

Kurslitteratur

för Kurs, grundnivå

Folkrätt i kris och konflikt - grundkurs 30.0 högskolepoäng, 1FR009

Beslutad: 2023-01-24

Giltig fr.o.m.: Hösttermin 2024 (2024-09-02)

Reading list for International Law in Crisis and Conflict - Basic Course HT2024.

Please note that other relevant readings may be added as the course progresses.

Akande Dapo and Tzanakopoulos Antonios, *Use of Force in Self-Defence to Recover Occupied Territory: When Is It Permissible? Links to an external site.* EJIL:Talk! 18 November 2020

Akande Dapo and Tzanakopoulos Antonios, *The crime of Aggression – A commentary, Volume 1 Chapter 6: The International Court of Justice and the definition of aggression*, Cambridge University Press, 2017 Link: Akande - Aggression CH6 V1 (8).pdf

Cryer Robert, et al. *An Introduction to International Criminal Law and Procedure*. Cambridge University Press, 2007, Chapters 10, 11 and 12 (available online at Anna Lindh Library).

Crawford Emily & Pert Alison *International Humanitarian Law* (Cambridge University Press, 2020), Chapters 2, 3, & 9 (available online at Anna Lindh Library).

Dinstein Yoram, *War, Aggression and Self-Defence*, Chapter 5: *The Crime of Aggression*, Cambridge University Press, 2011 Link: Dinstein - The Crime of Aggression (3).pdf

Doswald-Beck Louise, *Human Rights in Times of Conflict and Terrorism* (Oxford University Press, 2012) Links to an external site.

Droege Cordula, *Elective affinities? Human rights and humanitarian law*, *International Review of the Red Cross*, Volume 90 Number 871, September 2008. Link: Drouge - elective_affinities_human_rights_and_humanitarian_law (2).pdf

Gill Terry & Fleck Dieter, *The Handbook of International Military Operations*. Links to an external site. (2ed, Oxford University Press, 2015) Chapter 5 & Chapter 6. (Gill & Fleck)

Henderson Christian, *The Use of Force and International Law* (2nd edition, Cambridge University Press, 2023) (Hendersen)

Henriksen Anders, *International Law* (4 th edition, Oxford University Press, 2023)

Kleffner Jann, *Kleffner - Sources of LOAC (2).pdf*

Martin Craig, *Climate Wars and the Jus ad Bellum*, *Opinio Juris* blog, 13 August 2020, Part 1 Links to an external site., Part 2. Links to an external site.

O'Brien - *Is International Law really Law.pdf*

Ruys Tom and Rodríguez Silvestre Felipe, *The Nagorno-Karabakh Conflict and the Exercise of "Self-Defense to Recover Occupied Land*. Links to an external site. *Just Security*, 10 November 2020.

Smith Rhona K. M., *International Human Rights Law* (10th edition, Oxford University Press, 2022) (Older editions of Smith's text may be used, however students should endeavour to update themselves with material from the new edition where necessary.)

Additional reading (voluntary, but recommended):

- **Akande, Dapo.** *The diversity of Rules on the Use of Force* (2019). Link: [The Diversity of Rules on the Use of Force: Implications for the Evolution of the Law – EJIL: Talk!](#)

