I. Course content

This course is the creation of the instructor, and it is designed for undergraduate, rather than law, students. Thus, the direction will be to generalize—i.e., to focus on broad aspects of international human rights law, especially treaty law and cases decided by international human rights courts.

The format will be a series of subject-matter modules. Although not like the Biblical law of the Medes and Persians (that “altereth not”), the probable sequence and title of each such topic are as follows:

A. General principles of international law and international legal entities: This part includes coverage of the concept of "international law," some recurring terminology and legal principles, and a description and explanation of some of the major legal entities in international and comparative law. These will include political bodies (such as the United Nations and the European Union); financial bodies (such as the World Bank and International Monetary Fund); courts (such as the International Court of Justice, the European Court of Justice, the European Court of Human Rights, the Inter-American Court of Human Rights, and the relatively new [since July, 2002] International Criminal Court, an entity to which the U.S.A. has not subscribed).

B. Human rights in the United States: Addressed here will be the Act of State and Sovereign Immunities doctrines and the Alien Torts Act. Included in both will be assigned relevant court decisions.

B. European Union (EU): With the addition of Bulgaria and Romania on January 1, 2007, and Croatia in July, 2013, there are twenty-eight (28) western and middle European member states in this seemingly endlessly expanding body. (There were originally six (6) countries when the European Community was established by the Treaty of Paris in 1952, subsumed by the Treaty of Rome in 1957. The number will decrease to 27 upon the official departure of the United Kingdom, scheduled for March 29, 2019.) Literally banging at the EU door are several of the former Soviet Social Republics, and Turkey is a candidate for admission.

This entity is significant to this course because virtually all EU member states are member states also of the European Convention on Human Rights. Jurisdiction of the respective courts at times overlaps.

C. International human rights law: Some of this subject matter is contentious, for example, the legality of capital punishment in (my last check) 37 of the American states (for which we are soundly criticized by human rights lawyers in other parts of the world). We will discuss the formation and function of the European Court of Human Rights, probably the primary the preeminent judicial body in the field. Summary coverage will be of the American Convention on Human Rights (the USA is not a member state) and the African Charter on Human and Peoples’ Rights.

D. US law on military tribunals: This will include mention of the Geneva Conventions and sequence of legal activity, especially following the September 11, 2001, attacks in NYC, the Pentagon, and Pennsylvania.

E. International criminal law: Because some of these cases will be familiar to most of you, this seemed the area of most interest. Thus, I have "saved" it until the end. We will summarily cover extradition and rendition. One
significant Virginia extradition case we will discuss involves human-rights related elements (the Soering case). Other extradition cases we might address (depending upon time constraints) are the Julian Assange (Wikileaks) and Edward Snowden situations. Some cases include those from the United Nations ad hoc courts established to hear the (former) Yugoslavia war crimes charges (the chief defendant being former prime minister Milosevic); the extradition case against Agosto Pinochet, former military dictator of Chile; the charges and trial of Manuel Noriega, in Florida, France, and back to Panama; he was the former Panamanian military dictator); issues involving the 1991 International Criminal Court (and reasons that the U.S.A. is not a signatory to the treaty establishing that court); the Jesn Soering trial (beginning with a double murder charge in Virginia, Soering fled to Europe, was charged with a lesser crime in England, then subject Virginia’s request for extradition to the British legal system, involving hearings in UK courts and the European Court of Human Rights); and the post-World War II Japanese and Nurnberg trials.

F. Post World-War II trials in the Philippines, Japan, and Nurnberg, Germany: We will watch instructor-edited parts of a relevant film. I will give you a guide to significant points and the applicable law so that you can view it critically. This film shows actual footage of parts of the first (1945) of the Nurnberg trials, including pre-trial establishment of the court and the underlying law.

II. Readings:
You may be familiar with the West Publishing Company “Nutshell” series. No cases are included in the paperback books, but the text provides general rules of law with citations to cases. The text for this course is Thomas Buergenthal, Dinah Skelton, David P. Stewart, and Carlos M. Vasquez, INTERNATIONAL HUMAN RIGHTS IN A NUTSHELL (5th edition, West Publishing Co., 2017), ISBN 9788-1-63460-598-4. I will make available the cases for which you will be responsible, some which are mentioned in this text and some which are not.

