

## INTERNATIONAL HUMAN RIGHTS LAW (LAW 6886)

Fall Term 2012

### TENTATIVE SYLLABUS

Professor David Weissbrodt (weiss001@umn.edu)

Professor Barbara A. Frey (freyx001@umn.edu)

Adjunct Professor Nicole Moen (nmoen@fredlaw.com)

Fridays 9:05 a.m. – 12:05 p.m.

University of Minnesota Law School

Room 15 9:05 a.m. – 11:05 a.m.

Room 20 11:15 a.m. – 12:10 p.m.

The course in International Human Rights Law is designed to introduce students to issues, procedures, and advocacy strategies regarding the promotion and protection of human rights worldwide. The class encourages students to analyze case situations and to evaluate the most effective methods to prevent human rights violations. Because of the evolving nature of the laws and issues in this field, students can participate as strategists and investigators.

The faculty for this course includes Regents Professor and Fredrikson & Byron Professor of Law David Weissbrodt; Professor Barbara Frey, Director of the Human Rights Program at the University of Minnesota; and Adjunct Professor Nicole Moen (partner at the law firm of Fredrikson & Byron). Several guest speakers from the international human rights community in the Twin Cities also have been invited to address the class and the related undergraduate class from 11:15 a.m. to 12:10 p.m. for most class sessions.

The principal text for the course is David Weissbrodt, Fionnuala Ní Aoláin, Joan Fitzpatrick, and Frank Newman, *International Human Rights: Law, Policy, and Process* (4<sup>th</sup> ed. 2009) [“*Coursebook*”], which may be purchased from the Law School Bookstore.

You should also purchase the supplement: David Weissbrodt, Fionnuala Ní Aoláin, Marci Hoffman, and Mary Rumsey, *Selected International Human Rights Instruments and Bibliography for Research on International Human Rights Law* (4<sup>th</sup> ed. 2009)[“*Selected Instruments*”] in the Law School Bookstore.

Students will receive their grade for the course based on an essay exam comprised of two questions or a paper/project. A list of some paper/project topics will be available from the professors on the first day of the class. Students interested in one of those topics or who wish to suggest another topic, should get approval to proceed on their topic by October 19, 2012, from one of the professors. Students may also earn extra credit on their grades for significant contributions to class discussion and/or significant participation in one of the role playing exercises, *e.g.*, the moot courts. The tentative assignments are listed below as to each class session. Class sessions are in ALL CAPS

and occur on Friday except for Wednesday, December 5, 2012, which is an “honorary” Friday on the Law School schedule). Related activities are in normal letters.

Friday, Sept 7: INTRODUCTION TO INTERNATIONAL HUMAN RIGHTS LAW

Readings: *Coursebook*, Chapter 1  
*Selected Instruments*, at 3-28  
Introduction to the course.  
(Volunteers to be sought for two moot court classes – November 2 (Alien Tort Statute (ATS)), November 16 (Asylum)).

For 11:15 a.m. to 12:10 p.m.: Speaker: Professor Mary Rumsey Foreign, Comparative & International Law Librarian, University of Minnesota Law School, to speak on International Human Rights Research

Wednesday, Sept 12: Meeting of Asylum and Alien Tort Statute moot court participants with Professor Moen; time and place to be determined.

Friday, Sept 14: AN EXERCISE IN DRAFTING INTERNATIONAL HUMAN RIGHTS STANDARDS: BUSINESS AND HUMAN RIGHTS  
Readings: *Coursebook*, Chapter 2  
9:05 a.m. Role playing as to drafting of human rights instruments

11:15 a.m. Speaker: Charles M. Denny, retired CEO of ADC Telecommunications

Friday, Sept. 21 STATE REPORTING UNDER INTERNATIONAL HUMAN RIGHTS TREATIES; CULTURAL RELATIVISM  
Readings: *Course Materials*, Chapter 4  
9:05 a.m. Discuss chapter

11:15 a.m. Speaker: Abdi Sheikhosman on Human Rights in Islam

Friday, Sept 28 RATIFICATION AND IMPLEMENTATION OF TREATIES: COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS  
Readings: *Coursebook*, Chapter 3  
*Selected Instruments*, at 28-36.  
9:05 a.m. After a brief introduction, the class will convene as a mock hearing of the United States Senate Foreign Relations Committee to consider whether the Senate should give its advice and consent to U.S. ratification of the Covenant on Economic, Social and Cultural Rights. Mayra Gomez will testify in favor of ratification and the students will serve as the members of the Committee or invited foreign ambassadors. The Committee will

hear testimony from Ms. Gomez and then will pose questions to her and Bret Thiele.

11:15 a.m. Speakers Mayra Gomez and Bret Thiele, of the Center on Housing Rights and Evictions, will give a presentation on economic, social, and cultural rights

Friday, October 5

#### U.N. CHARTER-BASED PROCEDURES FOR VIOLATIONS OF HUMAN RIGHTS

Readings: *Coursebook*, Chapter 6

The class members are invited to send one or two questions to Professor Weissbrodt, weiss001@umn.edu, about the U.N. human rights system by 4 p.m. on October 11<sup>th</sup>. Please bring to class your submitted questions and any other questions. As many of these questions as possible will be answered during class.

