

**International Human Rights**  
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All of the readings for this class are included in the Cases and Materials provided to you. If you have been unable to obtain them, you may e-mail me at the above address and I will send them to you, or you may download them from my faculty web page at UMKC Law School, <http://www.law.umkc.edu/faculty/obrien.htm>. Select "class links" and choose the International Human Rights, then download or open the document named "CASES AND MATERIALS." If you have no Internet access, see me in person and I will get them to you.

This Syllabus and the CASES AND MATERIALS for the course include enabled links to documents and web pages on the Internet. These are for your convenience only; all the required materials are contained in the CASES AND MATERIALS provided. I have tried to pace the required reading at approximately twenty pages per class period.

**Class 1: The Birth of Modern International Human Rights: The Abolition of Slavery**

**Reading Assignment:**

*Scott v. Sandford (The Dred Scott Decision)* (See Course Materials)  
*United States v. The Libellants and Claimants of the Schooner Amistad (The Amistad)* (See Course Materials)

**Class 2 and 3: The Law of War, the Hague and Geneva Conventions, The Holocaust, and Post-WWII development of human rights standards.**

**Reading Assignment:**

*In re Yamashita* (See Course Materials)

Materials from Professor Doug Linder's Famous Trials website, <http://www.law.umkc.edu/faculty/projects/ftrials/nuremberg/nuremberg.htm>, are reproduced with permission in the course materials. Please read the following:

**Charter of the International Tribunal.** (Read the Charter; skim the indictments and outcomes)

**Testimony of Rudolph Hoess, Commander of Auschwitz**

**Testimony of Vladislava Karolewska**

As you read these materials, ponder the following questions that we will discuss in class:

What is the source of the tribunal's jurisdiction? What law defines the crimes that were charged? Were the defendants acting under a claim of lawful authority? What was the source of their claims? Are there *ex post facto* issues lurking in these cases? Why or why not? Some of these defendants were executed. Are there *ex post facto* issues surrounding their punishment? What was it about the crimes that enabled the tribunal to find that the German defendants had a duty to violate German law? What principles of International Human Rights Law can we derive from these prosecutions? Are there limiting principles that allow water boarding of prisoners, extraordinary rendition, or indeterminate detention without charges or trials? If so, how do we draw the line?

#### **Class 4. The United Nations and the Modern Concept of Human Rights**

##### **Required Reading:**

**[Charter of the United Nations](#)** -- Preamble and Chapter IX, included in course materials.

##### **A. UN Declarations and Covenants**

##### **Required reading:**

**A Summary of United Nations Agreements on Human Rights** (included in course materials; the document can be found on line at <http://www.hrweb.org/legal/undocs.html>)

**Universal Declaration of Human Rights** (included in course materials)

##### **B. UN Human Rights Institutions**

##### **Required Reading:**

- 1. Office of the High Commissioner of Human Rights** (included in course materials or available online at <http://www.ohchr.org/EN/AboutUs/Pages/WhatWeDo.aspx> )
- 2. Commission on the Status of Women Rights** (included in course materials or available online at <http://www.un.org/womenwatch/daw/csw> )
- 3. Sub-Commission on the Promotion and Protection of Human Rights**  
(included in course materials or available online at <http://www.unhchr.ch/html/menu2/2/sc.htm> )

As you review these materials, consider the importance of these human rights declarations and institutions to vulnerable or historically exploited populations such as Children, Women, Disabled Persons, Refugees and Immigrants, Political dissidents and Prisoners. Are they effective?

