

SYLLABUS

International Humanitarian

Law and

International Criminal Law

2025 - 2026

**Máster Universitario en
Diplomacia y Organizaciones
Internacionales**

DESCRIPTION SHEET

COURSE DETAILS	
CODE	573345
NAME	International Humanitarian Law and International Criminal Law
NATURE	Elective ("Human Security" pathway)
TERM	Second term: 28.01.2026 – 24.04.2026
SCHEDULE	Wednesday, 9:30h-11:30h
LANGUAGE	English and, exceptionally, Spanish
ECTS CREDITS	3.0

COORDINATOR

Professor Didac Amat, Professor of Public International Law at CEI

GUEST INSTRUCTORS

- Andrea Farrés Jiménez, International Committee of the Red Cross (ICRC)
- Elisenda Calvet, Universitat de Barcelona (UB)
- Alejandro Rubiella, Colonel, Inspección General, Spanish Army

AIMS AND SCOPE

The course is an introduction to the international legal regimes pertaining to the regulation of armed conflicts and the criminal responsibility of individuals for international core crimes. International humanitarian law (IHL) has a long history in international relations, whereas international criminal law (ICL) has undergone a more recent development mainly after the end of WW2 –specially after the Cold War. Both legal regimes relate to each other in multiple ways and to the norms of general international law.

The first part of the course is dedicated to the core principles and legal regulations of IHL and focuses mainly on the historical development, the basic principles of humanitarianism, the distinction between international and non-international armed conflicts, the legal regulation of means of warfare, the protection of different categories of persons and objects and problems of proportionality in armed conflicts.

The second part of the course deals with ICL and focuses principally on its institutional and legal development after World War II at the domestic and international level. Particularly, it will introduce the students to the core crimes of genocide, war crimes, crimes against humanity and aggression.

LEARNING OUTCOMES

K06 - Identify the values and social aspects underlying international legal norms.

K10 - Explain the role of international organizations in conflict resolution.

K11 - Identify the main inequalities and discriminations based on sex/gender present in international society.

K12 - Define the legal regulatory context of international relations.

K13 - Identify the main norms of Public International Law in the field of diplomatic and consular relations.

H05 - Contrast different positions and visions regarding international relations and International Law.

H06 - Manage global governance institutions and the roles played by public and private actors.

H07 - Discuss the main challenges in the field of international relations and International Law.

C03 - Show attitudes consistent with ethical conceptions, deontological codes, and intellectual integrity, with an awareness of the social implications of the different activities

carried out in the field of relations and International Law.

C08 - Argument legally using the diversity of normative sources, interpretative canons, and contexts of application correctly.

C10 - Formulate solutions to specific problems of international governance in international and multicultural environments, with original and high-level arguments, both orally and in writing.

K – Knowledge or content

H – Skills or abilities

C - Competences

SCHEDULE

WEEK 1: Wednesday, January 28th, 2026 (9:30-11:30). The new international regimes with the individual as the central axis: synergies and differences

Introduction to the course. The regimes of *ius in bello* and *ius ad bellum* until the world wars. Synergies and differences between International criminal Law, International Humanitarian Law and International protection of human rights. Distinction between violation of human rights and/or international humanitarian law and international crimes.

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Compulsory reading BEFORE the session.

- *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, ICJ. Paras. 96–101; 251; 272–274
- *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion of 9 July 2004, [2004] ICJ Rep. 136. Paras. 134–139.

Recommended readings

- Jean-Marie Henckaerts, 'History and Sources' in Ben Saul and Dapo Akand (eds.) (2020) *The Oxford Guide to International Humanitarian Law*. Oxford: Oxford University Press.

WEEK 2 Wednesday, February 4th, 2026 (9:30-11:30) Conduct of hostilities: Principles, specifically protected persons, and specifically protected objects.

The principles of International Humanitarian Law: Principle of distinction, principle of proportionality and necessity, the principle of neutrality, the principle of humanity and the Martens clause. Categories of people during war time. Categories of objects

during war time.

Prof. Didac Amat

Compulsory readings BEFORE the session:

- *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion of 8 July 1996, [1996] ICJ Rep. 226. Par. 77-89.
- *Prosecutor v. Pavle Strugar*, Judgment, ICTY (Trial Chamber), IT-01-42-T, 31 January 2005, Par. 327-328 and 461-464.

