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Human Rights Law Clinic Provides "Hands On" Experience

by Steven Weston

Recently, a Honduran soldier was seriously threatened after voicing opposition to a branch of that country's intelligence force involved in torture and disappearances. Forced to flee his country, the soldier made his way to the United States where students in the Washington College of Law (WCL) International Human Rights Law Clinic (IHRLC) succeeded in obtaining political asylum for him. Had the man been forcibly repatriated back to Honduras, he would likely have faced a perilous future.

The IHRLC at WCL handles numerous cases concerning human rights issues like this one. It operates under the direction of Professor Rick Wilson and is designed to give students first hand experience in litigation and legislative advocacy. Begun in 1990, the IHRLC has become an important addition to the law school's nationally recognized clinical program. The March 21, 1994 issue of U.S. News and World Report ranked WCL's clinical program as fifth in the nation.

According to Professor Wilson, approximately one-half of the cases handled by students in the clinic concern

domestic political asylum. The students assist clients in the preparation of asylum applications, accompany them on interviews with asylum officers, and when necessary, appear in court and file appeals with the Board of Immigration Appeals or the federal courts.

Wilson remarked that "students put enormous amounts of energy and time into these cases, probably more than lawyers practicing in the field would put in, in part out of inexperience but also out of devotion to their clients."

Among the many people for whom the IHRLC has won asylum include a visiting Kenyan journalist whose publication was banned before he left Kenya; supporters of the Mujahidin in Afghanistan threatened by members of the former Communist government's armed forces; and a 19 year old Nigerian student who published stories in a school newspaper critical of the government, and who subsequently discovered that the faculty supervisor and student members of the paper had disappeared.

The clinic also represents individuals and organizations alleging human rights

violations before international bodies. Currently, several clinic cases are pending before the Inter-American Commission on Human Rights, the regional human rights enforcement system for the Americas. Students recently filed a case with the Commission against the U.S. government for denying representation in Congress to citizens of the District of Columbia. Under current U.S. law, District residents have no voting representation in the U.S. House or Senate.

Other bodies in which the IHRLC is active include the Human Rights Committee under the Covenant on Civil and Political Rights, the United Nations, and the U.S. Congress. Students recently requested the UN Secretary General and the UN Special Rapporteur on Summary or Arbitrary Executions to intervene in the cases of two persons convicted of capital offenses in Utah and Texas. The petitions allege violations of international human rights law including racial discrimination and cruel and unusual punishment. One of the defendants had received the death penalty for a capital crime committed while a minor.

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on Racism and Racial Discrimination described the racial prejudice still burdening our black minority. Americans will always bear the shame of our near extermination of Native American populations in North America . . . we are still trying to make amends for our incarceration of Americans of Japanese descent during World War II . . .

We have tried to do something about these ills. For over 125 years the Fourteenth Amendment to our Constitution and our civil rights laws have barred any kind of discrimination and we are still passing new laws to try to enforce that ban. I have been fortunate to devote most of my career as a lawyer and teacher to trying to make these legal norms a reality, and in my own lifetime I have seen great gains . . .

It was a source of pride and inspiration for all Americans that Toni Morrison, Dr. Ralph Bunche and Dr. Martin Luther King, Jr., won Nobel Prizes. Other Americans from minority groups that in earlier years were held back by prejudice are soaring to the top in every area. We have learned that bouillabaisse is much richer and more nour-

ishing than plain consomme . . .

Throughout the centuries war and upheavals have thrust national, ethnic, religious and other groups from states in which they were in the majority into states and under regimes where they became minorities . . . Not infrequently these former majorities have abused their power over the former minority, breeding resentment and yearning for vengeance. Many seem never to have learned what British poet W.H. Auden wrote at the outbreak of World War II:

and the public know
what all school children learn,
Those to whom evil is done
Do evil in return . . .

To its credit the world community has begun to take some small steps: In a variety of international instruments, it has condemned discrimination of every kind. Further, it has urged nations to take positive and affirmative action to promote ethnic, linguistic and other diversity in schools, public institutions, communications media and other settings. It has also tried to deal with expressions of private intolerance. . .

United States Supreme Court Justice Louis D. Brandeis, one of our greatest

jurists, taught that "the Government is the potent, the omnipresent teacher." If it condemns bigotry and prejudice, the minds and hearts of the people will surely follow . . .

During the last five years I have had the privilege of assisting in the preparation of many of the new constitutions in the former Soviet bloc. It has been gratifying to see that almost all contain bans on discrimination and a commitment to promote the rights of persons belonging to minorities. . . Majestic declarations and noble words are clearly not enough.

This Commission cannot, of course, solve a problem centuries old. It can, however, take some meaningful steps to help.

Among the options to consider are:

1. It can and should encourage the newly designated United Nations High Commissioner for Human Rights to devote careful attention to minority issues, in close cooperation with the Human Rights Centre . . .