Generally, I draft concise outlines of each subject matter explaining general principles and rules of law, and these documents will also be available during the course. A list of citations to these assigned cases will be an addendum to the syllabus.

Read these cases with gusto! Do not forget that court decisions are not fabricated stories, but are rather real facts and real issues involving real people, who are not “happy campers.” There is so such thing as a pair of friendly litigants, so reading cases is much like reading a short story based on hate and acrimony.

III. Grades and tests:
There will be two written tests, and each will count 20% of the course grade. 60% of your grade will be determined either by (i) a final examination or (ii) a research paper on a topic that you may select from a list I will provide. This may be the most democratic course you will ever take, since the choice of which of these two alternatives is yours. I will give more guidelines for the paper and a general idea of the format of the tests.

At least one of the two tests may be of the take-home variety, in which case you will be permitted to use any and all written materials. In such cases, always be sure to cite each source. The in-class test will not be open-book.

An advance warning: Students have referred to me as the Grammar Nazi because I am a stickler for correct grammar, spelling, punctuation, and sentence structure. Also provided will be a list of the most common errors I have perceived through my years of teaching. With regard to the research paper, it is very important that you check your paper throughout to ensure that you have complied with rules to avoid such errors. Failure to use correct grammar and sentence structure will result in deduction of points. Being able to write and speak lucidly and succinctly (and correctly) is critical to achieving success in your chosen field, and I hope that this practice will be one you will apply to all courses.

The structure of a law course does not lend itself to a grade determination derived from scores on tests with necessarily detailed questions on which you must "burp out" answers that you will likely immediately forget. Rather, tests will include questions to which you must recognize what applicable international (or domestic) legal
principle applies and then apply that (or those) principle(s) in a logical manner. This may involve an analysis of a case or a response to a hypothetical, using rules of law.

The final assignment or research paper is due at the beginning of the last class, xxxxxxx.

Regarding the take-home-use-materials written assignment: Class materials and distributions should provide all you need in order to respond fully and accurately, but you may use external sources in addition. In the event you do so, you must identify the source (i.e., style and citation of cases; citation of statutes or regulations, author [if given], source page number and date for periodicals), and attach copies of these sources. Be very cautious about using the Internet as a source, since usually, it is a secondary, rather than primary resource. The exceptions are official web pages of agencies such as the United Nations, European Union, International Labour Organization, etc. The Internet is an excellent tool to locate primary sources, but in general this information will not be a primary source of law itself.

Questions will be general, but succinct enough so that you will know exactly what I want. We lawyers lend great credence to the 14th Amendment and due process. Moreover, you may not work together. I trust each of you to present a product that is your own. Your signature affirms your compliance with the College of Charleston Honor Code. I expressly ask that you check and re-check for grammatical, spelling, and sentence structure errors. All work—written assignments, take-home tests, and/or research paper--must be double-spaced. Failure to follow instructions will adversely affect your grade.

Finally, a due date for a completed assignment is literal, folks. I retain the discretion to grant an extension, but I warn you that your reason must be compelling and your supportive evidence, demonstrable. For example, for an illness, you must present a specific physician’s signed statement. If the reported cause of the lateness is your having been hit by a Mack Truck en route to deliver the paper in a timely fashion, I may insist upon seeing the tire tread marks on your back.

Should you elect the research paper option, please see me soon with an alternate suggestion. In order for you to exercise this grade option, I must approve such topic no later than end of class on January 25, 2018 [c. third week of class]. I am quite flexible on your choice, but it must be relevant to international human rights law. Additionally, I will give (written) guidelines for such a paper, which must be at least 10 (preferably 13-15) double-spaced pages, excluding footnotes. Footnotes (or endnotes, as you choose) are necessary for a legal research paper.

