

National University  
of Kyiv-Mohyla Academy  
Faculty of Law



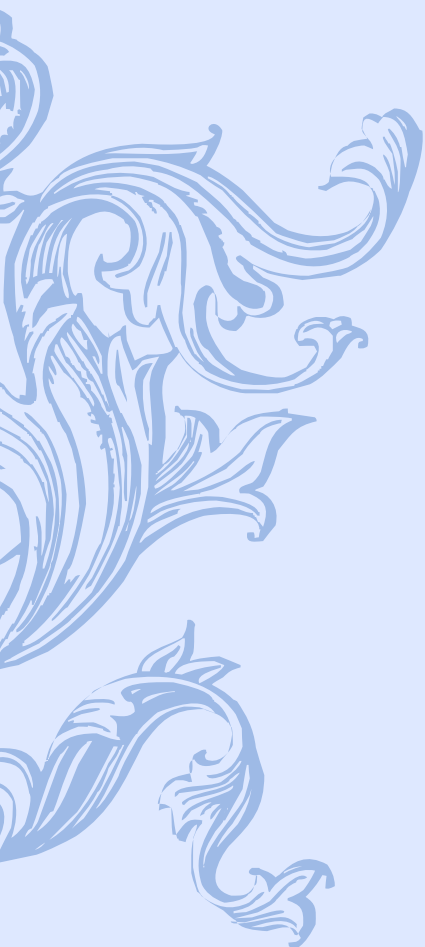
ONLINE CERTIFICATE PROGRAM

# From Warfare to Lawfare: Legal Responses to Atrocity Crimes and Other Violations of International Law



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# Why This Certificate Program at Kyiv-Mohyla Academy

Despite the horrors of the Second World War, atrocities continue to take place globally from Rwanda to Syria and beyond. Now, Europe is facing barbarian Russian aggression against Ukraine, and the international community is anxiously looking at other parts of the world. The difference is that in comparison with past responses to world injustice, we are much better equipped with legal instruments, much more capable to name the evil and better positioned to ensure accountability as well as acknowledge the sufferings of the victims and provide remedies. The law evolved and will be developed further but it is critical to understand the current public international law landscape. Effectiveness of the legal tools we have now depends on our knowledge and sincere efforts in applying them.

*Can waging war ever be legal? How can we minimize harm to civilians in the course of hostilities? Where do we look for binding rules if there is no international penal code? What are the core international crimes, and who can prosecute them? How can we hold states and individuals accountable? What do the genocides committed in 20th – beginning of 21st century have in common? How do international actors use and misuse accusations of violations of international law to advance political aims? Is lawfare necessarily a negative concept or can it be used to achieve positive aims? How can persons and groups be protected in a hostile and turbulent world?*

To discuss these and many other relevant questions in the context of the war against Ukraine in-depth and with academic scrutiny, the Faculty of Law of the National University of Kyiv-Mohyla Academy (NaUKMA) invites you to enroll in an online English-taught certificate program entitled “From Warfare to Lawfare: Legal Responses to Atrocity Crimes and Other Violations of International Law”. You may take any course of your interest or study three courses to receive a certificate.

While becoming an expert in the field requires years of studies and research, this certificate program will provide a strong background for international students, young researchers and practitioners.

# Why This Certificate Program at Kyiv-Mohyla Academy

- ★ Support Ukrainian university amid ongoing Russian aggression
- ★ Study at the leading law school in Ukraine
- ★ Learn from the top experts who work with international humanitarian and criminal law as academics and practitioners and have unique expertise in countering Russian aggression with legal tools
- ★ Be inspired through studying together with people devoted to the principles of international law amid missiles and drones launched on them
- ★ See current and pressing issues through Ukrainian lenses when looking at international criminal and humanitarian law in action
- ★ Find new friends for life from all over the world studying together with other international students and Ukrainians



# About the Courses

## Advanced International Criminal Law

International Criminal Law (ICL) is a relatively new branch of international law which seeks to ensure individual criminal responsibility for the gravest crimes under international law, the so-called core crimes: war crimes, crimes against humanity, genocide and the crime of aggression. These issues have become particularly pertinent for Ukraine since the beginning of Russia's aggression in 2014 and, in particular, after the 2022 full-scale invasion.