## **Class 5: Regional instruments and institutions for the protection of human rights.**

Human rights is a common subject of regional organizations that are created by treaty or convention. I have selected the European and the Inter-American models, though such instruments exist in other parts of the world. Key features of the Inter-American and European human rights initiatives include the creation of organizations to monitor and adjudicate human rights issues. Please read the substantive text of the instruments articulating the rights of individuals. As you review the scope and purpose of the institutions created by the European and Inter-American communities, consider the following questions: What is the organization's purpose and mandate? What jurisdiction does it have to carry out its mandate? How does it advance its mission? Does it have jurisdiction over cases in controversy? Imagine that you or a client is the victim of a human rights abuse within the jurisdiction of that agency. What kind of human rights violation would come within the agency's mandate? What would you do to seek the agency's help to cure or redress the human rights violation? What powers does the agency have to assist? Does it investigate? What powers of investigation does it have? Does it have adjudicatory power? What are its fact-finding processes? Are its judgments/decisions enforceable? How are they enforced?

### **A. Europe**

- 1. European Convention on Human Rights**, included in course materials or available online at <http://www.hri.org/docs/ECHR50.html>
- 2. European Commissioner for Human Rights**, (included in course materials or available online at [http://www.coe.int/t/commissioner/default\\_en.asp](http://www.coe.int/t/commissioner/default_en.asp))
- 3. European Court of Human Rights**, included in course materials or available online at <http://www.echr.coe.int/ECHR/EN/Header/The+Court/The+Court/History+of+the+Court>

### **B. Inter-American**

- 1. American Declaration of the Rights and Duties of Man**, included in course materials or available online at [http://www.hrcr.org/docs/OAS\\_Declaration/oasrights2.html](http://www.hrcr.org/docs/OAS_Declaration/oasrights2.html)
- 2. The Inter-American Commission on Human Rights**, included in course materials or available online at <http://www.cidh.org>
- 3. Inter-American Court of Human Rights**, (included in course materials or available online at

What precedential effect must nations give to adjudications of a regional or international tribunal?

## **Class 6. Criminal Proceedings**

### **A. International Court of Justice**

**Reading:** Report of the Center for Justice and International Law to the Inter-American Commission of Human Rights regarding *Ramon Martinez Villareal v. United States*, and U.S. non-compliance with the Vienna Convention and the judgment of the International Court of Justice in the *Case Concerning Avena and Other Mexican Nationals (Mexico v. United States, Avena, et al.)* (See Course Materials)

### **B. European Commission On Human Rights**

**Reading:** *Soering v. United Kingdom*, (Extradition) (See Course Materials; to read the full text of the opinion, see [http://www.law.nyu.edu/kingsburyb/fall06/intl\\_law/unit4/Soering.doc](http://www.law.nyu.edu/kingsburyb/fall06/intl_law/unit4/Soering.doc))

*Optional reading:* The Death Row Phenomenon:  
[http://en.wikipedia.org/wiki/Death\\_row\\_phenomenon](http://en.wikipedia.org/wiki/Death_row_phenomenon)

## **Class 7. Non-governmental organizations (NGO)**

### **A. The Role of NGO's**

Reading: See Course materials, reprinted from UN web site

### **B. Amnesty International**

Reading: A History of Amnesty International in Course Materials. *Optional:* visit Amnesty's web site:

<http://www.amnesty.org>

### **C. The International Red Cross**

Reading: International Red Cross and the Red Crescent Movement. *Optional:* visit the IRC web site <http://www.icrc.org>

### **D. Doctors Without Borders**

Reading: Doctors Without Borders. *Optional:* Visit the Doctors Without Borders Web site, <http://www.doctorswithoutborders.org>

Skim these materials, but focus on ONE of the above organizations, or a similar organization about which you are interested, peruse the web site, and be prepared to report in class on the following questions. Do NGO's play a significant role in the protection and advancement of human rights? What are some of the ways in which

NGO's attempt to do so? Does the organization attempt to provide direct services to at-risk populations, or do they focus on the problems in other ways? Are they effective in advancing human rights or in persuading governments to respect human rights? How are they funded? What are some of the obstacles they face? Do governments have an obligation to support them in their work? What is the responsibility of the world community or governments vis-à-vis other governments who actively violate human rights or interfere with humanitarian aid?

**Class 8: Final Exam**