General
Course readings will be available on TWEN. Students are expected to check TWEN on the Friday before class for announcements and are encouraged to post suggested readings and questions for discussion. I will be available for 30 mins before class for office hours. In cases of emergency or to schedule a longer meeting, please send me an email at the address provided above.

Evaluation
70% Research Paper – Consider one aspect of due process in international humanitarian law.

- Analysis (35%) Bluebooking (5%)
- Research (30%) Paper Topic (5%)
- Originality (15%) Bibliography (5%)
- Organization & Style (15%)

25% Class Participation

5% Special Session – Each student will be responsible for anchoring class discussion and having read the supplemental readings for one class.

Writing Requirement
This class can be used to satisfy the Upper Class Writing Requirement. The technical requirements include: (1) use of legal forms of citation (when appropriate); (2) submission of an outline and a first draft of at least 6,000 words (excluding footnotes), in accordance with the professor’s instructions and schedule; and (3) submission of a revised final paper of at least 6k words based on the professor’s comments.

Papers of 6k words (excluding footnotes) in length are approximately 25 typewritten pages using customary margins and spacing. Students will receive a grade for both the course and the paper portions of the course. Both grades will be reflected on the student’s transcript, however, only the course grade is calculated in the student’s overall grade point average.

SCHEDULE
1 September 2016

WHEN IS IT LEGAL TO KILL SOMEONE?

Required Reading:
The Public Committee against Torture in Israel v. Israel, HCJ 769/02
OLC Memo on Shaykh Anwar al-Aulaqi (Jul. 16, 2010)

Supplemental Reading:
8 September 2016  CAN A TRIAL BE PUT ON TRIAL?

**Required Reading:**
Handouts from *USA v. Sawada, Wako, Okada, & Tatsuta* before the Military Commission convened by the Commanding General United States Army. Shanghai, China: 1 May 1946 (vols. 1-5).

**Supplemental Reading:**

15 September 2016  HOW DO YOU PRACTICE THE LAW OF WAR?

**Required Reading:**
Robert Jackson, Preface to the Report to the International Conference on Military Trials (1947)
Ramsey Clark, “Why I'm Willing to Defend Hussein” (24 January 2005)
BG Mark Martins, “Legitimacy and Comparative Law in Military Commissions” (10 January 2012)

22 September 2016  WHEN DOES THE LAW OF WAR APPLY?

**Required Reading:**
*The Protector*, 4 Wall 700 (1870)

**Supplemental Reading:**
*United States v. Nicaragua* (ICJ 1986)

29 September 2016  WHAT IS A WAR CRIME?

**Required Reading:**
*Prosecutor v. Norman*, (Robertson Dissenting)
*United States v. Hamdan*, 696 F.3d 1238 (D.C. Cir. 2012)

**Supplemental Reading:**
*United States v. Hamdan*, CMCR-09-002 (GTMO 2011)
*United States v. Bahlul*, Case No. 11-1324 (D.C. Cir. 2014)
6 October 2016  
**WHAT IS TERRORISM?**

**Required Reading:**

**Supplemental Reading:**
- *The Trial of Carl Bauer*, Case No. 45 (1945)
- Francis Lieber, Guerrilla Parties

13 October 2016  
**CAN CHILD SOLDIERS BE WAR CRIMINALS?**

**Required Reading:**
- *United States v. Jawad*, Decision on Defense Motion to Dismiss for Lack of Personal Jurisdiction (Child Soldier) (GTMO 2008)

**Supplemental Reading:**

20 October 2016  
**WHEN ARE YOU RESPONSIBLE FOR THE WAR CRIMES OF OTHERS?**

**Required Reading:**
- *In re Yamashita*, 327 U.S. 1 (1946)

**Supplemental Reading:**
**27 October 2016**

**WHEN IS ADVOCATING A WAR CRIME ITSELF A WAR CRIME?**

**Required Reading:**
- *Judgment: Julius Streicher*, IMT (Nuremberg) (1946)

**Supplemental Reading:**
- *Dennis v. United States*, 341 U.S. 494 (1951)
- *Dissenting Opinion of the Soviet Member of the International Military Tribunal on Hans Fritzsche*, IMT (Nuremberg) (1946)

**3 November 2016**

**WHEN SHOULD CONFESSIONS BE ADMISSIBLE?**

**Required Reading:**
- *United States v. Khadr*, Ruling on Motion to Suppress (GTMO 2010)

**Supplemental Reading:**

**10 November 2016**

**HOW DO YOU PROVE WAR CRIMES?**

**Required Reading:**

**Supplemental Reading:**
17 November 2016  WHAT AFFIRMATIVE DEFENSES ARE AVAILABLE FOR WAR CRIMES?

**Required Reading:**

**Supplemental Reading:**
*Prosecutor v. Erdemovic*, (Cassesse Dissenting)
*Israel v. Eichmann*, 40/61 (1961) (Superior Orders)

1 December 2016  WHAT PROCESS IS DUE UNDER INTERNATIONAL LAW?

**Required Reading:**
*Prosecutor v. Tadic*, IT-94-1-A (2 October 1995)
*United States v. Bahlul*, ___ F.3d ___ (D.C. Cir. 2015)

**Supplemental Reading:**

**Deadlines**

- 22 September 2016  Paper Topics Due
- 14 October 2016  Paper Bibliographies Due
- 18 November 2016  Rough Draft Due for Students Seeking to Satisfy the Writing Requirement
- 14 December 2016  Final Papers due for Fall graduates
- 14 January 2016  Final Papers due for everyone else