

Legal Studies 154
Human Rights Research and Practice
Spring 2019

T / TH 3:30 – 5:00 PM
106 Stanley Hall – 4 units

This course provides an overview of international human rights, including the field's historical and theoretical foundations; the jurisprudence of international human rights; empirical insights from disciplines such as sociology, psychology, medicine, and forensics; and emerging trends in human rights practice.

Instructors

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Graduate Student Instructors

Derek Garnas
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Meredith Spoto
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Sections: Tuesday: 5-6; Wednesday: 4-5
Office Hours: TBD

Requirements:

- Participation (25% of grade): This includes class attendance and participation in the lecture sessions and the discussion sessions.
- Midterm exam (25% of grade)
- Research concept note (35% of grade), due by midnight on Monday, May 2.
- Final exam (15% of grade)
- Required Textbooks:
 - *The Right Toolkit* (available at <https://www.law.berkeley.edu/wp-content/uploads/2015/04/The-Right-Toolkit.pdf>)
 - Eric Stover, Victor Peskin, and Alexa Koenig, *Hiding in Plain Sight: The Pursuit of War Criminals from Nuremberg to the War on Terror* (University of California Press, 2016)
 - Other readings will be available on the course website

Course Policies:

In order to encourage engagement with our lectures and guest speakers we have a no-technology policy. Unless you have a DSP accommodation, laptops and cell phones may not be used in class. Instead, we encourage you to take notes with pen and paper. Research confirms that this helps you retain more information from the class and reduces distractions for yourself and those around you. We will post many of the Powerpoints from our lectures onto bCourses after class so that you will have those as an electronic resource to supplement your notes.

LS 154
SUMMARY OF CLASSES
SPRING 2019
 Koenig/Stover
 Tuesdays & Thursdays
 3:30 – 5:00 PM
 106 Stanley Hall

I. Foundations of the Law

1	January 22	Introduction	Stover
2	January 24	Civil Rights: Elbert Williams Case	Jim Emison
3	January 29	International Humanitarian Law	Stover
4	January 31	International Human Rights Law	Koenig
5	February 5	International Criminal Law & Transitional Justice	Stover

II. Investigations

6	February 7	War Crimes and Human Rights Investigations	Stover
7	February 12	Forensic Investigation of the Disappeared	Stover
8	February 14	Open Source Investigations	Koenig
9	February 19	Forensic Analysis of Digital Photographs	Hany Farid

III. Litigation

10	February 21	The Trial of Hissene Habre in Senegal	Kim Thuy Seelinger
11	February 26	Litigating Agent Orange Cases In the United States	Gerson Smoger
12	February 28	Universal Jurisdiction Cases	Nushin Sarkarati

IV. Research

13	March 5	Qualitative Research Methods, Research Design, & Research Ethics	Koenig
14	March 7	Research in Indian Country	Koenig
15	March 12	Witness to War Crimes	Stover
16	March 14	Social and Medical Consequences of Land Mines	Stover
17	March 19	Concept Note	Stover and Koenig
18	March 21	Midterm	

V. Important Topics in Human Rights Practice

	March 25-29	SPRING BREAK	
19	April 2	Online Silencing of Activists	Brittan Heller
20	April 4	Resilency	Andrea Lampros
21	April 9	Incarceration & Health in California	Michele diTomas
22	April 11	Armed Conflict & Attacks on Hospitals/Clinics	Rohini Haar
23	April 16	Business & Human Rights	Faris Natour
24	April 18	The Rohingya Crisis	Wai Wai Nu

25	April 23	Fighting Terrorism Online	Will McCants (YouTube)
26	April 25	Sex Trafficking in California	Elise Geltman
27	April 30	The Future of War: Artificial Intelligence, UAVs and Autonomous Weapons	Koenig

28	May 2	Last Class Wrap Up	Koenig and Stover
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VII. Final

Exam	May 17	Final Exam	7:00-10:00 pm
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I. FOUNDATIONS OF THE LAW

#1-Tues, Jan 22: Introduction to the Course

Lecturer: Eric Stover

Reading: Course syllabus

#2-Thurs, Jan 24: Civil Rights: Elbert Williams Case

Lecturer: Jim Emison, Civil Rights Attorney

Readings:

- The Declaration of Independence, Preamble: <https://www.archives.gov/founding-docs/declaration-transcript>
- Amendments 13, 14 & 15, United States Constitution <https://usconstitution.net/const.html>
- The Civil Rights Acts 1866-1875, selections from:
- https://en.wikipedia.org/wiki/Civil_Rights_Act_of_1866
- https://en.wikipedia.org/wiki/Enforcement_Act_of_1870
- "Conclusion: America Through Nazi Eyes," in James Q. Whitman, *Hitler's American Model: The United States and the Making of Nazi Race Law* (Princeton, Princeton University Press, 2017)

