

ALUMNI PROFILE

From a young age, Washington College of Law (WCL) alumnus Angela Edman has desired to help those who are disadvantaged and subjected to human rights violations. Hearing stories from her grandfather about genocide and atrocities committed during World War II and volunteering in the community influenced her to work on human rights issues. Edman is currently a staff attorney at the Hong Kong Refugee Advice Centre (HKRAC).



Edman attended Bard College, earning her bachelor's degree in Political Studies with a focus in Human Rights, and participating in a human rights study abroad program in South Africa. Although she knew that becoming a lawyer would provide her the best means to fight for human rights, she first obtained some practical experience working at human rights organizations. While working at Human Rights Watch, Edman provided analysis of the Prosecution's case of the trial of Slobodan Milošević and was able to attend the trial in The Hague. She then worked at another human rights organization in New York advocating for the Responsibility to Protect and the International Criminal Court.

Edman's experience during law school evidences her passion for international law and human rights. She spent part of her first summer on WCL's first international criminal law study abroad program in The Hague. For the remainder of the summer, she interned at the Balkan Investigative Reporting Network in Sarajevo, providing legal analysis of trials at the domestic War Crimes Chamber and analysis on prosecution of sexual and gender-based crimes and sentencing policies. During her second-year summer, Edman clerked at Our Place, DC, providing legal services to presently and formerly incarcerated women. She received a WCL J.D. Distinguished Fellowship to continue her work at the organization following graduation.

Edman's time at WCL was especially characterized by her involvement in the *Human Rights Brief*, covering the International Criminal Court before serving as Co-Editor-in-Chief, and working as a student attorney in the International Human Rights Law (IHRL) clinic. She was also a volunteer and Dean's Fellow for the War Crimes Research Office. Edman will never forget winning her first IHRL clinic case, a difficult gender-based asylum claim, and the look on her client's face when the Immigration Judge said, "... and that is why I am granting asylum." Despite the time lag from the interpretation, Edman explained that the client "must have seen my expression, and a huge smile came over her face and she grabbed my hand before the interpreter was even finished speaking. It was amazing."

Although she came to law school to pursue international criminal law and human rights, Edman was particularly drawn to refugee law as a result of her involvement in asylum cases with the IHRL clinic. After completing her fellowship with Our Place, DC, Edman accepted a job at HKRAC, where she provides full representation

and legal advice to clients in Hong Kong seeking refugee status. Hong Kong is not party to the United Nations Refugee Convention and does not conduct its own refugee status determination, but the United Nations High Commissioner for Refugees (UNHCR) adjudicates claims in the place of the Hong Kong government. HKRAC trains and supervises volunteer caseworkers to work on many cases, while staff attorneys handle the more complex cases.

Edman's work has often focused on gender issues. She works closely with victims of torture, victims of sexual and gender-based violence, clients with medical or severe emotional problems, illiterate clients, unaccompanied minors, single mothers with children, etc. The clients come from many countries, particularly Pakistan, Afghanistan, Sri Lanka, Somalia, the DRC, Eritrea, and in the past year, from Arab Spring countries such as Egypt and Yemen. She works closely with interpreters, social workers, and therapists to provide appropriate services to the clients, who are often traumatized from prior persecution. She also trains and supervises volunteer attorneys, caseworkers, interns, and law students, and guest-teaches refugee law classes at the Refugee Law Clinic that HKRAC runs at two universities in Hong Kong.

Edman explains that the most rewarding part of her job is seeing her clients feel empowered as they begin to understand an often confusing legal process and exercise agency within it. At the same time, she finds it challenging to feel out of control as clients await the UNHCR's decisions. The UNHCR has a low acceptance rate relative to other jurisdictions, and their procedural standards differ from those with which Edman was familiar in the U.S. A strong societal bias exists against asylum seekers in Hong Kong, which does not allow refugees to permanently resettle, temporarily work, or even volunteer, there. Clients often wait years for the UNHCR's status determination decision and resettlement process. The most difficult part of Edman's job is hearing her clients' sentiments that they are suffering and unable to contribute to society. Nevertheless, Edman feels privileged to witness the refugees' fighting spirit and sense of hope, which continue to inspire her.

In light of the many challenges and frustration that accompany human rights work, Edman often reminds herself of the advice that WCL Professor Rick Wilson gave her: do not ever lose the fire, passion, and emotional connection that you have to the work. Control it of course, but do not lose it or let anyone else snuff it out because that's what makes you a good lawyer. Edman encourages students who aspire to a career in human rights to find joy in the small moments, such as a client expressing happiness at the fact that you listen to him when no one else does, because the small things matter and give clients hope to keep fighting for themselves. "There's no big secret to it, aside from just don't give up."

