

INTERNATIONAL LAW AND HUMAN RIGHTS FELLOWSHIP PROGRAM
SPRING 2012 SEMINARS
(Final, revised)

Note: the seminars are NOT listed in chronological order.

1. OVERVIEW OF INTERNATIONAL HUMAN RIGHTS LAW, ADVOCACY AND FACT-FINDING

Lecturer: Sarah Knuckey, Clinical Professor
Date: Tuesday, March 27
Time: 4:00 to 6:00 PM
Location: Vanderbilt Hall, Room 206
Mandatory: All Fellows who have not taken a law school international human rights law course at NYU or elsewhere
Optional: All other Fellows and NYU law students

Readings:

- International Covenant on Civil and Political Rights [available at <http://www2.ohchr.org/english/law/ccpr.htm>]
- International Covenant on Economic, Social and Cultural Rights [available at <http://www2.ohchr.org/english/law/cescr.htm>]
- David Kennedy, The International Human Rights Movement: Part of the Problem?, 15 Harv. Hum. Rts. 99 (2002) [available at <http://www.law.harvard.edu/faculty/dkennedy/publications/humanrights.pdf>]
- The New Tactics in Human Rights Project, New Tactics in Human Rights: A Resource for Practitioners (3rd ed.) [skim contents, read selections of your choosing] [available at <http://www.newtactics.org/ToolsforAction>]
- Navi Pillay, Human Rights Investigations and their Methodology (Speech, February 2010) [available at http://graduateinstitute.ch/webdav/site/iheid/shared/news/2010_02_26_news/Transcript_Navi_Pillay_Lecture_Graduate_Institute.pdf]
- OHCHR, Human Rights Treaty Bodies [available at <http://www2.ohchr.org/english/bodies/treaty/index.htm>]
- StuffExPatAidWorkersLike, #72: Untreated PTSD (11 July 2011) [available at <http://stuffexpataidworkerslike.com/2011/07/11/ptsd/>]
- UN Special Rapporteur on extrajudicial executions, Report on Mission to Kenya (UN Doc A/HRC/11/2/Add.6) [read only paras. 5-17, 25-27, 38-64] [available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/137/05/PDF/G0913705.pdf?OpenElement>]

2. OVERVIEW OF INTERNATIONAL LAW ON REFUGEES I

Lecturer: Grainne O'Hara, Senior Policy Advisor, UNHCR Liaison Office in New York
Date: Tuesday, February 21
Time: 6:30 to 8:30 PM
Location: Furman Hall, Room 110
Mandatory: Fellows with internships at UNHCR, MJP and EJC
Optional: All other Fellows and NYU law students

Readings:

- 1967 Protocol Relating to the Status of Refugees (<http://www.unhcr.org/basics.html>)
<http://www.unhcr.org/3b66c2aa10.html>
- Statute of the Office of the United Nations High Commissioner for Refugees (1950) (<http://www.unhcr.org/basics.html>) <http://www.unhcr.org/3b66c39e1.html>
- Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees (<http://www.unhcr.org/publ/PUBL/3d58e13b4.pdf>)
- Convention Governing the Specific Aspects of Refugee Problems in Africa ("OAU Convention") 1969 (http://www.africa-union.org/Official_documents/Treaties_%20Conventions_%20Protocols/Refugee_Convention.pdf)
- Guiding Principles on Internal Displacement (http://www.reliefweb.int/ocha_ol/pub/idp_gp/idp.html)
<http://www.unhcr.org/43ce1cff2.html>

Additional reading (optional)

- The 1951 Convention: Travaux Préparatoires with commentary by Dr. Paul Weiss
<http://www.unhcr.org/cgi-bin/texis/vtx/home/opendocPDFViewer.html?docid=4ca34be29&query=1951%20Convention>
- The Refugee Convention at 60: Still fit for purpose? Erika Feller, Assistant High Commissioner for Protection
<http://www.unhcr.org/cgi-bin/texis/vtx/home/opendocPDFViewer.html?docid=4ddb679b9&query=1951%20Convention>

3. OVERVIEW OF INTERNATIONAL LAW ON REFUGEES II

Lecturer: Thomas Gammeltoft-Hansen, Visiting Scholar
 Date: Wednesday, March 28
 Time: 12:20 to 1:50 PM
 Location: Furman Hall, Room 316
 Mandatory: Fellows with internships at UNHCR, MJP and EJC
 Optional: All other Fellows and NYU law students

Readings:

