

VIETNAM NATIONAL UNIVERSITY, HA NOI
LAW SCHOOL

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Module No. 12
HUMAN RIGHTS IN THE RELATIONSHIP WITH SOME OTHER
BRANCHES OF INTERNATIONAL LAW

Lecturers:

Professor Dr. Sarah Joseph – Monash University

Dr. Joanna Kyriakakis – Monash University

Dr. Ngo Huong – VNU School of Law

1. General information

- Name of module: **Human Rights in Relation to Other International Law Branches**
- Module: Optional
- Code of module: CAL 6008
- Number of credit: 3
- Credit hours for activities:
 - + Lecture: 27
 - + Practice: 9
 - + Self study: 9

2. Learner and Prerequisite

- Graduate students.
- Prerequisites: CAL 6002
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3. Objectives of the module

This module aims to enable students:

- Know the basic concepts and content of the legal disciplines which are closely related to international human rights law, including international humanitarian law, public international law regarding humanitarian intervention and the responsibility to protect; international criminal justice, international refugee law, international law on counterterrorism;
- Understand the interplay between international human rights law, international humanitarian law, public international law on humanitarian intervention and responsibility to protect, international criminal law, international refugee law, international law against terrorism.

4. Content summary

This module consists of six basic areas:

1. Overview of the module
2. International humanitarian law and human rights
3. Public international law regarding humanitarian intervention and the responsibility to protect
4. International law against terrorism and human rights
5. International refugee law and human rights
6. International criminal law and human rights

5. The detailed content of the module

The contents of the module are detailed in the table below:

No	Topic	Time			Note
		Lecture	Lecturer	Self-Learning	
1	Overview of unit, followed by International Humanitarian Law and Human Rights (1), history and sources (treaties, customary international law, classification of conflicts).	3	Sarah Joseph	1	
2	International Humanitarian Law and Human Rights (2): Classification of individuals, fundamental principles, overlap with human rights	3	Sarah Joseph	1	
3	Public International Law: Humanitarian intervention and the responsibility to protect	3	Sarah Joseph	1	
4	International Law Against Terrorism and Human Rights	3	Sarah Joseph		
5	International Refugee Law and Human Rights (1): ‘Overview of the displacement of people and refugees; definitions of refugees asylum seekers; the Refugee Convention	3	Sarah Joseph		
6	International Refugee Law and Human Rights (2):institutions for the protection of refugees, overlap with human rights	3	Sarah Joseph		
7	International Criminal Law and Human Rights (1): Overview of international criminal law; the principles of international criminal law	3	Joanna Kyriakakis	1	
8	International Criminal Law and Human Rights (2): International crimes; transnational crimes	3	Joanna Kyriakakis	1	
9	International Criminal Law and Human Rights (3): International criminal tribunals, international mechanisms and international crime prevention areas	3	Joanna Kyriakakis		

6. Time

The course consists of 45 credit hours (27 hours of theory, 9 hours of practice, 9 hours of study).

7. Examination and evaluation

The module applies a continuous assessment. The evaluation are based on:

- (1) Attendance in class lecture: 25%
- (2) Essay and assignment: 25%
- (3) Final exam: 50%.

The total grade is calculated by adding up percentage students get, then convert to 10 mark system to calculate credit mark system.

8. Reading materials

To complete the module, students are asked to read the materials below.

Required Materials:

The required Materials are available in Vietnamese. They are prescribed textbooks that you will need to access yourselves.

Faculty of Law - Vietnam National University, Theories and Law on Human Rights Textbook, National University Publishing House, 2011 (available only in Vietnamese)

Cao Thi Thuan, International Criminal Law (monograph), Police Publishing House, Hanoi, 2007 (available only in Vietnamese)

Center for Law of the Sea and Maritime - Faculty of Law - Vietnam National University, International Criminal Court and the accession of Vietnam, Justice Publishing House, Hanoi, 2007 (available only in Vietnamese).

Reference Materials:

The English language Reference Materials are available on the Google Drive. Where available, the Reference Materials in Vietnamese are also available on the Google Drive.

Geneva Conventions of 1949 and Additional Protocols, and their Commentaries, <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreaties1949.xsp> (available in English and Vietnamese)

Công ước Gionevơ về việc bảo hộ thường dân trong chiến tranh

http://hr.law.vnu.edu.vn/abipoly_32/60/cong-uoc-gionevo-ve-viec-bao-ho-thuong-dan-trong-chien-tranh

Nghị định thư bổ sung số 1 1949

http://hr.law.vnu.edu.vn/abipoly_614/61/nghi-dinh-thu-i-bo-sung-cac-cong-uoc-gionevo-ngay-1281949-ve-bao-ho-nan-nhan-trong

Nghị định thư bổ sung số 2: [NGHỊ ĐỊNH THƯ \(II\) VỀ BẢO HỘ NẠN NHÂN TRONG CÁC CUỘC XUNG ĐỘT VŨ TRANG KHÔNG CÓ TÍNH CHẤT QUỐC TẾ](#)

http://hr.law.vnu.edu.vn/abipoly_32/62/nghi-dinh-thu-ii-bo-sung-cac-cong-uoc-gionevo-ngay-1281949-ve-bao-ho-nan-nhan-trong

Convention and Protocol relating to the Status of Refugees 1951 and 1967, <https://www.unhcr.org/en-au/3b66c2aa10> (available in English and Vietnamese)

