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A Profile of Inter-American Commission President Robert K. Goldman

by Sarah Aird and Tom Lynch*

On February 22, 1999, Washington College of Law (WCL) Professor Robert K. Goldman assumed the presidency of the Inter-American Commission on Human Rights (Commission). *The Human Rights Brief* spoke with him to learn more about his background, his perspective on the Commission, and his goals for the term of his office.

Historical Development of the Commission

The Organization of American States (OAS) created the Commission in 1959. Twenty years later, the Commission carries out three principal functions. First, it hears individual cases and determines which to submit to the Inter-American Court of Human Rights for decision. Second, it produces country reports based on on-site visits. Third, it promotes friendly settlements between state governments and individual complainants.

Historically, the Commission focused almost exclusively on producing country reports, which described human rights abuses at national levels using information collected during on-site visits by Commission members. Country reports predominated throughout much of the 1970s and 1980s because, during this period, dictatorships dominated the political landscape in Central and South America and committed massive and systemic violations of human rights. These widespread atrocities did not lend themselves to resolution through individual cases, which helped individual victims but did little to alter systematic patterns of abuse. Through the publicity gained by its country reports, however, the Commission was able to highlight these abuses. Goldman

believes that the Commission gained its esteemed reputation through country reports.

Although country reports still play an important role in the Commission's work, in recent years the case system, which deals with individual complaints, has evolved as the Commission's primary activity. Due to improvements in the human rights situation throughout the Americas, it is no longer common for the Commission to deal with cases that reflect broad government abuse of human rights. As a result, the Commission shifted its focus to individual cases of abuse, offering relief to individual petitioners. The most prevalent issues in individual complaints currently include preventative detention, treatment of prisoners, discrimination against women, children's rights, and the rights of handicapped persons.

Goldman's Involvement in the Inter-American Human Rights System

Goldman's interest in human rights dates back to his experiences as a Fulbright scholar in Uruguay from 1967 to 1968. After returning to the United States in 1968, he attended the University of Virginia Law School, which was at that time one of the few U.S. law schools offering a course on the international protection of human rights. In 1971, Goldman began working at WCL as assistant dean and assistant professor. During this period, he worked as a consultant to the Commission, and, having close friends who were victims of human rights abuses under the Uruguayan dictatorship, he remained involved in Uruguayan affairs and joined many human rights organizations. He became a member of the Commission in 1996 and has participated in numerous missions overseas and the publication of numerous reports in this capacity. At WCL, Goldman is co-director of the Center for Human Rights and Humanitarian Law and teaches numerous international law classes, including the international protection of human rights and the laws of armed conflict.

Goals of the New President

As president of the Commission, Goldman is conscious of the fact that the Commission functions as a collegial body and establishes policy through consensual efforts. He has identified, however, two priorities upon which he believes the Commission should focus. First, the Commission must reform its internal regulations, including how cases are opened and how testimony is taken. Traditionally, these procedures have been less than clear, but, as hearings become more complex, the need for codified rules has grown.

The second priority involves obtaining additional funding for the Commission, which currently handles approximately 1,000 open cases, as well as approximately 1,000 complaints that have not formally been admitted as cases. The Commission lacks adequate financial or personnel resources to handle this caseload, as the cases are divided among only 14 lawyers and 7 Commission members. In comparison, the European Commission of Human Rights, a similar body, handles approximately the same number of cases but employs a staff of about 50 lawyers, more than three times the number working in the Inter-American Commission. Additionally, the OAS, under which the Commission operates, consistently asks the Commission to take on additional tasks such as publishing reports or monitoring specific human rights situations throughout the hemisphere. Goldman believes the OAS cannot continue assigning new tasks to the Commission without providing additional resources. He

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Guatemala, therefore, argued *inter alia* that the petitioners had not exhausted all local remedies in accordance with Articles 46 and 47 of the American Convention.

