



Recent Case Law of International Courts

Syllabus Fall semester 2026

Prof. Helen Keller and Dr. Viktoriya Gurash

I. Introductory Session and Jurisdiction of the European Court of Human Rights

18 September 2026

1. Introduction

- Course modalities and organisational matters
- Overview on the topics dealt with during the course

2. Jurisdiction of the European Court of Human Rights

Context of Armed Conflict

- ECtHR, *Georgia v. Russia (II)* [GC], App. no. 38263/08, 21 January 2021, **paras 30-44, 61-95, 105-175, 238-239, 268-270, 328-337** [Link](#)
- ECtHR, *Ukraine and the Netherlands v. Russia* [GC] dec., App. nos. 8019/16, 43800/14 and 28525/20, 30 November 2022, **paras 41-93, 547-575** [Link](#)

Readings:

- Veronica Botticelli, 'Bringing Order to the (Context of) Chaos: Extraterritorial Jurisdiction in Armed Conflicts and Inter-State Cases' Admissibility Requirements in *Ukraine and the Netherlands v Russia*' (2025) 6 European Convention on Human Rights Law Review 209 [Link](#)
- Optional background readings: Samantha Besson, 'The Extraterritoriality of the European Convention on Human Rights: Why Human Rights Depend on Jurisdiction and What Jurisdiction Amounts to' (2012) 25 Leiden Journal of International Law 857 [Link](#)

Trans-Boundary Environmental Harm

- ECtHR, *Duarte Agostinho and Others v. Portugal and 32 Others* [GC] dec., App. no. 39371/20, 9 April 2024, **paras 11-39, 66-70, 77-83, 120-127, 165-214, 231** [Link](#)

Readings:

- Roman Girma Teshome, 'Extraterritorial Human Rights Obligations of States for Transboundary Climate Harm: New Developments and Unanswered Questions' (2026) Netherlands Quarterly of Human Rights 1 [Link](#)
- Optional background readings: Philipp Janig, 'Extraterritorial Application of Human Rights', in: Binder et al (eds), Elgar Encyclopedia of Human Rights, vol II (2022) 180-191 [Link](#); Nicola Wenzel, 'Human Rights, Treaties, Extraterritorial Application and Effects' (last



updated May 2008) in A Peters and R Wolfrum (eds), *The Max Planck Encyclopedia of Public International Law* (Oxford University Press) [Link](#)

II. Climate Change

9 October 2026

Human Rights Perspective

- ECtHR, *KlimaSeniorinnen Schweiz and Others v. Switzerland* [GC], App. no. 53600/20, 9 April 2024, **paras 10-42, 275-365, 410-574, 652-657** [Link](#)
- IACtHR, *Advisory Opinion AO-32/25, Climate Emergency and Human Rights*, 29 May 2025, **paras 24-29, 279-313, 321-367** [Link](#)
- ICJ, *Obligations of States in Respect of Climate Change*, Advisory Opinion, 23 July 2025, **paras 88, 162-171, 174-315, 369-404** [Link](#)

Readings:

- Corina Heri, 'Against Transactional Interpretation: Narratives of Scarcity and Efficiency under the ECHR' (2026) 26(3) *Human Rights Law Review* 1 [Link](#)
- Darian Pavli, 'KlimaSeniorinnen and its Progeny: The Beginning of a Stock-Taking' (Verfassungsblog, 17 June 2026) [Link](#)
- Tigre, Maria Antonia, Bönnemann, Maxim; Silverman-Roati, Korey, 'A Blueprint for Rights-Based Climate Action: The Inter-American Court of Human Rights' Advisory Opinion on the Climate Emergency' (Verfassungsblog, 9 July 2025) [Link](#)
- Optional background reading: Jacqueline Peel and Hari M. Osofsky, 'A Rights Turn in Climate Change Litigation' (2018) 7 *Transnational Environmental Law* 37 [Link](#)

Law of the Sea Perspective

- ITLOS, Request for an Advisory Opinion submitted by the Commission of Small Island States on Climate Change and International Law, Advisory Opinion, 21 May 2024, **paras 1-8, 45-82, 123-441** [Link](#)