Lindsay Roberts, a J.D. candidate at the American University Washington College of Law and Co-Editor in Chief of the Human Rights Brief, wrote this alumni profile.

Endnotes: Egypt's Protracted Revolution

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Endnotes: A New Emergency Law Model for Egypt

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¹⁹ Eric A. Posner and Adrian Vermeule, *Terror in the Balance: Security, Liberty, and the Courts*, Oxford University Press (2007), 38.

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²¹ E.g. Ferejohn and Pasquino, *supra* note 7, at 234.

²² See *id.* at 230-31.

²³ South Africa is unique in giving authority to declare a state of emergency to the legislature. See SOUTH AFRICA CONST. art. 37 (1996). However, the emergency powers in the 1996 Constitution have not, to date, been tested, so it is difficult to evaluate the wisdom of conventionally giving the legislature exclusive authority

to declare an emergency. For this reason, combined with the institutional advantage of the executive branch with regard to taking decisive action, this paper does not recommend that Egypt adopt the South African model.

²⁴ Examples include South Africa, SOUTH AFRICA CONST. art. 37 (1996), and Turkey, TURKEY CONST. art. 15 (1982).

²⁵ An example is Indonesia. *Law on States of Emergency* art. 8(2)-(3) (Indonesia, 1959).

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²⁷ David Dyzenhaus, *The Constitution of Law: Legality in a Time of Emergency*, Cambridge University Press (2006) 12-16.

²⁸ *Id.* at 65.

²⁹ Posner and Vermeule, *supra* note 19, at 20-21.

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- ⁸⁶ “Islamists Will Control Two Thirds of the Parliament,” *Egypt Independent* (January 14, 2012), available at <http://www.egyptindependent.com/node/600011>.
- ⁸⁷ See e.g. Noha El-Hennawy, “A Lost Enemy: Secularists Fear Morsy Move Paves Road for Grip on Power,” *Egypt Independent* (August 14, 2012), available at <http://www.egyptindependent.com/news/lost-enemy-secularists-fear-morsy-move-paves-road-grip-power>.
- ⁸⁸ See discussion, *supra*, page ____.
- ⁸⁹ Anna Khackee, Policy Paper No. 30, “Securing Democracy? A Comparative Analysis of Emergency Powers in Europe,” Geneva Centre for the Democratic Control of Armed Forces (2009), 22-23.
- ⁹⁰ TURKEY CONST. art. 119, 120, and 122 (1982).
- ⁹¹ See Ali Abdel Mohsen, “Police Protest in Tahrir Square Demanding Reconciliation and Rights,” *Egypt Independent* (February 13, 2011), available at <http://www.egyptindependent.com/node/317605>.
- ⁹² *State of Emergency Law*, art. 23 (Turkey 1983).
- ⁹³ This paper assumes that the president will be the chief executive in the governmental system created by Egypt’s new constitution, though its recommendations hold if this role is assigned to another office.
- ⁹⁴ Most countries require legislative approval of a constitutional declaration of emergency, though the time that may elapse before such approval varies, with Turkey requiring immediate approval, Egypt’s Constitutional Declaration giving 7 days, France giving 12 days, Egypt’s 1971 Constitution giving 15 days, and South Africa giving 21 days (after a declaration of emergency by the legislature).

⁹⁵ SOUTH AFRICA CONST. art. 37(2)(b) (1996).

⁹⁶ TURKEY CONST. art. 119, 120 and 122 (1982).

⁹⁷ Egypt's Constitutional Declaration also limits an initial declaration of emergency to six months.

⁹⁸ SOUTH AFRICA CONST. art. 37(2)(b) (1996).

⁹⁹ Turkey provides for renewal in four-month intervals.

¹⁰⁰ Such rights are explicitly provided by emergency legislation in Turkey. *State of Emergency Law*, additional art. 1 (inserted by *Law 3076* of 1984) (Turkey 1983). Challenges to conduct undertaken during states of emergency are heard by administra-

tive courts, *id.*, while challenges to conduct committed during states of martial law are heard by military courts, *Martial Law Act No. 1402*, art. 14 (Turkey 1971).

¹⁰¹ UNITED STATES CONST. art. 1(9) (1787).

¹⁰² International Covenant on Civil and Political Rights, art. 14 (1966).

¹⁰³ FRANCE CONST. art. 16 (1958).