IV. Attendance and use of electronic devices

This course is heavily reliant on class lectures and discussion. I expect you to be prepared with respect to assigned readings. Knowing that some people simply are averse to speaking in a forum, I do not factor class participation negatively into a student’s final grade. Please take ample notes! You must check Blackboard [or e-mails? Whichever you use] regularly for assignments and other documents, and you will be responsible for in-class handouts and materials sent via e-mail attachments [or Blackboard--?]. Note that if you will be absent, you should ask a fellow student to retain for you a copy of any in-class handouts. I will not bring such items to an additional class.

Because of the importance of class attendance in this course, I will take roll. A student who misses more than two classes without an approved excuse will have his/her final grade lowered. Should you arrive late and/or leave a class early without permission, this will count as a missed class.

Let me know if you want permission to bring a computer to class. If permitted (which is at my discretion), it may used solely for taking notes.

Do not bring activated cell phones to class. If I hear a phone ringing or see a student using one, I will take the phone for the remainder of the class. A second such occurrence will result in my directing the student to leave the class. A third violation is a breach of the student code and will be treated accordingly.
one making the sound of an incoming call, the student will be asked to leave the class, and this will count as an absence. The same rule applies to texting, which is inexcusable, without exception.

V. Miscellaneous

A. Disabilities: The law mandates that VCU comply with federal law with regard to making "reasonable accommodation" for "persons with disabilities." The law makes it your responsibility to provide documentation that clearly informs your instructor(s) of the nature of the requested accommodation. At that point, we can determine what is to be regarded as "reasonable" under the circumstances.

B. College of Charleston Honor Code: Please commit to memory your obligations under the Honor Code. The honor code and code of student conduct are detailed on pp. 13-18 of the College of Charleston Student Handbook and are incorporated into this syllabus by reference. Please read these pages in this document. All work turned in to me is to be your own (with the exception of outside primary sources, which you should identify in your work). This will serve as notice that your signature confirms your adherence to this code. I warn you in advance that, although I am usually a pretty "mild-mannered reporter" (a la Clark Kent), I become a demon when it

C. Rude behavior: In addition to (i) dishonesty, two more characteristics make me apoplectic: (ii) laziness, and (iii) rudeness. One of the most omnipresent forms of rudeness is talking or texting on cell phones or texting in a public setting and/or having on your person an activated cell phone in such a setting such that its ringing constitutes an interruption. Except for the cell-phone rule (see IV above), should a rude act or comment occur in this class, I will issue one verbal warning. If it occurs a second (or subsequent) such time, I will direct the student to leave for the remainder of the class. This is irrespective of whether the second student is the same as the first who provoked the verbal warning. I am as serious as a federal judge on this one, folks.

D. Relevant dates: Please notify me in writing during the first week of classes of any need for excused absences for religious observances, beliefs, and/or practices. The last date to add or drop classes is Monday, January 14, and the last date to withdraw and attain a W grade is Monday, March 25. Note that on Tuesday, March 26, I might submit an automatic W grade should you have excessive unexcused absences.

The university will be closed (and, accordingly, no classes will be held) on Monday, January 21 (Martin Luther King, Jr. Day) and from Sunday, March 17, through Saturday, March 23 (spring break). The final date that this class will meet is Tuesday, April 23, also the date the final assignment is due (beginning of class). Should you choose the in-class test, that test will be given Thursday, April 25, noon.

E. Office hours and contact information: As an adjunct, I have no office hours. I will be sharing an office with Prof. Jos, room 204 of the Political Science Building at 114 Wentworth. Please contact me via e-mail rasniccd@cofc.edu if you need to schedule a meeting. Preferably, this would be prior to 10:30 am on Tuesdays and Thursdays. (On Mondays and Wednesdays, I will be teaching at Charleston School of Law.)

Please do feel free speak up and ask questions during this class! I want each of you to glean as much from these readings and our discussions as possible. This is why I am not relying on the traditional method of testing. Remember that there is no such thing as a "stupid question", provided it is relevant to the subject matter. I welcome your questions and your comments.

I am most grateful to Professor Claire Curtis for her support and approval of this course. I am very excited about this subject matter, and I hope that it will be an informative and interesting learning experience for each of you.