General comments - Human Rights Committee

- Human Rights Committee, General Comment No. 24 - Issues relating to reservations made upon ratification or accession to the Covenant or the Optional Protocols thereto, or in relation to declarations under article 41 of the Covenant, UN Doc. CCPR/C/21/Rev.1/Add.6, 11 November 1994
- Human Rights Committee, General Comment No. 29 – States of emergency (Article 4), CCPR/C/21/Rev.1/Add.11, 31 August 2001
- Human Rights Committee, General Comment No. 31 – Nature of general legal obligation imposed on State parties to the Covenant, CPR/C/21/Rev.1/Add.13, 26 May 2004
- Human Rights Committee, General Comment 36 on article 6 of the International Covenant on Civil and Political Rights, on the right to life, CCPR/C/GC/36, 30 October 2018
- Human Rights Committee, General Comment No. 18 – Non-discrimination (Thirty-seventh session, 1989), 10 November 1989
- Human Rights Committee, General Comment No. 28 - Article 3 (The equality of rights between men and women) (Replaces general comment No. 4), UN Doc. CCPR/C/21/Rev.1/Add.10, 29 March 2000
- Human Rights Committee, General Comment No 20- Non-discrimination in economic, social and cultural rights. (Forty-second session 2009)
- Human Rights Committee, General Comment No. 36
- Human Rights General Comment No. 21 - Humane treatment of persons deprived of their liberty (Article 10) - Replaces general comment 9 (Annex VI, B), 13 March 1993
- Human Rights General Comment No. 35 – Article 9 (Liberty and security of persons), UN Doc. CCPR/C/GC/35, 15 December 2014 Online here: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/244/51/PDF/G1424451.pdf?OpenElement> Links to an external site.
- Human Rights Committee General Comment No. 32: Article 14 – Right to equality before the Courts and Tribunals and to fair trial, UN Doc. CCPR/C/GC/32, 23 August 2007
- Human Rights Committee, General Comment No. 29 – States of emergency (Article 4), CCPR/C/21/Rev.1/Add.11, 31 August 2001 (online here: <https://digitallibrary.un.org/record/451555>Links to an external site.Links to an external site.)

Cases UN Human Rights Committee:

- o *Gueye et al. v France* Communication no. 196/1985, UN Doc. CCPR/C/35/D/196/1985, (1989). Links to an external site.
- o *Toonen v. Australia* No. 488/1992, U.N. Doc CCPR/C/50/D/488/1992 (1994) Links to an external site.

o Camargo (on behalf of Suarez de Guerrero) v. Colombia, Merits, Communication No 45/1979, UN Doc CCPR/C/15/D/45/1979, 31st March 1982. Links to an external site.

European Court of Human Rights (ECHR) cases:

o Sejdić and Finci v. Bosnia and Herzegovina [GC] - 27996/06 and 34836/06 Links to an external site.

o McCann and Others v. UK, App. No. 18984/91, 27 September 1995 Links to an external site.

o Vo v. France, App. No. 53924/00, 8 July 2004. Links to an external site.

o Osman v. UK, App. No. 23452/94, Case No 87/1997/871/1083, 28 October 1998. Links to an external site.

o Golder v. UK, App. No. 4451/70, 21 February 1975.

o Murtazaliyeva v. Russia (Application no. 36658/05), Judgment, Grand Chamber, 18 December 2018.

o X v. Sweden (Application no. 36417/16)

online: <https://www.refworld.org/cases,ECHR,5a65ec264.html>. Links to an external site.

o Ireland v. UK, App. No. 5310/71, Judgement of 18 January 1978. Links to an external site.

o Selmouni v. France, App. No. 25803/94, Case No 100/1995/606/694, 28 July 1999. Links to an external site.

o Öcalan v Turkey, App. No. 46221/99, ECHR 2005-IV, 12 May 2005 Links to an external site.

o Aksoy v. Turkey, App. No. 21987/93, Case No 100/1995/606/694, ECHR 1996-VI, 18 December 1996. Links to an external site.

o Greece v. United Kingdom (First Cyprus), No. 176/56, 1958-1959 Y.B. Eur. Conv. on H.R. 174, 174 (Eur. Comm'n on H.R.).

o Lawless v Ireland, 19 December 1959, Application No 332/57, European Commission of Human Rights (ECommHR), Report of the Commission, Series B 1960-1961, adopted on 19th December 1959

o The Greek Case, App. Nos. 3321/67, 3322/67, 3323/67, 3344/67, 1969 Y.B. ECHR, 1 (Eur. Comm'n on H.R.).

o Ireland v UK, Application no. 5310/71, Judgment of 18 January 1978, A 25

o A & Others v. United Kingdom, ECtHR App. No. 3455/05, 173 (Eur. Ct. H.R. 2009

African Court on Human and People's Rights (ACHPR) cases:

o ACHPR case: Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights (CESR) v. Nigeria, 155/96 (2001) Links to an external site.

o Purohit and Moore v. Gambia (241/01), 29 May 2003 <http://hrlibrary.umn.edu/africa/comcases/241-2001.html>. Links to an external site.

