

Syllabus: Seminar (Fall 2026): Use of Force and Antiterrorism (Professor Foteh)

Section 7334-13443 Rm. 100

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Meetings set by appointment

Required documents supplement: 2008 DOCUMENTS SUPPLEMENT TO PAUST, VAN DYKE, MALONE, INTERNATIONAL LAW AND LITIGATION IN THE U.S. (West, American Casebook Series, 3 ed. 2009). Handouts (e.g., Packets I-IV) will be used for readings noted below. Pick up the first Packet on Use of Force and War Powers from my secretary in TU 2, second floor. If you have the Paust, Van Dyke, Malone casebook (3 ed. 2009), you do not need the first packet (use chapter 7).

Meet: Monday & Wednesday at 7:30pm - 9:00 pm.

I. Packets on Use of Force and War Powers (or re: IL casebook Ch. 7, use the 3 ed. 2009 of the Paust, Van Dyke, Malone casebook if you have it)

First Week: Class expectations/primary packet (IL casebook ch 7) pages 1072-1090

Second Week: pages 1090-1099 (U.N. Charter and 1970 Dec. & 1974 Dec.

Aggression)

Third Week: pages 1099-1133 (Self-Defense) (and perhaps start next set of pages)

Fourth Week: pages 1133-1135 (Security Council Measures), 1135-1139,
and resolutions on Iraq (1990) and (2003)

Fifth Week: additional packets I, II, & III: Sofaer on “preemption,” 35 Cornell I.L.J.,
U.K. claim re: Iraq (2003), de Hoogh email, O’Connell, Pellet, Somer and Kirgis
ASIL Insights, Somer emails re: Lebanon (2006)

Sixth Week: back to the primary packet (IL) pages 1152-1174 (starting U.S. war powers)

Seventh Week: pages 1174-1198

Seventh Week: pages 1199-1208 and documents Eight Week: pages 1209-1223

II. The Terrorism Packet

Eight Week (ICL packet, chpt. 12, Section 1) packet pages 825-842, proscriptions and
definitional problems, elements and examples

Ninth Week: discussion of the same

Ninth Week: pages 842-856, and the four U.N. terrorism resolutions referred to plus
merely the Tokyo Convention, Hague Hijacking Convention, and Hostage-Taking
Convention

Tenth Week: continue with the packet

III. Human Rights Packet

Tenth Week: (ICL packet chpt. 11) packet pages 811-815, and from Docs. Supp.: International Covenant on Civil and Political Rights, arts. 1-2, 4-5, 7, 9-10, 14, 19-22, 26; American Dec. Rts. & Duties of Man, arts. I-II, XVIII, XXV; plus discussion of revelations regarding inner circle approval of water-boarding, the “cold cell” and other interrogation tactic

Eleventh Week: Convention Against Torture (in the Docs. Supp.) and packet pages 815-822, plus the Inter-American Convention on Forced Disappearance (in the Docs.Supp.) and packet pages 824-26 (forced disappearance); and Genocide Conv., arts. I-IV (in the Docs. Supp.)

IV. Law of War Packet

Eleventh Week: start Law of War Packet (ICL packet, chpt. 8) and see the Documents Supplement for (1) 1919 List of War Crimes, (2) 1907 Hague Convention, (3) 1949 Geneva Prisoner of War Convention (esp. arts. 1-4) and 1949 Geneva Civilian Convention (esp. arts. 1-5 and other arts. on treatment of civilians, e.g., arts. 13, 27-34, 49, 147)

Twelfth Week: continue with Law of War Packet

Thirteenth Week: continue discussion re: The Law of War Packet

Fourteenth Week: continue discussion re: Law of War & possibly other material (later)

November 30: **PAPERS DUE!!!**

Paper: students will turn in a paper on an approved topic (to be refined with consultation with the professor and with approval of an outline). The paper will be comprised of at least 37 pages of text, exclusive of footnotes or endnotes, double-spaced, 12 point font, with one inch margins.

More details on the paper to be handed out in class and discussed.

Paper due on the last day of class (final lecture day), by the beginning of the regular class time.

Class attendance: class attendance is required (those missing more than 20% will be dropped).