#3-Tues, Jan 29: International Humanitarian Law

Lecturer: Eric Stover

Readings:

- Van Schaack and Slye, *Essentials: International Criminal Law*, "Chapter 6"(section on jus in bello)
- American Red Cross, "Development of International Humanitarian Law," April 2011

Optional:

- Beth Van Schaack, "Evaluating Proportionality and Long-Term Civilian Harm under the Laws of War," Just Security, 29 Aug. 2016

#4-Thurs, Jan 31: International Human Rights Law

Lecturer: Alexa Koenig

Reading:

- Dermot Groome, *Handbook of Human Rights Investigations*, "Chapter 1: Overview of Human Rights Law"

#5-Tues, Feb 5: International Criminal Law & Transitional Justice

Lecturer: Eric Stover

Readings:

- Stover, Peskin and Koenig, *Hiding in Plain Sight*, "Chapter 2: To Nuremberg and Beyond"; "Chapter 5: Balkan Fugitives, International Prosecutors"; & "Chapter 8: International Criminal Court: At the Mercy of States"
- Please explore the ICC website at http://www.icc-cpi.int/en_menus/icc/Pages/default.aspx (especially the sections in blue along the left hand side, including About the Court, Structure of the Court, and Situations and Cases)

II. INVESTIGATIONS

#6-Thurs, Feb 7: War Crimes and Human Rights Investigations: Overview

Lecturer: Eric Stover

Readings:

- Maria Nystedt, Christain Axboe Nielsen, and Jann K. Kleffner, *Handbook on Assisting International Criminal Investigations*, Folke Bernadotte Academy, "Chapters 2-3."

#7-Tues, Feb 12: Forensic Investigations of the Disappeared

Lecturer: Eric Stover

Readings:

- Stover and Shigekane, "The missing in the aftermath of war: When do the needs of victims' families and international war crimes tribunals clash?," *International Review of the Red Cross*
- Lizzie Wade, "After the Vanishing," *Science*, 16 December 2016

#8-Thurs, Feb 14: Open Source Investigations

Lecturer: Alexa Koenig

Readings:

- Standage, *Writing on the Wall*, pgs 1-5
- DatNav: New Guide to Navigate and Integrate Digital Data in Human Rights Research, available at <https://www.theengineeroom.org/datnav-digital-data-in-human-rights-research/>

Optional:

- (skim) Human Rights Center, "Digital Fingerprints," https://www.law.berkeley.edu/files/HRC/Digital_fingerprints_interior_cover2.pdf
- (skim) Varanasi, "Using Technology to End Impunity for Mass Atrocities, Including Rape," *International Justice Monitor*, 26 May 2015
- Hiatt, "Open Source Evidence on Trial," at <http://www.yalelawjournal.org/forum/open-source-evidence-on-trial>

#9-Tues, Feb 19: Forensic Analysis of Digital Photographs

Lecturer: Hany Farid, Professor, School of Information, UC Berkeley

Readings:

- Joshua Rothman, "In the Age of A.I., Is Seeing Still Believing," *The New Yorker*, 12 November 2018: <https://www.newyorker.com/magazine/2018/11/12/in-the-age-of-ai-is-seeing-still-believing>

III. LITIGATION

#10-Thurs, Feb 21: The Trial of Hissene Habre in Senegal

Lecturer: Kim Thuy Seelinger, Director, Sexual Violence Program, Human Rights Center, School of Law, UC-Berkeley

Readings:

- Celeste Hicks, "Lawyers Press for Chad's Hissene Habre to face sexual slavery and rape charges," *The Guardian*, 6 March 2017.
- Kim Thuy Seelinger, "Rape and the President: The Remarkable Trial and (Partial) Acquittal of Hissene Habre," *World Policy Journal*, 34.2 (2017): 16-17.
- Ruth McClean, "Chad's Hissene Habre found guilty of crimes against humanity," *The Guardian*, 30 May 2016.