Conclusion

The case of *Villagrán Morales* is the first case dealing with police brutality against street children before any international tribunal. The Inter-American Court is not expected to render its decision in the *Villagrán Morales* case before June 1999 at the earliest. The *Villagrán Morales* decision will be a precedent not only for the cases on the torture and killing of street children in Guatemala, but also for the abundance of similar cases likely to come before courts worldwide. One decision, however, is not enough. Press coverage and global public support will be necessary to help other street children brutalized by their own governments.

The international community has recognized the importance of preventing acts, such as those alleged against the Guatemalan government in *Villagrán Morales*, through various treaties, typified in the International Covenant of Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Rights of the Child, and the International Convention on Torture. In addition, the Special Rapporteur has specifically addressed the problems of street children in Guatemala and in the Western Hemisphere as a whole for the United Nations. These mechanisms, however, can only make recommendations to states as to how to implement their domestic provisions. The Inter-American Court, on the other hand, provides an actual course of remedy by rendering a binding and enforceable decision. A favorable decision in the *Villagrán Morales* case, which would hold Guatemala responsible for the gross violations of its agents, is crucial to the development of international jurisprudence. Not only would it provide justice for the families of the five murdered boys, but it also would encourage states worldwide to develop and enforce legal systems that can protect their citizens.

The values of society are in a large manner reflected in the way it treats its children. The case of Anstrum, Julio, Jovito, Henry, and Federico represents not only a social and legal inequity in Guatemala. It is also an appeal to all countries to understand the importance of developing programs that will assist those unfortunate children left to live on the streets. For justice to truly prevail, this case should be used as an example to denounce the violence against these human beings, who are, after all, only children. ☉

**Selina Kossen graduated from Utrecht University with a Meester in de Rechten (J.D. equivalent) with a specialization in public international law and human rights. From August 1998 until March 1999, she worked for Washington College of Law Dean Claudio Grossman as a visiting human rights research scholar on cases before the Inter-American Commission on Human Rights, both at the law school and the Commission. She began working for the Pan American Health Organization in May 1999.*

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all threats, and that self-governance and appropriate academic leadership are fundamental components of any meaningful enjoyment of academic freedom and autonomy. The 1998 LU directly contravenes these principles by placing powers of university decision making almost entirely with the Serbian government.

The domestic and international violations of the 1998 LU constitute a denial of important rights. The NATO air strikes, which commenced on March 24, 1999, against Serbian forces, will have unforeseeable consequences on Serbian domestic politics. Prior to the NATO bombings, there were positive signs that opposition to the 1998 LU was effective. On February 9, 1999, for example, Professor Radmilo Marojević, a government-appointed dean at the University of Belgrade, resigned after months of student protests surrounding his appointment under the 1998 LU. Unfortunately, as Radomir Diklić, a founder and director of the local Beta independent news agency stated, "[e]ven if the war were to stop right now . . . the effect will be to cut all the roots of democracy that previously existed here." Restoring academic freedom within Serbian universities will play a crucial role in the building a fragile democracy. ☉

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would also like to pursue funding from sources outside the hemisphere.

Commission's Importance in the Development of International Law

Goldman believes that the Commission's decisions are on the cutting edge of international law. The Commission has devoted particular attention to addressing impunity for human rights violators, which continues to be one of the primary issues in Latin America. The Commission was also the first international organ to deal with the politically loaded issue of amnesties for human rights violators. As a result of Commission efforts regarding these and other issues, other international bodies such as the UN Human Rights Committee and the Inter-American Court of Human Rights now recognize their importance.

Conclusion

Much of Goldman's work with the Commission is performed on a volunteer basis and requires a tremendous commitment of his time and resources. He finds this involvement, however, extremely rewarding. His efforts also have paid off for WCL students, who benefit in the classroom from his human rights experiences and have enhanced opportunities to become involved in activities at the Commission due to his position there. As president during the coming year, Goldman hopes to deepen the international community's involvement in the Commission and strengthen the organization's internal structure so that the Commission continues, in his estimation, to be the most successful and effective human rights body in the world. ☉

**Sarah Aird and Tom Lynch are first year J.D. candidates at the Washington College of Law and Staff Writers for The Human Rights Brief.*