In this class, you will be graded on the following scale:

Attendance and class participation: 20%

Paper: 80%

Objectives: First, for the student to prepare a paper of publishable quality. Second, to familiarize students with the nature, sources and evidences of international law on the use of armed force and intervention; the content of such international law, including impermissible use of force, self-defense, Security Council measures, case study of Iraq 2003; relevant U.S. constitutional powers concerning war and peace, including congressional powers, the War Powers Resolution, the U.N. Participation Act, presidential powers as commander in chief, powers of protection, powers to use other force, execution of treaties, limitations under international law; judicial competencies; terrorism, including proscriptions, problems of definition, antiterrorism conventions, U.S. implementing legislation, the Antiterrorism Act, Aircraft Hijacking and Hostage-Taking legislation; relevant human rights, especially concerning detention and treatment of detainees; and relevant laws of war, especially concerning the status, rights, and treatment of detainees.

LEARNING OUTCOMES

Learning Outcomes:

During your time in this course, you will develop competence in the following: • Knowledge and understanding of substantive and procedural law regulating lawyers' conduct; • Legal analysis and reasoning, legal research, problem-solving, and written and oral communication related to legal ethics and professional responsibility; • Exercise of proper professional and ethical responsibilities to clients and the legal system; • Reflection upon how to integrate conceptions of professionalism and the lawyer's role into your career; • Recognition of the trends that will influence the future of lawyers' work; and • Other professional skills needed for competent and ethical participation as a member of the legal profession.

Diversity, Inclusion, and Wellness

This is an inclusive learning space.

At UHLC, we are committed to ensuring inclusive online and classroom learning spaces, where you'll be treated with respect and dignity, and where everyone is provided the equitable opportunity to participate, to contribute, and to succeed.

In this course, all students are welcome regardless of socio-economic status, age, race, ethnicity, disability, religion, national origin, veteran's status, sex, sexual orientation, gender identity, gender expression, political affiliation, marital status and other diverse identities that we each bring to class. Our class is richer for this diversity.

Inclusive learning spaces facilitate the innovation and creative thought that enhance student success. This success arises from the participation, support, and understanding of you and your

colleagues. I encourage you to speak up and to share your views, but also understand that you are doing so in a learning environment in which we're all expected to engage respectfully and with regard to the dignity of all others.

If you feel like your class performance is impacted in any way by your experiences inside or outside of class, please reach out to me. I want to be a resource for you. If you feel more comfortable speaking with someone besides me, Student Services is an excellent resource: 713-743-2182. Finally, I encourage you to bring any issues negatively impacting UHLC's openness to diversity and inclusion to the Law Center's Diversity and Inclusion committee. The D&I committee's charge includes "[building] on the Law Center's strengths as a diverse and inclusive environment." You can contact the committee directly at UHLCD&I@uh.edu.

Your suggestions are encouraged and appreciated. Please let me know ways to improve the effectiveness of this course for you personally, or for other students or student groups.

Chosen Names and Preferred Pronouns

I will gladly honor your request to address you by an alternate name or gender pronoun. Please advise me of this preference early in the semester so that I may make appropriate changes to my records.

I want to address each of you in a manner that corresponds to your identity. I will most often address students by their surnames (e.g., Ms. Smith, Mr. Perez). Recognizing that mistakes may unfortunately happen, chosen names and preferred pronouns—including non-binary ones such as they/them/their—will be respected in our classroom. Please feel free to reach out to me at any time if you want to make me aware of your chosen name or preferred pronoun or if you have concerns about how I or your classmates address you.

3. Honor Code

The UHLC Honor Code applies to all aspects of my class. *You are responsible for knowing all Honor Code provisions and for complying with the Honor Code.* Please ask me if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations related to my course. *It is an Honor Code violation to review the graded assignments distributed to, or written by, any of my students from prior years.*

C. University and Law School Required Language:

1. Counseling and Psychological Services

Counseling and Psychological Services “Let’s Talk” program (“CAPS”) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the , a drop-in consultation service at convenient locations and hours around campus.

The Texas Lawyers’ Assistance Program (“TLAP”) also supports law students who are dealing with stress, anxiety, depression, substance abuse, and other mental health problems. You can reach TLAP at any time at 1-800-343-8527. TLAP’s website includes a page with links to sources about mental health that are of interest to law students: <https://www.tlaphelps.org/law-students>.

