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Alumni Profile

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ALUMNI PROFILE

by Inbal Sansani*



Nomi Dave, a 1999 J.D. graduate of the Washington College of Law (WCL), is currently working as an associate protection officer with the United Nations High Commissioner for Refugees (UNHCR) in Guinea, West Africa. Ms. Dave is a member of the Junior Professional Officers (JPO) program, which provides opportunities for nationals of different countries to work with UN agencies for a two-year period. She applied to the JPO program through the U.S. government, which sponsors JPOs for UNHCR and the World Food Program. Although Ms. Dave is a staff member of the UNHCR, her position is funded through the U.S. Department of State. Upon acceptance to the program, she was posted to the UNHCR Branch Office in Conakry, Guinea. At this duty station, she works primarily with refugees from Cote d'Ivoire, Liberia, and Sierra Leone, which are currently the main sources of the refugee population in Guinea.

Ms. Dave's work focuses on the protection of refugees, including analysis of issues pertaining to international refugee law and the legal and physical protection of refugees. In addition, UNHCR addresses other human rights issues affecting refugees, including arbitrary arrest and detention, freedom of expression, freedom of movement, and rights specific

to the needs of women and children in the refugee community. According to Ms. Dave, the most challenging aspect of her work involves addressing the basic needs of individuals and groups on a daily basis. Each morning she greets a queue of refugees outside the UNHCR office. She explains that this group may include people who have not eaten for days, people who have nowhere to sleep, or those whose spouses or siblings have been arrested. One of her first lessons was that working at UNHCR involves a variety of responsibilities including counseling, social services, and informal dispute resolution in addition to engaging in legal analysis.

Immediately after law school Ms. Dave worked as a researcher and writer for the UN Secretariat in New York, focusing on economic and social affairs. Ms. Dave's advice to law students is to study topics that they find stimulating and to keep focused on their chosen fields of interest. Her favorite law school experience was participating in the International Human Rights Law Clinic, which she found to be both instructive and enjoyable.

Ms. Dave is currently beginning to explore new areas of interest in the law, including issues of cultural rights, economic and social development, and the protection of children and the elderly in conflict situations. She plans to pursue writing opportunities in the future. 🌐

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Mr. Domingues. The petition alleged that by sentencing Mr. Domingues to death for crimes he committed while he was a juvenile, the United States breached Articles I (right to life), II (right to equality before the law), VII (right to protection for mothers and children), and XXVI (right to due process of law) of the American Declaration. The petitioner alleged that the United States violated Article I of the American Declaration by breaching the *jus cogens* norm prohibiting the execution of juveniles. The petitioner further argued that the use of the death penalty in a limited number of U.S. states resulted in arbitrary deprivation of life and inequality before the law in the United States.

Analysis

After ruling that the case was admissible based on evidence that Mr. Domingues had been denied a substantive appeal of his "illegal sentence" and had therefore exhausted all domestic remedies, the Commission considered the merits of the claim, focusing first on the allegation that the United States violated a *jus cogens* norm. The Commission indicated that it would apply a heightened level of scrutiny reserved for capital cases. The Commission began its analysis with its 1987 decision, *Roach and Pinkerton v. United States*, in which it determined whether a *jus cogens* norm that prohibits the execution of juveniles existed. The Commission held in *Roach and Pinkerton* that, although there was a recognized *jus cogens* norm among member states of the Organization of American States (OAS) that prohibits the execution of chil-

dren, there was no consensus as to the age of majority. Based on the precedent set by that decision, the Commission defined the question before it as being whether, since 1987, the international community had established 18 as the age of majority.

In determining whether a *jus cogens* norm had developed for the age of majority since its 1987 decision in *Roach and Pinkerton*, the Commission considered the development of international treaty law, United Nations resolutions and standards, domestic practices within individual states, and practices within the United States. The Commission noted numerous developments that it considered indicative of an international consensus on 18 as the age of majority. In reaching its conclusion, the Commission relied on the fact that 191 states are currently parties to the UN Convention on the Rights of the Child, which provides that no person under the age of 18 shall receive the death penalty; that 64 countries have acceded to or ratified the International Covenant on Civil and Political Rights, which provides that death sentences shall not be imposed on individuals below the age of 18; that 5 member states of the OAS have ratified or acceded to the American Convention on Human Rights, which prohibits the execution of persons below the age of 18; that 49 countries have abolished the death penalty since 1986 (making the total of nations that do prohibit the death penalty 111), and that 20 additional countries that have not carried out an execution in 10 or more years; and that 16 states in the United States have expressly chosen the age of 18 as the minimum age for