



Vrije Universiteit Amsterdam - Faculteit der Rechtsgeleerdheid - M ICC - 2014-2015

The Master's degree programme has a study load of 60 credits, 1 academic year.

The 2014-2015 academic programme consists of:

- \* 5 compulsory courses (30 EC)
- \* 2 optional courses (12 EC, choose two courses from the list of optional courses)
- \* Master's thesis (18EC)

You can find a calendar for this programme on [www.vu.nl/en](http://www.vu.nl/en): click on the master's programme under 'Programmes' and from here go to 'Study programme'.

Please check via VuNet the Academic and Examination Regulations for more information about the compositions and the aim of the degree programme.

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## MICC Master ICC Compulsory

Vakken:

Naam	Periode	Credits	Code
<a href="#">Expert Course</a>	Periode 2	3.0	R_ExpCo
<a href="#">International Crimes</a>	Periode 1	9.0	R_Int.Cri-9
<a href="#">International Criminal Courts and Tribunals</a>	Periode 2	6.0	R_Int.cr.c.t
<a href="#">Perpetrators and Bystanders</a>	Periode 4	6.0	R_Perp.bysta
<a href="#">Research Methodology for International Crimes</a>	Periode 2+3	6.0	R_Res.meth.c

## MICC Master ICC Optional

Vakken:

Naam	Periode	Credits	Code
<a href="#">Center for International Criminal Justice Research Lab</a>	Ac. Jaar (september)	6.0	R_CICJ
<a href="#">Corporations and International Crimes</a>	Periode 4	6.0	R_CorIC
<a href="#">International Humanitarian Law</a>	Periode 2+3	6.0	R_Int.hum.l
<a href="#">International Law Clinic</a>	Periode 1+2+3+4+5	6.0	R_IntLClin
<a href="#">Public International Law</a>	Periode 1	6.0	R_Pub.int.l
<a href="#">Research Seminar International Crimes: leadership analysis in international criminal investigations</a>	Periode 3	3.0	R_Res.sem.ic
<a href="#">Seminar Human Rights: Restitution of cultural objects in post-conflict contexts.</a>	Periode 5	6.0	R_SHR
<a href="#">The Politics of International Criminal Justice</a>	Periode 4	6.0	R_TPoiCJ
<a href="#">The Politics of International Law</a>	Periode 4	6.0	R_PoIL

## Center for International Criminal Justice Research Lab

<b>Vakcode</b>	R_CICJ ()
<b>Periode</b>	Ac. Jaar (september)

<b>Credits</b>	6.0
<b>Voertaal</b>	Engels
<b>Faculteit</b>	Faculteit der Rechtsgeleerdheid
<b>Coördinator</b>	J.A.M. Stuifbergen
<b>Examinator</b>	J.A.M. Stuifbergen
<b>Niveau</b>	400

### Doel vak

The objective of CICJ Research Lab is to enable students to participate in ongoing academic research in the field of International Criminal Justice. Depending on the research project, students acquire (advanced) knowledge of selected topics in the fields of international criminal law and criminology of international crimes. By conducting research students can strengthen their analytical and writing skills.

### Inhoud vak

More information about CICJ research projects can be found under [www.cicj.org](http://www.cicj.org) à Research & Publications. Whether ICC-students can participate in any of the projects listed, depends on needs of the researchers and the phase and type of project. At the start of the academic year, students will be informed about the possibilities.

### Toetsvorm

Students are assessed based on several written assignments throughout the year, their team work, and their professional conduct. No grade is given. Students either pass or fail the course.

### Literatuur

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### Overige informatie

MORE INFORMATION?

[www.cicj.org](http://www.cicj.org)

### OBJECTIVES

Being capable of:

- Applying research methods and interpret results;

Show evidence of:

- An investigative, original and creative attitude with regard to existing issues and solutions;

-Critical, analytical and normative reflection on academic research and on research result.

## Corporations and International Crimes

<b>Vakcode</b>	R_CorIC ()
<b>Periode</b>	Periode 4
<b>Credits</b>	6.0
<b>Voertaal</b>	Engels
<b>Faculteit</b>	Faculteit der Rechtsgeleerdheid
<b>Coördinator</b>	A. van Baar MSc
<b>Examinator</b>	A. van Baar MSc
<b>Lesmethode(n)</b>	Werkgroep, Hoorcollege

**Doel vak**

The course corporations and international crimes deals with the involvement of corporations in international crimes and other gross human rights violations. While using a criminological approach we also use insights, knowledge and theories from various disciplines including history, social psychology, organizational sciences, business ethics and political science. Moreover, multiple areas of law are relevant including public international law, human rights law and international and national criminal law. Because the participants in the course have various backgrounds (they are lawyers, political scientists, psychologists, sociologists, anthropologists and, obviously, criminologists) and because the subject is interdisciplinary by nature, students are encouraged to critically assess the existing viewpoints as well as to bridge the gaps between disciplines (most notably law and social sciences). Moreover, not a lot of research about this subject, encouraging students to ! develop their own, critical and creative ideas regarding the subject, the different approaches and the available theories. For the final assignment they have to write an individual research paper on a topic they choose themselves.

