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Jordan J. Paust, Jon M. Van Dyke,
Linda A. Malone

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INTERNATIONAL LAW AND LITIGATION IN THE U.S.

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■ ■ ■

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Paula, Christine and Erik

Sherry, Jesse, Eric and Michelle

Erin and Corey

*

PREFACE

This coursebook is designed for a first or introductory course in international law, sometimes referred to as Public International Law. Most of the traditional topics covered in an initial or primary course are addressed in this book. However, this book also provides a more detailed focus on the use, and possibilities of use, of international law in U.S. domestic legal processes than most general international law course-books. Thus, we pay more attention to various forms of incorporation of international law into U.S. federal and state legal processes, questions of federal and state jurisdictional competencies regarding civil and criminal sanctions, hurdles concerning actual litigation and prosecution, extradition, cooperation in transnational law enforcement (civil and criminal), and related matters.

Most U.S. students who take an international law course are likely to practice international law in U.S. domestic legal processes. Indeed, with growing global interdependence and transnational impacts in all sectors of public life and legal practice, it is increasingly difficult to practice law, especially in the federal system, without familiarity with the nature, relevance, proof, and forms of incorporation of international law; issues concerning jurisdiction under international law; relevant defenses; and issues concerning relative immunities. We note, for example, that the United States is a party to over 14,000 international agreements that, as supreme law of the land, raise questions concerning their direct and indirect use to create, enhance or delimit various governmental and private powers, duties and rights. The practice of law in the U.S. increasingly involves attention to such questions, whether one specializes in corporate, contracting, commercial, criminal, civil rights, energy, environmental, family, immigration, torts, property (including intellectual property), transportation, or governmental legal processes.

This book will more adequately prepare students for such a practice of international law, while also covering traditional topics such as the nature, sources, and evidences of international law; the law of the sea, airspace and outer space law, and the use of armed force. Where appropriate, traditional topics have been addressed also with reference to U.S. domestic legal processes and trends. For example, Chapter 8, addressing the use of force, also pays detailed attention to the allocation of war powers within our federal system and to trends in relevant U.S. litigation. Students who use this book will have both traditional and relevant U.S. incorporation bases of knowledge useful in all other international law and related courses they might pursue, such as: international environmental law, human rights, international criminal law, foreign affairs and national security law, alien-immigration law, international contracting, international litigation and arbitration, international energy law, international trade, international commercial law, and specialty courses and

seminars on topics addressed in various chapters in this book. Similarly, the Documents Supplement will be useful in specialty courses, especially human rights courses or seminars.

Sometimes a series of short extracts from judicial decisions and opinions of Attorneys General are set forth merely to demonstrate patterns of legal expectation and trends in decision on specific points or issues. They are not set forth as typical “cases” with detailed fact patterns. Footnote numbers in this book do not correspond to those in relevant extracts from cases or materials.

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Hilary Charlesworth, Christine Chinkin, Shelley Wright, *Feminist Approaches to International Law*, 85 AM. J. INT'L L. 613 (1991) Gunther Handl, remarks, in 82 PROC., AM. SOC. INT'L L. 371, 372 (1988)

W. Michael Reisman, remarks, in 82 PROC., AM. SOC. INT'L L. 374 (1988)

Alan Kreczko, testimony, in Contemporary Practice of the United States Relating to International Law, 86 AM. J. INT'L L. 548 (1992) Commission on the Responsibilities of the Authors of the War and on Enforcement of Penalties, Report Presented to the Preliminary Peace Conference, March 29, 1919, in 14 AM. J. INT'L L. 95 (1920)

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Georgia Journal of International and Comparative Law:

Jordan J. Paust, *The Complex Nature, Sources and Evidences of Customary Human Rights*, 25 GA. J. INT'L & COMP. L. 147 (1995-96)

Jordan J. Paust, *U.N. Peace and Security Powers and Related Presidential Powers*, 26 GA. J. INT'L & COMP. L. 15 (1996)

German Yearbook of International Law:

Jordan J. Paust, *Customary International Law in the United States: Clean and Dirty Laundry*, 40 GERMAN Y.B. INT'L L. 78 (1997)

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International Law Association:

Report of the Committee on International Law in National Courts, in REPORT OF THE SIXTY-SEVENTH CONFERENCE, HELSINKI 570 (1996)

International Law Reports (Cambridge):

Attorney General of Israel v. Eichmann (Jerusalem d. ct. 1961 and S. Ct. 1962), reprinted in 36 INT'L L. RPTS. 277 (1968)

X v. Empire of Iran, German Federal Constitutional Court (30 April 1963), reprinted in 45 INT'L L. RPTS. 57 (1972)

Kluwer Law International:

Gunther Handl, *Regional Arrangements and Third State Vessels: Is the Pacta Tertiis Principle Being Modified?*, in CONTEMPORARY NORMS IN THE LAW OF MARINE ENVIRONMENTAL PROTECTION-FOCUS ON SHIP AND SAFETY POLLUTION PREVENTION 217 (Henrik Ringbohm ed. 1997)

