The Practice of International Human Rights Law
3 Credit Hour Course
Spring 2003

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Monday: 9:25 AM - 10:25 AM
Thursday: 8:20 AM – 10:20 AM

Objectives
1. Introduce students to current venues and procedures for the enforcement of international human rights legal norms.
2. Provide students with an opportunity to experience a measure of “human rights lawyering” through oral arguments and legal research.
3. Afford FSU students the opportunity to partner with Russian law students at St. Petersburg State University Law School to examine international human rights issues on an interactive, intercultural basis.
4. Provide Russian law students with an experience of case-based legal studies.

Texts


FSU Students (only)

Description
For FSU students this will be a 3 credit hour course that can satisfy the Upper Level Writing Requirement. It will be comprised of two segments:

1. A nine week overview of United Nations human rights mechanisms and of U.S. human rights fora (to include case studies exploring domestic remedies available in U.S. courts to victims of human rights violations). This portion of the course will also consist of class exercises that will be drawn from THRO (Teaching

2. A five week set of interactive human rights exercises that will be completed in collaboration with students at St. Petersburg State University Law School in St. Petersburg, Russia. This segment of the course will be constructed around internet and case-based studies in human rights law, and will afford students the opportunity to participate in real-time oral arguments on a variety of issues and in a variety of human rights fora. For their final work product, FSU students will submit a research paper on a topic of their choice covered in class.

**Grading**

A student’s final grade will be comprised of the following:

- Class Participation: 10%
- Book Review/Essay: 20%
- Oral Arguments: 20%
- Research Paper: 50%

**Attendance**

Because the course will function as a seminar, attendance is mandatory and attendance will be taken each class. Two unexcused absences will be allowed over the course of the semester. More than two unexcused absences will result in a student failing the course.

**Syllabus**

**Week 1**

Thur., Jan. 9 (120 min.): **Course Introduction**

- International Human Rights: Historical Overview

**Week 2**

- Human Rights in International Law

No Class

Reading: Weissbrodt. Ch. 1

Guest, chapters 1-11

**Week 3**

Mon., Jan. 20: **The UN System**

No Class (Martin Luther King Day)
Thur., Jan. 23 (120 min.): Reading: Weissbrodt, Chapter 6
Guest, chapters 12-24
Lecture: The UN Human Rights System
   The Universal Declaration on Human Rights
   The UN Covenants
   UN 1503 Procedure
   UN 1235 Procedure
Exercise: Drafting the Universal Declaration

Week 4
Mon., Jan 27: (50 min.): Lecture: The Expanding Mandate of the UN
   The UN Convention on Refugees
   The UN High Commission for Refugees
   The Well Founded Fear Standard
   The Enumerated Grounds for Asylum
Reading: Weissbrodt, Chapter 15, pp. 824-850

Thur., Jan. 30 (120 min.): U.S. Implementation of Human Rights Treaties
The 1980 Refugee Act
Reading: Weissbrodt, Chapter 15, pp. 851-904
   Gender-based Asylum claims:
      In re Kasinga
      In re R-A-
      Aguirre-Cervantes v. INS
   Guest, chapters 25-30
Exercise: Adjudicating Asylum Claims

Week 5
Mon., Feb. 3 (50 min.): Lecture: Convention Against Torture claims
   Violence Against Women Act (VAWA) claims
   Victims of Human Trafficking remedies
Reading: Supplement: Convention Against Torture
   Convention on the Elimination of
   All Forms of Discrimination
   Human Trafficking (handout)

Thur., Feb. 6 (120 min.): Well-founded Fear (film)
Book Review/Essay due

Week 6
Mon., Feb. 10 (50 min.): Reading: Sale v. Haitian Centers (handout)
   Oral Arguments: Was Sale Correctly Decided?
   Forum: U.S. Supreme Court
   Attorney General: 1 student
   Haitian Centers: 1 students
   Supreme Ct. Justices: remainder of class
Judges’ Decisions (1 page) due by e-mail to Professor by Feb. 13

Thur., Feb. 13 No Class

Week 7 Alien Tort Litigation
Mon., Feb. 17 (50 min.): Lecture: Pursuing Torturers
Reading: Weissbrodt, Ch. 14
The Alien Tort Claims Act
Filartiga v. Pena-Irala
The Torture Victim Protection Act
Ford v. Garcia (handout)
Romagoza et al v. Garcia et al (handout)

Thur., Feb. 20 (120 min.) Lecture: The Pinochet Case & Universal Jurisdiction
Reading: Weissbrodt, pp.433-454
Justice and the Generals (film)