**Inhoud vak**

- Corporate crime
- White collar crime
- International crimes (genocide, crimes against humanity and war crimes)
- Corporate Social Responsibility,
- Business ethics
- Totalitarian/authoritarian regimes and the role of business
- International conflict and the role of business
- Non-international conflict and the role of business
- Private military/security firms
- The relation between conflict and extractive industries

**Toetsvorm**

Paper

**Literatuur**

The literature consists of a selection of articles and reports including Wim Huisman's Business as Usual (<http://www.bju.nl/juridisch/catalogus/business-as-usual-1>).

**Overige informatie****OBJECTIVES**

Degree programme objectives Law and Politics of International Security  
Final Attainment Levels

- The nature and development of contemporary armed conflicts;
- The difficulties involved in the application of 'traditional' legal and political science concepts to contemporary armed conflicts.

Being capable of:

- Independently apply research methods and interpret results;
- Independently set up, carry out and report the result of research projects;
- Critically reflect on research results and relating those results to theoretical debates within the selected domains.

Show evidence of:

- The student graduating with a Master's degree will have a critical, creative and innovative attitude with regard to:
- The way in which problems in the area of international conflict and security are framed in academic, legal and policy debates;
- The existing legal framework in the field of international conflict and security;
- Existing policy solutions in the field of international conflict and security;
- Academic research as well as research results.

Degree programme objectives International Crimes and Criminology  
Final Attainment Levels

- Knowledge of and insight into:
- Recent approaches, theories and insights from various disciplines in international crimes;
- Legal issues concerning international crimes.

Being capable of:

- Identifying and applying theoretical approaches from various disciplines;
- Applying research methods and interpret results;
- Independently setting up, carrying out and reporting the results of an interdisciplinary research project;
- Critical reflection on research results and relating those results to theoretical debates within the selected domain.

Show evidence of:

- An independent, critical attitude with regard to existing theories and knowledge;
- An investigative, original and creative attitude with regard to existing issues and solutions;
- Critical, analytical and normative reflection on academic research and on research result.

## Expert Course

<b>Vakcode</b>	R_ExpCo ()
<b>Periode</b>	Periode 2
<b>Credits</b>	3.0
<b>Voertaal</b>	Engels
<b>Faculteit</b>	Faculteit der Rechtsgeleerdheid
<b>Coördinator</b>	J.A.M. Stuijbergen
<b>Examinator</b>	J.A.M. Stuijbergen
<b>Docent(en)</b>	J.A.M. Stuijbergen
<b>Lesmethode(n)</b>	Hoorcollege, Werkcollege
<b>Niveau</b>	600

### Doel vak

The degree programme aims to achieve the following:

- to prepare the student to practice professionally as analysts, researchers and experts in the field of international crimes and other gross human rights violations;

- to teach the student specialized knowledge, skills and understanding in the field of international crimes and other gross human rights violations;
- and
- to prepare the student for academic work in the field of international crimes and other gross human rights violations.

2. The degree programme also promotes the academic education of the student, in particular with reference to:

- independent, academic thought processes and performance;
- communicating at an academic level;
- applying specialist academic knowledge in a wider social context.

3. The degree programme focuses attention on the student's personal development, promotes his or her awareness of social responsibility and develops skills of expression.

### **Inhoud vak**

Topics in the field of international crimes.

### **Toetsvorm**

Will be announced later.

### **Literatuur**

Will be announced later.

### **Overige informatie**

An expert in the field of International Crimes and Criminology will teach this course.

### **OBJECTIVES**

Knowledge of and insight into:

- Recent approaches, theories and insights from various disciplines in international crimes;
- Quantitative and qualitative research methodology;
- Legal issues concerning international crimes.

Being capable of:

- Identifying and applying theoretical approaches from various disciplines;
- Applying research methods and interpret results;
- Critical reflection on research results and relating those results to theoretical debates within the selected domain.

Show evidence of:

- An independent, critical attitude with regard to existing theories and knowledge;
- An investigative, original and creative attitude with regard to existing issues and solutions;
- Critical, analytical and normative reflection on academic research and on research result.

## **International Crimes**

<b>Vakcode</b>	R_Int.Cri-9 ()
<b>Periode</b>	Periode 1
<b>Credits</b>	9.0

<b>Voertaal</b>	Engels
<b>Faculteit</b>	Faculteit der Rechtsgeleerdheid
<b>Coördinator</b>	dr. J. van Wijk
<b>Examinator</b>	dr. J. van Wijk
<b>Docent(en)</b>	dr. J. van Wijk, mr. B. Hola
<b>Lesmethode(n)</b>	Hoorcollege, Werkgroep
<b>Niveau</b>	400

### **Doel vak**

The aim of this introductory course is to familiarize students with the main (legal) concepts and (criminological) theories in relation to international crimes such as war crimes, crimes against humanity and genocide.

In this course the core concepts and definitions of international crimes will be discussed and illustrated. After this course students should know the difference between these types of criminality and 'conventional' crimes and know when, where and why these types of crime occur. They should be able to apply the theories to current and past conflicts and events.

