

**Florida State University
International Human Rights
LAW7930**

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GOALS OF THE COURSE

The goals of American law schools are addressed in the Accreditation Standards of the American Bar Association and those standards begin with a preamble that states that law schools must provide an education that ensures that its graduates:

understand their ethical responsibilities as representatives of clients, officers of the courts, and public citizens responsible for the quality and availability of justice;

receive basic education through a curriculum that develops:

understanding of the theory, philosophy, role and ramifications of the law and its institutions;

skills of legal analysis, reasoning, and problem solving; oral and written communication; legal research; and other fundamental skills necessary to participate effectively in the legal profession;

understanding of the basic principles of public and private law; and

understand the law as a public profession calling for performance of pro bono legal services.

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This is a good starting point for stating the course objectives for International Human Rights.

The large objectives are to acquaint the students with the major documents that govern international human rights and the institutions that deal with human rights. We will explore some of the contemporary issues in human rights and we will try to follow ongoing events in the area of human rights including war crimes trials, ratification of treaties, elections in post-conflict situations, etc. You can get access to some of the web sites that report on this activity by going to the "HR Web Sites" link on Blackboard.

As I am sure you understand, the subject area of international human rights is vast and there are many important areas that we will only touch in passing and many more that we will not be able to address. We will try to devote some class time to the exploration of other human rights subjects that might be of interest to you such as asylum, humanitarian intervention, etc. but we will not be able to get into any depth with these subjects.

You may want to explore other courses in the field of human rights. There are now approximately

fifty undergraduate and graduate human rights courses at Florida State University and there is a very active Center for the Advancement of Human Rights that facilitates the development of academic studies, conducts human rights research and outreach projects and directs an active intern placement program. Professor Terry Coonan directs this program and his office is in the building just across Jefferson Street from the law school.

The objectives of each of the sections of this course are spelled out in the materials at the beginning of each chapter. Discussion questions are provided at the "Discussion Board" link for each chapter. You should always open the Discussion Board for each chapter and participate in that discussion.

There are test questions provided for your self-assessment so that you will have some advance notice of the areas on which you will be examined. See, "Tests" under each chapter.

CLASS ATTENDANCE AND PARTICIPATION

You are expected to attend class prepared to engage in discussion. You must complete the assigned readings and exercises in order to be prepared for class. Note that discussion questions are posted for each assignment and you should respond to these questions as the course moves on.

Also, there is a test for each chapter of the course materials and some additional tests for other material. These tests are for your self-assessment. They will not be graded but you are expected to take the test assigned.

After reading the material assigned and taking the designated test, submit a question to me that you believe should be included in the test. Share that question with your classmates through the discussion board.

GRADING

The grade in this class will be determined based on the performance of students in the course of the class work, including the discussion board, along with a final exam.

The weight of these components will be: 40% classroom participation, including Discussion Board, and performance in the problems, 60% exams. The exams will be taken from the assigned readings, from the lectures, from the Discussion Board questions and from the material that is provided to you in the Tests link.

In the category of classroom participation, extra credit will be given for spotting mistakes in the materials, including the self-assessment instruments, that have been developed for this course.

Note that there are written assignments included in the syllabus and on the discussion board. The mix of class performance, timely performed written assignments and the examinations in determining the final grade will be discussed in class in the first session.

THE COURSE SYLLABUS

We need to start this course by acknowledging that we can not, in this course, master all the complex questions in international human rights law.

The course uses, for its basic material, the course developed by the International Bar Association and the United Nations for the training of lawyers and judges. This material is being used, for instance, for the training of Iraqi judges and it has a focus on the duty of lawyers and judges to apply

international human rights principles.

There are sixteen chapters in this material but this course will not allow time to fully treat each of these chapters. We will follow the syllabus and develop the course in accordance with its plan as modified to accommodate current issues that arise in the public media.

