

**INTERNATIONAL LAW AND HUMAN RIGHTS STUDENT FELLOWSHIP PROGRAM**  
**SPRING 2009 SEMINARS**  
(Final)

*With the exception of the ILC seminars which are subject to normal course requirements, all NYU law students are welcome to attend the seminars as long as they have prepared in advance by completing the noted readings.*

*Note: the seminars are NOT listed in chronological order.*

**1. OVERVIEW OF INTERNATIONAL HUMAN RIGHTS LAW**

Lecturer: Jayne Huckerby, CHRJG Research Director  
Date: Wednesday, February 25  
Time: 4:00 to 6:00 PM  
Location: Vanderbilt Hall, Room 216  
Mandatory: All Fellows who have not taken an international human rights law course at NYU or elsewhere  
Optional: All other Fellows and all NYU law students

**Readings:** (available at: [http://www.chrgj.org/docs/fellows\\_hr\\_readings\\_2009.pdf](http://www.chrgj.org/docs/fellows_hr_readings_2009.pdf)) Primary readings in noted by asterisk (\*). Please bring copies of the: International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, all of which are available at: <http://www2.ohchr.org/english/law/>.

**TREATY LAW**

**Core universal and regional human rights instruments**

**State obligations with respect to civil and political rights**

- \*Human Rights Committee, General Comment 31: Nature of the General Legal Obligation on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004)
- \*Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, E/CN.4/2005/7 (22 December 2004)
- \*Basil Fernando, "The anatomy of impunity", *Article 2*, Vol. 1, No. 1 (February 2002)
- \*Human Rights Committee, General Comment No. 18: Non-discrimination (1989) 14

**State obligations with respect to economic, social and cultural rights**

- \*Committee on Economic, Social and Cultural Rights, General Comment 3: The nature of States parties obligations (Art. 2, par.1) (1990)
- \*Committee on Economic, Social and Cultural Rights, General Comment 12: The right to adequate food (Art.11) (1999)

**Derogations from rights during states of emergency**

- \*Human Rights Committee, General comment no. 29: states of emergency (article 4) (2001)

**Limitations on rights**

- \*Siracusa Principles on the Limitation and Derogation of Provisions in the International Covenant on Civil and Political Rights
- Inter-American Court of Human Rights, Advisory Opinion OC-5/85, Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism (Arts. 13 and 29 American Convention on Human Rights) (November 13, 1985)

**Examples: Applications of treaty law on human rights, state obligations, derogations, and limitations**

- Amnesty International, "Zimbabwe: Constitutional reform - an opportunity to strengthen human rights protection" (2 February 2000)
- Statement by Professor Philip Alston, Special Rapporteur on extrajudicial, summary or arbitrary executions to the UN Human Rights Council, 27 March 2007
- International Commission of Jurists, "More Power, Less Accountability: Thailand's New Emergency Decree" (August 2005)

**DECLARATIONS, PRINCIPLES, "SOFT LAW"**

**Overview of soft law instruments**

**Examples, analyses, and comments on soft law instruments**

- \*International Council on Human Rights Policy, "Human Rights Standards: Learning from Experience" (2006)
- Walter Kälin, "How Hard is Soft Law? The Guiding Principles on Internal
- Displacement and the Need for a Normative Framework"

- General Assembly resolution 58/177, "Protection of and assistance to internally displaced persons" (12 March 2004)
- Human Rights Watch, Hearts and Minds: Post-war Civilian Deaths in Baghdad Caused by U.S. Forces (October 2003)
- Human Rights Watch, Ravaging the Vulnerable: Abuses Against Persons at High Risk of HIV Infection in Bangladesh (August 2003)
- Human Rights Watch, Algeria: Six Months Later, Cover-Up Continues in Prison Clash that Left 100 Inmates Dead: Report by Defense Lawyers Charges Inmates Were Deliberately Massacred (August 1995)
- Amnesty International, The Armed Forces Special Powers Act (AFSPA) Review Committee takes one step forward and two backwards (November 2006)
- Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, UN Doc. No. A/61/311 (2006)

## 2. OVERVIEW OF INTERNATIONAL LAW ON REFUGEES

Lecturer: Jayne Huckerby, CHRGI Research Director  
 Date: Tuesday, February 24  
 Time: 4:00 to 6:00 PM  
 Location: Furman Hall, Room 330  
 Mandatory: Fellows who have internships at UNHCR  
 Optional: All other Fellows and all NYU law students

