

Spring 2013

# International Human Rights

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**INTERNATIONAL HUMAN RIGHTS**  
**DIPL 6140**  
**Whitehead School of Diplomacy and International Relations**  
**Seton Hall University**  
**Professors Wanda Akin Brown ([wanda.akin@shu.edu](mailto:wanda.akin@shu.edu); 973/623-6834 (o)) & Raymond M. Brown ([rbrown@greenbaumlaw.com](mailto:rbrown@greenbaumlaw.com); 732/549-5600 (o))**

This class meets each Thursday from 7:45-10:15pm in Duffy Hall 61. The readings for this course will consist of:

- (1) A text entitled International Human Rights in Context: Law, Politics, Morals. Henry J. Steiner, Philip Alston, Ryan Goodman (hereafter Text);
- (2) A volume entitled "A Problem from Hell" America and the Age of Genocide by Samantha Power (hereafter "Power");
- (3) A volume entitled A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights, by Mary Ann Glendon (hereafter World Made New )
- (4) A volume entitled Half the Sky: Turning Oppression Into Opportunity for Women Worldwide, Nicholas D. Kristof & Sheryl WuDunn (hereafter Half the Sky )
- (5) Memorandum on Business and Human Rights: The New Frontier by Professors Brown
- (6) A small number of Supplemental Handouts to be supplied; and

We expect you to bring the Steiner Text, copies of all handouts, and a copy of the Universal Declaration of Human Rights to each class and to keep up with the assigned reading. We downloaded a UNHCR app for free from the United Nations. It allows one to read UN publications such as the UN Today, the UN Charter and the Universal Declaration of Human Rights.

Get it now from [www.un.org/publications](http://www.un.org/publications) or from <http://itunes.apple.com/in/app/charter-United-Nations-un/id373516900?mt=8>. It works on iPhone, iPad and iPod Touch.

It is also required that you read the New York Times *each day*. It is available free of charge online at <http://www.nytimes.com/pages/todaypaper/index.html?src=hp1-0-P>, specifically the "International" section.

#### **A Note About Class Requirements**

We reserve the right to have a **Midterm Exam** and/or a **Final Exam**. An additional consideration for your final grade will be based on attendance and the quality of your class participation. **The schedule of readings and class discussion topics follows.**

#### **Office Hours/Meetings with Students**

We will meet with students after class and/or by appointment. We are available to meet for extended periods of time on weekends. We welcome questions and/or comments by email to: [wanda.akin@shu.edu](mailto:wanda.akin@shu.edu) or [rbrown@greenbaumlaw.com](mailto:rbrown@greenbaumlaw.com). You may also reach us by calling our respective offices at the telephone numbers listed above.

#### **A Note for Students with Disabilities**

If you have a documented disability, or think you might have one, you may be eligible for accommodations in academic classes, the residence halls, food service areas, etc., under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. Disabilities may include those that are permanent or temporary and include, but are not limited to: learning disabilities,

ADHD, medical issues, psychological or psychiatric problems, limited mobility, low vision or blindness, and hearing impairments. Students are not permitted to negotiate accommodations directly with professors. To receive special accommodations or assistance, please self-identify at the Office for Disability Support Services (DSS), Duffy Hall, Room 67 at the beginning of the semester. For more information or to register for services, contact Linda Walter, Director of DSS, at (973) 313-6003.

### **CLASS 1: HUMAN RIGHTS MATTERS**

**Text:** Preface & Chapter 1, pp 1-18

**Power:** "About the Author", Preface I-XXI, Chapter 1 "Race Murder"

**World Made New:** Preface

**Half the Sky:** Introduction: "The Girl Effect"

Universal Declaration of Human Rights (**UDHR**) Review Entire Declaration

#### **Handouts**

#### ***World War Two as Prelude to UN Charter and Universal Declaration of Human Rights***

Jews and Non Jews Join in Tribute to Dr. Sherwood Eddy at Dinner in His Honor, Jewish Daily Bulletin, October 19, 1933

Franklin D. Roosevelt's "Four freedoms speech" Annual Message to Congress on the State of the Union: January 6, 1941

Japan Admits Army Forced Women Into War Brothels  
By James Sterngold, New York Times, August 05, 1993

