

Lecture 4

The individual in international law

The law of responsibility

- Jan Klabbers, International Law, Part I, chapter 6 (The individual in international law: Nationality); chapter 7 (The law of responsibility: State responsibility, Responsibility and private acts, individual responsibility))

Basic material (mandatory):

Law of State Responsibility:

https://legal.un.org/avl/ls/Vinuales_MS_video_1.html (General Overview on the Responsibility of States for Internationally Wrongful Acts

https://legal.un.org/avl/ls/Vinuales_MS_video_2.html (Conditions that Trigger the Responsibility of a State)

https://legal.un.org/avl/ls/Vinuales_MS_video_3.html (Legal Consequences of an Internationally Wrongful Act and Invocation of the Responsibility of a State)

* Supplementary material (optional):

A. Legal Instruments

[International Convention for the Regulation of Whaling](#), Washington, 2 December 1946, United Nations, *Treaty Series*, [vol. 161](#), p. 72.

[Vienna Convention on the Law of Treaties](#), Vienna, 23 May 1969, United Nations, *Treaty Series*, [vol. 1155](#), p. 331.

[United Nations Convention on the Law of the Sea](#), Montego Bay, 10 December 1982, United Nations, *Treaty Series*, [vol. 1833](#), p. 3.

North American Free Trade Agreement, Washington, 17 December 1992.

Marrakesh Agreement establishing the World Trade Organization, Marrakesh, 15 April 1994, United Nations, *Treaty Series*, [vol.1867](#), p. 3.

[United Nations Framework Convention on Climate Change](#), New York, 9 May 1992, United Nations, *Treaty Series*, [vol. 1771](#), p. 107.

[Kyoto Protocol to the United Nations Framework Convention on Climate Change](#), Kyoto, 11 December 1997, United Nations, *Treaty Series*, [vol. 2303](#), p. 162.

International Law Commission, [Articles on Responsibility of States for Internationally Wrongful Acts, 2001 \(A/56/10\)](#), reproduced in Yearbook of the International Law Commission, 2001, vol. II (2)).

[Paris Agreement](#), Paris, 12 December 2015.

B. Jurisprudence

[Alabama claims of the United States of America against Great Britain](#), Award of 14 September 1872, *Reports of International Arbitral Awards*, vol. XXIX, p. 125.

Permanent Court of International Justice, [Factory at Chorzow \(Germany v. Poland\), Judgement of 26 July 1927](#), *P.C.I.J., Series A, No. 9*.

[Trail smelter case \(United States of America, Canada\), Award of 16 April 1938 and 11 March 1941](#), *Reports of International Arbitral Awards*, vol. III, p. 1905.

International Court of Justice, [Legal Consequences for States of the Continued Presence of South Africa in Namibia \(South West Africa\) notwithstanding Security Council Resolution 276 \(1970\), Advisory Opinion of 21 June 1971](#), *I.C.J. Reports 1971*, p. 16.

International Court of Justice, [Nuclear Tests \(Australia v. France\), Judgment of 20 December 1974](#), *I.C.J. Reports 1974*, p. 253.

International Court of Justice, [United States Diplomatic and Consular Staff in Tehran, Judgment](#), *I.C.J. Reports 1980*, p.3.

International Court of Justice, [Military and Paramilitary Activities in and against Nicaragua \(Nicaragua v. United States of America\), Merits, Judgment](#), *I.C.J. Reports 1986*, p. 14.

International Court of Justice, [Gabčíkovo-Nagymaros Project \(Hungary v. Slovakia\), Judgment of 25 September 1997](#), *I.C.J. Reports 1997*, p. 7.

International Criminal Tribunal for the Former Yugoslavia, [Prosecutor v. Duško Tadic, Judgment of 15 July 1999](#), Appeals Chamber, Case No. IT-94-1-A.

International Court of Justice, [Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion](#), *I.C.J. Reports 2004*, p. 136.

International Court of Justice, [Application of the Convention on the Prevention and Punishment of the Crime of Genocide \(Bosnia and Herzegovina v. Serbia and Montenegro\), Judgment](#), *I.C.J. Reports 2007*, p. 43.