Recommended reading:

- Robin Geiß and Christophe Paulussen, 'Specifically Protected Persons and Objects' in Ben Saul and Dapo Akand (eds.) (2020) *The Oxford Guide to International Humanitarian Law*. Oxford: Oxford University Press.

WEEK 3: Wednesday, February 11th, 2026 (9:30-11:30) Conduct of hostilities: means and methods of war and the protection of the environment during military conflicts.

Distinction between means and methods of war. Methods of war that concern combatants. Methods of war that concern especially protected objects and persons.

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Compulsory reading BEFORE the session:

- *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion of 8 July 1996, [1996] ICJ Rep. 226. Par. 27-33.
- *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Judgment of 19 December 2005, [2005] ICJ Rep. 168, Par. 237-250

Recommended readings:

- Cymie R Payne, 'Protection of the Natural Environment' in Ben Saul and Dapo Akand (eds.) (2020) *The Oxford Guide to International Humanitarian Law*. Oxford: Oxford University Press.
- Gloria Gaggioli and Nils Melzer, 'Methods of Warfare' in Ben Saul and Dapo Akand (eds.) (2020) *The Oxford Guide to International Humanitarian Law*. Oxford: Oxford University Press.
- Pereira, R. and Gough, O., 'Permanent Sovereignty over natural resources in the 21st century: natural resource governance and the right to self-determination of indigenous peoples under International Law', (2013) 14, *Melbourne Journal of International Law*, 1.

WEEK 4: Wednesday, February 18th, 2026 (9:30-11:30) War crimes.

Wars and individual responsibility for war crimes: what is a war crime today. How the ICC deals with war crimes and the victims of those hideous: a case law evolution. ICC challenges in the near future.

Prof. Didac Amat

Compulsory reading BEFORE the session:

- *Prosecutor v. Ntaganda*, Judgment of 8 July 2019, Trial Chamber VI, ICC-01/04-02/06-2359. Paras. 902–921.

Recommended readings:

- Robert Cryer, 'War Crimes' in Ben Saul and Dapo Akand (eds.) (2020) *The Oxford Guide to International Humanitarian Law*. Oxford: Oxford University Press.
-

WEEK 5. Wednesday, February 25th, 2026 (9:30-11:30) Army's role in Humanitarian interventions.

The Role of International Observers. Explanation of the practical exercise on the application of International Humanitarian and Criminal Law.

Prof. Alejandro Rubiella (Spanish)

WEEK 6: Wednesday, February 25th, 2026 (11:30-13:30) – The practical application of IHL.

The role of armies in the observance, implementation and supervision of International Humanitarian and criminal Law.

Prof. Alejandro Rubiella (Spanish)

WEEK 7: Wednesday, March 11th, 2026 (9:30-11:30). Seminar. The crime of Genocide

Seminar on the concept of genocide: The 1948 Convention. The specificity of the crime of genocide. The evolution. the role played by case law practice. Today's controversial cases

Prof. Didac Amat

Recommended readings BEFORE the session

- *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Provisional Measures, Order of 26 January 2024 [2024] ICJ Rep. 3, Par. 41-55.

- *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)* Order of 16 March 2022 [2022] ICJ Rep. 212, Par. 50-67
- *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Gambia v. Myanmar)*, Provisional Measures, Order of 23 January 2020), ICJ Rep. 3, Par. 41-56)

WEEK 8: Wednesday Friday (March 18th to March 20th, 2026) Seminar - Simulation

During this simulation session, students will experience first-hand some of the complexities, practical challenges and moral dilemmas of International Humanitarian Law.

Prof. Didac Amat

WEEK 9: Wednesday, March 25th, 2026 (9:30-11:30): The dual nature of crime of aggression and the debate of its future reform in the Rome Statute

The concept of aggression in International Law: the distinction between State aggression and the crime of aggression. Difficulties surrounding the definition of the crime of aggression. The current status of the crime of aggression and the open debate of its reform.