### Readings:

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 3 (<http://www.ohchr.org/english/law/>)
- International Covenant on Civil and Political Rights, Article 7 (<http://www.ohchr.org/english/law/>)
- 1951 Convention Relating to the Status of Refugees (<http://www.unhcr.org/basics.html>)
- 1967 Protocol Relating to the Status of Refugees (<http://www.unhcr.org/basics.html>)
- Statute of the Office of the United Nations High Commissioner for Refugees (1950) (<http://www.unhcr.org/basics.html>)
- Reports on the Work of the Standing Committee: International Protection: Note on International Protection, A/AC.96/1038, 29 June 2007 (<http://www.unhcr.org/excom/EXCOM/46939b882.pdf>)

## 3. INTERNATIONAL CRIMINAL LAW I

Lecturer: Natalie Reid, Debevoise & Plimpton  
 Date: Wednesday, February 18  
 Time: 6:00 to 8:00 PM  
 Location: Furman Hall, Room 316  
 Mandatory: All Fellows with internships at: BiH Court, ECCC, ICTJ, ICTR, ICTY, IDEHPUCP  
 Optional: All other Fellows and all NYU law students

### Readings (available at <http://www.chrgi.org/docs/International%20Criminal%20Law%20Readings.pdf>):

- Martti Koskeniemi "Between Impunity and Show Trials," 6 Max Planck Y.B. U.N. L. 1 (2002) (Parts I, II, and V only)
- Mutua, Makau (2000). "From Nuremberg to the Rwanda Tribunal: Justice or Retribution?" Buffalo Human Rights Law Review, 6, 77-91
- David Wippman, Atrocities, Deterrence, and the Limits of International Justice, 23 Fordham Int'l L.J. 473 (1999)
- Excerpt from Payam Akhavan, Beyond Impunity: Can International Criminal Justice Prevent Future Atrocities?, 95 Am. J. Int'l L. 7 (2001) (Pages 7-13 only)

### Optional:

- Immi Tallgren, The Sensibility and Sense of International, Criminal Law, 13 Eur. J. Int'l L. 561 (2002)
- Theodor Meron, From Nuremberg to the Hague, 149 Mil. L. Rev. 107 (1995)

#### 4. INTERNATIONAL CRIMINAL LAW II

Lecturer: Natalie Reid, Debevoise & Plimpton  
Date: Wednesday, March 4  
Time: 6:00 to 8:00 PM  
Location: Furman Hall, Room 316  
Mandatory: All Fellows with internships at: BiH Court, ECCC, ICTJ, ICTR, ICTY, IDEHPUCP  
Optional: All other Fellows and all NYU law students

**Readings** (available at <http://www.chrgj.org/docs/International%20Criminal%20Law%20Readings.pdf>):

- Cogan, International Criminal Courts and Fair Trials, 27 Yale Journal of International Law 111 (2002)
- Developments in International Criminal Law, 114 Harvard Law Review 1943 (2000-2001)
- Rearick, Innocent Until Alleged Guilty, 44 Harvard International Law Journal 577 (2003)
- Gordon, Toward an International Criminal Procedure, 45 Columbia Journal of Transnational Law 635 (2007)
- Stuart, The ICC in Trouble, 6 Journal of International Criminal Justice, 409-417 (2008)
- Prosecutor v. Thomas Lubanga Dyilo, ICC-01704-01/06 (13 June 2008) (excerpt)

*Optional:*

DeFrank, ICTY Provisional Release, 90 Texas Law Review 1429 (2001-2002)

#### 5. INTERNATIONAL CRIMINAL LAW III

Lecturer: Natalie Reid, Debevoise & Plimpton  
Date: Wednesday, April 1  
Time: 6:00 to 8:00 PM  
Location: Furman Hall, Room 316  
Mandatory: All Fellows with internships at: BiH Court, ECCC, ICTJ, ICTR, ICTY, IDEHPUCP  
Optional: All other Fellows and all NYU law students

