
INTERNATIONAL PUBLIC LAW in Fall 2019 (LW5000)

Course Code	LW5000	Professor(s)	Sharon Weill
Prerequisites	None	Office Number	GL-18
Class Schedule	TF: 12:10-13:30 in C-102	Office Hours	upon appointment
Credits	4	Email	sweill@aup.edu
Semester	Fall 2019	Office Tel. Ext.	

Course Description

The course introduces students with the general principles of public international law and its various branches of law, such as international humanitarian law, human rights law and international criminal law. During the course we will examine different case studies, focusing each lecture on a topic/situation, in which we will critically examine the law and the role of States, non-states armed groups, international organizations, NGOs and international and domestic tribunals. We will discuss the political role played by those different actors and the relevant enforcement mechanisms, in order to reflect on 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

The general education program at AUP consists of four requirements: Speaking the World, Modeling the World, Mapping the World, and Comparing Worlds Past and Present.

Course Outline

CLASS SCHEDULE:

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

Week 1 (3 and 6 of September)

Topics: 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

Readings:

Text book, Evans, Chapters 1 and 2.

Week 2 (10 and 13 of September)

Topic: Human Rights Law

State of emergency, derogation, limitation

Legal documents:

The 1966 International Covenant of Civil and Political Rights

Readings:

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

Human rights treaty bodies (UNHCHR) pages 31-41

<https://www.ohchr.org/Documents/Publications/NgoHandbook/ngohandbook4.pdf>

HRC State report

Week 3 (17 and 20 of September)

Topic: The prohibition of torture

Legal documents:

The Convention against Torture

Reading:

State reports of the Committee Against Torture

Case studies:

Guantanamo, Al Nashiri (European court of human rights)

Readings:

Weill, Sharon and Robinson, Mitch, "The Decaux Principles on the Administration of Justice by Military Tribunals and the Guantanamo Bay Trials", published in *Réciprocité et universalité : Sources et régimes du droit international des droits de l'homme - Mélanges en l'honneur du Professeur Emmanuel Decaux*, p. 533 (Paris, Pedone, 2017).

Available at SSRN: <https://ssrn.com/abstract=3095408>

Week 4 – no classes

Week 5 (1 and 4 of October)

Topic: International humanitarian law

Session I – Basic definitions, classification of the conflict

Case Study: The War on Terror

Session II - Catch up class (C-102, 1st of October, 13:45-15:05).

Humanitarian protection and the role the International Committee of the Red Cross

(ICRC)

Guest lecturer, regional Legal Adviser, ICRC

Session III - IHL and Human rights: PoW and the right to fair trial.

Readings:

Online IHL course (ICRC): <https://kayaconnect.org/course/info.php?id=1284>

To do modules 1, 2, 3, 5 and 6 (other modules are optional).

Week 6 (8 and 11 of October)

Topic: Conduct of hostilities and Targeted killings

Session I – *The principle of distinction, proportionality and precaution in attack, discussion*

Session II – *Film ‘Eye in the Sky’*

Legal documents:

Articles from the Geneva Conventions to be sent

Sassòli, M. and Olson, L.M., ‘The Legal Relationship between International Humanitarian Law and Human Rights Law where It Matters: Admissible Killing and Internment of Fighters in Non International Armed Conflict’ (2008) 90 *International Review of the Red Cross* 871, pp. 599-616. Online at

<https://www.icrc.org/eng/assets/files/other/irrc-871-sassoli-olsen.pdf>

Further readings:

Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Philip Alston, Addendum, Study on Targeted Killings, UN Doc A/HRC/ 14/24/Add.6 (28 May 2010). Online at

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add6.pdf>

Reducing the Security Gap through National Courts: Targeted Killings as a Case Study, *Journal of Conflict and Security Law* (Spring 2016) 21 (1): pp. 49-67.

<http://jcsf.oxfordjournals.org/content/21/1/49.full.pdf+html>

Week 7 (15 and 18 of October)

Topic: The law of military occupation

Case study: Israel/Palestine

History

Legal regimes

The settlements

Military courts

Readings:

The law of military occupation (Chapter 8. 4 in the book International humanitarian law by Marco Sassoli, EE Elgar, 2019) <https://www.e-elgar.com/shop/international-humanitarian-law-15740>

Week 8 (22 and 25 of October)

Topic: Israel/Palestine: The separation wall

Reading:

High court of justice decision on the Wall (to be sent)

ICJ decision on the Wall (2004) (to be sent)

Week 9 (29 of October)

Film: 5 broken Cameras

FALL BREAK

Submission of the paper outlines

Week 10 (5 and 8 of November) – Week 11 (12 of November)

Moot court

15 of November – Catch up lecture n. 2

Private military company (guest lecturer, UN Working group on mercenaries)

Week 12 (19 and 22 of November)

Topic: Refugees and migrants

Reading:

Textbook, Chapter on refugees

UN HCR- to be sent

Week 13 (26 and 29 of November) - Week 14 (3 and 6 of December)

Topic: International criminal law and courts

Legal documents:

The 2002 Rome Statute, articles 5-8

War crimes in national legislation

The Habre case/The case of Colombia

Readings:

Text book, Chapter 24, International criminal law

Universal jurisdiction, Annual report (FIDH, Trial and others)

ICC Prosecutor Annual report

Weill, Sharon, "[Building respect for IHL through national courts](#)", International Review of the Red Cross, Volume 96 (895/896), 2014, pp. 859-879. (Available online)

Textbooks

This course doesn't have any textbook.

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.

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

1. Class participation (20%)
2. Presentation (20%)
3. Moot court (20%)
4. Final paper (40%) - 10-12 pages. Shall be submitted in the last class of the semester.
Outlines shall be submitted after the semester break for approval.

Other