EDITORIAL: Another Attempt to Deny Japan's History, New York Times, January 2, 2013

#### ***Zero Dark Thirty***

Letter from US Senators Feinstein, McCain, and Levin to Chairmen of SONY Pictures, December 21, 2012 concerning Zero Dark Thirty

Statement to Employees from Acting [CIA] Director Michael Morell: "Zero Dark Thirty" December 21, 2012

#### ***New Dehli Gang Rape***

The Journey To Delhi Gangrape Victim's Death Began With A Movie..., India Today, December 29, 2012

Murder Charges Are Expected Against 5 Men in New Delhi Gang Rape

By [GARDINER HARRIS](#) Published: January 3, 2013

Delhi Gangrape: Judges Suggest Ways For Speedy Trial As Lawyers Refuse To Represent Accused, Press Trust of India, December 30, 2012

**CLASS 2: HUMAN RIGHTS IN THE UN CHARTER, TEXTUAL ANALYSIS OF UDHR PREAMBLE, SOURCES OF INTERNATIONAL LAW, & HOW TO READ A CASE**

Scot Free PEOPLE MAGAZINE, September 28, 1998

Rape Case Unfolds on Web and Splits City, New York Times, December 12, 2012

**Text:** Chapter 2, pp 58 –thru top of 75

**Power:** Chapter 2 A Crime Without a Name

**World Made New:** Chapters 1 & 2 “The Longing for Freedom” \* Madame Chairman

**Half the Sky:** Chapter 1 “Emancipating Twenty-First-Century Slaves” “Fighting Slavery From Seattle”

**UDHR** Preamble

**Handouts**

Sergi Magnitsky Rule of Law Accountability Act of 2012 (Last seven pages of Handout entitled Bills – 112HR 6156)

***Critiques of UDHR***

Are Women Human? (1999) Catharine MacKinnon  
<http://www.nostatusquo.com/ACLU/mackinnon/mackin1.html>

An Appeal to the World: A Statement of Denial of Human Rights to Minorities  
NAACP & W.E.B Du Bois, 1947

**CLASS 3: HISTORY AND TEXTUAL ANALYSIS OF ARTICLES 1-4, THE MINORITIES REGIME**

**Text:** 96-114

**World Made New:** Chapters 3 & 4 a Rocky Start & Every Conceivable right

**Half the Sky:** Chapter 2 “Prohibition and Prostitution” “Rescuing Girls Is The Easy Part” and Chapter 3 “Learning to Speak Up” “The New Abolitionists”

UDHR Articles 1-4

**Power:** Chapter 3 The Crime With a Name

**CLASS 4: TORTURE**

**Text** 224-262

**World Made New:** Chapter 5 A Philosophical Commitment

**Libya's Quest for Justice: The Thin Line Between Guilt and Innocence, Der Spiegel, 8-31-12**

<http://www.spiegel.de/international/world/the-new-libya-searches-for-justice-a-852377.html>

UDHR Article 5

### **Handouts**

***Khaled El-Masri***

European Court of Human Rights Grand Chamber: Case of El-Masri v The Former Yugoslav Republic of Macedonia: Judgment 13 December 2013

The Facts: pages 3 – 24

Relevant International Law and other Public Material: pages 27-41

Alleged Violations of Article 3 of the Convention [ECHR] pages: 52-67

Conclusions: 79-81

US v Khaled El-Masri US Fourth Circuit Court of Appeals March 2, 2007

## **CLASSES 5 & 6 : NUREMBERG AND ITS LEGACY**

**Text: 115 -133, 395 -404**

**World Made New:** Chapters 6 & 7 Late Nights in Geneva & In the Eye of the Hurricane

Power: Chapter 4 Lemkin's Law thru § entitled "Closing the Loophole"

Handout – "The American Perspective on Nuremberg: A Case of Cascading Ironies" Raymond M. Brown

Report of the Fact-Finding Mission on Syria August 2012 Pursuant to Human Rights Council Resolution S-16/91  
Section Paragraphs 14 – 32, 86- to Report's end