This means that there will be some subjects that will draw on resources outside the IBA/UN material and you will find the links to additional material helpful. There are also some topics that are outside the IBA/UN materials and not covered even by the additional material, subjects such as the right to asylum, the principles governing humanitarian intervention, etc. If you have an interest in these or other subjects, you should look over the other offerings at Florida State University which include approximately fifty courses on human rights subjects some of them offered at the College of Law and many of them offered in graduate programs and available to law students as electives.

The students will be expected to master the course materials through regular reading and the self-assessment tests.

JUNE 30: Introduction; History of International Human Rights.

Assignment:

Read Chapter One: International Human Rights Law and the Role of the Profession.

Lecture: History of Human Rights Before WW II.

(See: Course Materials, Chapter One.)

Take self-assessment tests on Chapter One materials and on Abbreviations/Organizations.

Get acquainted with the web sites collected at the Additional Materials link.

As you look at the web sites, see if you can answer the basic questions that the UN has developed for secondary schools:

<http://www.un.org/rights/50/game.htm>

JULY 1: Lecture: History of International Human Rights WW II and after. The horrors of WW II. The Holocaust. United Nations. The Universal Declaration of Human Rights.

Assignment:

Review web site materials on holocaust. One suggestion:

<http://www.ushmm.org/wlc/en/index.php?lang=en&ModuleId=10005143>

Read Chapter Two.

Read the UN Charter (Articles 1(3), 55, 56 and 68).

Read the Universal Declaration of Human Rights.

Take self-assessment tests on Chapter Two and on the History of the Universal Declaration of Human Rights. (See Test link for the second test.)

JULY 2: Major Human Rights Treaties and Organizations.

Assignment:

Read and analyze the major human rights treaties:

International Covenant on Civil and Political Rights (and the U.S. Reservations, Understandings, and Declarations);

European Convention on Human Rights;

American Convention on Human Rights;

African Charter on Human and Peoples' Rights.

Visit web sites for the organizations that deal with human rights treaties.

Give particular thought to the way that treaties are monitored. For UN monitoring, see:

<http://www.unhchr.ch/html/menu2/8/jurispr.htm>

JULY 5: (Note: Class is two hours this day.)

Regional Human Rights Treaties and Organizations

Note: We will focus particularly on the European Court of Human Rights

Assignment:

Read Chapter Three.

Take self-assessment test on Chapter Three.

Look at the case law of the European Court of Human Rights: See the following site for help in getting the opinions of the ECHR:

<http://hudoc.echr.coe.int/hudoc/default.asp?Language=en&Advanced=1>

Declarations and the treaty: Belilos v. Switzerland:

<http://hudoc.echr.coe.int/hudoc/ViewRoot.asp?Item=0&Action=Html&X=615220005&Notice=0&Noticemode=&RelatedMode=0>

Torture: Ireland v. United Kingdom (particularly the material after paragraph 96):

<http://hudoc.echr.coe.int/hudoc/ViewRoot.asp?Item=0&Action=Html&X=615205324&Notice=0&Noticemode=&RelatedMode=0>

Free Press: The Sunday Times v. United Kingdom:

https://campus.fsu.edu/webapps/portal/frameset.jsp?tab=courses&url=/bin/common/course.pl?course_id=21953_1 Note: Will take this up with the Free Speech section, below.

Extradition to the U.S. where death penalty might be imposed: Soerling v. United Kingdom.

<http://hudoc.echr.coe.int/hudoc/ViewRoot.asp?Item=0&Action=Html&X=615213129&Notice=0&Noticemode=&RelatedMode=0>

Access to justice and right to counsel in civil case: Airey v. Ireland (1979)

(<http://hudoc.echr.coe.int/hudoc/ViewRoot.asp?Item=1&Action=Html&X=615214211&Notice=0&Noticemode=&RelatedMode=0>)

Current problems with international human rights and humanitarian law: Pick a current problem in human rights or humanitarian law: 1) develop a general background 2) Develop an analysis of activity by U.S. and international agencies relating to that situation and 3) Give your estimate of what future developments are likely to take place. Be prepared to report to the class on Monday.