International Court of Justice, [Pulp Mills on the River Uruguay \(Argentina v. Uruguay\), Judgment](#), *I.C.J. Reports 2010*, p. 14.

International Court of Justice, [*Questions relating to the Obligation to Prosecute or Extradite \(Belgium v. Senegal\)*, Judgment](#), I.C.J. Reports 2012, p. 422.

International Court of Justice, [*Whaling in the Antarctic \(Australia v. Japan: New Zealand intervening\)*, Judgment](#), I.C.J. Reports 2014, p. 226.

International Court of Justice, [*Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*, Advisory Opinion of 25 February 2019](#).

C. Documents

[General Assembly resolution 2625 \(XXV\) of 24 October 1970 \(Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations\)](#).

Draft articles on State Responsibility, with commentaries, adopted by the International Law Commission on first reading, Report of the International Law Commission on the work of its forty-eighth session, 6 May - 26 July 1996 ([A/51/10](#), reproduced in [Yearbook of the International Law Commission](#), 1996, vol. II).

[Draft articles on Responsibility of States for Internationally Wrongful Acts, with commentaries](#), adopted by the International Law Commission at its fifty-third session, Report of the International Law Commission on the work of its fifty-third session, 23 April - 1 June and 2 July - 10 August 2001 ([A/56/10](#), reproduced in *Yearbook of the International Law Commission*, 2001, vol. II (2)).

D. Additional References

For additional materials on State Responsibility, please visit the [website of the International Law Commission](#).

Basic material (mandatory):

The International Law Commission's Articles on State Responsibility: Past and Future:

https://legal.un.org/avl/ls/Crawford_S_video_1.html

*** Supplementary material (optional):**

[International Law Commission Website \(materials on State Responsibility\)](#)

A. Legal Instruments

[Charter of the United Nations](#) and [Statute of the International Court of Justice](#), San Francisco, 26 June 1945.

[Convention on the Prevention and Punishment of the Crime of Genocide](#), Paris, 9 December 1948, United Nations, *Treaty Series*, vol. 78, p. 277.

[Convention for the Protection of Human Rights and Fundamental Freedoms](#), Rome, 4 November 1950, United Nations, *Treaty Series*, vol. 213, p. 221.

[Convention on the Settlement of Investment Disputes between States and Nationals of Other States](#), Washington, 18 March 1965, United Nations, *Treaty Series*, vol. 575, p. 159.

[International Covenant on Civil and Political Rights](#), New York, 16 December 1966, United Nations, *Treaty Series*, vol. 999, p. 171.

[Vienna Convention on Succession of States in Respect of Treaties](#), Vienna, 23 August 1978, United Nations, *Treaty Series*, vol. 1946, p. 3.

[Rome Statute of the International Criminal Court](#), Rome, 17 July 1998, United Nations, *Treaty Series*, vol. 2187, p. 3.

International Law Commission, [Articles on Responsibility of States for Internationally Wrongful Acts, 2001](#).

B. Jurisprudence

Permanent Court of International Justice, [Factory at Chorzow \(Germany v. Poland\), Judgment](#), *P.C.I.J. Series A. No 9*, 1927.

International Court of Justice, [Barcelona Traction, Light and Power Company, Limited, Judgment](#), *I.C.J. Reports 1970*, p. 3.

International Court of Justice, [United States Diplomatic and Consular Staff in Teheran, Judgment](#), *I.C.J. Reports 1980*, p. 3.

International Court of Justice, [Military and Paramilitary Activities in and against Nicaragua \(Nicaragua v. United States of America\). Merits, Judgment](#), *I.C.J. Reports 1986*, p. 14.

International Court of Justice, [Application of the Convention on the Prevention and Punishment of the Crime of Genocide, Preliminary Objections, Judgment](#), *I.C.J. Reports 1996*, p. 595.

International Court of Justice, [Avena and Other Mexican Nationals \(Mexico v. United States of America\), Judgment](#), *I.C.J. Reports 2004*, p. 12.

