

The Practice of International Human Rights Law

3 Credit Hour Course

Spring 2003

Professor Terry Coonan
FSU Center for the Advancement of Human Rights
426 W. Jefferson Street
Tallahassee, FL 32302
Tel: (850) 644-4550
Fax: (850) 644-4633
tcoonan@admin.fsu.edu

TA: Mike Willard

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

International Human Rights: Law, Policy, and Process (3rd edition, 2001) by Weissbrodt, Fitzpatrick, and Newman

Selected Human Rights Instruments (3rd edition 2001) by Weissbrodt, Fitzpatrick, Newman, Hoffman, and Rumsey

FSU Students (only)

Behind the Disappearances: Argentina’s Dirty War Against Human Rights and the United Nations, by Iain Guest (paperback version, 1990)

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*

- Human Rights Online*), an internet-based software program designed for interactive human rights study. Other exercises will be drawn from the Weissbrodt textbook and from supplementary human rights caselaw materials. In early February, students will submit an 8-10 page book review/essay on Iain Guest's *Behind the Disappearances: Argentina's Dirty War Against Human Rights and the United Nations*.
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	Course Introduction
Thur., Jan. 9 (120 min.):	International Human Rights: Historical Overview
Week 2	Human Rights in International Law
	No Class
	Reading: Weissbrodt. Ch. 1
	Guest, chapters 1-11
Week 3	The UN System
Mon., Jan. 20:	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.):

Refugee & Asylum Law

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.):

Refugee & Asylum Law

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.):

Refugee & Asylum Law

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

Mon., Feb. 17 (50 min.):

Alien Tort Litigation

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

Mon., Feb. 24 (50 min.):

Prosecuting Genocide

Lecture: The Nuremberg Trials

The Convention Against Genocide

The International Court of Justice

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

Mon., March 3 (50 min.):

Human Rights Reporting Obligations

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

Mon., March 17 (50 min.):

Terrorism and Human Rights

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

Mon. March 24 (50 min.):

Terrorism and Human Rights

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

Mon. March 31 (50 min.):

Ratification of Human Rights Treaties

Lecture: History of the UN Covenant on Economic, Social, & Cultural Rights
 Reading: Weissbrodt, chapter 4

Supplement: UN Covenant on Economic, Social,
& Cultural Rights

Thur. April 3 (120 min.) Oral Arguments: Should the United States ratify The
U.N. Covenant on Economic, Social, and Cultural Rights?
Forum: The U.S. Senate
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)

Thur. April 17 (120 min): Oral Arguments: Was U.S. Intervention in Afghanistan
Legal?
Forum: U.N. Security Council
1) Pro-intervention: 2 students
2) Anti-intervention: 2 students
3) UN Security Council: Remainder of Class

FSU Students: Final Research Papers due

St. Petersburg State University Students (with Professor Coonan)

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