### **Inhoud vak**

We will in this course focus on the social context in which these crimes are committed. Furthermore the preconditions and facilitating factors will be pinpointed and the relationship between political conflict and gross human rights violations will be analyzed. Attention will be given to themes such as: the circular logic of political terror, the genocidal process and the role of ideologies. Moreover, the political dynamics of states which use political violence and the possible role of third states and the international community will be analyzed. Finally, it will be discussed how states and/or the international community can deal with a violent past and to what extent the situation of victims from international crimes differs from victims of conventional crimes.

### **Toetsvorm**

Paper

### **Literatuur**

- Smeulers, A.L. & F. Grunfeld (2011). International crimes, Brill, Martinus-Nijhoff
- Reader + online texts (provided in coursebook)

### **Overige informatie**

This course is in principle only open to students of the Master International Crimes and Criminology  
 All other students should direct an email with motivation and CV to Joris van Wijk ([j.van.wijk@vu.nl](mailto:j.van.wijk@vu.nl)) to request if participation is possible. They will at the latest on 1 September be informed whether participation is possible

Knowledge of and insight into:

Recent approaches, theories and insights from various disciplines in international crimes;

Quantitative and qualitative research methodology;

Legal issues concerning international crimes.

Being capable of:

Identifying and applying theoretical approaches from various disciplines;

Applying research methods and interpret results;

Critical reflection on research results and relating those results to theoretical debates within the selected domain.

Show evidence of:

An independent, critical attitude with regard to existing theories and knowledge;

An investigative, original and creative attitude with regard to existing issues and solutions;

Critical, analytical and normative reflection on academic research and on research result.

## International Criminal Courts and Tribunals

<b>Vakcode</b>	R_Int.cr.c.t (200904)
<b>Periode</b>	Periode 2
<b>Credits</b>	6.0
<b>Voertaal</b>	Engels
<b>Faculteit</b>	Faculteit der Rechtsgeleerdheid
<b>Coördinator</b>	M. Cupido LLM
<b>Examinator</b>	M. Cupido LLM
<b>Docent(en)</b>	prof. mr. E. van Sliedregt, E.G. Fry, M. Cupido LLM, S.V. Vasiliev
<b>Lesmethode(n)</b>	Hoorcollege, Werkgroep
<b>Niveau</b>	400

### Doel vak

The objective of this course is to provide students with knowledge and understanding of both the substantive and procedural aspects of international criminal law. At the end of the course students will have learnt about legal issues that lie at the heart of the international criminal justice system. They will also have insights into the (practical) challenges faced by international criminal courts and will be able to critically assess the manner in which the courts have approached these challenges. Moreover, by combining a theoretical, comparative approach with a problem-based method this course also provides students with a better understanding of their own national criminal justice system.

### Inhoud vak

1. History of international criminal justice;
2. Institutional structure of the ad hoc Tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR), the International Criminal Court (ICC), and the "mixed Tribunals";
3. Nature and sources of international criminal law;
4. Jurisdiction and prosecution of international crimes in national law;
5. Concurrence of jurisdiction between national states and international criminal courts and tribunals (primacy versus complementarity), and the relationship between the tribunals and the UN;
6. Arrest and surrender, illegal rendition, abuse of process;
7. Substantive law: elements of crimes, responsibility of the (military and civil) superiors (superior responsibility), complicity and Joint Criminal Enterprise,

grounds for excluding liability;

8. International criminal procedure: origin, development, and general features;

9. Fair trial principles in international criminal proceedings;

10. Evidentiary rules, truth-finding and fact-finding impediments;

11. Actors in international criminal procedure: judges, prosecutors, defence and victims.

### **Toetsvorm**

Written exam

### **Literatuur**

R. Cryer et al., An Introduction to International Criminal Law and Procedure (Cambridge: Cambridge University Press, 2010/4)

### **Overige informatie**

The following course objectives are only available in Dutch:

Eindtermen master Rechtsgeleerdheid

De afgestudeerde master beschikt over een academisch werk- en denkniveau;

-heeft diepgaande en specialistische kennis van en inzicht in minimaal één deelgebied van het recht

-heeft inzicht in de samenhang tussen verschillende onderdelen van het recht, met inbegrip van het nationale en internationale recht

De afgestudeerde master beschikt over de volgende (juridische) vaardigheden:

Analytische vaardigheden:

-de juridische en maatschappelijke aspecten van een vraagstuk in hun onderlinge samenhang beoordelen en daarover kritisch nadenken/oordelen zich inzicht verschaffen in de problemen die zich bij rechtsvorming op het gekozen deelgebied voordoen en een bijdrage leveren aan oplossing daarvan

-een probleem vanuit verschillende deelgebieden op een integratieve manier benaderen

-literatuur en juridische bronnen diepgaand analyseren en interpreteren en kritisch beschouwen (waar relevant ook in de Engelse taal, waar relevant ook op nieuwe rechtsgebieden)

Probleemoplossende vaardigheden:

-complexe casus diepgaand analyseren en interpreteren en zelfstandig juridische oplossingen aandragen

-complexe juridische problemen onderkennen, analyseren en oplossen

Onderzoeks- en presentatievaardigheden:

-schriftelijk presenteren van een wetenschappelijk juridisch betoog met argumenten onderbouwde mening formuleren over een complex juridisch probleem of een nieuwe ontwikkeling

-actief deelnemen aan een wetenschappelijk debat op het deelgebied dat het masterprogramma beslaat

Degree programme objectives Law and Politics of International Security

The student graduating with a Master's degree will have the following knowledge and understanding:

-International conflict and security law, including jus ad bellum, jus in bello and jus post bellum;

Show evidence of:

-The existing legal framework in the field of international conflict and security;

Degree programme objectives International Crimes and Criminology

Knowledge of and insight into:

-Recent approaches, theories and insights from various disciplines in international crimes;

-Legal issues concerning international crimes.