Jon M. Van Dyke, *The Straddling and Migratory Stocks Agreement and the Pacific*, 11 INT'L J. MARINE & COASTAL L. 406 (1996)

Jon M. Van Dyke, *Sharing Ocean Resources . . . in a time of Scarcity and Selfishness*, — (Harry Scheiber ed. 2000)

Law and Contemporary Problems (Duke University):

Michael Scharf, *Beyond the Rhetoric of Comparative Interest Balancing*, 50 L. & CONTEMP. PROBS. 95 (1987)

Michigan Journal of International Law:

Jordan J. Paust, *Customary International Law: Its Nature, Sources and Status as Law of the United States*, 12 MICH. J. INT'L L. 59 (1990)

Jordan J. Paust, *Race-Based Affirmative Action and International Law*, 18 MICH. J. INT'L L. 659 (1997)

Jordan J. Paust, *Customary International Law and Human Rights Treaties Are Law of the United States*, 20 MICH. J. INT'L L. 301 (1999)

Review of European Community & International Environmental Law (RECIEL):

Duncan E.J. Currie & John M. Van Dyke, *Recent Developments in the International Law Governing Shipments of Nuclear Materials and Wastes and Their Implications for SIDS*, 14:2 REVIEW OF EUROPEAN COMMUNITY & INTERNATIONAL ENVIRONMENTAL LAW (RECIEL) 117 (2005)

Saint John's Law Review:

Jordan J. Paust, *After Alvarez-Machain: Abduction, Standing, Denials of Justice, and Unaddressed Human Rights Claims*, 67 ST. JOHN'S L. REV. 551 (1993)

San Diego Law Review:

Jon M. Van Dyke, Christopher Yuen, '*Common Heritage*' v. '*Freedom of the High Seas*': Which Governs the Seabed?, 19 SAN DIEGO L. REV. 493 (1982)

University of Hawaii Law Review:

Jon M. Van Dyke, *The Role of Customary International Law in Federal and State Court Litigation*, 26 U. HAWAII L. REV. 361 (2004)

Virginia Journal of International Law:

Jordan J. Paust, *Federal Jurisdiction Over Extraterritorial Acts of Terrorism and Nonimmunity for Violators of International Law Under the FSIA and the Act of State Doctrine*, 23 VA. J. INT'L L. 191 (1983)

Yale University Press:

Lung-chu Chen, *INTRODUCTION TO CONTEMPORARY INTERNATIONAL LAW* (1989)
W. Michael Reisman, *NULLITY AND REVISION* 559-562 (1971)

*

TABLE OF CASES

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- Abdel-Rahman v. Gonzales, 493 F.3d 444 (4th Cir.2007), 476
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- Baker v. City of Portland**, 2 F.Cas. 472 (C.C.D.Or.1879), 269, 270, **564**
- Bakhtiar v. Islamic Republic of Iran, 571 F.Supp.2d 27 (D.D.C.2008), 820
- Baldwin v. Franks**, 120 U.S. 678, 7 S.Ct. 656, 32 L.Ed. 766 (1887), **285**
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- Banco Nacional de Cuba v. Sabbatino**, 376 U.S. 398, 84 S.Ct. 923, 11 L.Ed.2d 804 (1964), 378, **903**
- Banco Nacional De Cuba v. Sabbatino, 193 F.Supp. 375 (S.D.N.Y.1961), 123
- Bandes v. Harlow & Jones, Inc., 826 F.Supp. 700 (S.D.N.Y.1993), 378
- Banks v. Greenleaf, 10 Va. 271, 2 F.Cas. 756 (C.C.D.Va.1799), 580
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- Bent-Santana, United States v.**, 774 F.2d 1545 (11th Cir.1985), **665**
- Berg v. British & African Steam Nav. Co., 243 U.S. 124, 37 S.Ct. 337, 61 L.Ed. 633 (1917), 771, 785
- Berizzi Bros. Co. v. The Pesaro**, 271 U.S. 562, 46 S.Ct. 611, 70 L.Ed. 1088 (1926), **773**
- Best, United States v., 304 F.3d 308 (3rd Cir. 2002), 687
- Biton v. Palestinian Interim Self-Government Authority, 252 F.R.D. 1 (D.D.C.2008), 423
- Blackmer v. United States, 284 U.S. 421, 52 S.Ct. 252, 76 L.Ed. 375 (1932), 665
- Blandford v. State, 10 Tex.App. 627 (Tex.Ct. App.1881), 289
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- Bodner v. Banque Paribas, 114 F.Supp.2d 117 (E.D.N.Y.2000), 19, 474, 498, 505
- Boim v. Quranic Literacy Inst. and Holy Land Foundation For Relief And Development, 291 F.3d 1000 (7th Cir.2002), 423
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- Bowoto v. Chevron Corp., 2007 WL 2349343 (N.D.Cal.2007), 657
- Bozano v. France (A/111), 1986 WL 407985 (ECHR 1986), 676
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- Breard v. Greene**, 523 U.S. 371, 118 S.Ct. 1352, 140 L.Ed.2d 529 (1998), 581, **582**
- Briehl v. Dulles, 248 F.2d 561, 101 U.S.App. D.C. 239 (D.C.Cir.1957), 387
- Brown v. United States**, 12 U.S. 110, 3 L.Ed. 504 (1814), 154, 182, 267, 378, 394, **1182**
- Bryks v. Canadian Broadcasting Corp., 906 F.Supp. 204 (S.D.N.Y.1995), 816
- Burger-Fischer v. DeGussa AG, 65 F.Supp.2d 248 (D.N.J.1999), 19
- Bush, United States v., 794 F.Supp. 40 (D.Puerto Rico 1992), 1045
- Bushnell, Ex parte, 9 Ohio St. 77 (Ohio 1859), 123, 581
- Buttes Gas & Oil Co v. Hammer (No.3), 1981 WL 187889 (HL 1981), 901
- Buvot v. Barbut (Barbuit's Case), 25 Eng.Rep. 777 (K.B.1736), 118
- Cabello, Estate of v. Fernandez-Larios, 157 F.Supp.2d 1345 (S.D.Fla.2001), 420, 422, 475, 478
- Cabiri v. Assasie-Gyimah, 921 F.Supp. 1189 (S.D.N.Y.1996), 472, 785