¹⁰⁴ The Indonesian Constitution is silent on the issue of judicial review of exigency measures, however the Indonesian Constitutional Court has exercised jurisdiction over their use. In a 2004 decision, the Court held that legislation ratifying a decree making retroactive a law criminalizing certain acts of terrorism

was unconstitutional under Article 28(I)(1) of Indonesia's constitution, which guarantees the right not to be convicted under retroactive criminal laws. Hosen, *supra* note 89, at 288 (discussing Indonesian Constitutional Court Decision No. 013 (2004)). As such, the Court's case law suggests that while the exigency power allows the president to subvert the normal legislative process, it does not authorize suspension of rights guaranteed in the constitution.

¹⁰⁵ EGYPTIAN CONST. art. 74 (1971).

¹⁰⁶ INDONESIA CONST. art. 22 (1945).

¹⁰⁷ See discussion, *supra* note 111.

Endnotes: Uneasy Partners: Russia and the European Court of Human Rights

⁷ *Id.* ¶ 57.

⁸ *Id.* ¶ 58.

⁹ *Id.* ¶ 65.

¹⁰ *Id.* ¶ 72.

¹¹ *Justice for Chechnya: The European Court of Human Rights Rules Against Russia*, HUMAN RIGHTS WATCH (2007), http://www.hrw.org/sites/default/files/related_material/justice_for_chechnya_2.pdf.

¹² OAO Neftyanaya Kompaniya Yukos v. Russia, App. No. 14902/04, ECtHR 2011.

¹³ Republican Party of Russia v. Russia, App. No. 12976/07, ECtHR 2011.

¹⁴ Russia maintains three high courts — the Constitutional Court, the Supreme Court, and the Higher Arbitrazh (Commercial) Court — each with their own distinct (although at times overlapping) jurisdictions and procedural rules. The overwhelming majority of complaints to the ECtHR come from Russia's courts of general jurisdiction, headed by the Supreme Court. It was the decision of the general courts to retain the Soviet-era practice of supervisory review — which lacked the prerequisite finality of judgments — that originally prompted the ECtHR to recognize cassation court decisions, not Supreme Court rulings, as “final judgments” subject to petition to Strasbourg. Russia's courts of general jurisdiction have continued to streamline the appellate process and limit the right to supervisory review, and it remains unclear whether the ECtHR will change its procedural rules and require the exhaustion of Russian domestic remedies — including a Supreme Court appeal — before considering applications from the Russian Federation. See Maria Voskobitova (ed.), *Standarty Evropeiskogo Suda po pravam cheloveka i rossiiskaia pravoprinyitel'naia praktika* [Standards of the European Court of Human Rights and Russian Legal Practice] (Anakharsis 2005), 35-40 (providing a general discussion of the

exhaustion of remedies under Russian law).

¹⁵ Valerii Zorkin, *Predel ustupchivosti [The Limit of Concessions]*, ROSSIISKAIA GAZETA, 29 October 2011, available at: <http://www.rg.ru/printable/2010/10/29/zorkin.html>

¹⁶ *Id.*

¹⁷ Ekaterina Butorina, Artem Kobzev, *Tekst iskhodil ne ot nas [The Text Did Not Come From Us]*, MOSKOVSKIE NOVOSTI, 21 June 2011, available at: <http://www.mn.ru/society/20110621/302663946-print.html>.

¹⁸ Tamara Shkel', *Otvét Strasburgu [The Answer to Strasbourg]*, ROSSIISKAIA GAZETA, 21 June 2011, available at: <http://www.rg.ru/2011/06/20/konstituciya-site.html/>.

¹⁹ Anna Sevortian, *Moscow attempts to elbow Strasbourg aside*, openDemocracy, 5 Sept. 2011, available at: <http://www.opendemocracy.net/print/61259>.

²⁰ *Id.*

²¹ Lillia Biriukova, Natal'ia Kostenko, Polina Khimshiashvili, *Strasbourg ne ukaz [Strasbourg Does Not Give Orders]*, VEDOMOSTI, 24 June 2011, available at: <http://www.vedomosti.ru/newspaper/article/2011/06/24/262735>.

²² Viktor Khamraev, Mariia-Luiza Tirmate, Natal'ia Gorodetskaia, Mariia Pliusnina, *KS utocniaet zakon o Strasburge [The Constitutional Court Clarifies the Law of Strasbourg]*, KOMMERSANT, 30 June 2011, available at: <http://kommersant.ru/doc/1669512>.

²³ Lillia Biriukova, Natal'ia Kostenko, *Evropu poka poslushaem [Listening to Europe, For Now]*, VEDOMOSTI, 1 July 2011, available at: <http://www.vedomosti.ru/newspaper/article/2011/07/01/263123>.

²⁴ Pamela Jordan, *Russia's Accession to the Council of Europe and Compliance with Human Rights Norms*, 11(2) DEMOKRATIZATSIYA, 281-296, at 285 (2003).