NOTE: You may develop this individually or with a classmate. This information should be available on web sites of the agencies and you will find helpful references on the NGO web sites.

JULY 15: (Note: Class will last two hours this day.)

We will go over the first test (Please let me have your test number in class) and then finish off the European Court of Human Rights cases from the last assignment.

We will spend the rest of these sessions on the following with particular reference to the activity in Iraq.

July 19

Class will not meet at 8:45 but will convene promptly at 5 p.m. in the Emden Room, up stairwell 7 off the main quad. We will hear from Richard Goldstone. Your assignment is to research Justice Goldstone's career and be prepared to ask questions and enter into discussion with him relating to such subjects as the campaign against Apartheid, the Truth and Reconciliation Commission in South Africa and the War Crimes Tribunal.

We will have refreshments and continue with the informal discussion after the formal presentation. We will end before 7 p.m.

July 20

Mark Ellis, an FSU graduate, will be with us. Mark is a former Fulbright Scholar to Croatia and former Executive Director of the ABA Central European and Eurasian Institute and now serves as the Executive Director of the International Bar Association with headquarters in London. He has been involved in a variety of human rights activities and he will talk to us about the role of the NGO, the work of the IBA to support judicial and lawyer independence and the work being done to train the Iraqi judiciary.

The assignment is to research Mark Ellis, the IBA, ABA/CEELI and to review a law review article by Mark on the subject of justice in Iraq. (This is not in print but I will obtain it before the class session.) Mark is also appearing on BBC television on Monday and you should find a time to watch the program. I will send the schedule for this to you as soon as I have it.

NOTE: The earlier syllabus has been displaced and we will schedule the exam for Thursday of this week. The extra time we are taking for the presentations will be made up by cancellation of class for Friday, July 29 and we may use that day for our final exam.

July 21

Pick up syllabus. In class, we will finish off European Court of Human Rights cases.

International Humanitarian Principles: Humanitarian Intervention by States; Humanitarian Law of Armed Conflict

Read: Geneva Conventions and Protocols What rights are provided for Prisoners of War? Others during time of conflict.

Visit International Committee of the Red Cross web site:
<http://www.icrc.org/Web/eng/siteeng0.nsf/html/5YNLEV>

Charter of the International Military Tribunal ("Nurenburg Charter" 1945)

Review press accounts of U.S. action relating to detainees in Iraq.

Scan the report of the UN High Commissioner for Human Rights on Iraq (See, UN Home Page).

July 22

Review memoranda of U.S. Department of Justice, White House General Counsel and Department of Defense on treatment of prisoners and detainees/appropriate guidelines for interrogation. One news article that may be helpful relates to the memos from White House Counsel and the Secretary of State that can be found at the following site:

<http://msnbc.msn.com/id/4999148/site/newsweek/>

Another site that may be of interest is: http://www.truthout.org/docs_04/051904A.shtml

I believe that the following site will give you more comprehensive access to the background memos:
<http://news.findlaw.com/hdocs/docs/dod/62204index.html>

The class discussion will center on a critical examination of these memos based on your understanding of the Geneva Conventions and other principles of international law.

Be prepared to discuss these memos in context of international norms.

Read the War Crimes Act:
<http://www4.law.cornell.edu/cgi->

[bin/htm hl?DB=uscode18&STEMMER=en&WORDS=war+crime+&COLOUR=Red&STYLE=s&URL=/uscode/18/2441.html#muscat_highlighter_first_match](http://www.uscode18.com/bin/htm hl?DB=uscode18&STEMMER=en&WORDS=war+crime+&COLOUR=Red&STYLE=s&URL=/uscode/18/2441.html#muscat_highlighter_first_match)

July 26

Recent U.S. Activities and Their Human Rights Implications

There are three cases recently argued before the United States Supreme Court. You will want to read the briefs of petitioners and respondents and to read (or listen to) the oral arguments. Note that there are many amicus briefs. You are not responsible for those although you may want to at least review a list of the amici.