#11-Tues, Feb. 26: Litigating Agent Orange Cases in the United States

Lecturer: Gerson Smoger, Attorney, Berkeley, California

Readings:

- Skim History Channel article on Agent Orange at <https://www.history.com/topics/vietnam-war/agent-orange-1>
- Listen to the US Supreme Court oral argument for *Dow Chemical Co. v. Stephenson* at <https://www.oyez.org/cases/2002/02-271>

#12-Thurs, Feb. 28: Universal Jurisdiction

Lecturer, Nushin Sarkarati, Senior Staff Attorney, Center for Justice and Accountability

Readings:

- More Perfect Podcast, Enemy of Mankind aired on October 24, 2017 and available at: <https://www.wnycstudios.org/story/enemy-of-mankind>
- Chapter 2. Harold Hongju Koh, "Filártiga v. Peña-Irala: Judicial; Internalization into Domestic Law of the Customary International Law Norm Against Torture"

III. RESEARCH

#13-Tues, March 5: Qualitative Research Methods, Research Design, & Research Ethics

Lecturer: Alexa Koenig

Readings:

- Human Rights Center, *The Right Toolkit*
- Reverby, "Ethical Failures and History Lessons: The US Public Health Service Research Studies in Tuskegee and Guatemala ADD: Public Health Reviews, Vol. 34, No 1
- Gina Kolata, Sui-Lee Wee, and Pam Belluck, "Chinese Scientist Claims to Use Crispr to Make First Genetically Edited Babies," NY Times

Optional:

- Booth et al., *The Craft of Research*, “Part II: Asking Questions, Finding Answers”

#14-Tues, March 7: Research in Indian Country

Lecturer: Alexa Koenig

Readings:

- Alexa Koenig and Jonathan Stein, “Federalism and the State Recognition of Native American Tribes: A Survey of State-Recognized Tribes and State Recognition Processes Across the United States,” 48 Santa Clara L. Rev. 79 (2008);
- “Introduction,” *Murder State: California’s Native American Genocide 1846-1873* (skim)

Optional:

- Anderson, *American Indian Law Cases and Commentary* (skim)
- History Channel, “Trail of Tears”
- Goldhagen, “Eliminationism”

#15-Thurs, March 12: Witness to War Crimes

Lecturer: Eric Stover

Readings:

- Eric Stover, Introduction & Conclusion, *The Witnesses: War Crimes and the Promise of Justice in The Hague* (Philadelphia: University of Pennsylvania Press, 2005)

#16-Tues, March 14: Medical & Social Consequences of Land Mines

Lecturer: Eric Stover

Readings:

- Asia Watch and Physicians for Human Rights, *Landmines in Cambodia: The Coward’s War* (available online)
- Anderson et al, “Social Cost of Land Mines in Four Countries: Afghanistan, Bosnia, Cambodia, and Mozambique,” *British Medical Journal* (1995)

#17-Thurs, March 19: Research Concept Note

Lecturers: Eric Stover & Alexa Koenig

Readings:

- Sample Research Concept Note
- The Right Toolkit (available at <https://escholarship.org/uc/item/8m89v0px>)

#18-Tues, March 21: MIDTERM

Tues, Mar 26: NO CLASS - SPRING BREAK

Thurs, Mar 28: NO CLASS - SPRING BREAK

IV. IMPORTANT TOPICS IN HUMAN RIGHTS PRACTICE

#19-Tues, April 2: Online Hate Speech

Lecturer: Brittan Heller

Readings:

- TBD
- Optional: "Fighting Hate on Facebook, Twitter, YouTube: Brittan Heller," *Mercury News*, 27 September 2018, <https://www.mercurynews.com/2018/09/27/fighting-hate-on-facebook-twitter-youtube-brittan-heller/>

#20-Thurs, April : Resiliency

Lecturer: Andrea Lampros, Associate Director, Human Rights Center & Deputy Director, Human Rights Investigations Lab, UC Berkeley

Reading:

- Sarah Knuckey et al., "Trauma, Depression, and Burnout in the Human Rights Field: Identifying Barriers and Pathways to Resilient Advocacy," *Columbia Human Rights Law Review*, 49, 3, 2018: <http://hrlr.law.columbia.edu/files/2018/07/49.3.4-Knuckey-final.pdf>

#21-Tues, April 9: Incarceration and Health in California

Lecturer: Michelle DiTomas, M.D., Chief Physician at the California Correctional Medical Facility & Director of Hospice for Incarcerated Men, Vacaville, California

Readings:

- Braman, *Doing time on the outside: Incarceration and family life in urban America*, University of Michigan Press, 2004.
- Gawande, Hellhole :The United States holds tens of thousands of inmates in long-term solitary confinement. Is this torture? *The New Yorker*, March 30, 2009
- Skim: Human Rights Watch, "Old Behind Bars: The Aging Prison Population in the United States" 2012
- Steinberg, Darrell, David Mills and Michael Romano, "When Did Prisons become Acceptable Mental Healthcare Facilities," *Palo Alto, CA: Three Strikes Project, Stanford University School of Law* (2014)