Prof. Andrea Farrés Jiménez

Compulsory reading BEFORE the session:

- The 1949 Geneva Conventions: Common article 3, article 9/9/9/10, article 10/10/10/11, article 23 GC I, article 123, 125 and 126 GC III, article 59, 143 GC IV,
- The 1977 Additional Protocol I to the GC: article 81 AP I.
- Elizabeth Wilmshurst, "Introductory note on crime of aggression" UN Legal unit, <https://legal.un.org/avl/ha/da/da.html>
- *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Judgment (Jurisdiction and Admissibility), 26 November 1984, [1984] ICJ Rep. 392. Paras. 89-94 and 189-195.

Complementary reading:

- Kress, Claus & von Holtendorff, Leonie "The Kampala compromise on the crime of aggression", *Journal of International Criminal Justice*, Volume 8, Issue 5, November 2010, Pages 1179-1217, <https://doi.org/10.1093/jicj / mqq069>

WEEK 10: Wednesday, April 8th, 2026 (9:30-11:30): Seminar. Crimes Against Humanity: From its residual role to being the most applied crime

Seminar session to discuss the origin and nature of crime against humanity and the evolution of its specific subtypes.

Prof. Didac Amat

Recommended reading:

- ILC, Draft articles on Prevention and Punishment of CAH, with commentaries (parr- 1-36, pp.26- 43)
- Kress, Claus & Garibian, Sévane "Laying the Foundations for a Convention on Crimes Against Humanity: Concluding Observations" in Journal of International Criminal Justice, Volume 16, Issue 4, September 2018, Pages 909–957, <https://doi.org/10.1093/jicj/mqy067>
- ROBINSON, Darryl (1999). Defining "Crimes Against Humanity" at the Rome Conference. The American Journal of International Law, 93 (1), 43-57. Recovered from <https://www.jstor.org/stable/2997955?seq=1>

WEEK 11: Wednesday, April 15th 2026 (9:30-11:30): The prosecution of international crimes on the domestic level

Domestic systems and the fight against impunity. The question of jurisdiction and transitional justice. Universal jurisdiction

Prof. Elisenda Calvet

Compulsory reading:

- OLASOLO, Héctor and GALAIN, Pablo, Los Desafíos del Derecho Internacional Penal: Atención Especial a los Casos de Argentina, Colombia, España, México y Uruguay. Valencia: Tirant lo Blanch, 2018, pp. 51-62. Available at: <https://www.iberamericaninstituteofthehague.org/attachments/article/206/Volum en%201%20Desafios%20del%20Derecho%20internacional%20penal.pdf>.

Recommended readings:

- CASSESE, Antonio "Is the Bell Tolling for Universality? A Plea for a Sensible Notion of Universal Jurisdiction", Journal of International Criminal Justice, vol. 1, 2003, pp. 589-595. Available through UB library: <https://doi-org.sire.ub.edu/10.1093/jicj/1.3.589>.
- SCHABAS, William, "Genocide Trials and Gacaca Courts", Journal of International Criminal Justice, vol. 3, 2005, pp. 879–895. Available through UB library: <https://doi-org.sire.ub.edu/10.1093/jicj/mqi062>.
- SIKKINK, Kathryn, The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics, New York: W. W. Norton & Company, 2012

WEEK 12: Wednesday, April 22nd, 2026 (9:30-11:30). The Prosecution of International Criminal Law and International Humanitarian Law

The International Criminal Court. The importance of the socio-political framework for the creation of ad hoc and hybrid courts. Domestic systems and the fight against impunity

Prof. Didac Amat

Compulsory reading BEFORE the activity:

- SLUITER, Göran "Ad hoc international criminal tribunals (Yugoslavia, Rwanda, Sierra Leone), in SCHABAS, William (ed), The Cambridge Companion to International Criminal Law, Cambridge: Cambridge University Press, 2016, pp. 117-136. Available through UB library: https://csuc-ub.primo.exlibrisgroup.com/permalink/34CSUC_UB/13d0big/alma991012530153606708.
- WILLIAMS, Sarah "Hybrid Tribunals: a time for reflection", International Journal of Transitional Justice, vol. 10, 2016, pp. 538-547. Available through UB library: https://csuc-ub.primo.exlibrisgroup.com/permalink/34CSUC_UB/13d0big/alma991001392229706708.