²⁵ According to the ECtHR, 26.6 percent of cases pending before the court in 2011

had been filed by Russians. See Analysis of Statistics 2011, ECtHR 2012, available at http://www.echr.coe.int/NR/rdonlyres/11CE0BB3-9386-48DC-B012-AB2C046FEC7C/0/STATS_EN_2011.PDF.

²⁶ Philip Leach, Helen Hardman, Svetlana Stephenson, *Can the European Court's Pilot Judgment Procedure Help Resolve Systemic Human Rights Violations? Burdov and the Failure to Implement Domestic Court Decisions in Russia*, 10(2) Hum. Rts. L. Rev. (2010), 346-59. The ECtHR issued a second pilot judgment against Russia in January 2012 regarding the persistent abuse of pre-trial detention. See Ananyev and others v. Russia, App. No(s). 42525/07 and 60800/08, ECtHR 2012.

²⁷ Anton Burkov, *Russia and the European Court of Human Rights; Reform of the Court and of Russian Judicial Practice?* CEPS Commentary (2010), available at: <http://www.ceps.eu/book/russia-and-european-court-human-rights-reform-court-and-russian-judicial-practice>.

²⁸ Valerii Zorkin, *Konstitutsionnyi suda v istoricheskom kontekste [The Constitutional Court in Historical Context]*, ROSSIISKAIA GAZETA, 28 Oct. 2011, available at: <http://www.vedomosti.ru/newspaper/article/2011/07/01/263123>.

²⁹ *Taina soveshchatel'noi komnaty: Na voprosy Mikhaila Varshchevskogo otvechaet glava Konstitutsionnogo suda RF Valerii Zorkin [The Secret of the Deliberation Room: the Head of the Constitutional Court of the Russian Federation Valerii Zorkin Answers the Questions of Mikhail Varshchevskii]*, ROSSIISKAIA GAZETA, Oct. 20, 2011, available at <http://www.rg.ru/2011/10/20/ks.html>.

³⁰ Anna Zakatnova, Viktor Vasenin, *'My zhe ne v kholodil'nike zhivem': V voskresen'e Konstitutsionnomy sudu ispolniaetsia 20 let [We Do Not Live in a Deep Freeze: On Sunday the Constitutional Court Will Be 20 Years Old]*, ROSSIISKAIA GAZETA, Oct. 26

2011, available at <http://www.rg.ru/printable/2011/10/26/ks-sud.html>.

³¹ Postanovlenie Konstitutsionnogo Suda RF ot 26 fevralia 2010 g. N 4-P po delu o proverke konstitutsionnosti chasti vtoroi stat'i 392 Grazhdanskogo protsesual'nogo kodeksa Rossiiskoi Federatsii v sviazi s zhalobami grazhdan A.A. Doroshka, A.E. Kota, i E.Iu. Fedotovoi [Ruling of the Russian Federation Constitutional Court of 26 Feb. 2010 N 4-P On the matter of verifying the constitutionality of part 2 of article 392 of the Civil Procedure Code of the Russian Federation in regards to the complaints of citizen A.A. Doroshok, A.E. Kot, and E.Iu. Fedorova], ROSSIISKAIA GAZETA, Mar. 12 2010, available at <http://www.rg.ru/printable/2010/03/12/ks-kodeks-dok.html>

³² William Pomeranz, *Supervisory Review and the Finality of Judgments under Russian Law*, 34(1) Review of Central and East European Law, 15-36, (2009).

³³ Decision of the German Federal Constitutional Court, 2 BVerfG 1481/04 of Oct. 14, 2004, at http://www.bverfg.de/entscheidungen/rs20041014_2bvr148104e.html (English translation)

³⁴ I am grateful to Professor Russell Miller of Washington and Lee University for directing me to this case and for sharing with me his forthcoming manuscript (with Donald Kommers) entitled *The Constitutional Jurisprudence of the Federal Republic of Germany* (Duke Press; 3rd edition).

³⁵ Lautsi and Others v. Italy, App. No. 30814/06, ECtHR 2011.

³⁶ Owen Boycott, *European judges have no right to rule on prisoner voting, says Grieve*, THE GUARDIAN, Nov. 2 2011, available at <http://www.guardian.co.uk/law/2011/nov/02/european-judges-prisoner-voting-grieve/print>. See also Hirst v. The United Kingdom (No. 2), App. No. 74025/01, ECtHR 2005.

³⁷ Prime Minister David Cameron, Speech on the European Court of Human Rights, Jan. 25, 2012, available at <http://www.number10.gov.uk/news/european-court-of-human-rights/>.

