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Fall 2012

DIPL 4106 Human Rights Law and Policy

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HUMAN RIGHTS LAW AND POLICY
DIPL 4106
Whitehead School of Diplomacy and International Relations
Seton Hall University
Professors Wanda Akin Brown (wanda.akin@shu.edu; 973/623-6834 (o)) & Raymond M. Brown (rbrown@greenbaumlaw.com; 732/549-5600 (o))

This class meets each Wednesday from 6:15 – 8:45 Duffy 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 We Wish To Inform You That Tomorrow We Will Be Killed With Our Families: Stories from Rwanda by Philip Gourevitch (hereafter "Gourevitch");
- (4) A supplement article to "Gourevitch" entitled "The Life After" available on Blackboard in Word format;
- (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 and a copy of the Universal Declaration of Human Rights to each class and to keep up with the assigned reading. We downloaded a UNDHR 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 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. However, start reading the Power and Gourevitch books NOW. Complete "Gourevitch" and "The Life After" before Class 9. The Power book should be read as assigned, however, feel free read it straight through if you are so inclined.**

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 or 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

Universal Declaration of Human Rights (UNDHR) Preface

Human Rights Matters

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

<http://www.unhcr.org/refworld/category/COI/OHCHR/4e4e2ba72/0.html>

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>

A Mini- case study – The Rohingyas – Myanmar & Bangladesh

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

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

Bangladesh PM speaks out on Rohingya issue

<http://www.aljazeera.com/video/asia/2012/08/201285113421146649.html>

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

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

CLASS 2: SOURCES OF LAW & HOW TO READ A CASE

Handout Scot Free PEOPLE MAGAZINE, September 28, 1998

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

Power: Chapter 2 A Crime Without a Name

UNDHR Articles 1-12

CLASS 3: THE MINORITIES REGIME TREATY LAW

Text: 96-114

UNDHR Articles 13- end

Power: Chapter 3 The Crime With a Name

CLASSES 4 & 5 : Nuremberg and Its Legacy

Text: 115 -133, 395 -404

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

CLASS 6: The Origins of the Human Rights Idea

Text: 133-159

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

CLASS 7: Gender & Human Rights

Text 175- 201

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

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=ema>

CLASS 8: Torture

Text 224-262

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>

CLASS 9: Genocide

Text: 1273 -1290, 1298-1310

Power: Chapter 10 Rwanda: Mostly in a Listening Mode

Handout

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)

CLASS 10: Economic & Social Rights Examined

Text: 263-283, 371-374

CLASS 11: Responsibility to Protect – Business & Human Rights (These are separate subjects!)

Text: 835 - 842

Special Handout on Business & Human Rights

CLASS 12: 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

CLASS 13: 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