

Draft: 14 January 2017

**Legal Studies 154
Human Rights Research and Practice
Spring 2017**

T / TH 11:00 – 12:29 PM
Room 2 LeConte – 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, history, and anthropology; and emerging trends in human rights practice.

Instructors

Alexa Koenig

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Graduate Student Instructors

Aniket Kesari

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Sections: W 8-9 AM, Thu 5-6 PM

Office Hours: Thu 3:45 -4:45 PM, Café Zeb

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Sections: Mo 5-6 PM, Tu 4-5 PM

Office Hours: Thu 1-2 PM, TBD

Requirements:

- Participation (20% of grade): This includes class attendance and participation in the lecture sessions and the discussion sessions.
- Midterm exam (35% of grade)
- Research concept note (45% of grade), due by midnight on Monday, May 8
- Required Textbooks:
 - The Right Toolkit (available at <https://www.law.berkeley.edu/wp-content/uploads/2015/04/The-Right-Toolkit.pdf>)
 - Ronald C. Slye and Beth Van Schaack, *International Criminal Law: Essentials* (Aspen Publishers 2008)
 - 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. Recent 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.

Unit One: Foundations of Human Rights Law, Humanitarian Law, and International Criminal Law
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#1-Tues, Jan 17: Introduction to the Course

Lecturers: Alexa Koenig and Eric Stover

Reading: Course syllabus

#2-Thurs, Jan 19: Human Rights: International Bill of Rights

Lecturer: Alexa Koenig

Reading: Dermot Groome, *Handbook of Human Rights Investigations*, "Chapter 1:

Overview of Human Rights Law"

#3-Tues, Jan 24: International Humanitarian Law and International Criminal 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

Optional: *International Criminal Tribunals: A Visual Overview* (Leitner Center)

#4-Thurs, Jan 26: International Criminal Court

Lecturer: Alexa Koenig and Eric Stover

Film Excerpt: *The Reckoning* (20 minutes)

Readings: Stover, Peskin and Koenig, *Hiding in Plain Sight*, "Chapter 8: International Criminal Court: At the Mercy of States"

Drew Beesley, "The Challenges of the International Criminal Court," at <http://www.law.utoronto.ca/news/challenges-international-criminal-court>

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)

#5-Tues, Jan 31: Transitional Justice

Lecturer: Eric Stover

Readings: Roht-Arriaza and Marie Currena, "Transitional Justice in the Twenty-First Century: Beyond Truth versus Justice"

Transitional Justice Readings (packet)

Optional: Weinstein, "Editorial Note: The Myth of Closure"

Optional: Brodney, "Implementing International Criminal Court-Ordered Collective Reparations: Unpacking Present Debates"

Unit Two: Investigations and Research

#6-Thurs, Feb 2: Research Ethics

Lecturer: Eric Stover

Reading: Reverby, "Ethical Failures and History Lessons: The US Public Health Service Research Studies in Tuskegee and Guatemala"

Cohen, *Imbeciles*, "Introduction"

Kutz, "Nuremberg Code"

World Medical Association, "Declaration of Helsinki"

View: "The Deadly Deception: The Tuskegee Experiment," PBS Nova, February 25, 2013, available at: <https://www.youtube.com/watch?v=qNa8CnC4sSU>.

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

Lecturer: Eric Stover

Reading: 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

View:

http://www.pbs.org/newshour/bb/science-jan-june07-dna_02-15/

https://www.ted.com/talks/fredy_peccerelli_a_forensic_anthropologist_who_brings_closure_for_the_disappeared?language=en.

#8-Thurs, Feb 9: Human Rights and Technology

Lecturer: Alexa Koenig

Readings: 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 14: Open Source Investigations

Lecturers: Alexa Koenig and Felim McMahon

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/> (skim)

Optional: Standage, Writing on the Wall, pgs 6-20

#10-Thurs, Feb 16: Universal Jurisdiction

Lecturer: Carolyn "Patty" Blum

Reading: Blum and Bernabeu, "Road to Spain" and "Montano Extradition Decision"

#11-Tues, Feb 21: Litigating Human Rights Cases

Lecturer: Nushin Sarkarati

Reading: TBA

#12-Thurs, Feb 23: Human Rights Investigations and Research [case studies]

Lecturer: Eric Stover and Alexa Koenig

Reading: The Right Toolkit (available at <https://www.law.berkeley.edu/wp-content/uploads/2015/04/The-Right-Toolkit.pdf>)

#13-Tues, Feb 28: Land Mines

Lecturer: Eric Stover

Readings: Asia Watch and Physicians for Human Rights, *Landmines in Cambodia: The Coward's War*

Anderson et al, "Social Cost of Land Mines in Four Countries: Afghanistan, Bosnia, Cambodia, and Mozambique," *British Medical Journal* (1995)

Landmines Protocol

#14-Thurs, March 2: Physical, Digital, and Psycho-Social Security

Lecturer: Alexa Koenig and Sam Dubberley

Readings: Dubberley et al, "Journalism and Vicarious Trauma: A Guide for Journalists in all Stages of their Career"

Mathieu, "Signs and Symptoms of Compassion Fatigue and Vicarious Trauma," 2009 (skim)

DatNav, "Responsible Data Considerations," pgs 40-64, 69-71 (skim)

Optional: Wayne, "The Trauma of Violent News on the Internet," NY Times, 10 Sept. 2016.