International Court of Justice, [Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion](#), *I.C.J. Reports 2004*, p. 136.

International Criminal Tribunal for the former Yugoslavia, *Prosecutor v. Dúško Tadić*, Judgment of 15 July 1999, IT-94-1-A.

C. Documents

Second Report on State Responsibility by Mr. Gaetano Arangio-Ruiz, Special Rapporteur ([A/CN.4/476](#), reproduced in *Yearbook of the International Law Commission*, 1996, vol. II).

Report of the International Law Commission on the work of its forty-ninth session, 12 May to 18 July 1997 (A/52/10, reproduced in [Yearbook of the International Law Commission, 1997, vol. II, Part Two](#), Chapter III).

Report on State Responsibility by Mr. James Crawford, Special Rapporteur (A/CN.4/498/Add 1-4, reproduced in [Yearbook of the International Law Commission, 1999, vol. II](#)).

D. Doctrine

D. Bodansky, J. Crook, R. Rosenstock, E. Brown Weiss, DJ. Bederman, D. Shelton, DD. Caron and J. Crawford, “Symposium: The ILC’s State Responsibility Articles”, *American Journal of International Law*, vol. 96, 2002, pp. 773–890.

J. Crawford, *The International Law Commission’s Articles on State Responsibility; Introduction, Text and Commentaries*, Cambridge University Press, Cambridge, 2002.

J. Crawford, J. Peel and S. Olleson, “The ILC’s Articles on Responsibility of States for Internationally Wrongful Acts: Completion of the Second Reading”, *European Journal of International Law*, vol. 12, 2001, p. 963.

J. Crawford, S. Olleson, *The Continuing Debate on a UN Convention on State Responsibility*, Cambridge University Press, Cambridge, 2005.

P-M. Dupuy, G. Nolte, M. Spinedi, L-A. Sicilianos, E. Wyler, CJ. Tams, A. Gattini, I. Scobbie, D. Aalland, and P. Klein, “Symposium: Assessing the Work of the International Law Commission on State Responsibility”, *European Journal of International Law*, vol. 13, 2002, pp. 1037–1256.

R. Lefeber, “The Gabčíkovo-Nagymaros Project and the Law of State Responsibility”, *Leiden Journal of International Law*, vol.11, 1998, pp. 609-623.

M. Ragazzi, *International Responsibility Today. Essays in Memory of Oscar Schachter*, Martinus Nijhoff, Leiden, Brill, 2005.

Basic material (mandatory):

The Rise of Individual Criminal Responsibility under International Law

https://legal.un.org/avl/ls/OKeefe_CLP_video_2.html

*** Supplementary materia (optional)**

A. Legal Instruments

Hague Conventions of 1899 and 1907 (Text of the Conventions available on the [website of Yale Law School’s Avalon Project](#)).

The Versailles Treaty, Versailles, 28 June 1919.

Charter of the International Military Tribunal, Annex to the Agreement for the prosecution and punishment of the major war criminals of the European Axis, London, 8 August 1945.

[Convention on the Prevention and Punishment of the Crime of Genocide](#), Paris, 9 December 1948, United Nations, *Treaty Series*, vol. 78, p. 277.

International Law Commission, Draft Articles on Responsibility of States for Internationally Wrongful Acts, 2001.

B. Jurisprudence

International Court of Justice, [Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, Advisory Opinion](#), *I.C.J. Reports* 1951, p. 15.

C. Documents

[General Assembly resolution 95 \(I\) of 11 December 1946](#) (Affirmation of the principles of international law recognized by the Charter of the Nuremberg Tribunal)

[General Assembly resolution 96 \(I\) of 11 December 1946](#) (The Crime of Genocide).

Basic material (mandatory):

The Human Person and International Justice

https://legal.un.org/avl/ls/Cancado-Trindade_HR_video_3.html

*** Supplementary material (optional):**

A. Legal Instruments

[Vienna Convention on Consular Relations](#), Vienna, 24 April 1963, United Nations, *Treaty Series*, vol. 596, p. 261.

