## CALIFORNIA: WESTERN

## **INTERNATIONAL LAW JOURNAL**

**VOLUME 34** 

FALL 2003

NUMBER 1

## **TABLE OF CONTENTS**

## ARTICLES

Iraq War: Anticipatory Self-Defense or Unlawful Unilateralism?	
Jorge Alberto Ramírez	1
Defining Torture in International Law: A Critique of the Concept	
Employed by the European Court of Human Rights	
Anthony Cullen	29
Due Process Erosion: The Diminution of Live Testimony at the ICTY	
Megan A. Fairlie	47
Comments	
Winning the Risky Global Business Game: Parrying the Thrusts of Terror	<b>[-</b>
ism with an International Insurance Coalition	
Elizabeth Pietanza	85
Avena & Other Mexican Nationals: The Litmus for LaGrand &	
the Future of Consular Rights in the United States	
Alan Macina	115
The Mass Graves at Dasht-e Leili: Assessing U.S. Liability for Human	
Rights Violations During the War in Afghanistan	
Jennifer Lane	145

Gael Strack, J.D., Adjunct Professor Randy Linda Sturman, J.D., Adjunct Professor Phillip J. Sullivan, J.D., Adjunct Professor Robert J. Teaff, J.D., Adjunct Professor Roberta K. Thyfault, J.D., Legal Writing Professor Sheila M. Trexler, J.D., Adjunct Professor Nancy L. Vaughan, J.D., Adjunct Professor Lilia S. Velasquez, J.D., Adjunct Professor Bobbi Ann Weaver, J.D., Adjunct Professor Bradley A. Weinreb, J.D., Adjunct Professor Lisa S. Weinreb, J.D., Adjunct Professor Lisa S. Weinreb, J.D., Adjunct Professor Janet Weinstein, J.D., Professor of Law, Director, Joint J.D./M.S.W. Program Lewis A. Wenzell, J.D., Adjunct Professor Daniel B. Yeager, J.D., LL.M., Professor of Law

David Bowers, B.A., M.Div., Assistant Dean for External Affair; Director of Development
Ruth A. Briscoe, Clinical Internship Program Administrator
Jolie L. Cartier, B.S., Executive Director of Facilities Management
Linda Dews, B.A., Assistant Dean for Student & Diversity Services
Louis W. Helmuth, B.A., J.D., Assistant Dean, Director of Career Services
Lenore L. Fraga, B.B.A., C.P.A., Chief Financial Officer
Mary E. Garcia, B.A., M.L.S., Associate Director of the Law Library
Crystal L. Hengel, Executive Director of the Swortwood Bookstore
Traci Howard, Director of Admissions
Mary Lou Mitchell, B.A., Executive Director of Computer Services
Sandra E. Moreau, Executive Director of Financial Aid
G. Diane Shragg, Registrar
Deborah L. Wilson, B.A., Executive Assistant to the Dean