**Half the Sky:** Chapter 4 "Rule by Rape" "Mukhtar's School" Chapter 5 "The Shame of "Honor"" "Study Abroad"—in the Congo" Chapter 6 "Maternal Mortality-One Woman a Minute" "A Doctor Who Treats Countries, Not Patients" and Chapter 7 "Why Do Women Die in Childbirth?" "Edna's Hospital"

## **CLASS 7: THE ORIGINS OF THE HUMAN RIGHTS IDEA**

**Text: 133-159**

**World Made New:** Chapter 8 Autumn in Paris

**Half the Sky:** Chapter 8 "Family Planning and the "God Gulf"" "Jane Roberts and Her 34 Million Friends"

Power: Balance of Chapter 4 Lemkin's Law & Chapter 5 "A most Lethal Pair of Foes"

## **CLASS 8: GENOCIDE**

**Text: 1273 -1290, 1298-1310**

Power: Chapter 10 Rwanda: Mostly in a Listening Mode

## **Handout**

### ***Darfur***

A) Situation in Darfur, Sudan Decision on the Applications for Participation in the Proceedings of Applicants a/0011/06 to a/0015/06, a/0021/07, a/0023/07 to a/0033/07 and a/0035/07 to a/0038/07 (Pre-Trial Chamber I, 6 December 2007)

B) Situation in Darfur, Sudan Corrigendum to Decision on the Applications for Participation in the Proceedings of Applicants a/0011/06 to a/0015/06, a/0021/07, a/0023/07 to a/0033/07 and a/0035/07 to a/0038/07 (Pre-Trial Chamber I, 14 December 2007)

The Rohingyas

The Hidden Genocide, Al-Jazeera Investigates, [50 minute video] Phil Rees, December 9, 2012

<http://www.aljazeera.com/programmes/aljazeerainvestigates/2012/12/2012125122215836351.html>

### **Nobody's people in a no-man's land**

<http://www.aljazeera.com/indepth/features/2012/08/201281684646546896.html>

The Disunion of Myanmar, Swe Win NYT 8-16-12

<http://latitude.blogs.nytimes.com/2012/08/16/the-disunion-of-myanmar/?emc=eta1>

## **CLASS 9: ACCESS TO FAIR LEGAL AND JURIDICAL TREATMENT & REFUGEE & ASYLUM RIGHTS**

**World Made New:** Chapters 9 & 10 The Nations Have Their Say & The Declaration of Independence

UDHR Articles 6-15

Is Delhi So Different from Steubenville?

Nicholas Kristof, New York Times, January 13, 2013

<http://www.nytimes.com/2013/01/13/opinion/sunday/is-delhi-so-different-from-steubenville.html?hp>

### ***Chixoy Dam [Rio Negro Massacre, Guatemala]***

Video [15 Min Chixoy Dam: No Reparations, No Justice, No Peace

[http://www.youtube.com/watch?v=xF3YI7XMNEE&feature=youtube\\_gdata\\_player](http://www.youtube.com/watch?v=xF3YI7XMNEE&feature=youtube_gdata_player)

NGO letter to Presidents of World Bank and Inter-American Bank, November 13, 2012  
[Chixoyletter]

Letter and Report from the Inter-American Commission of Human Rights to the Inter-American Court of Human Rights submitting the case of Rio Negro Massacre v the Republic of Guatemala, [12.649Eng.pdf] – Read “Letter” and Report paragraphs 1-9, 41-43, 46-48, 54-92, & Recommendations para 542 et seq

**CLASS 10: Marital, Religious & Expressive Rights****Text: 569-665****World Made New:** Chapter 11 The Deep Freeze**Half the Sky:** Chapter 9 “Is Islam Misogynistic?” “The Afghan Insurgent”

UDHR Articles 16, 18-21

Handouts

Russia: Band Members' Conviction a Blow to Free Expression [Human Rights Watch Report]  
<http://www.hrw.org/news/2012/08/17/russia-band-members-conviction-blow-free-expression>Timbuktu's Ancient Manuscripts Under Threat, Curtis African, New African, October 2012**CLASS 11: Economic & Social Rights Examined, Textual Analysis of Article 23****Text: 263-283, 371-374****World Made New:** Chapter 12 Universality Under Siege**Half the Sky:** Chapter 10 “Investing in Education” “Ann and Angeline” and Chapter 11  
“Microcredit: The Financial Revolution” “A CARE Package for Goretti”