[American Convention on Human Rights](#), San Jose, 22 November 1969.

B. Jurisprudence

Inter-American Court of Human Rights, [Case of Loayza-Tamayo v. Peru, Judgment of 17 September 1997](#), Series C No. 33.

Inter-American Court of Human Rights, [Case of Loayza-Tamayo v. Peru, Judgment of 27 November 1998](#), Series C No. 42.

International Criminal Tribunal for the former Yugoslavia, [Prosecutor v. Anto Furundžija](#), Judgment of 10 December 1998, Trial Chamber, IT-95-17/1-T.

Inter-American Court of Human Rights, [*The Right to Information on Consular Assistance in the Framework of the Guarantees of the due Process of Law*, Advisory Opinion OC-16/99 of 1 October 1999](#), Series A No.16 (1999).

Inter-American Court of Human Rights, [*Case of the “Street Children” \(Villagrán-Morales et al.\) v. Guatemala*, Judgment of 19 November 1999](#), Series C No. 63.

Inter-American Court of Human Rights, [*Case of “The Last Temptation of Christ” \(Olmedo-Bustos et al.\) v. Chile*, Judgment of 5 February 2001](#), Series C No. 73.

Inter-American Court of Human Rights, [*Case of Barrios Altos v. Peru*, Judgment of 14 March 2001](#), Series C No. 75.

Inter-American Court of Human Rights, [*Case of the “Street Children” \(Villagrán-Morales et al.\) v. Guatemala*, Judgment of 26 May 2001](#), Series C No. 77.

Inter-American Court of Human Rights, [*Case of Barrios Altos v. Peru*, Judgment of 30 November 2001](#), Series C No. 87.

Inter-American Court of Human Rights, [*Case of Cantoral Benavides v. Peru*, Judgment of 3 December 2001](#), Series C No. 88.

Inter-American Court of Human Rights, [*Juridical Condition and Human Rights of the Child*, Advisory Opinion OC-17/02 of 28 August 2002](#), Series A No.17 (2002).

Inter-American Court of Human Rights, [*Juridical Condition and Rights of the Undocumented Migrants*, Advisory Opinion OC-18/03 of 17 September 2003](#), Series A No.18 (2003).

Inter-American Court of Human Rights, [*Case of Myrna Mack Chang v. Guatemala*, Judgment of 25 November 2003](#), Series C No. 101.

Inter-American Court of Human Rights, [*Case of the Plan de Sánchez Massacre v. Guatemala*, Judgment of 29 April 2004](#), Series C No. 105.

Inter-American Court of Human Rights, [*Case of Molina Theissen v. Guatemala*, Judgment of 3 July 2004](#), Series C No. 108.

Inter-American Court of Human Rights, [*Case of the 19 Merchants v. Colombia*, Judgment of 5 July 2004](#), Series C No. 109.

Inter-American Court of Human Rights, [*Case of the Gómez Paquiyauri Brothers v. Peru*, Judgment of 8 July 2004](#), Series C No. 110.

Inter-American Court of Human Rights, [*Case of Tibi v. Ecuador*, Judgment of 7 September 2004](#), Series C No. 114.

Inter-American Court of Human Rights, [*Case of the Moiwana Community v. Suriname*, Judgment of 15 June 2005](#), Series C No. 124.

Inter-American Court of Human Rights, [*Case of the "Mapiripán Massacre" v. Colombia, Judgment of 15 September 2005*](#), Series C No. 134.

Inter-American Court of Human Rights, [*Case of the Pueblo Bello Massacre v. Colombia, Judgment of 13 January 2006*](#), Series C No. 140.

Inter-American Court of Human Rights, [*Case of the Ituango Massacres v. Colombia, Judgment of 1 July 2006*](#), Series C No. 148.

Inter-American Court of Human Rights, [*Case of Montero Aranguren et al. \(Detention Center of Catia\) v. Venezuela, Judgment of 5 July 2006*](#), Series C No. 150.