**Readings** (available at <http://www.chrgj.org/docs/International%20Criminal%20Law%20Readings.pdf>):

- Vladimir Tochilovsky, Trial in International Criminal Jurisdiction: Battle or Scrutiny?, 6 Eur. J. Crime Crim. L. & Crim. Just. 55-59 (1998)
- Prosecutor v. Anto Furundzija, Case No. IT-95-17/1-T, Judgement, ¶¶ 39-41m and 165-189 (10 December 1998)
- Prosecutor v. Dragoljub Kunarac, Radomir Kovac and Zoran Vukovic, Case No. IT-96-23-T and IT-96-23/1-T, ¶¶ 1-8, 436-464 (22 February 2001)
- Prosecutor v. Jean-Paul Akayesu, Case No. Ictr-96-4-T, Judgement, ¶¶ 596-598 (2 September 1998)
- Theodor Meron, Rape as a Crime under International Humanitarian Law, 87 Am. J. Int'l L. 424 (July, 1993)

#### 6. INTERNATIONAL LAW COMMISSION: Treaties and Responsibility: Selected Topics in the Current Work of the U. N. Intl Law Commission (L05.3587.001)

Lecturer: Santiago Villalpando, UN Office of Legal Affairs  
Date: Mondays, per course schedule, 14 sessions  
Time: 6:00 to 7:50 PM  
Location: Furman Hall, Room 318  
Mandatory: All LLM Fellows with internship placements at the ILC; JD Fellows with such internships for Units 1 and 2 and other sessions as may be relevant to Commissioner assignment

**Readings:** A description of the course and course materials is available at <http://www.iilj.org/courses/TreatiesandResponsibility.asp>

#### Part One: The International Law Commission and the Codification of International Law

Unit 1: Introduction: Codifying International Law  
Unit 2: The International Law Commission (ILC): What It Is, What It Does, How It Works  
Unit 3: A Case of "Hard" Codification: The Vienna Convention on the Law of Treaties  
Unit 4: A Case of "Soft" Codification: The Articles on State Responsibility  
Unit 5: Strengths and Problems of a New Codification: The Articles on Diplomatic Protection  
Unit 6: The Impact of Codification: In Search of the Ideal Outcome for the Work of the ILC

## **Part Two: Topics in the Current Agenda of the International Law Commission**

- Unit 7: Filling Gaps in Past Codifications 1: Reservations to Treaties  
Unit 8: Filling Gaps in Past Codifications 2: Effects of Armed Conflicts on Treaties  
Unit 9: More than Just a Sequel: Responsibility of International Organizations  
Unit 10: An Example of the Setting of a New Codification: Expulsion of Aliens  
Unit 11: Codifying Technical Subjects: Shared Natural Resources and Protection of Persons in the Event of Disasters  
Unit 12: Incursions into International Criminal Law 1: The Obligation to Extradite or Prosecute (*Aut Dedere Aut Judicare*)  
Unit 13: Incursions into International Criminal Law 2: Immunity of State Officials from Foreign Criminal Jurisdiction  
Unit 14: ... And Now? The Future of the International Law Commission

## **7. RESEARCH ON INTERNATIONAL AND FOREIGN LAW**

Lecturer: Mirela Roznovschi, Reference Librarian for International and Foreign Law, Law Library  
Date: Thursday, March 26  
Time: 4:00 to 6:00 PM  
Location: Vanderbilt Hall, Room 214  
Mandatory: All Fellows who are 1Ls  
Optional: All other Fellows and all NYU law students

### **Readings:**

- International and Foreign Legal Research : a coursebook / Marci Hoffman, Mary Rumsey. Martinus Nijhoff Publishers, c2008 Reference K85 .H64 2008
- Accidental Tourist on the New Frontier: an introductory guide to global legal research / edited by Jeanne Rehberg & Radu D. Popa. Littleton, Colo.: F.B. Rothman, 1998. Part II. Chapter Four: Finding foreign Law. Part III: International Law, Reserve K85 .A27 1998
- Toward a Cyberlegal Culture, Mirela Roznovschi. Ardsley, N.Y.: Transnational Publishers, c2002.: Chapter 2.: Legal Research on the Frontier of Innovation. (International and foreign law); Reserve K87 .R69 2002
- International Law Research articles at GlobaLex <http://www.nyulawglobal.org/Globalex/index.html>

## **8. PRACTICAL INFORMATION SESSION\***

Lecturer: Tish Armstrong, Fellowship Coordinator  
Date : Wednesday, April 15  
Time: 4:00 to 5:00 PM  
Location: Furman Hall Room 210  
Mandatory: All Fellows

\*Note: JD Fellows who are 1Ls are required to attend a meeting organized by PILC as a Summer Funding Grant requirement entitled "Tips for Successful International Internships" on April 6, at 12:30 PM, notice of which will be separately given.