UDHR 22 – end

*Aminul Islam*

[From Human Rights Watch]

[Bangladesh: Investigate Killing of Labor Activist](#)

Union Organizer Aminul Islam's Body Bore Signs of Torture

April 11, 2012

<http://www.hrw.org/news/2012/04/11/bangladesh-investigate-killing-labor-activist>[Letter to Prime Minister Sheikh Hasina Re. Wazed Killing of Aminul Islam, Bangladesh Center for Worker Solidarity](#) April 11, 2012<http://www.hrw.org/news/2012/04/11/letter-prime-minister-sheikh-hasina-re-wazed-killing-aminul-islam-bangladesh-center->**CLASS 12: GENDER & HUMAN RIGHTS****Gender Issues****Text 175- 201, 546-564**

**Half the Sky:** Chapter 12 “The Axis of Equality” “Tears over *Time Magazine*” and Chapter 13 “Grassroots vs. Treetops” “Girls Helping Girls”

The End of Men, Hanna Rosin, The Atlantic July/August 2010  
<http://www.theatlantic.com/magazine/archive/2010/07/the-end-of-men/308135/>

Arab Human Development Report 2002 United Nations Development Programme & Arab Fund for Economic Social Development  
<http://www.arab-hdr.org/publications/other/ahdr/ahdr2002e.pdf>

Foreward By the Administrator UNDP III-IV,  
 Foreward by the Director General and Chairman of the Board of Directors, Arab Fund for Economic and Social Development V-VI,  
 Foreward by the Regional Director, UNDP/Regional Bureau for Arab States VII-VIII, Overview: A Future for All, 1 -13,  
 p28 {Figures 2-7 & 2-8 & text accompanying}

*(Read or Listen)*  
 Women Rights in the Age of the Arab Spring  
<http://www.npr.org/2012/03/05/147980270/womens-rights-in-the-age-of-the-arab-spring?sc=emaf>

### **CLASS 13: BUSINESS & HUMAN RIGHTS**

**BP Executives’ Human Rights Miscalculations: Have They Bet the Ranch?**  
 Diversity Inc Web Sight, July 26, 2012

**Assisting Business Leaders in Meeting the “Corporate Responsibility to Respect Human Rights” Internal Memorandum, Spring 2011**

### **CLASS 14: ADDITIONAL FUTURE HUMAN RIGHTS CHALLENGES**

**World Made New:** Epilogue

**Half the Sky:** Chapter 14 “What You Can Do” “Four Steps You Can Take in the Next Ten Minutes”

### **DEATH PENALTY**

**Death Penalty, American Exceptionalism & Executions in The Gambia**

**Text 17 – 57**

Handout

Execution of Nine Death Row Inmates in The Gambia, 8-28-12, US State Department Press Statement



**Gambia Threatens To Execute All Death Row Prisoners, But Africa Moving Toward Abolition Of Capital Punishment, International Business Times, 8-28-12**  
[gambia-death-penalty-african-union-eu-moratorium](#)

**UPDATE 2-Senegal appeals to Gambia to halt executions, Reuters, 8-28-12**  
[gambia-executions-idUSL6E8JSI1J20120828.html](#)

### **Responsibility to Protect**

**Text: 835 - 842**

### **Terrorism & Human Rights**

**Text: 404 - 454**

Handout

Interlocutory Decision On The Applicable Law: Terrorism, Conspiracy, Homicide, Perpetration, Cumulative Charging  
 Appeals Chamber of the Special Tribunal of Lebanon, February 16, 2001  
 Pp 2-5 a Headnote on "The Notion of Terrorism to be Applied by the Tribunal"

"Defining Terror"

Johnathan Weinberger, [Seton Hall Journal of Diplomacy and International Relations](#),  
 Winter/Spring 2003

### **LGBT RIGHTS**

Uganda's 'Kill the Gays' bill Spread

Efforts to establish anti-homosexual laws stir nervousness among LGBT community and beyond  
 3 January 2013

<http://www.aljazeera.com/indepth/features/2013/01/2013121392698654.html>