[CÔNG ƯỚC VỀ VỊ THẾ CỦA NGƯỜI TỊ NẠN 1951](#)

http://hr.law.vnu.edu.vn/abipoly_60/128/cong-uoc-ve-vi-cua-nguoi-ti-nan

[NGHỊ ĐỊNH THƯ VỀ VỊ THẾ CỦA NGƯỜI TỊ NẠN](#)

http://hr.law.vnu.edu.vn/abipoly_58/129/nghi-dinh-thu-ve-vi-cua-nguoi-ti-nan

Rome Statute of the International Criminal Court (1998) (available in English and Vietnamese)

<https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>

In Vietnamese:

[QUY CHẾ RÔM VỀ TÒA ÁN HÌNH SỰ QUỐC TẾ](#)

http://hr.law.vnu.edu.vn/abipoly_32/57/quy-che-rom-ve-toa-hinh-su-quoc-te

International Criminal Court, Elements of Crime (2002) <https://www.icc-cpi.int/nr/rdonlyres/336923d8-a6ad-40ec-ad7b-45bf9de73d56/0/elementsofcrimeseng.pdf> (available in English only)

Course Readings:

The Course Readings are generally available only in English, except where noted. Whilst the English language materials will be covered in lectures/seminars, students are encouraged to read these materials to further their understanding and comprehension of the lectures/seminars.

Teaching materials, such as PowerPoints and Case Study Instructions, will be available on the Google Drive in due course.

Topic 1

Center for Human Rights Studies - Ho Chi Minh National Political Academy, *Basic documents of International Humanitarian Law*, Political Science Publishing House, Hanoi, 2005 (available in Vietnamese, hard copy only)

Center for Human Rights Studies - Ho Chi Minh National Political Academy *International Humanitarian Law*, Political Theory Publishing House, Hanoi, 2005 (available in Vietnamese; hard copy only)

Geneva Academy of Human Rights and Humanitarian Law, “Classification <http://www.rulac.org/classification#collapse3accord> (available only in English)

Topic 2

Emily Crawford and Alison Pert, *International Humanitarian Law* (2015), Chapter 2, pages 41-47 on “Fundamental principles of the law of armed conflict”; Chapter 4 on “Individual status in armed conflict” (available only in English)

Christian Tomuschat, “Human Rights and International Humanitarian Law”, (2010) 21 *European Journal of International Law* 15-23 (available only in English)

Topic 3

Vaughan Lowe and Antonios Tzanakopoulos, “Humanitarian Intervention”, *Max Planck Encyclopedia of Public International Law* (2011) (available only in English)

Ingo Winkelmann, “Responsibility to Protect”, *Max Planck Encyclopedia of Public International Law* (2010) (available only in English)

Topic 4

Ministry of Foreign Affairs, *Multilateral Conventions on the Prevention and Punishment of International Terrorism*, National Political Publishing House, Hanoi, 2002 (Vietnamese-English Bilingual).

International Committee of the Red Cross, “The applicability of IHL to Terrorism” (2015), <https://www.icrc.org/en/document/applicability-ihl-terrorism-and-counterterrorism> (available only in English)

George P. Fletcher, ‘The Indefinable Concept of Terrorism’, [2006] 4 *Journal of International Criminal Justice* 894 (available only in English)

Topics 5 and 6

Maria O’Sullivan and Dallal Stevens, *States, the Law and Access to Refugee Protection: Fortresses and Fairness*, Chapter 1, <https://www.bloomsburycollections.com/book/states-the-law-and-access-to-refugee-protection-fortresses-and-fairness/ch1-access-to-refugee-protection> (available only in English)

Tilman Rodenhäuser, “The principle of non-refoulement in the Migration Context: 5 key points”, *Humanitarian Law and Policy Blog*, <https://blogs.icrc.org/law-and-policy/2018/03/30/principle-of-non-refoulement-migration-context-5-key-points/> (available only in English)

Topic 7

Vietnam Lawyers Association, *International Criminal Court*, Hong Duc Publishing House, Hanoi, 2008 (available in Vietnamese; hard copy only)

Vietnam Lawyers Association, *Basic Issues of International Criminal Court*, Hong Duc Publishing House, Hanoi, 2006 (available in Vietnamese; hard copy only).

Robert Cryer et al, *An Introduction to International Criminal Law and Procedure* (3rd ed, 2014, Cambridge, Cambridge University Press), Chapter 1 (What is international criminal law) (pp 1 – 26) and Chapter 2 (The Aims, Objectives and Justifications of International Criminal Law) (pp 28 - 45) (available only in English)

Topic 8

Neil Boister, *An Introduction to Transnational Criminal Law* (2nd ed, 2018, Oxford University Press, Oxford), Chapter 1 (What is Transnational Crime?) (in particular, pp 3 - 11) (available only in English)

Topic 9

William Schabas, *An Introduction to the International Criminal Court* (5th ed, 2017, Cambridge University Press, Cambridge), Chapter 1 (Creation of the Court) (pp 1 – 22) (available only in English)

Neil Boister, *An Introduction to Transnational Criminal Law* (2nd ed, 2018, Oxford University Press, Oxford), Chapter 2 (What is Transnational Criminal Law) (in particular, pp 17 – 33 and 40-41) (available only in English)

Further/Optional Reading:

The following are leading text books in the areas covered by this course. The Further/Optional Readings are available only in English.

Emily Crawford and Alison Pert, *International Humanitarian Law* (Cambridge University Press, 2015)

Gary Solis, *International Humanitarian Law* (Cambridge University Press, 2nd ed, 2016)

Martin Scheinin (ed), *Terrorism and Human Rights* (Edward Elgar, 2013)

James C. Hathaway and Michelle Foster, *The Law of Refugee Status* (Cambridge University Press, 2014, 2nd ed)

Robert Cryer et al, *An Introduction to International Criminal Law and Procedure* (Cambridge University Press, 3rd ed, 2014).