This course looks into the historical developments of ICL from the Nuremberg Trial through the establishment of the ad hoc tribunals for the former Yugoslavia and for Rwanda and the International Criminal Court (ICC) to the rise of universal jurisdiction and other domestic proceedings concerning international crimes. Importantly, the course explores not just the 'international' facet of the development of ICL, but also analyses the groundbreaking domestic contributions to the field such as Argentina's Trial of the Juntas. The students will learn about the foundations of the work of various special and hybrid criminal tribunals as well as of the first permanent international criminal court – the ICC.

In class, we will discuss the legal nuances of all four core international crimes as well as the challenges to prosecuting them domestically and internationally such as immunities and amnesties. Finally, the course is not limited to criminal accountability, but aims to provide the students with a wider view of justice through discussions of the other pillars of transitional justice such as truth-telling, reparations, memorialisation, institutional reforms, prevention and the guarantees of non-repetition. All of the above will be examined with a strong Ukrainian focus of ensuring accountability for international crimes perpetrated amid Russian aggression, reforming domestic criminal legislation for enhancing conflict-related proceedings, strengthening cooperation with the ICC and developing a wider, transitional justice policy.

ECTS credits: 4

Convenor: **Dr. Kateryna Busol**

Term: **Fall term (Sept.-Dec. 2024)**

Lectures: **20 acad. hrs**

Seminars: **20 acad. hrs**

Self-study: **80 acad. hrs**

Per week: **3 acad. hrs**

# About the Courses

## Current Issues of International Humanitarian Law

International Humanitarian Law (IHL) is a system of treaty and customary international legal norms, applied in both international and internal armed conflicts. It is one of the oldest branches of public international law, as its roots lie in the customs of warfare that existed in ancient Greece and Rome. IHL is closely related to ICL, as war crimes require a contextual element of an armed conflict.

This course is built upon students' prior knowledge of the IHL fundamentals, and it will strengthen and deepen their expertise in this field. The students will gain a comprehensive understanding of the current issues of implementing provisions of the IHL treaties into domestic legislation in Ukraine and other countries across the globe.

We will discuss implementation of IHL in various national systems and explore challenges of holding those responsible for IHL violations accountable. The course focuses on the most nuanced and complicated issues, such as perfidy and misuse of IHL, identification of an armed conflict in ambiguous cases and during occupation as well as relevance of IHL to terrorism. The course examines the rapidly developing areas of IHL, such as protection of cultural property and ecology, using the case study of Russian aggression against Ukraine. Finally, the course will include discussions on the transformation of IHL in light of emerging technologies, including artificial intelligence and machine learning in an armed conflict, as well as on the issue of humanitarian intervention through the IHL lenses.

ECTS credits: 3

Convenor: Dr. Dmytro Koval

Term: Fall term (Sept.-Dec. 2024)

Lectures: 14 acad. hrs

Seminars: 16 acad. hrs

Self-study: 60 acad. hrs

Per week: 2 acad. hrs



# About the Courses

## Lawfare and Misuse of International Law

This course aims to acquaint students with how international law is used by states in the current system of international relations. Students will be offered an overview of the main problems of misuse of international law and possible approaches to their explanation. The participants of the class will discuss the latest challenges for international law, including but not limited to the following:

- the application and added value of the concept of lawfare;
- the current trend to seek the symbolic results of the application of international law instead of substantive results;
- the existence of international law in the era of post-truth and alternative facts;
- the fulfilment of international obligations in the post-shame era;
- weaponization of international organizations and instrumentalization of criminal tribunals;
- populism and its implications for international law.

The students will learn about debatable issues of application of international law through several case studies, including the cases of Palestine and Israel. The course offers a deep insight into the application of international law in the context of Russian aggression against Ukraine. In particular, we will discuss Russian lawfare from the historical perspective as well as analyze the cases brought by Russia and Ukraine before the ICJ and relevant political discussions around the respective legal issues.

ECTS credits: 3

Convenor: Dr. Dmytro Koval

Term: Fall term (Sept.-Dec. 2024)

Lectures: 14 acad. hrs

Seminars: 16 acad. hrs

Self-study: 60 acad. hrs

Per week: 2 acad. hrs

# About the Courses

## Genocide Studies

The course aims at familiarizing students with the development of the legal concept of genocide in international law and identifying cases of genocide. Students will compare and contrast eight cases of genocide in the 20th – beginning of 21st century: the Armenian genocide, the Holodomor in Ukraine, the Holocaust, the genocides in Cambodia, Rwanda, Bosnia, Sudan; and the ongoing Russian genocide against the Ukrainian nation. The course identifies problems in international law and world order that contribute to difficulties preventing, intervening, and reconciling cases of genocide.

