

Course guide, Master Thesis 15 credits Spring 2024

This course guide has been adapted to the standard format at SU. Updated 14 of February 2024

Welcome to the course! Please check the course website regularly for updated information.

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1. Aim of the course

Knowledge and Understanding

Upon completion of the course, students are expected to be able to:

- demonstrate in-depth knowledge and understanding of the part of jurisprudence that the thesis deals with, and
- demonstrate advanced methodological knowledge of international law, including in-depth insights into the systematics and terminology of international law.

Skills and Abilities

Upon completion of the course, students are expected to be able to:

- demonstrate an in-depth ability to integrate knowledge and to analyse, assess and manage international law issues even with limited information,
- demonstrate the ability to independently identify and formulate questions as well as plan and use appropriate methods to carry out detailed assignments within specified time frames,
- demonstrate the ability to clearly report and discuss one's own conclusions and the knowledge and arguments that form the basis for these conclusions, both orally and in writing, and
- demonstrate the skills necessary to participate in research and development work, or to work independently in other professional areas.

Judgement and Approach

Upon completion of the course, students are expected to be able to:

- demonstrate an in-depth ability to make assessments in international law with respect to relevant scientific, social and ethical aspects, as well as demonstrate awareness of ethical aspects of international law research and development work,
- demonstrate an understanding of the opportunities and limits of scientific knowledge, its role in society, and people's responsibility for how it is used, and demonstrate the ability to identify their need for additional knowledge and to take responsibility for additional scholarly development

1.1 Content and purpose

1.1.1 Overarching aim of the course

The goal of the course is to test that the students have the ability to independently, critically and in a creative manner formulate, analyse and assess complex legal issues in a societal context. The student shall also show ability to independently plan and implement the work within set deadlines.

1.1.2 General structure of the course

The course consists of one introductory lecture, three seminars for groups supervision, individual supervision and examination. The course connects to the seminars series which is part of the LL.M. in International Law.

The students have the option to have a separate supervisor for the two occasions with individual supervision (one hour each). The bulk of the supervision is still made at the three group seminars with group supervisor and the other students.

The group supervisor reads all of the drafts in their entirety that are submitted for the group seminars while the individual supervisor discusses discrete and limited issues which students want to talk about. The individual supervisors are not supposed to read the entire drafts, they should only discuss discrete and limited issues, at most read 2-3 pages in connection with individual supervision. The idea is that the individual supervisors act as specialists on a specific matter while the group supervisor has an overall responsibility to supervise in relation to methodological questions and the drafting of the thesis.

1.1.3 Expectations

After the course, a student should be able to:

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1.2 Course literature and source material

There is no mandatory literature. You may consult the literature used during the master seminar series for inspiration. The final seminars of that series are directly aimed at allowing you to develop a thesis topic and approach. As the different seminars have embodied different approaches to studying international law, it might be a good idea to return to them in order to get inspiration for methodological ways to approach your thesis question. For example, the seminar on different types of ethics can be used to discern patterns in your legal materials or the seminar on functional efficiency can help develop rational-choice inspired ways of analysing your materials. Moreover, the seminars on feminist theory can be used as inspiration for analysing an area of law from the point of view of a specific group, which does not have to be in accordance with gender.

It is a good idea to choose a substantive area of research early on and to start writing early. Often, it is hard to develop a sharp research question before you have started writing about the actual materials. Almost always, there is a need to adjust the question and method after you have written about your materials. Orienting yourself in the sources you have picked is an important part of the writing process. The seminar on writing a research overview is intended to allow you to structure your materials.

2. Assignments and examination

1.3 General

2.1.1 Examination

Examination is carried out when students present and defend their thesis at an examination seminar. The final grade in the course is based on the thesis. The peer-review is only graded with either Pass (G) or Fail (U).

The assessment criteria are as follows:

1. Ability to identify, formulate and critically analyse issues
2. Factual knowledge and insight into the subject
3. Presentation - systematic, clear and logical outline, focus on central problems
4. Familiarity with and ability to use relevant material
5. Ability to describe chosen method or methods
6. Relevance of chosen method or methods
7. Consistent use of chosen method or methods
8. Independence
9. Consideration of societal, scientific and international aspects of the chosen issue
10. Substantiated conclusions with an in-depth discussion in the subject area
11. Scientific acribia, i.e. accuracy and precision in the account of references and sources
12. Clear, correct and concise language, proper use of terminology
13. Ability to respond to constructive criticism

The final grade in the course is set using the following seven-point scale: The final grade in the course is set using the following seven-point scale: A (Excellent), B (Very Good), C (Good), D (Satisfactory) and E (Adequate). Failing grades are Fx (Inadequate) or F (Totally Inadequate).

