

Recent Case Law of International Courts Topics for Presentation

Use of force

2 October 2019

1. What is the ICJ's jurisdiction in contentious cases (in other words, which disputes can the ICJ decide)?
2. In the *Armed Activities on the Territory of the Congo* case, which requirements would have had to be met so that Uganda's military activities on the territory of the DRC would *not* have constituted a violation of international law? On what grounds did the ICJ conclude that these requirements were not met?

Self-determination

9 October 2019

3. What is an advisory opinion? Who can request one? What kind of questions may be the subject of an advisory opinion? Use the ICJ's *Wall Opinion* to illustrate your answers.
4. Explain and critically analyse the declaration of Judge Buergenthal and the separate opinion of Judge Higgins in the *Wall Opinion*.

16 October 2019

5. Explain and critically analyse the dissenting opinion of Judge Donoghue in the *Chagos Opinion*.

State immunity

23 October 2019

6. What are the legal sources of the rule of state immunity? What methods does the ICJ use in the *Jurisdictional Immunities of the State* case to assess whether, and to what extent, state immunity has become part of customary international law?
7. In light of the *Jurisdictional Immunities of the State* and the *Arrest Warrant* cases, which entities and persons enjoy immunity?

30 October 2019

8. Who can bring an application before the European Court of Human Rights? What are the admissibility criteria under the ECHR? In what formations can the ECtHR sit and what are the respective competences of these different court formations?
9. Explain the guarantee of Article 6 ECHR and in particular the scope of application of the right of access to a court according to Article 6(1), making reference to the cases of *Cudak* and *Jones*.

Prohibition of torture or ill-treatment

6 November 2019

10. Compare and contrast the scope of Article 1 UNCAT with that of Article 3 ECHR.
11. Explain why in the *Gäfgen* case the Grand Chamber of the ECtHR – unlike the Chamber before it – came to the conclusion that Gäfgen could still claim to be a victim of a violation of Article 3 ECHR. Do you agree with this finding of the Grand Chamber?

13 November 2019

12. Briefly explain what UNCAT is about. Explain the various obligations that UNCAT imposes on state parties, focussing in particular on the obligations that were relevant in *Questions Relating to the Obligation to Prosecute or Extradite*.
13. According to *Tarakhel*, what obligations does Art. 3 ECHR impose on states with regard to the treatment of asylum seekers?

Extraterritorial application of human rights treaties

20 November 2019

14. Compare and contrast the jurisdiction clauses (or the lack thereof) in the ICCPR, the ICESCR, the CRC and the ECHR and point out potential differences in their application.
15. Explain the general rules for the interpretation of treaties under international law. How did the ECtHR apply these rules in the case of *Bankovic*?

27 November 2019

16. In the context of jurisdiction, what does the ECtHR mean by “the territorial principle”? What are, according to the Court, the exceptions to the territorial principle?
17. Compare the findings in *Bankovic* to those in *Al-Skeini*. Are the two decisions reconcilable?

Attribution of conduct and norm conflict

4 December 2019

18. In the *Behrami and Saramati* case, how does the ECtHR understand the concept of attribution? How does it explain that the (in)actions at issue are attributable to the UN? What are the consequences of this attribution?
19. Compare the decision in *Behrami and Saramati* to that in *Al-Jedda*. In the latter case, why does the ECtHR come to the opposite conclusion, namely that the actions at issue are *not* attributable to the UN?

11 December 2019

20. Give a brief description of the UN sanctions regime established by Security Council resolution 1267 (the “1267/1989 Committee”), which led to the *Sayadi* case, and that established by Security Council resolution 1518 (the “1518 Committee”), which led to the *al-Dulimi* case.
21. What is the UN Human Rights Committee (HRC)? Outline its functions and its jurisdiction.