Syllabus

September 1:
1. Origins, History, Logic – From Reciprocity to Humanity?
   - The 1868 St. Petersburg Declaration.
   - International Court of Justice, Advisory Opinion: *Legality of the Threat or Use of Nuclear Weapons*, 8 July 1996 (paras. 24-26, 74-82).
   - Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory ICJ Advisory Opinion (9 July 2004) (paras. 102-113).
   - Banković et al. v. Belgium et al., European Court Human Rights (2001), (paras. 6-11, 54-71).

September 8:
2. Case Study: Belligerent Reprisals
   - Additional Protocol I (1977) (Articles 51-55)
   - United Kingdom, Declarations upon Ratification of the Additional Protocols, Declaration (m) re: Article 51-55 (1998)
   - Prosecutor v. Zoran Kuperskic et al., ICTY (International Criminal Tribunal for the former Yugoslavia) Trial Chamber (2000) (paras. 515-536)

September 15:
3. Who is Entitled to Fight: Privileged Combatancy and its Consequences
   - III Geneva Convention (1949), Article 4, 5.
   - Additional Protocol I (1977), Article 1, 41, 43-5, 75.
   - IV Geneva Convention (1949), Article 5.
   - In re Guantanamo Detainees Cases (D.D.C., January 31, 2005).
   - Yasmin Naqvi, Doubtful Prisoner-of-War Status, 84 IRRC 571 (2002)

Additional Readings:

September 22:
4. Weapons and the Prevention of Excessive Harm
- The 1868 St. Petersburg Declaration
- Hague Regulations (1899), Preamble (the Martens Clause), Article 23(e)
- Hague Regulations (1907), Article 23(e)
- Additional Protocol I (1977), Article 35 (2)
- International Court of Justice, Advisory Opinion: *Legality of the Threat or Use of Nuclear Weapons*, 8 July 1996 (paras. 74-82).

Additional Readings:

September 29:
5. **The Principle of Distinction: Lawful Targets**
- International Court of Justice, Advisory Opinion: *Legality of the Threat or Use of Nuclear Weapons*, 8 July 1996 (para. 77-80).

October 6:
6. **The Principle of Distinction (cont.): Protection of Non-Combatants**
- The Rome Statute of the International Criminal Court, Article 8(2)(b)(i)-(ii)
- Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign Against the Federal Republic of Yugoslavia (2000)

Additional Readings:
- Marco Roscini, Targeting and Contemporary Aerial Bombardment, 45 ICLQ 411 (2005)
- Eyal Benvenisti, Excessive Force and Human Dignity during Military Conflict (draft, 2005).

October 13: no class
October 14 (make up class):
7. Occupation: Concept, History and Future

October 20:
8. Occupation (cont.): The Authority of the Occupant
   • Hague Regulations (1907), Articles 42-56.
   • IV Geneva Convention (1949), Articles 2, 4, 6, 27-66.

October 27:
9. Occupation (cont.): Case Studies – The West Bank and Gaza, Iraq
   • Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory ICIJ Advisory Opinion (9 July 2004) (Paras. 73-78, 90-95, 132-137).
   • David J. Scheffer, Beyond Occupation Law 97 AJIL 842 (2003)
   • Eyal Benvenisti, Water Conflicts during the Occupation of Iraq, 97 AJIL 860 (2003).

Additional Reading:

November 3:
10. The Law of Non-International Armed Conflicts
    • IV Geneva Convention (1949) Article 3
    • Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977
    • Isayeva v. Russia, European Court Human Rights (2005)

November 10:
11. The Law Applicable to United Nations Forces
    • Hansjoerg Strohmeyer, Collapse and Reconstruction of a Judicial System: The United Nations Mission in Kosovo and East Timor, 95 AJIL 46 (2001)
Additional Readings:


November 17:


Additional Readings:

(November 24 Thanksgiving Holiday -- no classes)

December 1:
13. Criminal Responsibility: Bases of Jurisdiction

- The Princeton Principles on Universal Jurisdiction (2001)

December 8:

- In re Yamashita, 327 U.S. 1 (1946)

Additional Readings: