

Law and Practice of International Courts and Tribunals

Course informations:

Degree level	<ul style="list-style-type: none">○ DU LLM International Law○ Master 2 Droit international général
Semester	2 nd Semester
Course duration	20 h
ECTS delivered upon completion	7

Instructor information:

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Course description:

This course offers students the opportunity to approach international courts and tribunals both in theory and practice. The first part of this course provides an overview of the various international courts and tribunals, their jurisdiction and applicable law, and the main procedural rules as well as a presentation of practical aspects of litigation before these courts and tribunals. The second part is a mock trial concerning a concrete interstate dispute. Divided into two groups, students will be asked to draft a memorial exposing the arguments of the party they represent and will then present their arguments orally before a panel of professors. Students will be guided by the instructor throughout the preparation of both the written and oral pleadings.

Course learning outcomes:

- Upon completion of this course, students will demonstrate their ability to:
- analyze and qualify in law the facts of a concrete case.
 - draft written pleadings.
 - prepare and deliver oral pleadings.

Student evaluation plan:

The evaluation will be based upon the students' work on the memorial and on their oral presentations.

Course schedule :

Date	Session	Topic	Description	Assignment
24/01/23	10h-13h	Theory and practice of international litigation	Overview of international courts and tribunals, their jurisdiction and applicable law, and the main procedural rules	
31/01/23	10h-13h	Theory and practice of international litigation	Overview of international courts and tribunals, their jurisdiction and applicable law, and the main procedural rules	
07/02/23	10h-13h	Theory and practice of international litigation	Overview of international courts and tribunals, their jurisdiction and applicable law, and the main procedural rules + Presentation of practical aspects of international litigation	
14/02/23	11h-13h	Working session on the memorial	Work in small groups on the memorial with the support of the instructor	
07/03/23	11h-13h	Working session on the memorial	Work in small groups on the memorial with the support of the instructor	
21/03/23	10h-13h	Correction of the memorials and presentation of oral pleadings		
11/04/23	10h-14h	Oral pleadings	Oral presentations by the students before a panel of professors	

Books:

- F.M. Palombion, *Provisional Measures Issued by International Courts and Tribunals*, TMC Asser Press, 2021
- C. Santulli, *Droit du contentieux international*, Issy-les-Moulineaux, LGDJ Lextenso, 2nd ed., 2015.

Journal articles:

- M. Bedjaoui, “Introduction from the Bench” and A. Pellet, “Introduction from the Podium”, in E. Sobenes Obregon, B. Samson (ed.), *Nicaragua before the International Court of Justice. Impacts on International Law*, Cham, Springer, 2018, respectively pp. 3-14 et 15-39.
- J. Crawford, A. Pellet, C. Redgwell, “Anglo-American and Continental Traditions in Advocacy before International Courts and Tribunals”, *Cambridge Journal of International and Comparative Law*, Vol. 2(4), 2013, pp. 1-23 (https://www.alainpellet.eu/files/ugd/fe0af2_9b917ffbb1934ac5a40851e6a92eae3e.pdf).
- C. Harris, “Incidental Determinations in Proceedings Under Compromissory Clauses”, *ICLQ*, Vol 70(2), 2021 pp 417-447.
- S. Mansour Fallah, “The Admissibility of Unlawfully Obtained Evidence before International Courts and Tribunals”, *The Law and Practice of International Courts and Tribunals*, Vol. 19, 2020, pp. 147-176.
- A. Miron, “Le coût de la justice internationale : enquête sur les aspects financiers du contentieux interétatique », *Annuaire français de droit international*, Vol. 60, 2014, pp. 241-277 (https://www.persee.fr/doc/afdi_0066-3085_2014_num_60_1_4751).

Supplement resources:

- Websites of the International Court of Justice (<https://www.icj-cij.org/>), the International Tribunal for the Law of the Sea (<https://www.itlos.org/fr/top/accueil/>) and the Permanent Court of Arbitration (<https://pca-cpa.org/>), on which written pleadings as well as oral arguments (texts and videos) can be accessed.
- Jus Mundi, the search engine for international law (<https://jusmundi.com/en/>).
- International Law Commission (<http://legal.un.org/ilc/>).