UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet:	**Mednarodna sodišča in tribunali**
Course title:	**International Courts and Tribunals**

Študijski program in stopnja **Study programme and level**	**Študijska smer** **Study field**	**Letnik** **Academic year**	**Semester** **Semester**
Pravo – 1. stopnja		3	2
Law – 1st degree		3	2

Vrsta predmeta / Course type:	izbirni / elective
Koda predmeta /Course code:	

Predavanja **Lectures**	**Seminar** **Seminar**	**Vaje** **Tutorial**	**Druge oblike študija** **Other type study**	**Samost. delo** **Individual work**	**ECTS**
20	0	10	0	120	6

Nosilec predmeta / Lecturer:		doc. dr. Gregor Maučec / Asst Prof Gregor Maučec
Jeziki/Languages:	Predavanja / Lectures:	slovenski jezik / Slovenian
	Seminar / Seminar:	slovenski jezik / Slovenian

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:

Izpolnjeni pogoji za vpis v 3. letnik.

K izpitu lahko pristopijo študenti, ki imajo izkazano vsaj 80 % prisotnost na predavanjih in vajah.

Prerequisites:

Fulfilment of the requirements for enrolment in the 3rd year of study.
Students who have demonstrated at least 80% attendance in lectures and tutorials are eligible to take the exam.

Vsebina:

- zgodovina mednarodnega sodstva
- širjenje mednarodnih sodišč po koncu hladne vojne
- ustanovitev, postopki in delovanje mednarodnih sodišč
- oblike, funkcije in inherentne pristojnosti mednarodnih sodišč
- učinkovitost in legitimnost mednarodnih sodišč in tribunalov
- politične omejitve mednarodnih sodišč
- organizacija in financiranje mednarodnih sodišč in tribunalov
- mednarodna sodišča za reševanje meddržavnih sporov
- mednarodna kazenska sodišča ter drugi *ad hoc*, hibridni in mešani modeli kazenskih sodišč
- mednarodna sodišča za človekove pravice
- sodišča sporazumov o regionalnem gospodarskem in političnem povezovanju
- mednarodna upravna sodišča
- postopki pred mednarodnimi sodišči
- sodni dialog in komunikacija med posameznimi mednarodnimi sodišči
- spoštovanje mednarodnih sodb in odločitev mednarodnih sodišč

Content (Syllabus outline):

- History of international justice

• The expansion of international courts after the end of the Cold War
• Establishment, procedures and operation of international courts
• Forms, functions and inherent powers of international courts
• Efficiency and legitimacy of international courts and tribunals
• Political constraints of international courts
• Organization and financing of international courts and tribunals
• International courts for the settlement of inter-state disputes
• International criminal courts and other ad hoc, hybrid and mixed models of criminal courts
• International human rights courts
• Courts of agreements on regional economic and political integration
• International administrative courts
• Proceedings before international courts
• Judicial dialogue and communication between individual international courts
• Respect for international judgments and decisions of international courts

– odpornost mednarodnih sodišč v času kriz ter odpora držav in elit proti mednarodnemu sodnemu režimu – sedanji in prihodnji izzivi za uspešno delovanje mednarodnega sodstva s poudarkom na izbranih pravnih in postopkovnih vprašanjih – Slovenija in mednarodna sodiošča	• Resilience of international courts in times of crises and resistance of states and elites to the international judicial regime • Current and future challenges for the successful functioning of international justice with an emphasis on selected legal and procedural issues • Slovenia and international courts

Temeljna literatura in viri / Readings:

Obvezna / Compulsory:
Romano, C. P. R., Alter, K., Shany, Y. (ur.) (2014). The Oxford Handbook of International Adjudication. Oxford: Oxford University Press.

Priporočena / recommended:
Schabas, W. (2012). An Introduction to the International Criminal Court. Cambridge: Cambridge University Press.
Caserta, S., Cebulak, P. (2021). Resilience Techniques of International Courts in Times of Resistance to International Law. The International and Comparative Law Quarterly, 70(3), str. 737–768.
Dunoff, J. L., Pollack, M. A. (2018). International Judicial Practices: Opening the "Black Box" of International Courts. Michigan Journal of International Law, 40(1), str. 47–113.
Drenik Bavdek, S. (2015). Različni mednarodnopravni postopki imenovanja sodnikov mednarodnih sodišč. Pravna praksa, 34(2), str. 17–19.
Mrva, B. (2020). Transparentnost volitev sodnikov (za mednarodna sodišča in ostalih). Pravna praksa, 39(33), str. 10–11.
Maučec, G. (2009). Nova sodna entiteta na mednarodnem prizorišču: Posebni tribunal za Libanon in pomembnejši pravni vidiki njegove ustanovitve. Pravnik, 64(1/2), str. 79–88.

Cilji in kompetence:	**Objectives and competences:**
Študentje bodo razvili **splošne kompetence**: – razumevanje namena, vloge in pomena mednarodne sodne funkcije, – sposobnost identificiranja in reševanja konkretnih problemov iz mednarodne sodne prakse v luči aktualnih vprašanj mednarodnega sodstva, – razumevanje pomena prispevka mednarodnih sodišč in tribunalov k utrjevanju mednarodne vladavine prava v sodobnih okoliščinah globalnega upravljanja, – razumevanje povezave med spoštovanjem in izvrševanjem mednarodnega prava ter pravno zavezujočih odločitev mednarodnih sodišč in tribunalov, – razumevanje razlogov za vse pogostejšo uporabo zavezujočega reševanja meddržavnih sporov in širjenja mednarodnih sodnih mehanizmov v zadnjih desetletjih.	Students will develop the following **general competences**: – understanding of the purpose, role, and significance of the international judicial function; – the ability to identify and resolve concrete issues arising from international judicial practice in the light of current developments in international adjudication; – understanding of the contribution of international courts and tribunals to strengthening the international rule of law in contemporary conditions of global governance; – understanding of the relationship between compliance with and enforcement of international law and the legally binding decisions of international courts and tribunals; – understanding of the reasons for the increasingly frequent use of binding settlement of interstate disputes and the expansion of international judicial mechanisms in recent decades.

Študentje bodo razvili **predmetno-specifične kompetence**: – poznavanje razvoja, pomena, temeljnih značilnosti in funkcij mednarodnega sodstva ter pravnih podlag za ustanovitev in delovanje različnih mednarodnih sodnih institucij, – poznavanje možnosti sodnega reševanja mednarodnih sporov na različnih področjih mednarodnega prava, – poznavanje različnih vrst in kategorij mednarodnih sodišč in tribunalov ter njihovih funkcij in pristojnosti, – sposobnost uporabe znanja mednarodne sodne prakse pri analizi konkretnih pravnih vprašanj in sporov.	Students will develop the following **course-specific competences:** – knowledge of the development, significance, fundamental characteristics, and functions of international adjudication, as well as the legal bases for the establishment and functioning of various international judicial institutions, – knowledge of the possibilities for judicial settlement of international disputes in different areas of international law, – knowledge of different types and categories of international courts and tribunals, including their functions and jurisdictions, – the ability to apply knowledge of international judicial practice in the analysis of concrete legal issues and disputes.

Predvideni študijski rezultati:
Znanje in razumevanje:

Intended learning outcomes:
Knowledge and understanding:

Študent bo: – sposoben razumeti pravne, politične, družbene in druge pomembne vidike mednarodnih sodišč in njihovega funkcioniranja; – sposoben kritično ovrednotiti pomen, vlogo in namen mednarodne sodne funkcije v sodobni mednarodni skupnosti in mednarodnem pravnem redu; – sposoben razumeti analitično povezavo med mednarodnim pravom, mednarodnimi odnosi in mednarodnimi sodišči; – sposoben razlikovati med posebnostmi, podobnostmi in razlikami med mednarodnimi in nacionalnimi sodišči; – sposoben povezati aktualna mednarodna dogajanja na področju mednarodnega sodstva ter zunanje (politične) vplive, katerim si mednarodna sodišča prizadevajo kjubovati; – zmožen analizirati dogodke, najnovejše trende in usmeritve iz praks mednarodnih sodišč; – zmožen kritično obravnavati učinkovitost, dosežke in neuspehe posameznih mednarodnih sodišč in tribunalov ter pojasniti razloge zanje.	**Students will:** – be able to understand the legal, political, social and other important aspects of international courts and their functioning; – be able to critically evaluate the meaning, role and purpose of the international judicial function in the contemporary international community and the international legal order; – be able to understand the analytical connection between international law, international relations and international courts; – be able to distinguish between the specificities, similarities and differences between international and national courts; – be able to connect current international developments in the field of international justice and external (political) influences that international courts seek to combat; – have the ability to assess and analyse events, the latest trends and directions from the practices of international courts; – have the ability to critically examine the effectiveness, achievements and failures of international courts and tribunals and explain the reasons for them.

Metode poučevanja in učenja:

Learning and teaching methods:

Oblike dela: ☒ Frontalna oblika poučevanja ☒ Delo v manjših skupinah oz. individualno ☒ Samostojno delo študentov ☒ Študij s pomočjo IKT tehnologij ☐ drugo (vpišite)_____ **Metode (načini) dela:** ☒ Razlaga ☒ Razgovor/ diskusija/debata	**Types of learning/teaching:** ☒ Frontal teaching ☒ Work in smaller groups or individual work ☒ Independent students work ☒ Study with the help of ICT technologies ☐ other _____ **Teaching methods:** ☒ Explanation ☒ Conversation/discussion/debate

☒ Delo z besedilom	☒ Work with texts
☒ Proučevanje primerov raziskav	☒ Research case studies
☐ Igra vlog	☐ Role-play
☒ Druge vrste nastopov študentov	☒ Different presentation
☐ Reševanje nalog/vaje	☐ Solving exercises/study exercises
☐ Študijski obiski podjetij ipd.)	☐ Field work (e.g. company visits)
☐ Vključevanje gostov iz prakse	☐ Inviting guests from companies
☐ Udeležba na okrogli mizi, na konferenci	☐ Attending round table and conference

Načini ocenjevanja: Način (pisni izpit, ustno izpraševanje, naloge, projekt)	**Teža (v %) / Weight (in %)**	**Assessment: Type (examination, oral, coursework, project)**
Daljši pisni izdelki (seminarska naloga, projektna naloga; za pristop k ustnemu izpitu se zahteva uspešno izdelana in predstavljena seminarska naloga)	20 %	Longer written casework (a coursework project has to be written, presented and defended by the student before the oral examination)
Končni ustni izpit	80 %	Final examination (oral)

Reference nosilca / Lecture's references:

Maučec, G. (2023). Protecting Minorities from Mass Violence and Atrocity Crimes Through the International Criminal Court: A Legal Appraisal. V: Europäisches Minderheitenrecht: Festschrift für Professor Gilbert Gornig (Band I) / P. Hilpold, C. Perathoner (ur.), Facultas-Vienna/Nomos-Baden-Baden, str. 675–695.
Maučec, G., Dothan, S. (2022). Judicial Dissent at the International Criminal Court: A Theoretical and Empirical Analysis. Leiden Journal of International Law, 35(4), str. 945–961.
Maučec, G. (2021). On Implementation of Intersectionality in Prosecuting and Adjudicating Mass Atrocities by the International Criminal Court. International Criminal Law Review, 21(3), str. 534–560.
Maučec, G. (2021). Law Development by the International Criminal Court as a Way to Enhance the Protection of Minorities – the Case for Intersectional Consideration of Mass Atrocities. Journal of International Dispute Settlement, 12(1), str. 42–83.
Maučec, G. (2021). The International Criminal Court and the Issue of Intersectionality – A Conceptual and Legal Framework for Analysis. International Criminal Law Review, 21(1), str. 1–34.
Maučec, G. (2020). The Power of Culture and Judicial Decision-Making at the International Criminal Court. V: Intersections of Law and Culture at the International Criminal Court / J. Fraser, B. McGonigle Leyh (ur.), Edward Elgar, str. 190–208.
Maučec, G. (2017). Proving Unlawful Discrimination in Capital Cases: In Quest of an Adequate Standard of Proof. Utrecht Journal of International and European Law, 33(85), str. 5–37.
Maučec, G. (2014). Discrimination in Capital Sentencing: An International Law Treatise. V: Liber Amicorum, Scritti in onore di Domenico Coccopalmerio / G. Calabrò, G. L. Cecchini (ur.), Amon, str. 621–669.
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