#22-Thurs, April 11: Armed Conflict & Attacks on Clinics & Hospitals

Lecturer: Rohini Haar, M.D., Research Fellow, Human Rights Center & School of Public Health, UC Berkeley

Readings:

- Matthew Aikens. "Doctors With Enemies: Did Afghan Forces Target the M.S.F. Hospital?" *NY Times*, 17 May 2016
- Human Rights Watch and Safeguarding Health in Conflict, "Attacks on Health Global Report," May 2015, also available at:

https://www.hrw.org/sites/default/files/related_material/HHR%20Attacks%20on%20Hospitals%20brochure%200515%20LOWRES.pdf

#23-Tues, April 16: Business & Human Rights

Lecturer: Faris Natour, Director, Business and Human Rights Program, Human Rights Center, UC Berkeley

Readings:

- UNHCR, UN Guiding Principles on Business and Human Rights (2011), available at:
http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

#24-Tues, April 18: The Rohingya Crisis

Lecturer: Wai Wai Nu

Readings:

- Women Peace Network, “Special Briefing on the Rohingya and the Crisis in Northern Rakhine State, Myanmar”
- Human Rights Council, “Report on the Independent Fact-Finding Mission on Myanmar;”
- United Nations General Assembly, “Situation of human rights of Rohingya Muslims and other minorities in Myanmar.”

A few questions from Ms. Nu to think through before class: 1) What are your observations from these readings about the situation in Myanmar? 2) What seems to be missing in these reports? And 3) What should be done in response to this situation—and how?

#25-Tues, April 23: Fighting Terrorism Online

Lecturer: Will McCants, YouTube

Reading:

- PW Singer and Emerson T. Brooking, “Like War: The Weaponization of Social Media,” chapter on “Win the Net, Win the Day”

#26-Thurs, April 25: Sex Trafficking in California

Lecturer: Elise Geltman, Therapist, WestCoast Children’s Clinic

Readings:

- Audio recording: OPD Sex Scandal Puts Spotlight on Bay Area Sex Trafficking, at <http://ww2.kqed.org/forum/2016/08/03/opd-sex-scandal-puts-spotlight-on-bay-area-sex-trafficking/>
- Allday (2016, July 17), “Police abuse of trafficking victims weakens fragile help system,” San Francisco Chronicle, at <http://www.sfchronicle.com/health/article/Police-abuse-of-trafficking-victims-weakens-8382480.php?t=386c2687e0>
- Bond Graham and Winston (2016, June 15), “Badge of Dishonor: Top Oakland Police Department Officials Looked Away as East Bay Cops Sexually Exploited and Trafficked a Teenager,” East Bay Express, at <http://www.eastbayexpress.com/oakland/badge-of-dishonor-top-oakland-police-department-officials-looked-away-as-east-bay-cops-sexually->

- exploited-and-trafficked-a-teenagerdepartment/Content?oid=4832543
- Bond Graham and Winston (2016, July 5), “An East Bay Pimp Trafficked Her Daughter And the Man that She Turned to For Help Exploited Her For Sex,” East Bay Express, at <http://www.eastbayexpress.com/oakland/a-mother-says-she-was-sexually-exploited-by-one-of-the-east-bays-foremost-anti-human-trafficking-leaders/Content?oid=4881463>
- Carroll (2009), “Gender and Juvenile Justice: New Courts, Program Address Needs of Girls. National Center for Youth Law,” at <http://youthlaw.org/publication/gender-and-juvenile-justice-new-courts-programs-address-needs-of-girls/>

#27-Tues, April 30: The Future of Technology and Human Rights (Artificial Intelligence, Misinformation, Drones, Autonomous Weapons, and More)

Lecturer: Alexa Koenig

Readings:

- Megan Garcia, “Racist in the Machine: The Disturbing Implications of Algorithmic Bias”
- Please also watch the brief video, Slaughterbots: Micro Killer Arms Robots [fictional but warning: may be disturbing], at <https://www.youtube.com/watch?reload=9&v=TlO2gcs1YvM>
- Please also read “Military robots are getting smaller and more capable,” The Economist, at <https://www.economist.com/science-and-technology/2017/12/14/military-robots-are-getting-smaller-and-more-capable>
- Please also play the game Get Bad News at <https://getbadnews.com/#play>

#28-Thurs, May 2: Last Class Wrap Up

Lecturers: Alexa Koenig & Eric Stover

Concept note due to bCourses by Midnight

#29-Friday, May 17: Final Exam 7:00 to 10:00 pm