Readings:

- Joshua Paine, 'The ITLOS Advisory Opinion on Climate Change: Selected Issues of Treaty Interpretation' (EJIL: Talk!, 3 June 2024) [Link](#)
- Khaled El Mahmoud, 'One Climate, Many Courts: The ICJ Advisory Opinion on Climate Change, Systemic Integration, Cross-Judicial Law-Making and Interjudicialism' (Völkerrechtsblog, 12 August 2025) [Link](#)
- Optional background reading: Patibandla Chandrasekhara Rao, 'International Tribunal for the Law of the Sea (ITLOS)' (last updated March 2011) in A Peters and R Wolfrum (eds), *The Max Planck Encyclopedia of Public International Law* (Oxford University Press) [Link](#)



III Jurisdiction of the International Court of Justice

30 October 2026

Compromissory Clause

- ICJ, Arbitral Award of 3 October 1899 (*Guyana v. Venezuela*), Judgment on Jurisdiction of the Court, 18 December 2020, **paras 23-138** [Link](#)
- ICJ, Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (*Ukraine v. Russian Federation*), Judgment on Preliminary Objections, 2 February 2024, **paras 1-9, 24-59, 73-108, 119-120, 131-151** [Link](#)

Readings:

- Dissenting Opinion of Judge Abraham in Arbitral Award of 3 October 1899 (*Guyana v. Venezuela*), Judgment on Jurisdiction of the Court, 18 December 2020 [Link](#)
- Separate Opinion of Judge Charlesworth in Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (*Ukraine v. Russian Federation*), Judgment on Preliminary Objections, 2 February 2024 [Link](#)
- Optional background readings: Shabtai Rosenne, 'International Courts and Tribunals, Jurisdiction and Admissibility of Inter-State Applications' (last updated March 2006) in A Peters and R Wolfrum (eds), *The Max Planck Encyclopedia of Public International Law* (Oxford University Press) [Link](#)

Genocide and *Erga Omnes* Obligations

- ICJ, Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*The Gambia v. Myanmar*), Judgment on Preliminary Objections, 22 July 2022 **paras 1-33, 93-115** [Link](#)

Readings:

- Shannon Raj Singh, 'Standing on "Shared Values": The ICJ's Myanmar Decision and its Implications for Atrocity Prevention' (OpinioJuris, 29 January 2020) [Link](#)
- Optional background readings: Jörg Kammerhofer, 'Obligations erga omnes' (last updated February 2024) in A Peters and R Wolfrum (eds), *The Max Planck Encyclopedia of Public International Law* (Oxford University Press) [Link](#); ICJ, Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*The Gambia v. Myanmar: 7 States Intervening*), Order on the Admissibility of the Declarations of Intervention, 25 July 2025 [Link](#)

Advisory Jurisdiction

- ICJ, *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion, 19 July 2024, **paras 22/71, 103-264** [Link](#)

Readings:

- Yael Ronen, 'In ICJ Advisory Opinion on *Israel in the Occupied Palestinian Territory*,



Separate Opinions Obscure Legal Rationale' (Just Security, 15 November 2024) [Link](#)

- Optional background readings: Hugh Thirlway, 'Advisory Opinions' (last updated April 2006) in A Peters and R Wolfrum (eds), The Max Planck Encyclopedia of Public International Law (Oxford University Press) [Link](#)

IV. Provisional Measures and Reparations

20 November 2026

1. Provisional Measures

- ICJ, Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (*South Africa v. Israel*), Order on Provisional Measures, 26 January 2024 [Link](#) Declaration of Judge Nolte [Link](#)
- ICJ, Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (*Ukraine v. Russian Federation*), Order on Provisional Measures, 16 March 2022, **paras 2, 14, 17-19, 30-46** [Link](#)

Readings:

- Roy Schondorf, 'Implausible Confusion: The Meaning of "Plausibility" in the ICJ's Provisional Measures' (EJIL: Talk!, 6 May 2024) [Link](#)
- Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (*South Africa v. Israel*), Order on Provisional Measures (24 May 2024) [Link](#)
- Andreas Kulick, 'Provisional Measures after Ukraine v Russia' (2022) 13(2) Journal of International Dispute Settlement 323 [Link](#)
- Optional background reading: Rüdiger Wolfrum, 'Interim (Provisional) Measures of Protection' (last updated August 2006) in A Peters and R Wolfrum (eds), The Max Planck Encyclopedia of Public International Law (Oxford University Press) [Link](#)

