



Anne Dienelt
Maître en droit (Aix-en-Provence)
Institut für Internationale Angelegenheiten

Dr. Julia Geneuss, LL.M. (NYU)
Institut für Kriminalwissenschaften

Research Seminar
**Cross-Referencing and Cross-Fertilization
in Public International Law and International Criminal Law**

Summer Semester 2018
June 2018

International law consists of several specialized subfields of law, e.g. human rights law, international humanitarian law, international criminal law, etc. The implementation of these subfields of international law is monitored by several independent international courts and judicial bodies. However, often these specialized subfields of law overlap and complement each other and the courts and bodies have to deal with legal questions at the intersection of different subfields of international law, such as international human rights law and international humanitarian law or international human rights law and international criminal law: Matters that are not sufficiently regulated by one subfield are solved by referring to other subfields of international law. As a result, a vivid practice of cross-referencing among the different courts and bodies exists. In some instances, this cross-referencing results in a cross-fertilization, a normative enrichment of one subfield by another. The seminar aims at exploring this practice of cross-referencing by international courts and bodies as well as the cross-fertilization effect in different subfields of international law, in particular by analyzing specific judgments and decisions of international human rights courts and international criminal courts.

The seminar, which will take place at the **beginning of June 2018**, will start with a public guest lecture by Professor Helen Keller, Judge at the European Court of Human Rights (ECtHR). The topic of her lecture will be on the relationship of the ECtHR and international humanitarian law. At the seminar itself participants will present their draft papers. Here we will be joined by two colleagues from Italy and the UK, who have recently researched on the “judicial dialogue” between international courts. After the seminar, participants will have time until mid-August to include the result of the discussion and finalize their papers.

Papers can be submitted in German and English. At the seminar, however, participants are required to present their papers in English. A preliminary meeting for interested students will take place on **Thursday, 5 April 2018** at **18.15** (room to be announced). If you would like to write a “Schwerpunkt-Hausarbeit”, please contact us in advance at anne.dienelt@uni-hamburg.de or julia.geneuss@uni-hamburg.de.

Possible Topics

Cross-Referencing and Cross-Fertilization in Human Rights Law

- The Relationship between Human Rights Law and International Humanitarian Law
- *Hassan v UK* – An Interplay of the European Convention of Human Rights and International Humanitarian Law
- Right to Life and IHL
- Detention in Armed Conflicts and the European Court of Human Rights
- Non-State Actors and Human Rights
- Enforced Disappearances in Armed Conflicts
- The International Committee of the Red Cross and Human Rights Law
- The European Court of Human Rights as a Compliance Mechanism for International Humanitarian Law?
- The International Court of Justice and Human Rights
- Mainstreaming in Human Rights Systems: A One Way Street?

Cross-Referencing and Cross-Fertilization in International Criminal Law

- *Nullum Crimen Sine Lege* and International Crimes: The European Court of Human Rights and International Criminal Tribunals
- The Definition of Torture in International Criminal Law and International Human Rights Law
- The Concept of Fair Trial Rights in the Jurisprudence of the European Court of Human Rights and International Criminal Tribunals
- Human Rights Courts' Case Law and Victims Participation in International Criminal Law
- The Identification of 'Internationally Recognized Human Rights' (Art. 21(3) ICC-Statute) as a Trigger for Judicial Dialogue
- The Destruction of Cultural Property