While totalitarian and authoritarian governments have probably massacred over 150,000,000 Armenian, Chinese, Cambodian, Jew, Gypsy, Polish, Greek, Japanese, Ugandan, Indonesian, Serb, Ukrainian, Croatian, Kurd, Burundian, Tibetan, Iranian, and other people, in most cases those guilty were not punished. The course will trace reasons for that.

ECTS credits: 3

Convenor: **Dr. Myroslava Antonovych**

Term: **Spring term (Jan.-Apr. 2025)**

Lectures: 14 acad. hrs

Seminars: 16 acad. hrs

Self-study: 60 acad. hrs

Per week: 2 acad. hrs

# Course Convenors



**Myroslava  
Antonovych**

- Head of the Centre for Genocide and Human Rights Studies at NaUKMA
- Associate Professor (NaUKMA) and Professor (Ukrainian Free University, Germany)
- Doctor Iuris Habilitat and author of over 130 publications on Public International Law, International Human Rights and Genocide Studies, PhD in Philology
- Former Judge *ad hoc*, European Court of Human Rights
- Fellowship recipient and a visiting scholar at prestigious academic institutions across the globe



**Kateryna  
Busol**

- Associate Professor (NaUKMA), PhD in International Law
- Scholar and practitioner working on the weaponization of cultural heritage, conflict-related sexual violence, direct and public incitement to genocide and Ukraine's transitional justice process
- Has cooperated, in particular, with UN Women, Global Rights Compliance and Truth Hounds as well as advised Ukrainian prosecutors and judges on armed conflict-related proceedings
- Fellow at the British Institute of International and Comparative Law
- Former fellow at Chatham House and a visiting professional at the ICC Office of the Prosecutor

# Course Convenors



**Dmytro  
Koval**

- Associate Professor (NaUKMA), PhD in International Law
- Legal Director of Truth Hounds
- Member of the International Advisory Council of the Prosecutor's General Office of Ukraine and Board Member of the 2022 Nobel Peace Prize winner Center for Civil Liberties
- UNESCO consultant and Ukraine's representative in the Protocol 1999 Committee
- Research fellow and a guest lecturer at numerous academic institutions in Europe and America
- Has worked on issues of International Humanitarian and Human Rights Law in West and Central Asia, China and Ukraine



# Admission Process

## ENTRY REQUIREMENTS

### Degree-level qualifications

At a minimum, applicants should hold or expect to receive an undergraduate degree in Law, International Relations, Political Studies or another social science or humanities subject relevant to Public International Law. Advanced undergraduate students can be considered for admission as an exception.

### English language proficiency

The Program is taught entirely in English. At a minimum, applicants' English language proficiency should correspond to a B2 level under the Common European Framework of Reference for Languages.

## CERTIFICATE REQUIREMENTS

Students are required to complete three out of four courses to be awarded a certificate in the program "From Warfare to Lawfare: Legal Responses to Atrocity Crimes and Other Violations of International Law".

The certificate lists the disciplines, their weight under the European Credit Transfer and Accumulation System (ECTS) and final marks.

You may be able to count ECTS credits as a qualification studied for your institution.

If you take less than three courses, you will receive a proof of completing each of the courses separately.

## DURATION OPTIONS

Students are expected to complete the Program in the course of one academic year.



# Admission Process

## MODES OF STUDY

Online

## START DATE

September 2024

## FUNDING AND COSTS

The Ukrainian educational system uses the European Credit Transfer and Accumulation System (ECTS).

One ECTS credit equals 30 academic hours.

Fees for the **2024-25** academic year:

1 ECTS credit – 85 US\$ or 80 €

The Program fees will be counted as a sum of ECTS credits.

Students from Kyiv-Mohyla Academy partner institutions may enjoy special conditions. Please contact [law@ukma.edu.ua](mailto:law@ukma.edu.ua) for more information.

## HOW TO APPLY

Please fill out the [application form](#) by 23:59 Kyiv time on 31 July 2024.

## CONTACT DETAILS

Should you have any questions, please feel free to contact us at [law@ukma.edu.ua](mailto:law@ukma.edu.ua).

We will contact you upon processing your application.

# Contact Details

## FACULTY OF LAW

Tel: + 38 044 425 60 73

Fax: + 38 044 425 50 16

E-mail: [law@ukma.edu.ua](mailto:law@ukma.edu.ua)

Visiting address:

Kyiv

8/5 Voloska street

NaUKMA Building 4

Office 4-302