- Caicedo, United States v.**, 47 F.3d 370 (9th Cir.1995), 154, 594, **616**
- Calero-Toledo v. Pearson Yacht Leasing Co., 416 U.S. 663, 94 S.Ct. 2080, 40 L.Ed.2d 452 (1974), 353
- Callejo v. Bancomer, S.A., 764 F.2d 1101 (5th Cir.1985), 925
- Canadian Transport Co. v. United States, 663 F.2d 1081, 214 U.S.App.D.C. 138 (D.C.Cir. 1980), 979
- Caperton v. Bowyer, 81 U.S. 216, 20 L.Ed. 882 (1871), 123
- Cardales, United States v., 168 F.3d 548 (1st Cir.1999), 611, 1045
- Carneal v. Banks, 23 U.S. 181, 6 L.Ed. 297 (1825), 268
- Caro-Quintero, United States v., 745 F.Supp. 599 (C.D.Cal.1990), 675
- Case Concerning Application of Convention on Prevention and Punishment of Crime of Genocide (Bosnia, Herzegovina v. Yugoslavia |Serbia and Montenegro|), 1993 WL 589842 (I.C.J.1993), 58
- Case Concerning Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)**, I.C.J. 1 (2005), **1121**
- Case Concerning Avena and Other Mexican Nationals (Mexico v. United States of America), 2004 WL 2450913 (I.C.J.2004), 587
- Case Concerning Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada / United States of America)**, 1984 WL 499 (I.C.J.1984), **1026**
- Case Concerning Questions of Interpretation and Application of 1971 Montreal Convention Arising From Aerial Incident at Lockerbie, 1992 WL 190220 (I.C.J.1992), 1134
- Case Concerning the Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium)**, 2002 WL 32912040 (I.C.J.2002), **887**
- Case Concerning the Temple of Preah Vihear (Cambodia v. Thailand), 1962 WL 2 (I.C.J. 1962), 57
- Case Concerning United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran)**, 1980 WL 368 (I.C.J.1980), 6, **895**, 1120
- Case of (see name of party)**
- Catalan Lincoleo v. Chile, Inter-American Commission on Human Rights (2001), 531
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- Charlton v. Kelly**, 229 U.S. 447, 33 S.Ct. 945, 57 L.Ed. 1274 (1913), **360**
- Cheriot v. Foussat, 3 Binn. 220 (Pa.1811), 580
- Cheung Sum Shee v. Nagle, 268 U.S. 336, 45 S.Ct. 539, 69 L.Ed. 985 (1925), 547
- Chew Heong v. United States, 112 U.S. 536, 5 S.Ct. 255, 28 L.Ed. 770 (1884), 154, 269, 272
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- Chirac v. Chirac's Lessee, 15 U.S. 259, 4 L.Ed. 234 (1817), 268
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- Christian County Court v. Rankin**, 63 Ky. 502 (Ky.1866), **588**
- Chuidian v. Philippine Nat. Bank, 912 F.2d 1095 (9th Cir.1990), 783, 833
- Chumbipuma Aguirre v. Peru (Barrios Altos Case), Inter-American Court of Human Rights (2001), 531
- Cicippio v. Islamic Republic of Iran, 18 F.Supp.2d 62 (D.D.C.1998), 470, 819
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