Being capable of:

-Identifying and applying theoretical approaches from various disciplines;

Show evidence of:

-An independent, critical attitude with regard to existing theories and knowledge;

-An investigative, original and creative attitude with regard to existing issues and solutions;

-Critical, analytical and normative reflection on academic research and on research result.

## International Humanitarian Law

<b>Vakcode</b>	R_Int.hum.I ()
<b>Periode</b>	Periode 2+3
<b>Credits</b>	6.0
<b>Faculteit</b>	Faculteit der Rechtsgeleerdheid
<b>Coördinator</b>	G.M. Gordon
<b>Examinator</b>	prof. dr. W.G. Werner
<b>Lesmethode(n)</b>	Hoorcollege
<b>Niveau</b>	500

### Doel vak

On successful completion of the module students will be able:

1. to demonstrate deep and systematic understanding of humanitarian law within the framework of international law;
2. to apply humanitarian law to address the protection of combatants and non-combatants in situations of both internal and international armed conflicts;
3. to critically analyze key concepts of humanitarian law, including prisoners of war, protected persons, war crimes, neutrality, belligerent occupation;
4. to define and critically assess the role of the United Nations, individual States and non-governmental organizations, particularly the International Committee of the Red Cross, in the development and implementation of humanitarian norms;
5. to critically assess the role and function of international criminal tribunals and domestic courts in applying and developing the relevant law.

### Inhoud vak

The course provides a systematic treatment of the basic rules and principles of international humanitarian law.

It examines the practice and law related to international humanitarian

law and in particular the qualification of conflicts, the distinction between combatants and non combatants, the methods and means of warfare, the protection of civilians and prisoners of war, the law of neutrality and war crimes.

It also considers current problems in international humanitarian law, including the challenges pose by new form of conflicts and violence, the interplay between international humnaitarian law and human rights law, the regulation of private military companies.

### Onderwijsvorm

The module will be delivered through lectures. Students are expected to read beforehand the required materials beforehand and to actively participate in the discussion. Students are also invited to make a 10-minute informal presentation starting with week 2.

Lectures:

1. Nature and scope of IHL;
2. Sources of IHL;
3. Qualification of armed conflicts;
4. Combatants and non-combatants;
5. Persons hors de combat and prisoners of war;
6. Conduct of hostilities I;
7. Conduct of hostilities II;
8. Law of occupation;
9. Implementation of IHL;
10. Private military companies;
11. Case study: Eritrea – Ethiopia Claims Commission;
12. Case study: Eritrea – Ethiopia Claims Commission.

The course will be completed by a role play exercise.

### Toetsvorm

The course will be assessed by:

- A paper.

### Literatuur

Required materials:

- D. Fleck (ed.), The Handbook of International Humanitarian Law, 2nd ed., Oxford: Oxford University Press, 2009; or
- R. Kolb, R. Hyde, An Introduction to the International Law of Armed Conflicts, Hart Publishing, Oxford, 2008.
- Literature, documents and cases indicated in the reading list for each lecture, which will be available on Blackboard.

Recommended materials:

- L. Green, Contemporary Law of Armed Conflict, Manchester University Press, 2000.
- F. Kalshoven, L. Zegveld, Constraints on the waging of war, CICR, Geneva, 2001 (available at [www.icrc.org](http://www.icrc.org)).
- Y. Dinstein, The Conduct of Hostilities under the Law of International Armed Conflict, 2nd ed. Cambridge University Press, 2010.
- M. Sassoli, A. Bouvier, How Does Law Protect in War, Geneva, ICRC, Second edition, 2006.

## International Law Clinic

<b>Vakcode</b>	R_IntLClin ()
<b>Periode</b>	Periode 1+2+3+4+5

<b>Credits</b>	6.0
<b>Voertaal</b>	Engels
<b>Faculteit</b>	Faculteit der Rechtsgeleerdheid
<b>Coördinator</b>	mr. A.M. de Hoon
<b>Examinator</b>	mr. A.M. de Hoon
<b>Niveau</b>	500

### **Doel vak**

PLEASE TAKE NOTE: This is study guide information of the 2013-2014 academic year. Parts of the information may therefore be outdated.

The objective of the International Law Clinic is to enable students to conduct legal and policy research for clients in conflict and post-conflict situations. Students thereby acquire advanced knowledge of selected topics of international and comparative law, legal research and writing skills, as well as professional development as an international lawyer.

### **Inhoud vak**

International Law Clinic provides students the opportunity to conduct legal research for governments and non-state actors' leaderships in conflict or post-conflict situations. Topics include domestic prosecution of international crimes, the settlement of international disputes, rule of law development, the protection of human rights, and transitional justice.

### **Onderwijsvorm**

Team meetings with clinical staff and participants to discuss new and progress on assignments, as well as developments in (conflict) situations of clients; Individual tutorials.