Optional: Theidon, "How was your trip?"

Optional: Bazzell, *Open Source Intelligence Techniques*, "Chapter 1: Prepare your Computer"

#15-Tues, Mar 7: Research Concept Note

Lecturer: Eric Stover and Alexa Koenig

Reading: Booth et al, *The Craft of Research*, "Part II: Asking Questions, Finding Answers"

Thurs, Mar 9: MIDTERM

Unit Three: Important Topics in Human Rights Practice
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#16-Tues, Mar 14: Armed Conflict and Attacks on Hospitals and Clinics

Lecturer: Rohini Haar

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

#17-Thurs, Mar 16: Sexual Violence and the Habré Case

Lecturer: Kim Thuy Seelinger, Director, Sexual Violence Program, HRC

Reading: TBD

#18-Tues, Mar 21: Incarceration and Health in California

Lecturer: Michelle DiTomas, Family Practice Physician, California Department of Corrections and Rehabilitation

Readings: Braman, *Doing time on the outside: Incarceration and family life in urban America*, University of Michigan Press, 2004

Gawande, "Hellhole: Is this torture," *Long Term View* 7.2 (2010), pgs 20-33

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)

#19-Thurs, Mar 23: Journalism and Documentary Filmmaking: Rape in the Fields

Lecturer: Andres Cediell, Professor, School of Journalism, UC Berkeley

Readings: Andreas Cediell, "Local, organic, and free of sexual assault," *The Daily Californian*, February 3, 2014, available at:

<http://www.dailycal.org/2014/02/03/local-organic-free-sexual-assault/>

View: "Rape in the Fields," available at:

<http://www.pbs.org/wgbh/frontline/film/rape-in-the-fields>

Tues, Mar 28: NO CLASS - SPRING BREAK

Thurs, Mar 30: NO CLASS - SPRING BREAK

#20-Tues, April 4: Human Trafficking and Health

Lecturer: Elise Geltman, 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/>

Geist (2012), "Finding Safe Harbor: Protection, Prosecution, and State Strategies to Address Prostituted Minors," *Legislation and Policy Brief: Vol. 4: Iss. 2, Article 3.*

Greenbaum, V.J. (2014). Commercial Sexual Exploitation and Sex Trafficking of Children in the United States. *Current Problems in Current Pediatric Adolescent Health Care* (44) 245-269

#21-Thurs, April 6: Refugee Care

Lecturer: Julie Freccero, Deputy Director, Sexual Violence Program, HRC

Reading: TBD

#22-Tues, April 11: Dead Reckoning: War, Crime, and Justice from World War II to the War on Terror (PBS Documentary, Part 1)

Lecturer: Eric Stover and Alexa Koenig

Readings: Stover, Peskin and Koenig, *Hiding in Plain Sight*, "Introduction" and "Chapter 2: To Nuremberg and Beyond"

#23-Thurs, April 13: Business and Human Rights

Lecturer: Faris Natour

Reading: TBD

#24-Tues, April 18: Pelican Bay and the Rise of Long-Term Solitary Confinement

Lecturer: Keramet Reiter, Assistant Professor of Criminology, Law & Society, UC Irvine

Readings: Reiter, 23/7, "Introduction" (Yale University Press 2016)

#25-Thurs, April 20: Dead Reckoning: War, Crime, and Justice from World War II to the War on Terror (PBS Documentary, Part 2)

Lecturers: Eric Stover and Alexa Koenig

Readings: Stover, Peskin and Koenig, *Hiding in Plain Sight*, "Chapter 3: The Hunters and the Hunted" and "Chapter 4: Balkan Fugitives, International Prosecutors"

#26-Tues, April 25: Post 9/11 and the "War on Terror"

Lecturer: Alexa Koenig and Eric Stover

Readings: Stover, Peskin and Koenig, *Hiding in Plain Sight*, "Chapter 9: The 'War on Terror' and Its Legacy" and "Chapter 10: Epilogue"

Thurs, April 27: Last Class

Tues, May 2: Reading and Review Week [no class] Thurs,

May 4: Reading and Review Week [no class]

Monday, May 8: Concept note due to bCourses by midnight