Recommended reading:

- W. SCHABAS, "The Special Tribunal for Lebanon: Is a 'Tribunal of an International Character' Equivalent to an 'International Criminal Court'?", Leiden Journal of International Law, vol. 21, 2008-06, pp. 513-528.
- Available through UB library: https://csuc-ub.primo.exlibrisgroup.com/permalink/34CSUC_UB/13d0big/alma991006963099706708.
- ZACKLIN, Ralph, "The Failings of Ad Hoc International Tribunals", International Criminal Justice, vol. 2, 2004, pp. 541-545. Available through UB library: <https://doi-org.sire.ub.edu/10.1093/jicj/2.2.541>.

PREVIOS KNOWLEDGE REQUIRED

Previous knowledge of international affairs, international organizations and the role of norms in international relations is welcomed but not strictly necessary.

RELATION TO OTHER MASTER'S COURSES

No enrollment restrictions.

OTHER REQUIREMENTS

Students who come from undergraduate studies other than those specified in the official regulations of the master's degree must have attended prior the following "Preparatory Courses":

- Introduction to Public International Law (2 ECTS)
- Introduction to International Relations and International Politics (2 ECTS)
- Introduction to Global Economy and Trade (2 ECTS)

TEACHING METHODS

Class sessions will consist of lectures, debates (with the entire class and within smaller groups) and assignments (both in and outside class). The sessions will be devoted to learning, challenging and applying the different aspects and concepts of International Humanitarian and Criminal Law presented during the course. Activities will be based on prior announced research tasks, small test or group activities. Analysis of cases will give you the opportunity of applying the concepts to real world situations and will allow you to test your understanding and knowledge with other class members.

The teacher will assume that students have studied the assigned readings in advance.

GRADING

The course offers the options of single and continuous evaluation. Students may choose the option they prefer by filling out a form available at the secretary's office of the affiliated center within the deadlines established by CEI's regulations. The minimum compulsory attendance for the two evaluations is 80% of the sessions.

In the case of continuous evaluation, the course combines continuous evaluation mechanisms (two seminars and participation) and a final exam. Active and pertinent participation by students during the term amounts to 10% of the final grade. The seminar amounts to 40% of the final grade. The evaluation of the final exam amounts to 50% of the final grade.

Late submissions of papers & assignments will not be accepted, unless an exception has been requested and granted before the deadline. If a student misses an assignment unexcused, the assignment will count as 'not presented' without the possibility of an alternative assignment.

In case of the single evaluation, the final grade will exclusively consist of a grade for the final exam (100%).

REASSESSMENT

Students who have met the minimum compulsory attendance requirements and taken the final exam but did not pass it may retake the final exam. For those who also failed the continuous assessment, the retake exam will include a practical component.

WORKLOAD

EXPECTED HOURS COMMITTED

TOTAL	75
THEORETICAL CLASSES AND SEMINARS	25
SUPERVISED PERFORMANCE	25
INDEPENDENT PERFORMANCE	25

BASIC BIBLIOGRAPHY

Jurisprudence:

- *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Gambia v. Myanmar)*, Provisional Measures, Order of 23 January 2020).
- *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Provisional Measures, Order of 26 January 2024 [2024] ICJ Rep.
- *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*, Order of 16 March 2022 [2022] ICJ Rep. 212.

- *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Judgment of 19 December 2005, [2005] ICJ Rep. 168.
- *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, ICJ.
- *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion of 9 July 2004, [2004] ICJ Rep. 136.
- *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion of 8 July 1996, [1996] ICJ Rep. 226.
- *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Judgment (Jurisdiction and Admissibility), 26 November 1984, [1984] ICJ Rep. 392.
- *Prosecutor v. Ntaganda*, Judgment of 8 July 2019, Trial Chamber VI, ICC-01/04-02/06-2359. Paras. 902–921.
- *Prosecutor v. Pavle Strugar*, Judgment, ICTY (Trial Chamber), IT-01-42-T, 31 January 2005.

