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## INTERNATIONAL LAW in Fall 2019 (PO3061)

<b>Course Code</b>	PO3061	<b>Professor(s)</b>	Sharon Weill
<b>Prerequisites</b>	None	<b>Office Number</b>	G L-18
<b>Class Schedule</b>	TF: 16:55-18:15 in C-102	<b>Office Hours</b>	upon appointment
<b>Credits</b>	4	<b>Email</b>	sweill@aup.edu
<b>Semester</b>	Fall 2019	<b>Office Tel. Ext.</b>	

## Course Description

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This course is an introduction to international law. It presents students with the structure of the international legal order and explores global challenges such as the use of force, human rights, international criminal law and transitional justice. The course is based on case studies and aims at reflecting in a critical manner on the role of international law through the practices of the different actors involved such as states, NGOs, International organizations, judges, armed groups, etc. Students will be equipped to build a critical argument on the gap between theory and practice, while discussing future directions of international law.

## Course Learning Outcomes

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Understanding of key concepts, relevant actors and main institutions of the international legal order of global governance.

Development of a critical analysis of global challenges from an international law perspective.

Ability to build a rigorous and coherent argumentation using a combination of oral presentation and writing skills.

Fluency in legal reasoning; ability to apply the relevant rules of international law and examine their socio-political impact into specific case studies ('The Global War on Terror', drones, targeted killings, torture, foreign fighters, counter-terrorism, detention, international crimes, military occupation...).

## General Education

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The general education program at AUP consists of four requirements: Speaking the World,

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Modeling the World, Mapping the World, and Comparing Worlds Past and Present.

## Course Outline

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### CLASS SCHEDULE:

#### Week 1 (3 and 6 of September)

##### **Introduction**

The international rule of law?

Sources of international law (treaty: ratification/reservations, custom)

Subjects of the international legal order

International law and domestic law

Main institutions and actors

##### **Readings:**

Textbook, chapter 1,2 and 3

#### Week 2 (10 and 13 of September)

##### **Topic: Human Rights Law**

Human rights obligation; derogations; absolute rights; enforcement mechanism

##### **READINGS**

##### **Legal documents:**

The International Covenant of Civil and Political Rights

Textbook, Chapter 10: Human rights (only parts C, D, E)

##### **Human Rights Committee Reports: Presentations (13th of Sept)**

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- Human rights treaty bodies (UNHCHR) pages 31-41

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

Preparation: open the link:

<https://www.ohchr.org/EN/pages/home.aspx>

Click on the box: human rights by country

Choose a country

Under the rubric xxx and treaty bodies choose

the Human rights committee, concluding observation

### **Week 3 (17 and 20 of September)**

#### **Jus ad bellum and the legality of the use of force**

The UN Charter 1945: Art. 2 (4), 41-42, 51

#### **Readings:**

Textbook, Chapter 14 (A, B)

Security Council Resolution 1373 (2001), available at (the war in Afghanistan):

[https://www.unodc.org/pdf/crime/terrorism/res\\_1373\\_english.pdf](https://www.unodc.org/pdf/crime/terrorism/res_1373_english.pdf)

The war in Syria: Letter dated 23 September 2014 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General, UN doc S/2014/695

Available at:

[https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2014\\_695.pdf](https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2014_695.pdf)

### **Week 4 (23 and 27 of September) – No Classes**

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**Week 5 (1 and 4 of October)**

**Topic: International Humanitarian Law (IHL)**

**Catch up class I** (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

**I. Basic IHL definitions; classification of conflicts: Case Study: The War in Syria**

**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

**II. IHL and treatment of detainees (POW/Torture/ right to a fair trial)**

**Week 6 (8 and 11 of October)**

**Case study: Guantanamo/ film**

**Readings:**

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

**Week 7 (15 and 18 of October)**

**Submission of papers and discussions**

**Conduct of hostilities**

**Legal documents:**

Articles from the Geneva Conventions to be sent – the case of Gaza

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**18 October (Friday) Mid-semester grades due**

**Week 8 (22 and 25 of October)**

**TOPIC:** Israel/Palestine and the law of military occupation

**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>

Film: 5 broken Cameras/ route 180

**30 October - 3 November (Wednesday to Sunday) Fall Break (no classes)**

**Week 9 (29 of October)**

No classes: cultural trip to Israel

**Week 10 (5 and 8 of November)**

**Moot court**

**Week 11 (12 and 15 of November)**

**Moot court**

**Catch up class 2: 15 of November, 13:45 C-102**

**Private Military Company and extraction (Guest lecturer)**

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**Week 12 (19 and 22 of November)**

**Refugees and migrants**

**Reading:**

Textbook

UN HCR, 2019 report

<https://www.unhcr.org/publications/fundraising/5a0c05027/unhcr-global-appeal-2018-2019-full-report.html>

<http://reporting.unhcr.org/operations>

**Week 13 (26 and 29 of November)**

**International crimes and courts**

**READINGS**

**Legal documents:**

The 2002 Rome Statute, articles 5-8

Text book, Chapter 13, International criminal law, pp. 465-489

ICC Prosecutor Office, Report on Preliminary Examination Activities 2018

<https://www.icc-cpi.int/itemsDocuments/181205-rep-otp-PE-ENG.pdf>

**Week 14 (3 and 6 of December)**

**The role of national courts: Transitional justice and universal jurisdiction**

**Hissene Habre**

**The Colombian court**

**READINGS**

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- Universal jurisdiction, Annual review, 2018 (FIDH, Trial and others)

<https://trialinternational.org/wp-content/uploads/2018/03/UJAR-Make-way-for-Justice-2018.pdf>

- 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)

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## Textbooks

This course doesn't have any textbook.

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## 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

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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**

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Final grades are based on:

1. Class participation and attendance (10%)
2. Class presentations and working groups (10%)
3. Mid term paper (20%)
4. Moot court (20%)
5. Final exam (40%)

## **Other**

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