Students are obliged to attend the meeting with entire clinic staff and participants that takes place once every two weeks. In addition they are obliged to meet in between those meetings on an individual basis with supervisors and/or peers to discuss work progress whenever needed. Students commit to participate in the International Law Clinic for the full Academic Year. They commit to an average of approximately 12-16 hours per week throughout this period. All participants of the International Law Clinic need to sign a Confidentiality Agreement. Each year, a maximum of 10 students may be accepted to participate in the International Law Clinic. The Clinic continues throughout the academic year. Students that want to apply for the clinic need to have a basic understanding of public international law, good research and writing skills, and an excellent knowledge of English. To apply, students need to send a CV, cover letter and list of grades to the course coordinator.

### **Toetsvorm**

Students are assessed based on several written assignments throughout the year, their team work, and their professional conduct.

### **Literatuur**

Depends on the assignment.

### **Overige informatie**

To apply, students need to send a CV, cover letter and list of grades to the course coordinator. When you're not a Master student from the faculty of Law at the VU, you are required to have a registration for subsidiary Master courses (bijvakregistratie).

## Perpetrators and Bystanders

<b>Vakcode</b>	R_Perp.bysta (200980)
<b>Periode</b>	Periode 4
<b>Credits</b>	6.0
<b>Voertaal</b>	Engels
<b>Faculteit</b>	Faculteit der Rechtsgeleerdheid
<b>Coördinator</b>	mr. B. Hola
<b>Examinator</b>	mr. B. Hola
<b>Docent(en)</b>	mr. B. Hola, dr. J. van Wijk
<b>Lesmethode(n)</b>	Hoorcollege, Leergroep
<b>Niveau</b>	500

### Doel vak

This course is mandatory for the students in the International Crimes and Criminology master and an optional course for several other masters (e.g. Criminology, Law and Politics of International Security). The course deals with the perpetrators and bystanders of the most horrendous crimes like genocide, war crimes and crimes against humanity. It tries to seek explanations for their involvement in, or passiveness when witnessing, these atrocities. In doing so it has an interdisciplinary nature but with an emphasis on socio-psychology.

By the end of the course students should have the following knowledge:

- 1) Students should be able to describe and explain selected socio-psychological theories and evaluate their relevance in a situation of international crimes or other gross human rights violations.
- 2) Students should be able to apply the theories to various situations and case studies involving international crimes and other gross human rights violations.
- 3) Students should be able to analyse the aetiology of international crimes by examining its perpetrators and bystanders through a sound academic argumentation.

### Inhoud vak

The 'perpetrator part' of the course will address questions such as who the perpetrators of international crimes are and why they commit international crimes. We will discuss and debate the thesis that the perpetrators are merely ordinary people who commit their crimes because they find themselves in extraordinary circumstances. We will delve into various socio-psychological mechanisms and assess their importance in situations when international crimes are committed. Students will get acquainted with various classic socio-psychological experiments such as the Milgram obedience experiment, the Stanford prison experiment and the Asch's conformity experiment and discuss their implications. Since international crimes are often perpetrated by militarized units we will also touch upon military culture, training and its effects on individuals. The ordinary military education and training will be contrasted to much more brutal and demanding torture training and ! the example of Greek Torture School will be discussed. We will discuss

whether situational factors (extraordinary circumstances) can turn ordinary people into perpetrators of international crimes and why it is so difficult to keep hold of your own moral values within a repressive and powerful environment. We will conclude with discussing the relevance of the collective character of international crimes and question how to prevent or react to such crimes. Is the currently prevalent criminal law reaction ideal?

The 'bystander part' of the course will concentrate on those who witness international crimes and GHRV. Who are these bystanders and what is their role? Can bystanders prevent or terminate international crimes and GHRV if they take an action? In the literature bystanders are sometimes characterized as neutral onlookers - individuals, groups and states who are not involved in crime but passively stand-by. Are they really neutral? Can one actually be neutral? Is their passivity not to be interpreted as a tacit approval and even encouragement to perpetrators? In these sessions we will discuss theories that have been developed to explain behaviour of bystanders of ordinary crimes such as the 'just-world theory' and the 'bystander effect'. We will assess to what extent these concepts are also applicable to international crimes. We will discuss the tragic fate of Kitty Genovese and discuss the bystander effect on multiple levels of analysis including ! the individual and state level. A special session will be dedicated to refusers, rescuers and helpers - the individuals who actually overstepped the passivity impasse and acted either against their direct superiors, i.e. soldiers who refuse to obey an illegal order to commit a crime, or those who help victims of international crimes. We will touch upon the motivations of such altruistic behaviour. Are the motivations of helpers always praiseworthy?

### **Toetsvorm**

Paper

### **Literatuur**

Alette Smeulers and Fred Grunfeld: International Crimes and Other Gross Human Rights Violations, A Multi- and Interdisciplinary Textbook, Martinus Nijhoff Publishers, 2011

Online articles and texts

Reader

### **Overige informatie**

MAXIMUM OF PARTICIPANTS

A maximum of 50 students may attend this course.

Master degree students ICC have priority.