Inter-American Court of Human Rights, [*Case of Goiburú et al. v. Paraguay, Judgment of 22 September 2006*](#), Series C No. 153.

Inter-American Court of Human Rights, [*Case of the Miguel Castro Castro Prison v. Peru, Judgment of 25 November 2006*](#), Series C No. 160.

Inter-American Court of Human Rights, [*Case of La Cantuta v. Peru, Judgment of 29 November 2006*](#), Series C No. 162.

C. Doctrine

A. A. Cançado Trindade, "[The Human Person and International Justice](#)", *Columbia Journal of Transnational Law*, vol. 47, issue 1, 2008, pp. 16-30.

A. A. Cançado Trindade, *El Acceso Directo del Individuo a los Tribunales Internacionales de Derechos Humanos*, Universidad de Deusto, Bilbao, 2001, pp. 9-104.

A. A. Cançado Trindade, "The Right of Access to Justice in the Inter-American System of Human Rights Protection", *Italian Yearbook of International Law*, vol. 17, 2007, pp. 7-24.

A. A. Cançado Trindade, *The Access of Individuals to International Justice*, Oxford University Press, Oxford, 2011, pp. 1-236.

A. A. Cançado Trindade, *El Derecho de Acceso a la Justicia en Su Amplia Dimensión*, 2nd ed., Ed. Librotecnia, Santiago de Chile, 2012, pp. 79-574.

A. A. Cançado Trindade, *International Law for Humankind: Towards a New Jus Gentium*, 2nd ed., Nijhoff/The Hague Academy of International Law, The Hague, 2013, pp. 1-726.

A. A. Cançado Trindade, "A Century of International Justice and Prospects for the Future" in *A Century of International Justice / Retrospective d'un siècle de justice internationale et perspectives d'avenir*, (co-eds. A. A. Cançado Trindade, and D. Spielmann), Wolf Pubs., Oisterwijk, 2013, pp. 1-28.

A. A. Cançado Trindade, "El Difícil Camino del Acceso de la Persona Humana a la Justicia en el Contencioso Interestatal ante la Corte Internacional de Justicia," *Anuario Hispano-Luso-Americano de Derecho Internacional*, vol. 21, 2013-2014, pp. 173-213.

- A. Gentili, [*De Iure Belli Libri Tres. 1612 ed. \[Three Books on the Law of War\]*](#), vol. 2, The Clarendon Press, Oxford; Humphrey Milford, London, 1933.
- H. Grotius, [*De Jure Belli Ac Pacis Libri Tres \[On the Law of War and Peace: Three Books\]*](#), Carnegie Institution of Washington, vol. 2, Washington, D.C., 1913, vol. 2, trans. The Clarendon Press, Oxford, 1925.
- S. Pufendorf, [*Droit de la Nature et des Gens ou Système General des Principes les Plus Importants de la Morale, de la Jurisprudence, et de la Politique*](#), 5eme édition, Chez la veuve de Pierre de Coup, Amsterdam, 1734.
- F. Suarez, [*Tractatus de Legibus, ac Deo Legislatore in Decem Libros Distributus, Utriusque fori Hominibus non Minus Utilis, Quam Necessarius*](#), vol. 1, Sumptibus J. Dunmore, T. Dring, B. Tooke & T. Sawbridge, London, 1679.
- F. de Victoria, J. Bate (Translator), [*De Indis et de Ivre Belli Reflectiones \[Reflections in Moral Theology of the Very Celebrated Spanish Theologian, Franciscus de Victoria\]*](#), vol. 1, The Carnegie Institution of Washington, Washington, 1917.
- C. Wolff, [*Jus Gentium Methodo Scientifica Pertractatum \[Law of Nations Treated According to a Scientific Method\]*](#), vol. 2, The Clarendon Press, Oxford, 1934.

Lecture 5

Domestic courts and their relationship with international law

- Jan Klabbers, International law, Part III, chapter 16 (Domestic courts and their relationship with international law: monism and dualism, direct effect, incorporating international law, the special case of the EU).