Week 8 Prosecuting Genocide
Mon., Feb. 24 (50 min.): Lecture: The Nuremberg Trials
Reading: Supplement: The Convention Against Genocide

Next Assignment: THRO: Bosnia v. Yugoslavia
Questions to be completed and e-mailed to Professor by Wed. Feb. 26

Thur., Feb. 27 (120 min.): Oral Arguments: Is Yugoslavia Guilty of War Crimes and Genocide?
Forum: The International Court of Justice
1) Bosnia: 1 Student
2) Yugoslavia: 1 Student
3) ICJ Judges: Remainder of Class
Judges’ Decisions (1 page) due by e-mail to Professor by Sunday, March 2

Week 9 Human Rights Reporting Obligations
Mon., March 3 (50 min): Lecture: UN Reporting Mechanisms
Reading: Weissbrodt Chapter 5
Int’l Covenant on Civil & Political Rights (Supplement)

Thur., March 6 (120 min.): Oral Arguments: Iran’s Reporting Obligations
(in Weissbrodt, chapter 5)
Forum: The UN Human Rights Committee (ICCPR)
1) Iran: 1 student
2) UN Special Representative: 1 students
3) ICCPR Committee: Remainder of class

Week of March 10
Spring Break FSU
Professor Coonan w/ Students in St. Petersburg
Legal Writing Exercises
Introduction to THRO (Prime Minister Rao’s Dilemma)

Week 10
Terrorism and Human Rights
Mon., March 17 (50 min.):
Lecture: Rights That Can be Derogated
Reading: Supplement: Int’l Covenant on Civil & Political Rights

Next Assignment: THRO Exercise: Prime Minister Rao’s Dilemma: Terrorism and State Security in India (Questions to be completed and e-mailed to Professors by Wed. March 19th)

Thur. March 20 (120 min.):
On-line Introductions
U.S.-Russian Interactive Discussion: What should Minister Rao have done?

Week 11
Terrorism and Human Rights
Mon. March 24 (50 min.):
Lecture: The USA-Patriot Act
The UN High Commission for Human Rights
Reading: The USA Patriot Act & Commentary (hand-out)
The UN High Commission for Human Rights (handout)

Thur., March 27 (120 min.):
Oral Arguments: What Civil Liberties Should Russia and the U.S. Be Allowed to Restrict in the Face of Terrorist Attacks?
Forum: An in-country visit from the U.N. High Commissioner of Human Rights
1) Russia: 3 students
2) USA: 3 students
3) UN High Commission: Remainder of class

UN High Commission decisions (1 page) due by e-mail to Professors by Sun., March 30

Week 12
Ratification of Human Rights Treaties
Mon. March 31 (50 min.):
Lecture: History of the UN Covenant on Economic, Social, & Cultural Rights
Reading: Weissbrodt, chapter 4
Supplement: UN Covenant on Economic, Social, & Cultural Rights

1) Pro-ratification: 3 students
2) Anti-ratification: 3 students
3) US Senate: Remainder of class
Senator decisions (1 page) due by e-mail to Professors by Sun., April 6

Week 13
Mon. April 7 (50 min.): Humanitarian Intervention Lecture: National Sovereignty & UN Interventions The Role of the UN Security Council Reading: Weissbrodt, chapter 7

Next Assignment: THRO Exercise: Clinton in Kosovo (Questions to be completed and e-mailed to professors by Wed., April 9).

Thur., April 10 (120 min.) Oral Arguments: Was NATO Intervention in Kosovo Justified? Forum: UN Security Council
1) Pro-intervention: 2 students
2) Anti-intervention: 2 students
3) UN Security Council: Remainder of class
Security Council decisions (1 page) due by e-mail to Professors by Sunday April 14

Week 14
Mon., April 14 (50 min.) Humanitarian Intervention Lecture: In Pursuit of Al-Qaeda
Reading: Supplementary materials

Next Assignment: U.S. Intervention in Afghanistan (Supplementary Materials)

1) Pro-intervention: 2 students
2) Anti-intervention: 2 students
3) UN Security Council: Remainder of Class

FSU Students: Final Research Papers due
Week 15 (April 21)

The European Court for Human Rights

*The European Convention for the Protection of Human Rights and Fundamental Freedoms*

Weissbrodt, chapter 12

Republic of Ireland v. UK (Article 3)

Jersild v. Denmark (Article 10)

Smith and Grady v. UK (Article 8)

Course Evaluation