### **OBJECTIVES**

Knowledge of and insight into:

- Recent approaches, theories and insights from various disciplines in international crimes;

Being capable of:

-Identifying and applying theoretical approaches from various disciplines;

Show evidence of:

-An independent, critical attitude with regard to existing theories and

knowledge;

-Critical, analytical and normative reflection on academic research and on research result.

## Public International Law

<b>Vakcode</b>	R_Pub.int.I (200950)
<b>Periode</b>	Periode 1
<b>Credits</b>	6.0
<b>Voertaal</b>	Engels
<b>Faculteit</b>	Faculteit der Rechtsgeleerdheid
<b>Coördinator</b>	dr. mr. K.M. Manusama
<b>Examinator</b>	dr. mr. K.M. Manusama
<b>Docent(en)</b>	dr. mr. K.M. Manusama
<b>Lesmethode(n)</b>	Hoorcollege
<b>Niveau</b>	400

### Doel vak

The course provides students with an overview of the foundational doctrines of international law. Students are required to reflect on these foundations, identify incompatibilities and to see how law and politics interact. Moreover, students will be familiarized with the basic legal regimes covering ius ad bellum and ius in bello and be required to critically apply these frameworks to existing armed conflicts.

### Inhoud vak

Sources and subjects of international law  
Law of responsibility, with a focus on states and individuals  
Jurisdiction and immunities  
Collective Security Law  
Self-Defense  
Humanitarian Intervention  
Basic Tenets of the Law of Armed Conflict

### Toetsvorm

Take home examination

### Literatuur

Jan Klabbers, International law, Cambridge University Press 2013  
Syllabus

### Aanbevolen voorkennis

The course:  
- Volkenrecht

### Overige informatie

OBJECTIVES

Degree programme objectives Law and Politics of International Security

Final Attainment Levels

The student graduating with a Master's degree will have the following knowledge and understanding:

-International conflict and security law, including jus ad bellum, jus in bello and jus post bellum;

-The difficulties involved in the application of 'traditional' legal and political science concepts to contemporary armed conflicts.

Being capable of:

-The student graduating with a Master's degree will have a capability to:

- Identify and apply theoretical approaches from international law and political science;
- Identify the differences and overlaps between the various methodologies used in law and political science;
- Independently set up a legal and political arguments in the area of international conflict and security law;
- Independently apply research methods and interpret results;

Show evidence of:

- The student graduating with a Master's degree will have a critical, creative and innovative attitude with regard to:
- The way in which problems in the area of international conflict and security are framed in academic, legal and policy debates;
- The existing legal framework in the field of international conflict and security;
- Existing policy solutions in the field of international conflict and security;

Degree programme objectives International Crimes and Criminology  
Final Attainment Levels

Knowledge of and insight into:

- Recent approaches, theories and insights from various disciplines in international crimes;
- Legal issues concerning international crimes.

Show evidence of:

- An independent, critical attitude with regard to existing theories and knowledge;
- An investigative, original and creative attitude with regard to existing issues and solutions;
- Critical, analytical and normative reflection on academic research and on research result.

## Research Methodology for International Crimes

<b>Vakcode</b>	R_Res.meth.c (200902)
<b>Periode</b>	Periode 2+3
<b>Credits</b>	6.0
<b>Voertaal</b>	Engels
<b>Faculteit</b>	Faculteit der Rechtsgeleerdheid
<b>Coördinator</b>	mr. B. Hola
<b>Examinator</b>	mr. B. Hola
<b>Lesmethode(n)</b>	Lezing

### Doel vak

#### OBJECTIVES

Knowledge of and insight into:

- Quantitative and qualitative research methodology;

Being capable of:

-Applying research methods and interpret results;

Show evidence of:

-Critical, analytical and normative reflection on academic research and on research result.

Course objective

We will achieve the objectives in two ways:

- field exercises
- lectures

### **Inhoud vak**

Research Methods: Sampling, instrument design, interviewing, data analysis, statistical testing, for ordinary social research, as well as specific methods for international crimes.

### **Toetsvorm**

Written exam and bonus points

### **Literatuur**

Research Methods for International Crimes (2014). Bijleveld, C.C.J.H.

## **Research Seminar International Crimes: leadership analysis in international criminal investigations**

<b>Vakcode</b>	R_Res.sem.ic (212411)
<b>Periode</b>	Periode 3
<b>Credits</b>	3.0
<b>Voertaal</b>	Engels
<b>Faculteit</b>	Faculteit der Rechtsgeleerdheid
<b>Coördinator</b>	dr. J. van Wijk
<b>Examinator</b>	dr. J. van Wijk
<b>Lesmethode(n)</b>	Werkcollege
<b>Niveau</b>	400

### **Doel vak**

#### **OBJECTIVES**

Knowledge of and insight into:

- Recent approaches, theories and insights from various disciplines in international crimes;
- Legal issues concerning international crimes.

Being capable of:

- Identifying and applying theoretical approaches from various disciplines;
- Critical reflection on research results and relating those results to theoretical debates within the selected domain.

### **Inhoud vak**

To be announced via Blackboard

## Toetsvorm

Paper

## Overige informatie

The course is open to a limited amount of students (20-25). Preference is given to students of the Master International Crimes and Criminology or the Master Law and Politics of International Security.