2. Anti-Discrimination and Sexual Misconduct Policies

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UHLC and the University of Houston are committed to maintaining and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, a confidential reporting process is available to you. For more information, please refer to the University System’s Anti-Discrimination Policy SAM 01.D.07 Sexual Misconduct Policy SAM 01.D.08and .

Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty and other University employees are required to report to the University any information received regarding sexual misconduct as defined in the policy. Due to this reporting requirement, faculty members and other employees are not a confidential resource. The reporting obligations under the sexual misconduct policy extends to alleged conduct by University employees and students.

D. Other UH Resources:

- _Diversity and Inclusion Statement
- _Non-Discrimination Statement
- _Center for Diversity and Inclusion
- _Center for Students with DisABILITIES
- _LGBTQ Resource Center
- _Cougars in Recovery

- _Counseling and Psychological Services (see Section XIII)
- _Veterans Services
- _Cougar Cupboard
- _CoogsCare (student assistance resources)
- _DACA: What You Need to Know
- _Student Health Center
- _Wellness

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I. INTRODUCTION

This document is for the Fall 2023 semester. It was promulgated on the date given in the footer in the lower right. Text that is struck with Word's track changes capability is not applicable to the Law Center as a graduate school with its own policies in these areas.

II. UH REQUIRED SYLLABUS ELEMENTS

A. *Mental Health and Wellness Resources*

The University of Houston has a number of resources to support students' mental health and overall wellness, including CoogsCARE and the UH Go App. UH Counseling and Psychological Services (CAPS) offers 24/7 mental health support for all students, addressing various concerns like stress, college adjustment and sadness. CAPS provides individual and couples counseling, group therapy, workshops and connections to other support services on

and off-campus. For assistance visit uh.edu/caps, call 713-743-5454, or visit a Let's Talk location in-person or virtually. Let's Talk are daily, informal confidential consultations with CAPS therapists where no appointment or paperwork is needed.

The Student Health Center offers a Psychiatry Clinic for enrolled UH students. Call 713-743-5149 during clinic hours, Monday through Friday 8 a.m. - 4:30 p.m. to schedule an appointment.

The A.D. Bruce Religion Center offers spiritual support and a variety of programs centered on well-being.

Need Support Now? - If you or someone you know is struggling or in crisis, help is available. Call CAPS crisis support 24/7 at 713-743-5454, or the National Suicide and Crisis Lifeline: call or text 988, or chat 988lifeline.org.

B. Title IX/Sexual Misconduct

Per the UHS Sexual Misconduct Policy, your instructor is a “responsible employee” for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/>.

C. Reasonable Academic Adjustments/Auxiliary Aids

The University of Houston is committed to providing an academic environment and educational programs that are accessible for its students. Any student with a disability who is experiencing barriers to learning, assessment or participation is encouraged to contact the Justin Dart, Jr. Student Accessibility Center (Dart Center) to learn more about academic accommodations and support that may be available to them. Students seeking academic accommodations will need to register with the Dart Center as soon as possible to ensure timely implementation of approved accommodations. Please contact the Dart Center by visiting the website: <https://uh.edu/accessibility/> calling (713) 743-5400, or emailing jdcenter@Central.UH.EDU.

D. Recording of Class

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the Justin Dart, Jr. Student Accessibility Center. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and

notetaking. Instructor's recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

III. UH RECOMMENDED SYLLABUS ELEMENTS

A. *Resources for Online Learning*

The University of Houston is committed to student success, and provides information to optimize the online learning experience through our Power-On website (<https://uh.edu/power-on/learning/>). Please visit this website for a comprehensive set of resources, tools, and tips including: obtaining access to the internet, AccessUH, Blackboard, and Canvas; using your smartphone as a webcam; and downloading Microsoft Office 365 at no cost. For questions or assistance contact UHOnline@uh.edu.

B. *UH Email*

Please check and use your CougarNet email for communications related to this course. Faculty use the CougarNet email to respond to course-related inquiries such as grade queries or progress reports for reasons of FERPA. To access your CougarNet email, login to your Microsoft 365 account with your CougarNet credentials. Visit University Information Technology (UIT) for instructions on how to connect your CougarNet e-mail on a mobile device.