Inter-American Court on Human Rights cases:

o IACtHR Advisory Opinion on Judicial Guarantees in States of Emergency. Links to an external site.

- o Advisory Opinion OC-9/87, October 6, 1987, Inter-Am. Ct. H.R. (Ser. A) No. 9 (1987) online here: http://hrlibrary.umn.edu/iachr/b_11_4i.htm. Links to an external site.
- o González et al (Cotton Field) v. Mexico, Judgment of 16 November 2009, preliminary objection, merits, reparations and costs, Ser. C No. 205. Links to an external site.
- o Velásquez Rodríguez v. Honduras, Merits, Judgment of 21 July 1989, reparations and costs, Ser. C, No. 4. Links to an external site.
- o Pueblo Bello Massacre v. Colombia, Merits, reparations and costs, Judgment of 31 January 2006 Ser. C, No. 140. Links to an external site.

Treaties and other documents

- o Vienna Convention on the Law of Treaties. Link: [VCLT.pdf](#)
- o Convention Against Torture <https://www.unhcr.org/protection/migration/49e479d10/convention-against-torture-other-cruel-inhuman-degrading-treatment-punishment.html>. Links to an external site.
- o The Genocide convention available here: Convention on the prevention and punishment of the crime of genocide. Links to an external site.

UN resolutions and documents

- o Definition of Aggression, UNGA res 3314 (1974): Download [A_RES_29_3314 - Definition of Aggression - UN Documents_ Gathering a body of global agreements.pdf](#)
- o Sweden's reservations to the ICCPR and IESCR. Link: [Sweden Reservations - CN.198.1971-Eng.pdf](#)
- o UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-use-force-and-firearms-law-enforcement>
- o UN HRC, Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on the human rights challenge states of emergency in the context of countering terrorism (A/HRC/37/52, 2018) online here: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/054/36/PDF/G1805436.pdf?> Links to an external site.

ECtHR document

- ECtHR, 'Guide on Article 15 of the European Convention on Human Rights.', Derogation in time of emergency (2018), online here: https://www.echr.coe.int/documents/Guide_Art_15_ENG.pdf. Links to an external site.

OUA documents

- Resolution on Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or degrading Treatment or Punishment in Africa ("Robben Island Guidelines"): <http://hrlibrary.umn.edu/instree/RobbenIslandGuidelines.pdf>. Link to an external site.

Other documents

o American Association for the International Commission of Jurists, Siracusa Principles: on the Limitations and Derogation Provision in the International Covenant on Civil and Political Rights (1985) online here: <https://www.icj.org/wp-content/uploads/1984/07/Siracusa-principles-ICCPR-legal-submission-1985-eng.pdf>. Links to an external site.

Not compulsory but highly recommended

- Office of the UN High Commissioner for Human Rights, Fact sheet 32 Human Rights, Terrorism and Counter-Terrorism. Links to an external site.
- Geneva Academy Foreign Fighters under International Law. Links to an external site. Academy briefing No.7
- UNSC Res 2178 (2014) Links to an external site.

For reference, (i.e. you do not need to read these from cover to cover!)

- Articles on Responsibility of States for Internationally Wrongful Acts (2001). Link: [Articles on Responsibility of States for internationally wrongful acts.pdf](#)
- Draft articles on the Responsibility of International Organisations (2011). Link: [Draft articles on responsibility of international organisations.pdf](#)