There are many sources for the briefs, including the Supreme Court web site and the Human Rights First site.

Transcript of oral argument:

http://www.supremecourtus.gov/oral_arguments/argument_transcripts.html), and

Audio recording of some oral arguments: <http://www.oyez.org/oyez/frontpage>. Once here, click "more featured audio."

By the time we reach this place in the syllabus, we should also have decisions in these cases. They are:

Rumsfeld v. Padilla;

Hamdi v. Rumsfeld;

Rasul v. Bush and Al Odah v. Bush.

You will also want to read the leading cases cited in the argument before the Supreme Court and I recommend that you at least look at the following:

Ex parte Milligan, 71 U.S. 2 (1866)

Ex parte Quirin, 317 U.S. 1 (1942)

Johnson v. Eisentranger, 339 U.S. 763 (1950)

Gherebi v. George Walker Bush; Donald H. Rumsfeld, ___ F.3d ___ (9th Cir. 2003)

July 26

Economic, Social and Cultural Rights

Assignment:

Read Chapter Fourteen.

Read International Covenant on Economic, Social and Cultural Rights.

Take self-assessment test on Chapter Fourteen.

Prepare at least one suggested question on Chapter Fourteen. (All questions from assigned chapters are due this date. In sending by e-mail, please label: "Test questions.")

JULY 27: Human Rights Principles and States of Emergency

Assignment:

Read the World Court Opinion relating to the wall in Israel:
<http://www.icj-cij.org/icjwww/idocket/imwp/imwpframe.htm>

Read Chapter Sixteen.

Take self-assessment test on Chapter Sixteen.

Human Rights Principles Governing the Justice System

Review the arrangements for the trials of Iraqi leaders and be prepared to discuss these arrangements as they fit with the norms of international law.

Review the Treaty of Rome creating the International Criminal Court. What provisions of that treaty justify the U.S. refusal to submit to the jurisdiction of the ICC?

JULY 28: Freedom of Expression and Assembly

Assignment:

Read Chapter Twelve.

Take self-assessment test on Chapter Twelve

Read European Court of Human Rights case: The Sunday Times v. United Kingdom:
https://campus.fsu.edu/webapps/portal/frameset.jsp?tab=courses&url=/bin/common/course.pl?course_id= 21953_1

NOTE: FINAL TEST TO BE GIVEN ON THURSDAY OR FRIDAY. ANNOUNCEMENT OF DATE ON MONDAY, July 26.

Remedies in International Agencies

Assignment:

Read Chapter Fifteen.

Take self-assessment test on Chapter Fifteen.

ECOSOC Resolutions 1235 (1967) and 1503 (1970) (revised by 2000/3) and UN General Assembly

Resolution 2144A (1966).

JULY 29: Remedies under U.S. Law

Assignment:

Read:

Complaint filed by Center for Constitutional Law:

http://www.ccr-ny.org/v2/legal/september_11th/docs/Al_Rawi_v_Titan_Complaint.pdf

Alien Tort Claims Act (28 U.S.C. Section 1350)

Sosa v. Alvarez-Machain (U.S. 2004):

<http://a257.g.akamaitech.net/7/257/2422/29june20041115/www.supremecourtus.gov/opinions/03pdf/03-339.pdf>

Filartiga v. Pena-Irala, 630 F.2d 876 (2d Cir. 1980)

Kadic v. Karadzic, 70 F.3d 232 (2d Cir. 1995)

In re Estate of Ferdinand Marcos, Human Rights Litigation, 25 F.3d 1467, 1475 (9th Cir. 1994)

Doe v. Unocal, 110 F. Supp.2d 1294 (C.D. Cal. 2000)

NOTE: THIRD AND FINAL TEST

NOTE: WE WILL NOT HAVE A LECTURE ON JULY 30th and, unless we have a test scheduled, we will not meet that date.