- T. Gammeltoft-Hansen, 'Outsourcing European Migration Control and the Reach of International Refugee Law'. In *The First Decade of EU Migration and Asylum Law. A Celebration of Ten Years of the European Journal of Migration and Law*. Edited by Paul Minderhoud and Elspeth Guild (The Hague: Brill, 2011) [available at <http://www.chrgj.org/opportunities/docs/Gammeltoft-Hansen.pdf>]
- Sale, Acting Cmmr, Immigration and Naturalization Service v. Haitian Center Council. United States Supreme Court. 113 S.Ct. 2549, 509 US 155. 21 June 1993 (available at <http://supreme.justia.com/cases/federal/us/509/155/>)
- UNHCR. 1994. Brief Amicus Curiae: The Haitian Interdiction Case 1993. *International Journal of Refugee Law* 6 (1):85-102 (available at <http://ijrl.oxfordjournals.org/content/6/1/85.full.pdf+html>)
- Hirsi Jamaa and Others v. Italy. European Court of Human Rights. Appl. No. 27765/09. 23 February 2012 (available at <http://cmiskp.echr.coe.int/tkp197/viewhbkkm.asp?sessionId=87049238&skin=hudoc-en&action=html&table=F69A27FD8FB86142BF01C1166DEA398649&key=96608&highlight=27765/09%20%7C%2027765/09>)

4. INTERNATIONAL CRIMINAL LAW I

Lecturer: Natalie Reid (with support from Ivona Josipovic), Debevoise & Plimpton
 Date: Wednesday, February 29
 Time: 6:00 to 8:00 PM
 Location: Furman Hall, Room 316
 Mandatory: All Fellows with internships at: ECCC, ICTJ, ICTY, STL, UNHCR, MJP and EJC
 Optional: All other Fellows and NYU law students

Readings: Available with password to those who may attend session at <http://www.chrgj.org/opportunities/docs/ICL-SessionOneReadings.pdf>. Contact Tish Armstrong (tish.armstrong@nyu.edu) for password. Please note that full footnotes are included only for reference even when only excerpts of articles are provided.

- UN Security Council Resolution 955 (1994)
- UN Press Release, Secretary-Secretary-General Welcomes Rwanda Tribunal's Genocide Judgement As Landmark In International Criminal Law, SG/SM/6687, L/2896 (2 September 1998)
- Richard Goldstone, Historical Evolution--From Nuremberg to the International Criminal Court, as part of Symposium the Future of International Criminal Justice - Evolving Accountability from Nuremberg to the International Criminal Court, 25 Penn State International Law Review 763 (2007)
- Mirjan Damaška, What is the Point of International

Suggested Additional Readings

- Payam Akhavan, Beyond Impunity: Can International Criminal Justice Prevent Future Atrocities?, 95 American Journal of International Law 7 (2001)
- Theodor Meron, Reflections on the Prosecution of War Crimes by International Tribunals, 100 American Journal of International Law 551 (2006)

- Tom Ginsberg, *The Clash of Commitments at the International Criminal Court*, 9 *Chicago Journal of International Law* 499 (2009)

5. INTERNATIONAL CRIMINAL LAW II

Lecturer: Natalie Reid (with support from Ivona Josipovic), Debevoise & Plimpton
 Date: Wednesday, March 7
 Time: 6:00 to 8:00 PM
 Location: Furman Hall, Room 316
 Mandatory: All Fellows with internships at: ECCC, ICTJ, ICTY, STL, UNHCR, MJP and EJC
 Optional: All other Fellows and NYU law students

Readings: (Available with password to those who may attend session at <http://www.chrgj.org/opportunities/docs/ICL-SessionTwoReadings2012.pdf>. Contact Tish Armstrong (tish.armstrong@nyu.edu) for password. Please note that full footnotes are included only for reference even when only excerpts of articles are provided.

Provisional Release

- Innocent Until Alleged Guilty: Provisional Release at the ICTR, 44 *Harvard International Law Journal* 577 (2003)
- Decision on Prosper Mugiraneza's Motion to Dismiss the Indictment for Violation of Article 20(4)(C) of the Statute, Demand for Speedy Trial and for Appropriate Relief, *The Prosecutor v. Prosper Mugiraneza*, Case No. ICTR-99-50-I (2 October 2003)
- Decision on Prosper Mugiraneza's Interlocutory Appeal from Trial Chamber II Decision of 2 October 2003 Denying the Motion to Dismiss the Indictment, Demand Speedy Trial and for Appropriate Relief, *The Prosecutor v. Prosper Mugiraneza*, Case No. ICTR-99-50-AR73 (27 February 2004)
- Decision on Prosper Mugiraneza's Application for a Hearing or Other Relief on his Motion for Dismissal for Violation of his Rights to a Trial Without Undue Delay, *The Prosecutor v. Casimir Bizimungu et al.*, Case No. ICTR-99-50-T (3 November 2004)

