

4.00 credits


30.0 h

Q2


**This learning unit is not open to incoming exchange students!**

Language :	French
Place of the course	Bruxelles Saint-Louis
Learning outcomes	<p><b>At the end of this learning unit, the student is able to :</b>                      The course aims to develop knowledge and mastery of criminal humanitarian law. It also provides an opportunity for critical reflection on the various issues of international criminal justice. The course also encourages students to become actively involved in learning the subject.</p>
Evaluation methods	<p><b>First session</b>                      Two-part examination:                      a) Group work during the four-month term (5/20 of the final mark)                      Ten-page commentary on a case law decision                      b) Two-hour written examination covering three questions:</p> <ul style="list-style-type: none"> <li>• one theoretical question</li> <li>• one practical question</li> <li>• one question related to the conference-debates</li> </ul> <p><b>Second session</b>                      Two-hour written examination covering four questions:</p> <ul style="list-style-type: none"> <li>• one theoretical question</li> <li>• one practical question</li> <li>• one question related to the conference-debates</li> <li>• one critical opinion question</li> </ul> <p>! The mark obtained for the group work in the first session is only valid for the first session and is not carried over to the second session !</p>
Teaching methods	<p>The teaching, which has an hourly volume of 30 hours, is given in the second semester in French. It is taught not only from the classroom, but also using more participatory teaching methods (analysis of case law, application of the rules to concrete situations, lectures and debates, etc.) which enable students to develop a critical approach to the various issues relating to criminal humanitarian law. The powerpoint slides projected during the course, as well as other useful documents (case law, articles of doctrine, etc.) are made available to students on Webcampus.</p>
Content	<p>Long synonymous with the law of armed conflict, humanitarian law, which has undergone considerable development, now also applies outside the context of armed conflict. Aimed at punishing crimes of aggression, war crimes, genocide and crimes against humanity, it is linked to international criminal law. Humanitarian law also includes numerous rules, whether conventional or customary, the violation of which is not a criminal offence. It also emphasises the importance of prevention, which requires, in particular, the widespread dissemination of rules governing the conduct of operations, the use of methods and means of combat, and the protection of persons who do not or no longer participate in hostilities. The rules differ in this respect depending on whether the conflict is international or internal. In addition, humanitarian law seeks to give special consideration to victims, while also promoting the restoration of peace.</p> <p>We will begin by tracing the main stages in the evolution of humanitarian criminal law, commenting on the establishment of international criminal courts (from Nuremberg to the International Criminal Court, including ad hoc tribunals and mixed courts). The constituent elements of genocide, crimes against humanity, war crimes and crimes of aggression will then be outlined, as will the conditions for individual criminal responsibility and that of hierarchical superiors. Several case law examples will be presented for illustration purposes. The rules governing criminal proceedings and trials before the International Criminal Court will also be discussed. Among the applicable international instruments, the provisions of the Rome Statute will be examined in depth.</p>