2.1.2 Citation

2.1.2.1 *Format of sources*

You can choose whether to use Oxford referencing style or Harvard referencing style.

Oxford referencing: references are in footnotes. The first time a source is used, use the full reference. In subsequent references use *ibid.* if it is the immediately subsequent footnote, otherwise use short form. In addition to footnotes, you should also indicate the full reference in bibliography at the end of the text.

Harvard referencing: references are embedded in the text in short form and enclosed in parenthesis, either within or after a sentence, for example: (Sluiter, 2002, p. 35). In addition to references embedded in the text, you should also indicate the full reference in bibliography at the end of the text

Legal texts normally use Oxford referencing, social sciences use Harvard referencing. Since this is text combining law and political science you can choose which style to use. However, it is important that you are consistent and stick to the one referencing style throughout the entire text., don't mix the two styles.

2.1.2.2 *Monograph*

Göran Sluiter, *International Criminal Adjudication and the Collection of Evidence: Obligations of States*, Intersentia, Antwerpen/Oxford/New York, 2002

Short form: Sluiter, 2002

2.1.2.3 *Article in journal*

Michela Miraglia, *Admissibility of Evidence, Standard of Proof, and Nature of the Decision in the ICC Confirmation of Charges in Lubanga*, *Journal of International Criminal Justice*, vol 6, 3 (2008): 489-503

Short form: Miraglia, 2008

Several authors (three or more): Gideon Boas et al., *International Criminal Law Practitioner Library: International Criminal Procedure Volume 3*, Cambridge University Press, Cambridge, 2011

Short form: Boas et al., 2011

2.1.2.4 *Part of book*

Gilbert Bitti, *Two bones of Contention between Civil and Common Law: The Record of the Proceedings and the Treatment of the Concurus Delictorum*, Horst Fischer/Claus Kreß/Sascha Rolf Lüder (Eds.), *International and national prosecution of crimes under International Law*, 273-288, Second Edition, Berliner Wissenschafts-Verlag, Berlin, 2004

Short form: Bitti, 2004

Several editors (three or more):

Peter Malanczuk, *Protection of National Security Interests*, Antonio Cassese et al. (Eds.), *The Rome*

Statute of the International Criminal Court, 1371-1386, Oxford University Press, Oxford, 2002

Short form: Malanczuk, 2002

2.1.2.5 Case law

ICTY (and other international criminal tribunals)

Prosecutor v. Tadić, (Case No. IT-94-1), ICTY T. Ch., Decision on the Defence Motions to Summon and Protect Defence Witnesses, and on the Giving of Evidence by Video-link, 25 June 1996

Short form: *Tadić*, ICTY T. Ch., 25 June 1996

ICC (pls include document number as indicated below)

Prosecutor v. Lubanga, ICC PT. Ch. I, Second Decision on the Prosecution Requests and Amended Requests for Redactions under Rule 81, ICC-01/04-01/06-455, 20 September 2006

Short form: *Lubanga*, ICC PT. Ch. I, 20 September 2006

ICJ

Corfu Channel (United Kingdom of Great Britain and Northern Ireland v. Albania), ICJ, Judgment, 9 April 1949

Short form: *Corfu Channel*, ICJ, 9 April 1949

ECtHR (and other human rights courts)

Doorson v. The Netherlands, (Application No. 20524/92), ECtHR, Judgment, 26 March 1996

Short form: *Doorson v. The Netherlands*, ECtHR, 26 March 1996

Human Rights Committee

Wolf v. Panama, (Communication No. 289/1988), HRC, Views, 26 March

1992 Short form: *Wolf v. Panama*, HRC, 26 March 1992

2.1.2.6 Treaties

European convention for the Protection of Human Rights and Fundamental Freedoms adopted 4 November 1950 as amended by Protocol No. 11 and 14, 213 UNTS 221

Short form: ECHR

Charter of Fundamental Rights of the European Union, published 26 October 2012, C 326/391

Short form: EU Charter of Rights

2.1.2.7 Internet sources

Internet sources can be used with the following guidelines:

- 2.1.2.7.1 If the source is available in printed form as well as on internet, use the format indicated in 2.1.2.1-2.1.2.6, do not indicate internet address. This is relevant for example in

relation to case law and articles in journals which you can assume exist in printed form. In other words, even if you find a case or article in a journal though internet, treat them as printed sources.