Plea Bargaining

- Anna Petrig, *Negotiated Justice and the Goals of International Criminal Tribunals, With a Focus on the Plea-Bargaining Practice of the ICTY and the Legal Framework of the ICC*, 8 *Chicago-Kent Journal of International and Comparative Law* 1 (2008)
Suggested reading
- Julian A. Cook, III, *Plea Bargaining at the Hague*, 30 *Yale Journal of International Law* 473 (2005)

Victim Participation

- Charles P. Trumbull IV, *The Victims of Victim Participation in International Criminal Proceedings*, 29 *Michigan Journal of International Law* 777 (2008)

Suggested reading

- Christine H. Chung, *Victims' Participation at the International Criminal Court: Are Concessions of the Court Clouding the Promise?*, 6 *Northwestern University Journal of International Human Rights* 159 (2008)

6. INTERNATIONAL CRIMINAL LAW III

Lecturer: Natalie Reid (with support from Ivona Josipovic), Debevoise & Plimpton
 Date: Wednesday, April 4 (*new date*)
 Time: 6:00 to 8:00 PM
 Location: Vanderbilt Hall, Room 214 (*new location*)
 Mandatory: All Fellows with internships at: ECCC, ICTJ, ICTY, STL, UNHCR, MJP and EJC
 Optional: All other Fellows and NYU law students

Readings: (Available with password to those who may attend session at <http://www.chrgj.org/opportunities/docs/ICL-SessionThreeReadings2012.pdf>. Contact Tish Armstrong (tish.armstrong@nyu.edu) for password. Please note that full footnotes are included only for reference even when only excerpts of articles are provided.

- Beth Van Schaack, *Crimen Sine Lege: Judicial Lawmaking at the Intersection of Law and Morals*, 97 *Georgetown Law Journal* 119 (2008)
- Darryl Robinson, *The Identity Crisis of International Criminal Law*, 21 *Leiden Journal of International Law*

- 925 (2008)
- Joint Separate Opinion of Judge McDonald and Judge Vohrah, *Prosecutor v. Drazen Erdemovic*, ICTY (7 October 1997)
- Separate and Dissenting Opinion of Judge Cassese, *Prosecutor v. Drazen Erdemovic*, ICTY (7 October 1997)
- Judgement, *Prosecutor v. Mitar Vasiljevic*, Case No. IT-98-32-T (29 November 2002)
- Convention on the Prevention and Punishment of the Crime of Genocide, Articles 1, 2 and 3 (1948)
- Rome Statute of the International Criminal Court, selected articles (1998)
- Claus Kreß, The Crime of Genocide and Contextual Elements, A Comment on the ICC Pre-Trial Chamber's Decision in the Al Bashir Case, 7 *Journal of International Criminal Justice* 297 (2009)

7. INTERNATIONAL LAW COMMISSION I

Lecturer: Virginia Morris, Principle Legal Officer, Codification Division, UN Office of Legal Affairs
 Date: Wednesday, February 29
 Time: 12:20 - 1:45 PM
 Location: Furman Hall, Room 318
 Mandatory: All Fellows with internships at the ILC
 Optional: Subject to space availability, other NYU law students (contact Angelina Fisher, fishera@exchange.law.nyu.edu for approval)

Topic: Introduction to the Codification and Progressive Development of International Law

Readings*:

- Judge Sir Christopher Greenwood, "The Sources of International Law", from the website of the United Nations Audiovisual Library of International Law (see http://untreaty.un.org/cod/avl/ls/Greenwood_IL.html)
- Wood, M., "Introduction to the Statute of the International Law Commission", from the website of the United Nations Audiovisual Library of International Law (see <http://untreaty.un.org/cod/avl/ha/silc/silc.html>)

8. INTERNATIONAL LAW COMMISSION II

Lecturer: Václav Mikulka, Director, Codification Division, UN Office of Legal Affairs and Secretary of the International Law Commission
 Date: Wednesday, March 7
 Time: 12:20 - 1:45 PM
 Location: Furman Hall, Room 318
 Mandatory: All Fellows with internships at the ILC
 Optional: Subject to space availability, other NYU law students (contact Angelina Fisher, fishera@exchange.law.nyu.edu for approval)

Topic: Introduction to the Work of the ILC: working methods and procedures

Readings*:

- Work of the ILC (7th ed.), Volumes I and II
- Statute of the ILC (Annex I)

9. INTERNATIONAL LAW COMMISSION III

Lecturer: Arnold Pronto, Senior Legal Officer, Codification Division, UN Office of Legal Affairs
 Date: Wednesday, March 21
 Time: 12:20 - 1:45 PM
 Location: Furman Hall, Room 318
 Mandatory: All Fellows with internships at the ILC
 Optional: Subject to space availability, other NYU law students (contact Angelina Fisher, fishera@exchange.law.nyu.edu for approval)

