



Recent Case Law of International Courts

Class Presentation Topics

Fall Semester 2026

Prof. Helen Keller and Dr. Viktoriya Gurash

I. 18 September 2026: Introductory Session and Jurisdiction of the European Court of Human Rights

Context of Armed Conflict

1. What tests of extra-territorial application of the Convention has the ECtHR set out and considered in its jurisprudence? Focus specifically on the cases of *Banković* and *Al-Skeini*.
2. Compare the ECtHR's approach to extraterritorial jurisdiction in times of war in *Georgia v. Russia (II)* and *Ukraine and the Netherlands v. Russia*. In what way do the approaches differ?

Trans-Boundary Environmental Harm

3. Compare the approaches by the IACtHR and the ECtHR respectively to assessing extraterritorial jurisdiction in cases of transboundary environmental harm. What criteria and what methodology/arguments do they rely on?
4. Critically discuss the ECtHR's statement in para. 212 in fine (last sentence) of the *Duarte Agostinho* judgment. ('As regards the Inter-American Court's approach in its Advisory Opinion and that of the CRC in *Sacchi and Others* (...), the Court notes that both are based on a different notion of jurisdiction, which, however, has not been recognised in the Court's case-law (...).')

II. 9 October 2026: Climate Change

5. How did the Court apply the admissibility criterion of 'victim status' and 'locus standi' (art 34, ECHR) to (i) the individual applicants and (ii) the applicant association in *Verein KlimaSeniorinnen Schweiz and Others v Switzerland*? Evaluate the Court's reasoning in regard of the two.
6. Compare the ECtHR's approach in the *KlimaSeniorinnen* case and the IACtHR's approach in its *Advisory Opinion* on Climate Emergency and Human Rights to specifying the applicable obligations with respect to climate change.
7. Explain the concepts of systemic treaty interpretation and harmonization of international law and discuss how the ICJ implements these concepts in its *Advisory Opinion*.
8. Analyse and compare the approaches adopted by the ITLOS and the ICJ in articulating the due diligence standard governing States' obligations in the context of climate change in their respective advisory opinions.



III. 30 October 2026: Jurisdiction of the International Court of Justice

Compromissory Clause

9. What are the different ways of invoking the ICJ's contentious jurisdiction? In [Guyana v Venezuela](#), which of these methods was used by Guyana to invoke the ICJ's jurisdiction?
10. Explain how the International Court of Justice characterized the dispute in [Ukraine v Russia](#), and why it came to different conclusions as to its jurisdiction to adjudicate the different aspects of the dispute.

Genocide and *Erga Omnes* Obligations

11. Explain the concepts 'community interest', 'injured State'/'specially affected', and 'legal interest' and their relation to the issue of *erga omnes* standing. (Cf [Declaration Judge Kress](#), paras 7-35)

Advisory Jurisdiction

12. What is an advisory opinion of the ICJ? Who can request one? What kind of questions may be the subject of an advisory opinion? Use the ICJ's [Advisory Opinion](#) on *Israel in the Occupied Palestinian Territory* to illustrate your answers of 19 July 2024.

IV. 20 November 2026: Provisional Measures and Reparations

Provisional Measures

13. What are the legal criteria for the ICJ's indication of provisional measures orders? What were the points on which [Judges Sebutinde](#), [Judge Nolte](#) and [ad hoc Judge Barak](#) disagreed with the Court in their declarations (and separate opinion) to the Order of 26 January 2024 in the [Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip](#) case?
14. What are the limitations to the content of provisional measures (PMs) orders that the ICJ may indicate? What legal and factual reasons explain the modification of the PMs ordered in the ICJ's response to South Africa's [first](#) and the [third](#) requests in relation the [Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip](#) case?

Reparations

15. What are the guiding principles in the Court's assessment of compensation in the [DRC v Uganda](#) judgement? Discuss the Court's approach in light of [Judge Robinson's Separate opinion](#). Who carries the burden of proof in compensation claims?
16. Discuss the application by the ICJ of the 'global sum principle' in the [DRC v Uganda](#) judgement.



V. 4 December 2026: Human Rights and States' Margin of Appreciation

Environment and Public Health

17. Critically discuss the ECtHR's application of the margin of appreciation doctrine in light of its dealing with scientific evidence in [Vavříčka](#) case. In what way does the margin of appreciation doctrine give leeway to the ECtHR or the State in their consideration of scientific evidence?

18. In what way did the ECtHR limit the margin of appreciation of Switzerland in the [KlimaSeniorinnen](#) case, where did it leave Switzerland discretion?

Wearing of Religious Clothing

19. On what grounds can a State justify imposition of limitations to on the freedom to manifest religious beliefs? Compare the European Court of Human Rights' approach in [SAS v France](#) to that of the Human Rights Committee in [Yaker v France](#).

20. Do cases involving prohibitions on displays of religious adherence implicate Article 14 ECHR (read with Article 9 ECHR) and Article 26 ICCPR? Compare and evaluate the reasoning in [SAS v France](#) and [Yaker v France](#) given by the ECtHR and HRC respectively regarding the argument on indirect discrimination.