Bibliography:

- CASSESE, Antonio "Is the Bell Tolling for Universality? A Plea for a Sensible Notion of Universal Jurisdiction", *Journal of International Criminal Justice*, vol. 1, 2003, pp. 589-595. Available through UB library: <https://doi-org.sire.ub.edu/10.1093/jicj/1.3.589>.
- Cymie R Payne, 'Protection of the Natural Environment' in Ben Saul and Dapo Akand (eds.) (2020) *The Oxford Guide to International Humanitarian Law*. Oxford: Oxford University Press.
- Elizabeth Wilmshurst, "Introductory note on crime of aggression" UN Legal unit, <https://legal.un.org/avl/ha/da/da.html>
- ILC, Draft articles on Prevention and Punishment of CAH, with commentaries (parr-1-36, pp.26- 43)
- Kress, Claus & von Holtendorff, Leonie "The Kampala compromise on the crime of aggression", *Journal of International Criminal Justice*, Volume 8, Issue 5, November 2010, Pages 1179–1217, <https://doi.org/10.1093/jicj / mqq069>
- Gloria Gaggioli and Nils Melzer, 'Methods of Warfare' in Ben Saul and Dapo Akand (eds.) (2020) *The Oxford Guide to International Humanitarian Law*. Oxford: Oxford University Press.
- Jean-Marie Henckaerts, 'History and Sources' in Ben Saul and Dapo Akand (eds.) (2020) *The Oxford Guide to International Humanitarian Law*. Oxford: Oxford University Press.

- Kress, Claus & Garibian, Sévane "Laying the Foundations for a Convention on Crimes Against Humanity: Concluding Observations" in *Journal of International Criminal Justice*, Volume 16, Issue 4, September 2018, Pages 909–957, <https://doi.org/10.1093/jicj/mqy067>
- Pereia, R. and Gough, O., 'Permanent Sovereignty over natural resources in the 21st century: natural resource governance and the right to self-determination of indigenous peoples under International Law, (2013) 14, *Melbourne Journal of International Law*, 1.
- Robert Cryer, 'War Crimes' in Ben Saul and Dapo Akand (eds.) (2020) *The Oxford Guide to International Humanitarian Law*. Oxford: Oxford University Press.
- Robin Geiß and Christophe Paulussen, 'Specifically Protected Persons and Objects' in Ben Saul and Dapo Akand (eds.) (2020) *The Oxford Guide to International Humanitarian Law*. Oxford: Oxford University Press.
- ROBINSON, Darryl (1999). Defining "Crimes Against Humanity" at the Rome Conference. *The American Journal of International Law*, 93 (1), 43-57. Recovered from <https://www.jstor.org/stable/2997955?seq=1>
- SCHABAS, William, "Genocide Trials and Gacaca Courts", *Journal of International Criminal Justice*, vol. 3, 2005, pp. 879–895. Available through UB library: <https://doi-org.sire.ub.edu/10.1093/jicj/mqi062>.
- SIKKINK, Kathryn, *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics*, New York: W. W. Norton & Company, 2012
- SLUITER, Göran "Ad hoc international criminal tribunals (Yugoslavia, Rwanda, Sierra Leone), in SCHABAS, William (ed), *The Cambridge Companion to International Criminal Law*, Cambridge: Cambridge University Press, 2016, pp. 117-136. Available through UB library: https://csuc-ub.primo.exlibrisgroup.com/permalink/34CSUC_UB/13d0big/alma991012530153606708.
- The 1949 Geneva Conventions: Common article 3, article 9/9/9/10, article 10/10/10/11, article 23 GC I, article 123, 125 and 126 GC III, article 59, 143 GC IV,
- The 1977 Additional Protocol I to the GC: article 81 AP I.
- ZACKLIN, Ralph, "The Failings of Ad Hoc International Tribunals", *International Criminal Justice*, vol. 2, 2004, pp. 541-545. Available through UB library: <https://doi-org.sire.ub.edu/10.1093/jicj/2.2.541>.
- WILLIAMS, Sarah "Hybrid Tribunals: a time for reflection", *International Journal of Transitional Justice*, vol. 10, 2016, pp. 538-547. Available through UB library: <https://csuc->

ub.primo.exlibrisgroup.com/permalink/34CSUC_UB/13d0big/alma991001392229706708.

- W. SCHABAS, "The Special Tribunal for Lebanon: Is a 'Tribunal of an International Character' Equivalent to an 'International Criminal Court'?", *Leiden Journal of International Law*, vol. 21, 2008-06, pp. 513-528.