Basic material (mandatory):

The Relationship between International Law and Municipal Law

https://legal.un.org/avl/ls/Greenwood_IL_video_1.html

* Supplementary material (optional):

A. Legal Instruments

[Charter of the United Nations](#) and [Statute of the International Court of Justice](#), San Francisco, 26 June 1945.

[Vienna Convention on the Law of Treaties](#), Vienna, 23 May 1969, United Nations, *Treaty Series*, vol. 1155, p. 331.

B. Jurisprudence

International

[Alabama \(United States/United Kingdom\), Arbitral Award, 14 September 1872, Reports of International Arbitral Awards](#), vol. XXIX.

International Court of Justice, [Certain expenses of the United Nations \(Article 17, paragraph 2, of the Charter\), Advisory Opinion of 20 July 1962](#), I.C. J. Reports 1962, p. 151.

International Court of Justice, [Legal Consequences for States of the Continued Presence of South Africa in Namibia \(South West Africa\) notwithstanding Security Council Resolution 276 \(1970\), Advisory Opinion](#), I.C.J. Reports 1971, p. 16.

International Court of Justice, [Vienna Convention on Consular Relations \(Paraguay v. United States of America\), Provisional Measures, Order of 9 April 1998](#), I. C. J. Reports 1998, p. 248.

International Court of Justice, [LaGrand \(Germany v. United States of America\), Provisional Measures, Order of 3 March 1999](#), I. C. J. Reports 1999, p. 9.

International Court of Justice, [Arrest Warrant of 11 April 2000 \(Democratic Republic of the Congo v. Belgium\)](#), *Judgment of 14 February 2002*, I.C.J. Reports 2002, p. 3.

International Court of Justice, [Avena and Other Mexican Nationals \(Mexico v. United States of America\)](#), *Provisional Measures, Order of 5 February 2003*, I.C.J. Reports 2003, p. 77.

National

United Kingdom, Court of Appeal, *Mighell v. Sultan of Johore*, 1894 Law Reports, 1 Queen's Bench Division 149.

United Kingdom, High Court, *Mortensen v. Peters*, 4 August 1906, 8 Sessions Cases 93./

United Kingdom, *Rex v. Bottrill ex parte Kuechenmeister*, 1947 Law Reports, Kings Bench Division 41.

United Kingdom, Court of Appeal, *Trendtex Trading Corporation v. Central Bank of Nigeria*, 13 January 1977, 1977 Law Reports, 1 Queen's Bench Division 529.

United Kingdom, House of Lords, *J. H. Rayner (Mincing Lane) Ltd. v. Department of Trade and Industry and Others*, 26 October 1989, 1990 Law Reports, 2 Appeal Cases 418.

United Kingdom, House of Lords, *In Re Pinochet*, Oral Judgment, 17 December 1998, [1999] UKHL 1.

United Kingdom, House of Lords, *Judgments - R v. Jones* (Appellant) (On Appeal from the Court of Appeal (Criminal Division)) (formerly *R v. J* (Appellant)), Etc., 29 March 2006, [2006] UKHL 16.

Basic material (mandatory):

The Role of International Law in National Law - Part I

https://legal.un.org/avl/ls/Keith_IL_video_1.html

The Role of International Law in National Law - Part II

https://legal.un.org/avl/ls/Keith_IL_video_2.html

*** Supplementary material (optional):**

Outline of Lecture  [\(13 KB\)](#)

A. Legal Instruments

[Constitution of the United States](#), Philadelphia, 14 May 1787.

[Criminal Code of Canada](#), 1892.

[Charter of the United Nations](#) and [Statute of the International Court of Justice](#), San Francisco, 26 June 1945.

[International Covenant on Civil and Political Rights](#), New York, 16 December 1966, United Nations, *Treaty Series*, [vol. 999](#), p. 171.

[International Covenant on Economic, Social and Cultural Rights](#), New York, 16 December 1966, United Nations, *Treaty Series*, [vol. 993](#), p. 3.

[Vienna Convention on the Law of Treaties](#), Vienna, 23 May 1969, United Nations, *Treaty Series*, vol. 1155, p. 331.