³⁸ *Id.*

³⁹ Anna Zakatnova, *Starshii sud: 30 oktabria Konstitutsionnyi sud otmechaet 20-letnii iubilei [The Senior Court: The Constitutional Court Marks its 20th Anniversary on October 30th]*, ROSSIISKAIA GAZETA, Oct. 28, 2011, available at <http://www.rg.ru/printable/2011/10/28/torzhestvo.html>.

⁴⁰ *Id.*

⁴¹ Postanovlenie Konstitutsionnogo Suda Rossiiskoi Federatsii ot 15 dekabria 2011 r. N 28-P po delu o proverke konstitutsionnosti chasti chetvertoi stat'i 261 Trudovogo kodeksa Rossiiskoi Federatsii v sviazi s zhaloboi grazhdanina A.E. Ostaeva [Ruling of the Russian Federation Constitutional Court of 15 Dec. 2011 N 28-P In the matter of verifying the constitutionality of part 4 of article 261 of the Labor Code of the Russian Federation in regards to the complaint of citizen A.E. Ostae], ¶ 5, ROSSIISKAIA GAZETA, Dec. 30, 2011, available at <http://www.rg.ru/printable/2011/12/30/ks-dok.html>.

⁴² Anna Pushkarskaia, *Konstitutsionnyi sud vosstanovil prava otsov [The Constitutional Court Reinstates the Rights of Fathers]*, Kommersant, Dec. 16, 2011, available at <http://kommersant.ru/doc/1839260>.

⁴³ For a recent analysis of Russia as a social state, see Orest V. Martyshin, *Ideia sotsial'nogo gosudarstva i ee protivniki [The Idea of the Social State and its Opponents]*, 12 Gosudarstvo i pravo (2011), 5-15, available at <http://dlib.eastview.com/sources/article.jsp?id=26441632>.

⁴⁴ See *Russian Citizens and their Rights: Priorities, Attitudes, and Experiences*, Mainstreaming of Human, Social and Civil Rights in Russia Project (I've Got Rights Project), available at <http://vprave.org/eng/index.php/Reports/RUSSIAN-CITIENS-AND-THEIR-RIGHTS-2011-SURVEY-REPORT.html>

⁴⁵ Elena Novoselova, *Tri kilo spravedlivosti [Three Kilos of Justice]*, ROSSIISKAIA GAZETA, Mar. 6, 2012, available at <http://www.rg.ru/printable/2012/03/06/lukin-poln.html>. For a copy of the most recent Russian Ombudsman

Report, see: <http://ombudsmanrf.org/2009-11-05-14-09-33/10537--2011-.html>.

⁴⁶ Kim Lane Scheppelle is one of the few western experts to address the potential influence of social rights in Russia. See Kim Lane Scheppelle, *A Realpolitik Defense of Social Rights*, 82(7) Tex.L.Rev. 1921-1961 (2004). For a broader overview on the question of social inequality in Russia see Thomas F. Remington, *The Politics of Inequality in Russia* (New York: Cambridge University Press, 2011).

⁴⁷ The Council of Europe published this judgment on its home page on 22 Mar. 2012, available at http://www.echr.coe.int/ECHR/homepage_en.

⁴⁸ Anna Pushkarskaia, *Strasburg smiagchil konflikt s Konstitutsionnym sudom [Strasbourg Diffuses the Conflict with the Constitutional Court]*, KOMMERSANT, Mar. 23, 2012, available at <http://www.kommersant.ru/doc/1898615>

⁴⁹ *Id.* See also Ekaterina Burtorina, *Shag navstrechu cheloveku [Meeting Half-Way]*, MOSKOVSKIE NOVOSTI, Mar. 22, 2011, available at <http://www.mn.ru/society/20120322/314048843-print.html>.

⁵⁰ *Novosibirsk Region Latest to Pass Anti-Gay Law*, THE MOSCOW TIMES, April 26, 2012, available at <http://www.themoscowtimes.com/news/article/novosibirsk-region-latest-to-pass-anti-gay-law/457627.html> (banning the promotion of homosexuality to minors); Alexandra Odynova, *NGO Bill Questioned*, THE MOSCOW TIMES, July 9, 2012, available at <http://www.themoscowtimes.com/print/article/ngo-bill-questioned/461794.html> (requiring Russian NGOs receiving money from abroad to register as foreign agents.); *Protest Bill on its Way to Putin's Desk*, THE MOSCOW TIMES, June 6, 2012, available at <http://www.themoscowtimes.com/print/article/protest-bill-on-its-way-to-putins-desk/459972.html> (significantly raising the fines for unsanctioned demonstrations).