2.1.2.7.2 It is not enough to indicate on which website you find some information, for example **www.un.org** is an uncomplete reference. A reader will not be able to find, check and read such a reference.

2.1.2.7.3 By the same reasoning, it is not enough with a reference only consisting of an internet address because they may change.

2.1.2.7.4 Thus, if you use a reference from internet, indicate the author (if applicable), organization or equivalent that is the owner/publisher of the website, title of the relevant page on the website, date when the page was published (if date is indicated on the website), internet address, last date when you visited the website - as done in the following example:

Ban Ki-moon, United Nations Department of Public Information, *UN Saddened by Coal Mine Tragedy, Secretary-General Says he Stands Together with People of Turkey*, 15 May 2014, <<http://www.un.org/News/Press/docs//2014/sgsm15845.doc.htm>>, checked 16 May 2014

Short form: Ban Ki-moon, 2014

2.1.2.8 Plagiarism

You may never use any source or copy from the internet without referencing in the main text, footnotes and/or in endnotes. We check all writing, including the individual essays, with anti-plagiarism software, and any form of plagiarism immediately turns into a formal complaint with Stockholm University. If you are unsure about what is ok and not, check with the teacher.

To plagiarize is to present content from some others work as your own. It is to omit information on who is the author or where the material originates. Plagiarism includes to copy text in verbatim (in its entirety) as well as presenting results, ideas and conclusions as it is your own. Plagiarism can include text as well as other material such as a picture, figure or a diagram.

Scholarly work to a large extent builds on the work of others, there is nothing wrong in that. Thus, how does one avoid plagiarism?

- Be careful to always indicate correct references to your sources. It is often time consuming to do that afterwards and there is also a risk that you will omit a source that you have used. Thus, write down your references continuously as you are drafting your text or making notes.
- It is allowed to build on the conclusions and analysis of others, in such cases you must indicate who have made these conclusions/analysis, either by a reference in a footnote or in the main text if it is a principal conclusion/analysis.
- If it is a longer and principal argument/sentences(s) of an author, it is suitable to quote the argument/sentence(s) with a reference in a footnote.
- It is approved to use conclusions/analysis from student essays, in such cases you must make references and work independently in relation to such sources in the same way as you do with other sources.

2.1.2.9 CHAT GPT and AI tools

AI tools like Chat GPT (<https://openai.com/blog/chatgpt/>) are and will increasingly be used by practicing lawyers. However, a lawyer will still need to know her/his trade, because otherwise

her/his services will not be in demand. Hence, we have to test that knowledge and those skills. There are at this moment no guidelines at the department or the university level. If guidelines would be formulated, we may have to take them into account. However, until such notice, the following will apply.

For Master thesis course, we will permit the use of CHAT GPT and similar AI tools provided that you follow all of the instructions below.

You have to follow the instructions below.

1. You have to provide a printout of the question(s) you used and the full text provided by CHAT GPT. This should be copied into a word document and uploaded via Athena.
 - a. You may use several subordinate questions in order to answer an overarching question. Our experience is that it is very important which question you use in CHAT GPT, small differences may generate very different quality in the answers provided by CHAT GPT. Thus you need to analyse the answer CHAT GPT provides and adjust the question(s) if necessary, in other words an iterative process.
 - b. You have to highlight in yellow in this printout what parts you have used in your own document, regardless if the text is used verbatim or modified (tutorial memo, moot court motion or individual essay).
2. You have to provide an explanation on how you have used CHAT GPT.
 - a. You should provide this in the introductory chapter in the section on method. The explanation should be ½ - 2 pages.
 - b. This explanation should contain the following components:
 - i. Which question(s) did you use? You need to motivate your choice and course of action.
 - ii. How did you use the answer provided?
3. If you use answers from Chat GPT in the text of your submission, the following applies:
 - a. You may copy-paste parts of the text from CHAT GPT into your text if you find and add sources into footnotes with the same standard as normally used. You should write in the footnote: "text generated by CHAT GPT by use of the question"
 - b. It is also allowed to modify parts of the text from CHAT GPT and paste into your text if you find and add sources into footnotes with the same standard as normally used. You should write in the footnote: "text generated by CHAT GPT by use of the question, subsequently modified"
 - c. If you find that the answer from CHAT GPT is of poor quality and you have not used it at all, please state that and explain how you came to the conclusion that it was of such bad quality. This could example be an explanation that based on your research you found that the answer CHAT GPT is wrong and/or inaccurate.
4. Plagiarism and Impact on Grading
 - a. The use of text from CHAT GPT without mentioning it in your text or the explanation (section 2 above) that you have used this tool is considered to be plagiarism and will immediately result into a formal complaint with Stockholm University.
 - b. The use of text from CHAT GPT where you mention in your text or the explanation (section 2 above) that you have used this tool but without adding other sources is considered to be bad quality which may lead to a lower grade, including a fail.
 - c. CHAT GPT may in some cases help you to identify rules, structure arguments and conclusions in an expedient manner. However, the bulk of the work will still be your