## Seminar Human Rights: Restitution of cultural objects in post-conflict contexts.

<b>Vakcode</b>	R_SHR ()
<b>Periode</b>	Periode 5
<b>Credits</b>	6.0
<b>Voertaal</b>	Engels
<b>Faculteit</b>	Faculteit der Rechtsgeleerdheid
<b>Coördinator</b>	prof. mr. W.J. Veraart
<b>Examinator</b>	prof. mr. W.J. Veraart
<b>Lesmethode(n)</b>	Hoorcollege
<b>Niveau</b>	400

## Doel vak

How will this objective be achieved? How does this course contribute to the end terms of the Degree Programme? These end terms can be found in the Academic and Examination Regulations of the Study Programme(s) – to be found online

<http://www.rechten.vu.nl/en/students/regulations/index.asp> Upon completion of this course, students will understand:

- the basic concepts underlying international human rights law;
- the theoretical foundations of and challenges within international human rights;
- international human rights institutions and enforcement mechanisms;
- the scope and content of human rights; including debates surrounding their justiciability;
- the ability to restrict the application of rights in certain circumstances subject to certain requirements, including derogation, qualifications and limitations

These objectives will be achieved through the teaching and learning in this subject

## Inhoud vak

War and conflict are intrinsically linked to the looting of cultural objects. During World War II hundreds of thousands of cultural objects had been looted by the Nazis. Systemic destruction of cultural heritage, looting and trafficking of cultural objects are currently manifest in Syria and Iraq as part of a process of ethnic and cultural cleansing of religious minorities, whereas the proceeds may be used to fund war and terrorist activities.

The past decades have seen a growing number of disputes concerning the restitution of looted or illegally taken art and other cultural objects. Almost invariably, these cases are international by nature. Since the 1950s, a growing number of international conventions have been developed in this field, most notably under the auspices of UNESCO. These

instruments may provide a legal basis for claims regarding present-day looting. However, because of the principle of non-retroactivity of legal norms, these instruments can be of little direct use to cover so-called historical restitution claims, claims that find their base in contentious appropriations longer ago.

One clear category is Nazi-looted art. One can think of the heated international debate and claims surrounding the 2014 'Gurlitt' case on works of art that were kept by the son of a Nazi-dealer in Munich. Another example is the ongoing Goudstikker case in the Netherlands and the United States. Another category consists of claims related to colonial injustices, such as the long-standing claim by Greece on the Parthenon Marbles, claims by indigenous peoples regarding artefacts with a ritual or spiritual meaning, or the category of human remains.

One can notice a growing awareness that cultural objects, being intrinsically different from other 'goods', should be treated differently under the law. In the realm of most restitution claims emotional aspects linked with major historical injustices or cultural identity may be at stake. These are obviously no ordinary ownership issues.

This course will discuss how these aspects influence the choice of legal proceedings and solutions found in this area. It aims to address the (international) legal context in which restitution claims on cultural objects occur. To this end, relevant case-law and positive (international) law will be discussed, as well as instruments of 'soft law' - like ethical codes of conduct for museums and declarations of intent.

This course information is added dd. February 8, 2015

### **Onderwijsvorm**

Interactive seminars will introduce students to the materials, and facilitate discussion of it.

### **Literatuur**

To be confirmed. (See Blackboard).

### **Intekenprocedure**

Only 20 students are able to participate in this course.

## **The Politics of International Criminal Justice**

<b>Vakcode</b>	R_TPoICJ ()
<b>Periode</b>	Periode 4
<b>Credits</b>	6.0
<b>Voertaal</b>	Engels
<b>Faculteit</b>	Faculteit der Rechtsgeleerdheid
<b>Coördinator</b>	prof. dr. M.E. Glasius
<b>Examinator</b>	prof. dr. M.E. Glasius
<b>Docent(en)</b>	prof. dr. M.E. Glasius
<b>Lesmethode(n)</b>	Leergroep
<b>Niveau</b>	500

## **Doel vak**

PLEASE TAKE NOTE: This is study guide information of the 2013-2014 academic year. Parts of the information may therefore be outdated.

- Developing a substantive knowledge of which international criminal justice institutions there are, how they have come about, and how they function;
- Developing a deep understanding, based on particular strands of theory including globalization theories, international ethics, political theory and legal sociology, of the normative and empirical questions raised by the recent emergence of international criminal justice institutions;
- Developing an understanding of the different methodologies available to study the politics of international criminal justice, including observation, in-depth interviews, surveys, discourse analysis, document analysis, and theoretical analysis;
- Ability to collaborate in changing interdisciplinary configurations on in-class assignments and on the group presentation;
- Ability to communicate what has been learned a) orally in a presentation based on independent group research that goes beyond the required literature, and b) in written form in a court observation report, a discourse analysis, and an essay formulating a structured argument informed by theory and primary or secondary empirical sources, based on reading that goes beyond the required literature;
- Development of informed personal views on the goals, the functioning and the impacts of international criminal justice institutions in their wider local and global political contexts.

