

International Human Rights
Prof. Naomi Roht-Arriaza
office hrs. after class or by appt.

M 12-2:20; W 12-1:10
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This 3-unit course will provide a survey of the international human rights field, with emphasis on some areas of current interest. We will spend a fair amount of time doing role-playing, simulations, mock arguments and the like, to see the application of human rights law to problems at home and abroad. We will also emphasize being able to find and use international materials on the subject. I will require your full participation to make the course work; please be prepared to come to class regularly and to do the reading. I reserve the right to drop you from the class for excessive absences or non-preparation - this generally means more than 3 unexcused absences during the semester. If you know you will miss class, please let me know. I will warn you if you are in danger of being dropped.

I do not require international law as a prerequisite, but will review basic concepts VERY quickly. Hopefully, other aspects of international law will become clearer over time. The book for the course is Steinhardt, Hoffman and Camponovo, International Human Rights Lawyering. The book comes with its own documents supplement, which contains most of the relevant treaties. I do not require you to buy the documents supplement, however if you don't, you should be prepared to get the treaties off the Internet or from the library and make your own documents supplement (you will need it for class and for the exam). I will also have extra readings and videos to be downloaded from the class website: please check the website (accessible from my faculty web page at uchastings.edu) regularly. I will also post interesting events in the area, news stories, etc. on the class website. For that purpose, you will need to check it regularly. I have built in some room for guest speakers and the like into the tentative syllabus below, which means the dates for each assignment may change.

The grade in the course will be based on three things: quality (NOT quantity!) and consistency of class participation, including in-class exercises and completion of reaction papers (20%) an in-class mid-term (25%), and a relatively short take-home final exam (55%). I do not allow lap-top use during class discussions, as you tend to miss the nuances of the discussion if typing or surfing. Where we need to use the internet to find things, I will let you know, so please do bring them but leave them closed. I will also circulate summaries of class discussions through my faculty website.

By the end of this class, I expect you to be able to:

1. Identify the sources, content and methods of international human rights law
2. Research an international human rights law issue
3. Employ international human rights law arguments in the context of various kinds of US domestic litigation (i.e. civil rights, criminal defense, immigration)
4. Design a strategy for a client alleging that his or her rights have been violated, assessing the pros and cons of different international forums and the admissibility criteria for each
5. Draft a complaint to an international body, a "shadow report" on treaty compliance, or a submission to UN or regional human rights bodies.

Syllabus (TENTATIVE)

Aug. 20 Concept of Human Rights and course overview: philosophical underpinnings; intro to human rights treaties.

Text pp. 1-32; read Universal Declaration of Human Rights, Int'l Covenant on Civil and Political Rights arts. 1-27.

Aug. 22 Intro to int'l law; the *Filartiga* case

Text pp.; 32-49

Aug. 27 The Alien Tort Statute

Text pp. 50-102

Aug. 29 The ATS cont'd

Text pp. 102-123

Sept. 3 LABOR DAY

Sept. 5 Kiobel – class debate. I will assign briefs for each side to read.

Sept. 10 Basic Principles of International Law in U.S. courts; self-executing treaties, RUDs, statutory interpretation

Text pp. 128-151; 162-173

Sept. 12 Customary int'l law: Interpretative uses of int'l law

Text pp. 174-192

Sept. 17 “Treasure Hunt” – finding international materials (with library staff)

Materials TBD

Sept. 19 In'tl Law and the “War on Terror”

Text pp. 193-210 + materials TBD (Rasul v. Myers excerpts, Israeli case excerpts, HRW report on Military Commissions)

Sept. 24 Regional systems: The Inter-American System

Text pp. 507-538, 553-55 + Cotton Fields/Gonzalez cases + *Plan de Sanchez* excerpts on website

Sept. 26 The European System

Text pp. 468-498 + read notes 3 and 4 pp. 465-6 and note 8 p. 467 after reading *Sahin*

Oct. 1 Economic, Social and Cultural Rights and the African system

Text pp. 559-583 and *CESCR v. Nigeria* case

Oct. 3 indigenous peoples and land rights

Readings TBD (Kenya Endorois, Ecuador Sarayaku case)

Oct. 8 Human rights in the UN: treaty-based petitions and reporting

Text: 262-304

Oct. 10 Charter-based mechanisms: the Human Rights Council
Text pp. 304-320 + UPR readings

Oct. 15 Charter-based mechanisms: 1503 and thematic mechanisms
+ practice problem
Text: pp. 320-372

Oct. 17 MIDTERM EXAM

Oct. 22 Transitional justice: truth commissions, amnesties, vetting and traditional justice
Text pp. 996-1035, 1054-62, 620-627 + Fletcher/Weinstein article

Oct. 24 The International Criminal Tribunals
Text pp. 373-397, 414-417

Oct. 29 The International Criminal Court simulation
Text 912-917 + online simulation materials

Oct. 31 The ICC cont'd
Text pp. 417-440 + materials TBD

Nov. 5 Domestic Criminal Prosecutions: the Pinochet Proceedings
Text pp. 212-247 + Belgium v. Senegal excerpts

Nov. 7 Universal jurisdiction
Text: pp. 247-261

Nov. 12 NO CLASS

Nov. 14 Humanitarian Intervention and R2P
Text pp. 1069-1080, 1096-1102

Nov. 19 corporate accountability
Text pp. 661-679; 713-720; 728-740 /guest speaker

Nov. 20 TWO HOUR CLASS – TBA – will fit in a guest speaker somewhere