own research and your own analysis. The grading will consider to what extent you have done that.

2.1.3 Sources

2.1.3.1 Sources of Law

Domestic law normally relies on sources of law such as:

- 2.1.3.2.1 Statute law (adopted by parliament/congress)
- 2.1.3.2.2 Case law (from courts)
- 2.1.3.2.3 Preparatory works (by the Government and/or committees)
- 2.1.3.2.4 Doctrine (writings of legal scholars who are perceived as authorities)

Different domestic jurisdiction assigns different legal value to the sources listed above, for example in the UK case law is relied upon extensively while preparatory works are perceived as having very low/none value (as a binding source of law). This may be contrasted with continental European jurisdiction which rely more on statute law, in some cases on preparatory works (for example Scandinavia) and less on case law.

Under the traditional approach International law has three sources of law (as enumerated in article 38 of the ICJ Statute)

1. Treaties
2. International customary law
3. General principles of law

Doctrine and case law are not sources of law in themselves, they are subsidiary means for the determination of the rules of law (1-3 above).

Article 21 of the Rome Statute indicates the applicable law for the Court. Instruction:

Left-click + ctrl to use the links below

2.1.3.2 International Organizations

[Council of Europe \(CoE\)](#)

[United Nations \(UN\)](#)

[United Nations Treaty Collection International](#)

[Committee of the Red Cross \(ICRC\)](#)

2.1.3.3 Tribunals and Courts

[International Court of Justice \(ICJ\)](#)

[International Tribunal for the Law of the Sea \(ITLOS\)](#) [Court of](#)

[Justice of the European Union \(ECJ\)](#)

[Administrative Tribunal of the International Labour Organisation](#)

2.1.3.4 Regional Human Rights Courts

[European Court of Human Rights \(ECtHR\)](#) [Hudoc](#)
[database](#)

[Inter-American Court of Human Rights \(IACHR\)](#) [African Court on](#)
[Human and Peoples' Rights \(AfCHPR\)](#)

2.1.3.5 International criminal tribunals and courts

Trial of the Major War Criminals before the International Military Tribunal (IMT) Database at the Library of Congress

Database Yale University

Trials of War Criminals Before the Nuremberg Military Tribunals Under Control Council Law No. 10 (NMT)

Database at the Library of Congress

International Criminal Tribunal for Rwanda (ICTR)

Cases

International Criminal Tribunal for the former Yugoslavia (ICTY) Cases

Court records

Mechanism for International Criminal Tribunals (MICT)

International Criminal Court (ICC)

Extraordinary Chambers in the Courts of Cambodia (ECCC)

Special Court for Sierra Leone (SCSL)

Special Tribunal for Lebanon (STL)

2.1.3.6 Library

Stockholm University Library

Libris

2.1.3.7 Journals

Hein-on-line (access: Stockholm University)

Westlaw start (access: Stockholm University, first log in through the University library website)

2.1.3.8 Online commentaries

Commentary on the Law of the International Criminal Court (CLICC)

2.1.4 Advice on style

In essays and scholarly writing, try to avoid using **bold** font and underlining, it is better to use *italics* when you wish to emphasise a certain word or phrase. Italics as well are often best to use sparingly for maximal effect where it is *really* needed.

2.1.5 Submission of the thesis

It should be handed in on 24 May 2024 via Athena.

3. Contact information

Head of course:

Mark Klamberg

mark.klamberg@juridicum.su.se

Course administrator:

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Room C 770 (Reception hours: Tuesdays and Thursdays 13-15)

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