[United Nations Convention on Contracts for the International Sale of Goods](#), Vienna, 11 April 1980, United Nations, *Treaty Series*, vol. 1489, p. 3.

[Convention for the Unification of Certain Rules for International Carriage by Air](#), Montreal, 28 May 1999, United Nations, *Treaty Series*, vol. 2242, p. 309.

B. Jurisprudence

International

International Court of Justice, [Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947 Advisory Opinion of 26 April 1988](#), *I.C.J. Reports 1988*, p. 12.

National

R v. Jones [2007] 1 AC 136.

Attorney-General for Canada v. Attorney-General for Ontario [1937] AC 326.

Simmons v. Roper, 125 S. Ct. 1183 (2005).

The State v. T Makwanyane and M Mchunu, Case No. CCT/3/94, 6 June 1995.

Attorney-General v. Ngati Apa [2003] 3 NZLR 643.

R v. William Dodd (1874) 2 CA (NZ) 598.

Lesa v. Attorney-General of New Zealand, [1982] 1 NZLR 165 CA and JC, [1983] 2 AC 20.

R (European Roma Rights) v. Prague Immigration Officer [2005] 2 AC 1.

C. Doctrine

A.D. McNair, “The Functions and Differing Legal Characters of Treaties”, *British Yearbook of International Law*, vol. 11, 1930, p. 100.

A.D. McNair, *The Law of Treaties*, Oxford University Press, Oxford, 1961.

Basic material (mandatory):

Domestic Courts in International Law

https://legal.un.org/avl/ls/Tzanakopoulos_IL_video_1.html

* Supplementary material (optional):

A. Legal Instruments

Declaration of the Rights of Man, Paris, 26 August 1789 (Text of the Covenant available on the [website of Yale Law School's Avalon Project](#)).

[Charter of the United Nations](#), San Francisco, 26 June 1945.

[Universal Declaration on Human Rights](#), Paris, 10 December 1948.

[American Declaration of the Rights and Duties of Man](#), Bogota, 1948.

[International Convention on Civil Liability for Oil Pollution Damage](#), Brussels, 29 November 1969, United Nations, *Treaty Series*, [vol. 973](#), p. 3.

[United Nations Convention on the Law of the Sea](#), Montego Bay, 10 December 1982, United Nations, *Treaty Series*, [vol. 1833](#), p.3.

[Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage, 1969](#), London, 27 November 1992, United Nations, *Treaty Series*, [vol. 1956](#), p. 255.

Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994, United Nations, *Treaty Series*, [vol. 1868](#), p. 201.

[Rome Statute of the International Criminal Court](#), Rome, 17 July 1998, United Nations, *Treaty Series*, [vol. 2187](#), p. 3.

B. Jurisprudence *International*

Permanent Court of International Justice, [The Case of the S.S. Lotus \(France v. Turkey\), Judgment of 7 September 1927, P.C.I.J., Series A, No 10](#), p. 5.

International Court of Justice, [Reservations to the Convention on Genocide, Advisory Opinion, I.C.J. Reports 1951](#), p. 15.

International Court of Justice, [Jurisdictional Immunities of the State \(Germany v. Italy: Greece intervening\), Judgment, I.C.J. Reports 2012](#), p. 99.

National

United States Court of Appeal for the Second Circuit, *Tachiona v. United States of America*, No. 03-6033(L), 03-6043(XAP), 6 October 2004.

Italian Court of Cassation, [*Ferrini v. Federal Republic of Germany*](#), 11 March 2004, decision no. 5044/2004.

Greek Court of Appeal of Piraeus, *Marine Environmental Services MC and Environmental Protection Technical SA v. International Oil Pollution Compensation Fund 1992*, No. 23/2006, 6 July 2006.