2. The High Commissioner should be encouraged to establish close working relationships with the various regional bodies, some of which, like the CSCE, are already engaged in dealing with minority issues.

Solina Solis, a second year law student who represented a Columbian indigenous community fighting the installation of a U.S. army radar site on its tribal lands, stated that litigating in the international arena takes both originality and patience. "I learned that you have to be much more creative when you make arguments under international law" she said. "There are no set models. You go to declarations and conventions and make your interpretations."

The IHRLC is currently expanding its focus to include cases that involve issues affecting both human rights and the environment. Students are now preparing a petition in a case involving the invasion and degradation of tribal lands of the Kuna and Embera peoples in Panama.

Although Professor Wilson admits that "most students would say that these are the most time intensive credit-hours they earn in law school," he believes that the clinic affords students valuable practical experience, and that the students generally enjoy the work. Solis agrees. "You put in a lot of time but the experience is invaluable. I wish every law student had the opportunity to gain clinical practice. It's worth it." ☉

3. . . . [T]he High Commissioner should also be encouraged to work closely with nongovernmental organizations, which often have the necessary links and familiarity with the relevant hostile groups.

There is a natural impulse to throw up one's hands where these problems are concerned and to assume they are hopeless. Sometimes they are. But as the 1992 agreement between Austria and Italy on the situation of German speakers in the South Tyrol has shown, it is possible to resolve some of them peaceably, even those decades old and marked by violence . . .

Last year, Ms. Ferraro closed her intervention on this subject with a few words of the late President John F. Kennedy. Those words are worth repeating today.

"Let us not be blind to our differences—but let us also direct attention to our common interests and the means by which those differences can be solved.

"And if we cannot end now our differences, at least we can help make the world safe for diversity."

Thank you, Mr. Chairman. ☉

WCL Sends First US Team to European Competition

by Françoise Roth

During the last week of March, six students from the Washington College of Law (WCL) traveled to Strasbourg, France to compete with 200 students representing 48 universities from throughout Europe and Canada, in the Concours René Cassin Human Rights Competition. This year's competition marked the 10th anniversary of the event and the first time that a U.S. team has participated. The WCL team consisted of JD students Sharmilla Bagwe, Marcy Neal, Sergio Ramirez, and LL.M student Fernando Gonzalez-Martin, and was coached by LL.M student Claudia Martin and LL.M alumnus Françoise Roth.

The Concours René Cassin competition, named for the French 1968 Nobel Peace Prize laureate, was created in 1984 as the European counterpart to the American Jessup Moot Court Competition. It is the only moot court competition based on the European Convention of Human Rights and the only one in which participants write and argue in the French language.

Catherine Lalumière, General Secretary of the Council of Europe, stated, "the Concours contributes in a positive way to the advancement of the ideas and standards promoted and guaranteed by the Council of Europe." (unofficial translation from French).

Each team competes by writing two briefs, one for the government and one for the victim. The teams then meet in Strasbourg where they give two 45-minute oral arguments before a panel of lawyers and judges, including members of the European Court and the Commission of Human Rights.

This year's competition was based on the case of a religious minority resident of one fictitious country and citizen of another. The applicant was accused of terrorism by the country of residence while under a state of siege.

The WCL team competed against teams from Prague, Czech Republic, and Lille, France. Alain Lamassoure, the French Minister of the Foreign Affairs, presided over the final round between the University of Vienna, and the winner, the University of Montreal.

The WCL participants described the atmosphere of the competition as intense, but also convivial. "We all came from different languages and cultures,



The WCL team (from left to right): Sergio Ramirez, Sharmilla Bagwe, Claudia Martin, Marcy Neal, and Fernando Gonzalez-Martin.

but maybe it was our common human rights interest that made everyone so close, so quickly," said Ramirez. The WCL students hope that they have begun an annual tradition of WCL participation in the event.

Organized jointly by the Council of Europe, the Strasbourg School of Law and the International Institute of Human Rights, the Concours' reputation has spread beyond European boundaries. In a message addressed to Professor Denys Simon, organizer of this year's event, UN Secretary General Boutros Boutros Ghali recognized the role the competition plays in the promotion of human rights and encouraged its extension to Third World countries. ☉

For information about the Concours, contact: Lionel Lidy, President of the Association Juris Ludi, 1 Quai Lezay Marnésia,

67000 Strasbourg/France, tel: 011/33 88 18 78, fax: 011/33 88 52 19 75.

The International Institute of Human Rights annually organizes a specialized study session in July with advanced courses on the international law of human rights. Information can be obtained from: International Institute of Human Rights, 1 Quai Lezay Marnésia, 67000 Strasbourg/France, Tel: 011/33/88 35 05 50, Fax: 011/33 88 36 38 55. Application for this year's program are due May 31, 1994.