C. *Webcams*

Access to a webcam is required for students participating remotely in this course. Webcams must be turned on (state when webcams are required to be on and the academic basis for requiring them to be on). (Example: Webcams must be turned on during exams to ensure the academic integrity of exam administration.)

D. *Security Escorts and Cougar Ride*

UHPD continually works with the University community to make the campus a safe place to learn, work, and live. The security escort service is designed for the community members who have safety concerns and would like to have a Security Officer walk with them, for their safety, as they make their way across campus. Based on availability either a UHPD Security Officer or Police Officer will escort students, faculty, and staff to locations beginning and ending on campus. If you feel that you need a Security Officer to walk with you for your safety, please call 713-743-3333. Arrangements may be made for special needs. Parking and Transportation Services also offers a late-night, on-demand shuttle service called "Cougar Ride" that provides rides to and from all on-campus shuttle stops, as well as the MD Anderson Library, Cougar Village/Moody Towers and the UH Technology Bridge. Rides can

be requested through the UH Go app. Days and hours of operation can be found at <https://uh.edu/af-university-services/parking/cougar-ride/> .

E. Syllabus Changes

Please note that the instructor may need to make modifications to the course syllabus. Notice of such changes will be announced as quickly as possible through (specify how students will be notified of changes).

IV. LAW CENTER REQUIRED

A. Honor Code

The UHLC Honor Code applies to all aspects of this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations related to this course. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus.

B. AI Generated Text

The software technology known as artificial intelligence has recently expanded its capability to generate text (AI Generated Text). Examples of the technology include what are known as “generative” large language models (LLMs), and a specific implementation what is well known in the general public is ChatGPT. These systems can generate text in response to prompts and/or input of other text/documents/code/images. The output, the AI Generated Text, appears to have human-mimicking “intelligence” and is thus potentially usable as a substitute for written work product one might generate themselves. AI Generated Text can include computer code or programs as well as human language content.

Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to not prompt, generate, obtain, read, or use any AI Generated Text in relation to any activity or assessment in this course. This applies to AI Generated Text from yourself or others. This pledge includes that your assessment work product in the course is without any contribution from AI Generated Text. This specifically extends to the plagiarism policy and unauthorized aid/materials parts of the Honor Code: AI Generated Text will be treated as from another/other in applying the plagiarism policy to this course. The term “assessment” means any work product generated for this course that is submitted to the instructor or presented in a class session, regardless whether it is graded content or not. Assessments include mid-terms and final exams. AI Generated Text may not be used in the development or drafting of any assessments created by you in a non-proctored environment, such as a “take-home” final examination unless specified

as an exception below. The parts of the Honor Code that refer to unauthorized materials or aid are specifically prohibited from any use of AI Generated Text in this course unless specified as an exception below.

[_for those instructors wanting exception(s) for their course . . . _]

[_The following activities are exceptions to the immediately preceding paragraph; the intent of these exceptions is to allow use of AI Generated Text for specifically and narrowly defined activities in relation to this course:

- Creating content for an outline that you use to summarize the course content
- “conversing” with the AI Generated Text software system to create hypotheticals to better understand course content, alone or with others
- checking text drafted by you for misspellings, grammar and punctuation errors, strength and clarity of prose, verbosity, effective transitional language and thesis sentences, word choice, excessive passive voice, and like things

. . .

V. ADDITIONAL ITEM(S) FOR CONSIDERATION

A. *UH Syllabus Input for Consideration - Artificial Intelligence*

Instructors are recommended to develop language that will guide students in their use or prohibition of use of AI related tools. If an instructor allows the use of AI tools, they should clearly indicate in what ways they can be used, how they should be cited/reported, and for which assignments they are allowed. Note that Turnitin currently has a filter for ChatGPT, although there is approximately 2% rate of false positives. The following is a collection of classroom policies from a variety of universities for AI generative tools: Classroom Policies for AI Generative Tools (google.com).

https://docs.google.com/document/d/1RMVwzjc1o0Mi8Blw_-JUTcXv02b2WRH86vw7mi16W3U/mobilebasic

VI. {RESERVED}