C. Documents

[Security Council Resolution 2067 \(2012\) of 18 September 2012.](#)

D. Doctrine

H. Kelsen, *Pure Theory of Law*, University of California Press, Berkeley, 2nd edition, 1967.

OPTIONAL LECTURES:

1. The International Court of Justice and Criminal Justice

[https://legal.un.org/avl/ls/Keith CT video 2.html](https://legal.un.org/avl/ls/Keith_CT_video_2.html)

A. Legal Instruments

[Convention on the Prevention and Punishment of the Crime of Genocide](#), Paris, 9 December 1948, United Nations, *Treaty Series*, vol. 78, p. 277.

[Vienna Convention on Consular Relations](#), Vienna, 24 April 1963, United Nations *Treaty Series*, vol. 596, p. 261.

[Vienna Convention on the Law of Treaties](#), Vienna, 23 May 1969, United Nations, *Treaty Series*, vol. 1155, p. 331.

[United Nations Convention on the Law of the Sea](#), Montego Bay, 10 December 1982, United Nations, *Treaty Series*, vol. 1833, p.3.

[European Convention on State Immunity](#), Basel, 16 May 1972, United Nations, *Treaty Series*, vol. 1495.

International Law Commission, [Articles on Responsibility of States for Internationally Wrongful Acts](#), 2001.

[United Nations Convention on Jurisdictional Immunities of States and Their Property](#), New York, 2 December 2004.

B. Jurisprudence

International Court of Justice, [The Corfu Channel Case \(Merits\), Judgment of 9 April 1949](#), *I.C.J. Reports 1949*, p. 4.

International Court of Justice, [Case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide \(Bosnia and Herzegovina v. Serbia and Montenegro\), Judgment of 26 February 2007](#), *I.C.J. Reports 2007*, p. 43.

International Court of Justice, [LaGrand Case \(Germany v. United States of America\), Judgment of 27 June 2001](#), *I.C.J. Reports 2001*, p. 466.

International Court of Justice, [Arrest Warrant of 11 April 2000 \(Democratic Republic of the Congo v. Belgium\), Judgment of 14 February 2002](#), *I.C.J. Reports 2002*, p. 3.

International Court of Justice, [*Avena and Other Mexican Nationals \(Mexico v. United States of America\)*](#), *Judgment of 31 March 2004*, I.C.J. Reports 2004, p. 12.

International Court of Justice, [*Case Concerning Certain Questions of Mutual Assistance in Criminal Matters \(Djibouti v. France\)*](#), *Judgment of 4 June 2008*, I.C.J. Reports 2008, p. 177.

International Court of Justice, [*Jurisdictional Immunities of the State \(Germany v. Italy: Greece Intervening\)*](#), *Judgment of 3 February 2012*.

International Court of Justice, [*Questions Relating to the Obligation to Prosecute or Extradite \(Belgium v. Senegal\)*](#), *Judgment of 20 July 2012*.

2. International Criminal Law and Domestic Courts

[https://legal.un.org/avl/ls/Herik CP Video 1.html](https://legal.un.org/avl/ls/Herik_CP_Video_1.html)

A. Legal Instruments

[Charter of the United Nations](#) and [Statute of the International Court of Justice](#), San Francisco, 26 June 1945.

[Convention on the Prevention and Punishment of the Crime of Genocide](#), Paris, 9 December 1948, United Nations, *Treaty Series*, vol. 78, p. 278.

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B. Jurisprudence

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C. Stahn and L. van den Herik, [“‘Fragmentation’, Diversification and ‘3D’ Legal Pluralism: International Criminal Law as the Jack-in-The-Box?”](#) in L. van den Herik and C. Stahn (eds.),

The Diversification and Fragmentation of International Criminal Law, Brill/Nijhoff, 2012, pp. 21-87.

D. Jacobs, "[Puzzling Over Amnesties: Defragmenting the Debate for International Criminal Tribunals](#)", in L. van den Herik and C. Stahn (eds.), *The Diversification and Fragmentation of International Criminal Law*, Brill/Nijhoff, 2012, pp. 305-345.

Before the class begins, find *out* as much as you can about the students. ... Some goals can be achieved through listening to *lecture* or reading assigned texts.

3. The Access of Individuals to International Justice

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