

1994

World Bank Inspection Panel Update

Samir Desai

American University Washington College of Law

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Recommended Citation

Desai, Samir. "World Bank Inspection Panel Update." Human Rights Brief 2, no. 1 (1994): 4.

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WCL Human Rights Clinic Champions Women's Rights

by Angela Collier

In 1980, 22-year-old Ana Delmi Gonzalez was found dead in a dumping ground known to be used by government security forces in Puerta del Diablo, El Salvador. She had been tortured and raped. Ana was the daughter of a member of COMADRES, an organization formed in 1979 by the wives and daughters of men who disappeared under the military dictatorship of General Humberto Romero of El Salvador.

In 1991, the International Human Rights Law Clinic (IHRLC), at the Washington College of Law (WCL), filed a petition with the Inter-American Commission on Human Rights. IHRLC requested an investigation into the Salvadoran government's actions against COMADRES and sought recommendations for redressing abuses against COMADRES and its members. According to Professor Rick Wilson, Director of IHRLC, the COMADRES petition marks the first time law students have argued before the Commission.

"It is important to resolve this issue so the world does not forget about the human rights abuses perpetrated against innocent Salvadoran citizens and against the women who championed their rights."

Jason Davidson, a WCL student working on the case, hopes the Commission will soon issue recommendations on the manner of compensation that the Salvadoran government should offer to COMADRES and its members. This is a case that "can be easily forgotten due to the peace accords in El Salvador," says Davidson. "It is important to resolve this issue so the world does not forget about the human rights abuses perpetrated against innocent Salvadoran citizens and against the women who championed their rights." According to Davidson, "the women of COMADRES played an important role in Salvadoran society by exposing human rights violations against innocent people. The women peacefully asked for an accounting of those who suspiciously disappeared during 13 years of civil war." Davidson noted that women's organizations similar to COMADRES in other

countries have also been very successful, underscoring the ability of women to fight peacefully for redress in human rights cases.

Amy Schaner, another WCL student assigned to the case, explains that the Commission has yet to issue recommendations because the United Nations Salvadoran Truth Commission had previously addressed COMADRES' concerns in a report concerning human rights abuses in El Salvador. Nonetheless, Schaner and Davidson believe the Commission can legitimately consider the COMADRES petition; they hope the Commission will resolve this issue in the next few weeks.

In a separate case, IHRLC intern Monserrat Miller accompanied a female Sudanese immigrant last summer to an interview at the offices of the Immigration and Natural Service (INS). The woman sought political asylum because the Sudanese government persecuted her for wearing western dress.

According to the Summary of the Case submitted by IHRLC "women who did not cover their entire bodies, with the exception of their hands and eyes, were susceptible to punishment on the basis of a recent law." The clinic argued that the Sudanese woman was a member of a group of "Muslim women who are persecuted due to their refusal to wear [traditional dress]." The woman was eventually granted asylum.

According to Miller, "political asylum" is a misnomer because the INS may grant asylum for reasons other than political persecution. Miller explained there are five grounds upon which the INS may grant political asylum: persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. Miller stated that the case was unique because it involved the larger issue of asserting that asylum law should consider women as a social group. "It was unusual to argue for asylum on the basis of women's issues," she said. Although U.S. immigration law is not settled on this point, IHRLC asserted that some international courts have found that women are a social group entitled to protection. In this case, INS granted asylum, though not entirely on the basis of the social group to which the women belonged; the case involved political persecution as well. ●

World Bank Inspection Panel Update

by Samir Desai

In April 1994, the World Bank announced the appointment of Ernst-Günther Bröder, Alvaro Umaña Quesada, and Richard Etter Bissell to the Bank's new Inspection Panel. Mr. Bröder was selected as Chairman of the committee. The Inspection Panel was established in September 1993 in order to increase accountability for the consequences of Bank activities. It is designed to address complaints against the Bank which allege that the institution detrimentally affected the rights or interests of the claimant, and/or failed to follow its own procedures in Bank-supported projects. (See related story, *The Human Rights Brief*, Vol. 1, no. 1, at p. 4)

In August 1994, the Panel published its Operating Procedures, which is now available from The Inspection Panel, 1818 H Street, N.W., Washington, D.C. 20433, Ph. (202) 458-5200; Fax. (202) 522-0916. Washington College of Law (WCL) professor Daniel Bradlow, who was instrumental in the development of the panel, and WCL professor Rick Wilson are following the developments of the Panel.

In October 1994, former WCL LL.M. student Gopal Siwakoti '92 filed the first complaint against a Bank project, the Arun Dam in Nepal. A member of the Arun Concerned Group (ACG), a Nepali nongovernmental organization, Siwakoti and ACG claim that the dam project is both detrimental to the Himalayan environment and financially inappropriate. *The Human Rights Brief* will feature the Arun Dam Project complaint in the following issue. ●