



# ECTS CARD

## STUDY PROGRAMME

European Interdisciplinary Studies, Natolin campus (Advanced Academic Master)

## YEAR

2023-2024

## COURSE TITLE

**Crimes against Humanity and International Justice**

## SEMESTER

2

## COURSE PROFESSOR(S)

LEWIS Mark A.

## ACADEMIC ASSISTANT(S)

KOLASINSKI Tadeusz

## COURSE TYPE

Specialist Course

## MAJOR(S)

EUW

## ECTS CREDITS

4

## TEACHING HOURS

20

## INDIVIDUAL & GROUP STUDY TIME

80

## TUTORIAL(S)

## COEFFICIENT

1

## LANGUAGE(S)

EN

## COURSE OBJECTIVE

Designed for non-lawyers, this course investigates the profound historical, political, and ethical questions surrounding war crimes, crimes against humanity (such as systematic persecution of persons based on their religion, ethnicity, nationality, or race), and genocide (the intentional destruction of a racial, religious, national, or ethnic group, in whole or in part).

The course objective is to learn about some major cases of crimes against humanity and genocide in Europe, Africa, and Asia in the 20th C., analyze how international institutions staged trials based on individual criminal liability, and analyze the impact of these proceedings on culture, politics, and history.

## COURSE LEARNING OUTCOMES

- Students will be able to explain the differences among these legal concepts: violations of the laws and customs of war, crimes against humanity, and genocide.
- Students will be able to describe the basic historical contexts in which these concepts were defined.
- Students will be able to explain some of the major cases of crimes against humanity and genocide in 20<sup>th</sup> century Europe, Africa, and Asia.
- Students will be able to explain some key cases that came before the International Military Tribunal at Nuremberg, the International Criminal Tribunal for Rwanda, the International Criminal Tribunal for the former Yugoslavia, and the permanent International Criminal Court. They will also be able to analyse and debate some of the controversies sparked by these cases.

- Students will be to identify some of the legal tests and rules used to determine whether certain actions in warfare are legal or not, such as the detention of civilians and aerial bombardment.
- Students will be able to make policy recommendations concerning transitional justice and the prevention of mass atrocities.

### RECOMMENDED PREPARATION

Students should do the reading for Session 1 before the first class and complete the assigned reading prior to each class, as well as watch/listen to any assigned video or audio. Doing some of the recommended readings will enhance your exam grade.

### TEACHING METHOD(S)

Seminar. Student presentations (both as initial presenter and discussant), plus professor commentary as needed.

### ASSESSMENT METHOD AND CRITERIA

1. **Fifteen-minute in-class presentation**, presenting an analysis of a topic based on one of the assigned or recommended secondary sources (the articles or book chapters) and some of the primary sources. Find an issue for debate (in historical context), offer your views, and introduce at least two discussion questions. Students should prepare a one-page handout of their main points (outline form, bullet points/ideas only, rather than paragraphs of text). Include the discussion questions on the second page. The outline and questions must be distributed to the class at least twenty-four hours before the session. Students will sign up for presentations before the first class; the exact distribution of presentations will depend on how many students enroll. (25% of final mark)

2. **Ten-minute in-class response to another student's presentation**, addressing the presenter's analysis. (Do you agree or disagree? Why?) This requires reading the same assigned secondary sources that the presenter reads. Students will sign up for the responses/rebuttals before the first class; the exact distribution will depend on how many students enroll. (15% of the final mark)

3. **Closed-book, digital, in-class, written exam, two hours in length**, answering essay questions (60% of final mark)

The College of Europe reserves the right to change the delivery and assessment of the course in case of circumstances beyond the reasonable control of the College (force majeure). Any communication from the campus administration in this regard takes precedence over the information provided in this ECTS card.

Retake examinations, i.e. exams passed in the second examination session, will have the same format as those taken during the first exam session. When a student takes an examination during the second session, the final mark for the course is based solely on the result of the retake examination. No other element of evaluation which would have been taken into consideration in the calculation of the final mark during the first examination session will be considered in the second session.

### COURSE CONTENTS

The course begins with a historical introduction to these three different concepts, each with its own intellectual history: the 18th -19th century concept of "violations of the laws and customs of war", the World War I-era concept of "crimes against humanity", and the World War II-era concept of genocide. We will then explore how these concepts were developed and staged in various

international tribunals, such as the International Military Tribunal at Nuremberg, the International Criminal Tribunal for Rwanda, and the International Criminal Tribunal for the former Yugoslavia. Using video and audio recordings of trials (and transcripts), we will examine what actually happened in the courtroom. What role did expert witnesses play? What happened when victims confronted alleged perpetrators? What kinds of defenses did perpetrators use? We will investigate the impact of trials on civil society—what happens when different ethnic or national groups adopt mutually-exclusive narratives about ethnic cleansing and genocide, as occurred in Serbia, Croatia, and Bosnia-Herzegovina? And what happens when an authoritarian regime and military deny mass murder and propagandize the view that “defensive measures” were necessary to deal with political enemies, as the Indonesian military claimed after organizing massacres of communists and affiliated organizations in 1965-66?

The course will also introduce students to the permanent International Criminal Court and discuss the debate that this court has an anti-African bias; we will discuss whether international law is universal or reflects certain European concepts and biases. Next, we will learn about the international rules that militaries are supposed to follow when conducting aerial bombardment (such as only choosing targets of a military nature and cancelling air strikes if civilians are present). We will get an introduction to a few of the cases concerning Russian war-crimes in Chechnya that were heard (as human rights cases) before the European Court of Human Rights, and discuss whether Ukrainian victims might be able to pursue similar cases with the court, as long as the alleged abuses occurred before Russia's withdrawal from the European Convention on Human Rights. Finally, we will discuss what concrete measures can be taken to prevent crimes against humanity and genocide.

#### **COURSE MATERIALS (readings and other learning resources/tools)**

Journal articles and book chapters from the fields of history, political science, and law; trial transcripts; audio and video recordings of trials; excerpts of court judgments; recommended documentary films.