9:05 a.m. Discuss chapter

11:15 a.m. Speaker: Eric Schwartz (Dean of the Humphrey School of Public Policy), on Humanitarian Intervention

Friday, Oct. 12

#### REMEDIES FOR HUMAN RIGHTS VIOLATIONS

Readings: Priscilla B. Hayner, *Truth and Reparations*, in *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions* 163-81 (2<sup>nd</sup> ed. 2011); Carol Anderson, *The Struggle for Human Rights, African Americans Petition the United Nations in Eyes Off the Prize, The United Nations and the African American Struggle for Human Rights, 1944-1955*, at 58-112 (these readings will be distributed to students). Class will attend the Fourth World Conference on Remedies to Racial and Ethnic Economic Inequalities, Cowles Auditorium, Humphrey School of Public Affairs

10:15 a.m. – 11:45 a.m.: Juan Mendez (U.N. Special Rapporteur on Torture), Professor Barbara Frey, Dean Eric Schwartz, will speak on Remedies for human rights violations including racial discrimination

Friday, October 19

#### WOMEN'S HUMAN RIGHTS AND COMPLAINTS PROCEDURE

Readings: *Course Materials*, excerpts Chapter 5 and materials to be assigned by guest lecturer

Janet Walsh, Women's Program, Human Rights Watch

9:05 a.m. Discuss chapter

11:15 a.m.: Speaker Beatriz Menanteau on human trafficking

Wednesday, October 24: Preliminary meeting of Prof. Moen with ATS moot court participants; time and place to be determined.

Friday, October 26 U.S. FOREIGN POLICY AND HUMAN RIGHTS  
Readings: *Coursebook*, Chapter 10  
9:05 a.m. Congressman Keith Ellison, students to prepare position papers and/or questions  
11:15 a.m. 11:15 a.m.: Peggy Hicks, Advocacy Director, Human Rights Watch, on US in the UN

Wednesday, October 31: Final meeting of Prof. Moen with ATS moot court participants; time and place to be determined.

Friday, November 2 U.S. ADJUDICATIVE REMEDIES FOR HUMAN RIGHTS VIOLATIONS UNDER THE ALIEN TORTS CLAIMS ACT  
Readings: *Coursebook*, Chapter 14

9:05 a.m. After a brief introduction, the class will convene as a moot session of the U.S. District Court for the District of Minnesota to hear arguments on a motion to dismiss the complaint in *Rodrigo v. Amerapetrol, et al.* for failure to state a claim upon which relief can be granted. Professor Nicole Moen will be the district judge. A few students will be asked to serve as attorneys for the parties. Further details will be provided in September-November.

11:15 a.m. Speaker(s): interview Michele Garnett McKenzie on immigrant detention

Wednesday, November 7: Preliminary meeting of Prof. Moen with Asylum moot court participants; time and place to be determined.

Friday, November 9 HOW CAN HUMAN RIGHTS VIOLATORS BE HELD ACCOUNTABLE?  
Readings: *Coursebook*, Chapter 8  
9:05 a.m. Discuss chapter

11:15 a.m. Karina Ansolabehere, on Transitional Justice in Mexico

Wednesday, November 14: Final meeting of Prof. Moen with Asylum moot court participants; time and place to be determined.

Friday, November 16 REFUGEE AND ASYLUM LAW: JURISPRUDENCE OF HUMAN RIGHTS; CULTURAL RELATIVISM  
Readings: *Coursebook*, Chapter 15

9:05 a.m. After a brief introduction, the class will convene as a moot session of the Immigration Court in Minnesota to hear arguments on an applicant's

application for asylum after a hearing on the merits. Professor Moen will be the immigration judge. A few students will be asked to serve as attorneys for the parties (the applicant and the U.S. Citizenship and Immigration Services). Further details will be provided in September-November.

11:15 a.m. Speakers: James Dorsey and Nicole Moen –  
litigating for Guantánamo detainees.

Thursday – Friday,  
November 22-23

Thanksgiving Break

Friday, Nov. 30

INTERNATIONAL HUMAN RIGHTS FACT-FINDING

Readings: *Coursebook*, Chapter 9  
role-play

11:15 a.m., Curt Goering, Executive Director, Center for Victims  
of Torture, fact-finding methodologies of the U.N. and NGOs

Wednesday, Dec 5

CAUSATION OF HUMAN RIGHTS VIOLATIONS

Readings: *Coursebook*, Chapter 17; additional readings and/or  
excerpts are expected to be available from Anne Marie Clark, *Law  
and Talk: Treaty Norms and International Human Rights* (2011);  
Steven Pinker, *Better Angels of Our Nature* (2011); Kathryn  
Sikkink, *The Justice Cascade* 162-88 (2011)

9:05 a.m. Discussion of various causes of human rights  
Violations and their implications for improving human rights  
measures

11:15 a.m. Professor Kathryn Sikkink

Tuesday, Dec. 11  
1:00 p.m.

INTERNATIONAL HUMAN RIGHTS: QUESTIONS AND  
ANSWERS

Wednesday, Dec 12

INTERNATIONAL HUMAN RIGHTS EXAM