## **Inhoud vak**

The course will start off by situating international criminal justice in the wider context of the emergence of the idea and practices of transitional justice, and considering the manner of establishment and characteristics of different international criminal courts. It will then consider their political setting and the different aims of, or justifications for, international criminal justice, with particular attention to the relation to donors, victims, and witnesses. In the second half the course will zoom in on particular courts, and then even further in, on particular cases, by means of presentations. In the third part, you will actually be doing some original empirical research, by means of an observation report and discourse analysis on a particular case. The course will be ended with a critical reflection on what the politics of international criminal justice are, and how one can study them, to what purpose.

## **Onderwijsvorm**

The consultation hours will contribute to the essay-writing skills. The 'practical' will be a visit to an international criminal court session, resulting in an observation report. The seminars will contribute to all other learning objectives.

A maximum of 25 students can participate in the course. Participation in the seminars is compulsory.

## **Toetsvorm**

The course will be assessed by the following components:

- Paper(s).
- Presentation(s).

- Assignment(s).

### Literatuur

The literature will consist of book chapters, journal articles and other works tbc.

### Overige informatie

This course will not be taught this academic year (2014-2015) due to circumstances.

## The Politics of International Law

<b>Vakcode</b>	R_PoIL ()
<b>Periode</b>	Periode 4
<b>Credits</b>	6.0
<b>Voertaal</b>	Engels
<b>Faculteit</b>	Faculteit der Rechtsgeleerdheid
<b>Coördinator</b>	G.M. Gordon
<b>Examinator</b>	G.M. Gordon
<b>Docent(en)</b>	G.M. Gordon
<b>Lesmethode(n)</b>	Hoorcollege
<b>Niveau</b>	500

### Doel vak

After completion of the course, students should:

- Have a broad understanding of insights from international relations and legal theory into the core interrelationship of politics and law in international relations.
  - Have thorough knowledge of the principles used and problems raised in distinguishing political from legal issues in international adjudication.
  - Understand the political dimension of legal decision-making in actual international legal practice.
  - Understand the challenges of institutional solutions to international problems of a mixed political and legal character.
- Be able to reflect critically on possible alternative ways of resolving controversies between political and juridical claims.

### Inhoud vak

International relations, theoretical paradigms:

Classical realism & Structural realism

Institutionalism

Liberal theory

Constructivism

Transnational legal process

Critical legal theory

Counterdisciplinarity

International law: Political question doctrine

International practice:

Judicial process & judicial interventions

The role of the Legal Advisor

### Toetsvorm

Paper, assignments, attendance

## Literatuur

Literature is subject to change. Reading will be drawn from materials such as the following:

- Kenneth N. Waltz, The Origins of War in Neorealist Theory, *Journal of Interdisciplinary History*, vol. 18, no. 4 (1988)
- Robert O. Keohane, International Relations and International Law: Two Optics, *Harvard International Law Journal*, vol. 38, no. 2 (1997)
- Michael W. Doyle & Geoffrey S. Carlson, Silence of the Law? Conceptions of International Relations and International Law in Hobbes, Kant and Locke, *Columbia Journal of Transnational Law*, vol. 46, n. 3 (2008)
- Anthony Clark Arend, Do Legal Rules Matter? International Law and International Politics, *Virginia Journal of International Law*, vol. 38 (1998)
- Harold Hongju Koh, Transnational Legal Process, *Nebraska Law Review*, vol. 75 (1996)
- Martti Koskenniemi, The Fate of Public International Law: Between Technique and Politics, *The Modern Law Review*, vol. 70, no. 1 (2007)
- Nouwen & Werner, Doing Justice to the Political: The International Criminal Court in Uganda and Sudan, *European Journal of International Law*, vol. 21, no. 4 (2010)
- Scharf & Williams, *Shaping foreign policy in times of crisis: the role of international law and the state department legal adviser* (New York: Cambridge U. Press, 2010): chaps. 1, 5, 6, 8 & 10
- Hans Morgenthau, *Politics Among Nations*, selected readings
- ICJ Advisory Opinions and select separate opinions: from reader

## Overige informatie

This course is intended for LPIS students only. Please contact me regarding any other students who wish to take the course.

The student graduating with a Master's degree will have the following knowledge and understanding:

- International conflict and security law, including jus ad bellum, jus in bello and jus post bellum;
- The nature and development of contemporary armed conflicts;
- Contemporary theories of international security, as developed in political science (especially IR theory);
- The overlaps and differences between the legal and political science approaches to international security;
- The interrelationship between international law and international politics in the area of international security;
- The difficulties involved in the application of 'traditional' legal and political science concepts to contemporary armed conflicts.

Being capable of:

- The student graduating with a Master's degree will have a capability to: Identify and apply theoretical approaches from international law and political science;
- Identify the differences and overlaps between the various methodologies used in law and political science;
- Independently set up a legal and political arguments in the area of international conflict and security law;
- Independently apply research methods and interpret results;
- Independently set up, carry out and report the result of research projects;
- Critically reflect on research results and relating those results to theoretical debates within the selected domains.

Show evidence of:

- The student graduating with a Master's degree will have a critical,

creative and innovative attitude with regard to:

The way in which problems in the area of international conflict and security are framed in academic, legal and policy debates;

-The existing legal framework in the field of international conflict and security;

-Existing policy solutions in the field of international conflict and security;

-Existing scientific theories in the area of international security;

-Academic research as well as research results.