans (ed.), *Blackstone's International Law Documents*, 12th ed., Oxford 2015
- Ian Brownlie (ed.), *Basic Documents in International Law*, 6th ed., Oxford 2009