<p>Bibliography</p>	<ul style="list-style-type: none"> <li>• ASCENSIO, H., DECAUX, E. et PELLET, A., Droit international pénal, 2ème éd., Paris, Pedone, 2012.</li> <li>• BABAN, B., La mise en cause de la responsabilité pénale du chef d'Etat, Bruxelles, Larcier, 2012.</li> <li>• BASSIOUNI, M. C., Crimes Against Humanity, Historical Evolution and Contemporary Application, Cambridge University Press, 2011.</li> <li>• BERNARD, D. et SCALIA, D. (ss la dir. de), Vingt ans de justice internationale pénale, Bruxelles, La Charte, 2014.</li> <li>• BIAD, A. (ss la dir. de), Le droit international humanitaire face aux défis du XXIème siècle, Bruxelles, Bruylant, 2012.</li> <li>• BIAD, A., La Cour internationale de justice et le droit international humanitaire, Bruxelles, Bruylant, 2011.</li> <li>• BOSLY, H.-D. et VANDERMEERSCH, D., Génocide, crimes contre l'humanité et crimes de guerre face à la justice : les juridictions internationales et les tribunaux nationaux, Bruxelles, Bruylant, 2010.</li> <li>• BULA-BULA, S., Droit international humanitaire, Louvain-la-Neuve, Bruylant Academia, 2010.</li> <li>• CULLEN, A., The concept of non-international armed conflict in international humanitarian law, Cambridge, University Press, 2010.</li> <li>• CUMIN, D., Manuel de droit de la guerre, Bruxelles, Larcier, 2014.</li> <li>• D'ASCOLI, S., Sentencing in International Criminal Law, Hart Publishing, 2011.</li> <li>• D'ASPROMONT, J. et DE HEMPTINNE, J., Droit international humanitaire, Paris, Pedone, 2012.</li> <li>• DAVID, E., Principes de droit des conflits armés, 5ème éd., Bruxelles, Bruylant, 2012.</li> <li>• DE FROUVILLE, O., Droit international pénal. Sources, incriminations, responsabilité, Pedone, 2012.</li> <li>• DINSTEIN, Y., The conduct of hostilities under the law of international armed conflict, 2nd ed., Cambridge University Press, 2010.</li> <li>• FERNANDEZ, J. et PACREAU, X. (ss la dir. de), Statut de Rome de la Cour pénale internationale. Commentaire article par article, Paris, Pedone, 2012.</li> <li>• FIERENS, J., Droit humanitaire pénal, Bruxelles, Larcier, 2014.</li> <li>• HENRY, E., Principe de nécessité militaire, Paris, Pedone, 2017.</li> <li>• KAMTO, M., L'agression en droit international, Bruxelles, Bruylant, 2010.</li> <li>• PLENET, E., Vers la création d'une prison internationale. L'exécution des peines prononcées par les juridictions pénales internationales, Paris, L'Harmattan, 2010.</li> <li>• SCALIA, D., Du principe de légalité des peines en droit international pénal, Bruxelles, Bruylant, 2011.</li> <li>• SCHABAS, W. A. et BERNAZ, N. (ed. by), The Routledge Handbook of International criminal law, London, Routledge, 2011.</li> <li>• SIVAKUMARAN, S., The law of non-international armed conflict, Oxford University Press, 2012.</li> <li>• SOLIS, G.D., The Law of Armed Conflict, Cambridge University Press, 2010.</li> <li>• SOREL, J.-M. et POPESCU, C.-L. (ss la dir. de), La protection des personnes vulnérables en temps de conflit armé, Bruxelles, Bruylant, 2010.</li> <li>• SOREL, J.-M. et FOUCHARD, I. (ss la dir. de), Les tiers aux conflits armés et la protection des populations civiles, Paris, Pedone, 2010.</li> <li>• TAMS, C. J., BERSTER, L. et SCHIFFBAUER, B., Convention on the prevention and punishment of the crime of genocide, München, C. H. Beck, 2014.</li> <li>• TONKIN, H., State control over private military and security companies in armed conflict, Cambridge University Press, 2011.</li> <li>• TOUGAS, M.-L., Droit international, sociétés militaires privées et conflit armé, Bruxelles, Bruylant, 2012.</li> <li>• TRIFFTERER, O. (ed. by), Commentary on the Rome Statute of the International Criminal Court, 2nd ed., München, C.H. Beck, 2008.</li> <li>• WERLE, G., Principles of international criminal law, 3rd ed., The Hague, T M C Asser Press, 2014.</li> <li>• YOTOPOULOS-MARANGOPOULOS, A. et PAZARTZIS, P. (ss la dir. de), Le génocide revisité, Genocide revisited, Bruxelles, Bruylant, 2010.</li> </ul>
<p>Other infos</p>	<p>Support materials: PowerPoint slides shown during the course, as well as other useful documents (legislative texts, case law, etc.) will be made available to students on the Moodle platform.</p>
<p>Faculty or entity in charge</p>	<p>DRTB</p>

<b>Programmes containing this learning unit (UE)</b>				
Program title	Acronym	Credits	Prerequisite	Learning outcomes
Advanced Master in Human Rights (shift schedule)	<a href="#">DRHB2MC</a>	4		
Master [120] in Law (shift schedule)	<a href="#">DRLN2M</a>	5		