Topic: Protection of persons in the event of disasters

Readings*:

- Topic syllabus, contained in the 2006 ILC report (document A/61/10, Annex D, p. 489 ff)
- Draft articles 1 to 5, with commentaries, contained in the 2010 ILC report (document A/65/10, at para. 331)

- Draft articles 6 to 11, with commentaries, contained in the 2011 ILC report (document A/66/10, at para. 289)
- Additional suggested readings*:
- Memorandum by the Secretariat, document A/CN.4/590 and Add. 1-3
 - First four reports of the Special Rapporteur (documents A/CN.4/598, A/CN.4/615 and Corr.1, A/CN.4/629 and A/CN.4/643)

10. INTERNATIONAL LAW COMMISSION IV

Lecturer: Gionata Buzzini, Legal Officer, Codification Division, UN Office of Legal Affairs
 Date: Wednesday, March 28
 Time: 12:20 – 1:45 PM
 Location: Furman Hall, Room 318
 Mandatory: All Fellows with internships at the ILC
 Optional: Subject to space availability, other NYU law students (contact Angelina Fisher, fishera@exchange.law.nyu.edu for approval)

Topic: Expulsion of aliens

Readings*:

- ILC Reports 2005 to 2011 (documents A/60/10, A/61/10, A/62/10, A/63/10, A/64/10, A/65/10 and A/66/10)

Topic: Treaties over time

Readings*:

- Syllabus, Annex A (document A/63/10)
- ILC Reports 2009 to 2011 (documents A/64/10, A/65/10 and A/66/10)

Topic: Customary law

Readings*:

- Syllabus, Annex A (document A/66/10)

11. INTERNATIONAL LAW COMMISSION V

Lecturer: Trevor Chimimba, Senior Legal Officer, Codification Division, UN Office of Legal Affairs
 Date: Wednesday, April 11
 Time: 12:20 – 1:45 PM
 Location: Furman Hall, Room 318
 Mandatory: All Fellows with internships at the ILC
 Optional: Subject to space availability, other NYU law students (contact Angelina Fisher, fishera@exchange.law.nyu.edu for approval)

Topic: Immunity of State officials from foreign criminal jurisdiction

Readings*:

- Syllabus, Annex A (document A/61/10)
- First to third reports (documents A/CN.4/601, 631 and 646)
- Relevant chapters in the 2008 and 2011 ILC reports (documents A/63/10 and A/66/10)

Topic: Obligation to extradite or prosecute (*aut dedere aut judicare*)

Readings*:

- Syllabus Annex (document A/59/10)
- Relevant chapters in the 2009 and 2011 ILC reports (documents A/64/10 and A/66/10)

Topic: Most-Favored-Nation Clause

Readings*:

- Syllabus, Annex B (document A/63/10)
- Relevant chapters in the 2010 and 2011 ILC reports (documents A/65/10 and A/66/10)

11 B. INTERNATIONAL LAW COMMISSION VI (*new session*)

Lecturer: Virginia Morris, Principle Legal Officer, Codification Division, UN Office of Legal Affairs
Date: Wednesday, April 18
Time: 12:20 - 1:45 PM
Location: Wilf Hall, 3rd Floor Conference Room
Optional: All Fellows with internships at the ILC; subject to space availability, other NYU law students (contact Angelina Fisher, fishera@exchange.law.nyu.edu for approval)

12. RESEARCH ON INTERNATIONAL AND FOREIGN LAW

Lecturer: Mirela Roznovschi, Reference Librarian for International and Foreign Law, Law Library
Date: Wednesday, April 4
Time: 4:00 to 6:00 PM
Location: Furman Hall, Room 212
Mandatory: All 1L Fellows
Optional: All other Fellows and 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>

13. PRACTICAL INFORMATION SESSION**

Lecturer: Tish Armstrong, Fellowship Coordinator
Date : Wednesday, April 11
Time: 4:00 - 4:55 PM
Location: Furman 318
Mandatory: All Fellows

*Regarding readings for ILC seminars, the following links to the website of the International Law Commission and the Official Document System of the United Nations (by entering the document symbol (e.g., A/66/10) or by entering a text search) are locations where readings noted above may be accessed:

<http://www.un.org/law/ilc/index.htm>

<http://documents.un.org/simple.asp>

**Note: JD Fellows (1Ls and 2Ls) are also required to attend a PILC meeting entitled "Tips for a Successful International Internship" on Monday, April 9, from 12:30 to 1:30 PM, in Furman Hall, Room 216.