Reparations

- ICJ, Armed Activities on the Territory of the Congo (*DRC v. Uganda*), Reparations, 9 February 2022, **paras 48-131, 145-166, 173-181, 188-193, 199-206, 214-226, 239-258, 268-384, 404-409** [Link](#)

Readings:

- Sebastian Lukic and Lili Hanna Feher, 'Awarding Damages Flexibly: ... or Painting with a Broad Brush' (Völkerrechtsblog, 11 March 2022) [Link](#)
- Cecily Rose, 'Evidentiary Challenges in the Litigation of War Reparations: *Armed Activities on the Territory of the Congo (DRC v Uganda)*' (2025) 16(1) Journal of International Dispute Settlement 323 [Link](#)
- Optional background reading: James Crawford, 'State Responsibility' (last updated September 2006) in A Peters and R Wolfrum (eds), The Max Planck Encyclopedia of Public International Law (Oxford University Press) [Link](#)



V. Human Rights and States' Margin of Appreciation

4 December 2026

Environment and Public Health

- ECtHR, *Klimaseniorinnen Schweiz and Others v. Switzerland* [GC], App. no. 53600/20, 9 April 2024, **paras 10-21, 64-120, 538-574** [Link](#)
- ECtHR, *Pavlov and Others v. Russia*, App. no. 31612/09, 11 October 2022, **paras 1-48, 73-93** [Link](#)
- ECtHR, *Pasquinelli and Others v. San Marino*, App. no. 24622/22, 29 August 2024, **paras 5-10, 51, 80-109** [Link](#)
- ECtHR, *Dubská and Krejzová v. the Czech Republic* [GC], App. nos. 28859/11 and 28473/12, 15 November 2016, **paras 8-34, 69-122, 160-191** [Link](#)

Readings:

- Viktoriya Gurash, 'A Fresh Look at Margin of Appreciation Through Climate Cases' (2025) 6 European Convention on Human Rights Law Review 309 [Link](#)
- Ciarán Burke Alexandra Molitorisová, '(Not) Proving the Public Good: Scientific Evidence and the Margin of Appreciation' (2019) 18 The Law and Practice of International Courts and Tribunals 240 [Link](#)
- Optional background reading: Helen Keller and Viktoriya Gurash, 'Proportionality of the COVID-19 Measures: The European Court of Human Rights' Approach' in Nikola Biller-Andorno and others (eds), *Proportionality: A Guiding Principle in Public Health Law, Ethics, and Policy* (OUP 2026) 222 [Link](#)

Wearing of Religious Clothing

- CCPR, *Yaker v. France*, Communication No. 2747/2016, UN Doc CCPR/C/123/D/2747/2016, 17 July 2018 [Link](#)
- ECtHR, *S.A.S. v. France* [GC], App. no. 43835/11, 1 July 2014 [Link](#)
- ECtHR, *Lachiri v. Belgium*, App. no. 3413/09, 18 September 2018 [Link](#)
- ECtHR, *Mikyas and Others v. Belgium* (dec.), App. no. 50681/20, 9 April 2024 [Link](#)

Readings:

- Saïla Ouald Chaib and Lourdes Peroni, 'S.A.S. v. France: Missed opportunity to do full justice to women wearing a face veil' (Strasbourg Observers, 3 July 2014) [Link](#)
- Saïla Ouald Chaib, 'Mikyas v. Belgium: One more "Headscarf case" that manifestly fails to acknowledge applicants' concerns' (Strasbourg Observers, 17 July 2024) [Link](#)
- Optional background reading: Tarunabh Khaitan and Jane Calderwood Norton, 'Religion in Human Rights Law: A Normative Restatement' (2020) 18 I-CON 111 [Link](#)

Summing up and preparation for the exam: students are expected to review all course material in view of preparing for the exam.

17-18 December 2026 – oral exam