

2006

## Center News/Faculty and Staff Updates

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## CENTER NEWS/FACULTY AND STAFF UPDATES

### CENTER NEWS

#### **HAMDAN V. RUMSFELD: IMPLICATIONS FOR MILITARY COMMISSIONS**

On September 26, 2006, the Center for Human Rights and Humanitarian Law hosted a conference entitled “*Hamdan v. Rumsfeld: Implications for Military Commissions*,” which took a look at the pivotal decision issued by the U.S. Supreme Court in June 2006 that overturned the use of military tribunals at Guantánamo Bay, Cuba. The conference explored the implications of this decision and discussed its various dimensions, including its impact on international law, separation of powers, habeas corpus, and how the decision specifically affects practitioners and detainees at Guantánamo Bay. In addition, the conference focused on how the *Hamdan* decision informed subsequently passed legislation on military commissions and due process for detainees at Guantánamo. Among the speakers at the conference were WCL Professor Robert K. Goldman, former United Nations Independent Expert on Human Rights and Terrorism; WCL Professor Dan Marcus, former General Counsel of the 9/11 Commission; WCL Professor Herman Schwartz, Constitutional Law Scholar; WCL Professor Rick Wilson, Co-Counsel for Guantanamo Detainee Omar Khadr; Eugene R. Fidell, President, National Institute of Military Justice; WCL Professor Kristine Huskey, WCL International Human Rights Law Clinic; Major Tom Fleener, Office of Military Commissions, Defense; and General Thomas L. Hemingway, Brigadier General, USAF, Legal Advisor to the Appointing Authority, Office of Military Commissions. A webcast and podcast taping of the *Hamdan* conference is available on the Center’s website: <http://www.wcl.american.edu/humright/center/>.

#### **DARFUR WEEK OF ACTIVISM**

##### **THE RESPONSIBILITY TO PROTECT: THE CASE OF DARFUR**

One year after the UN adopted a resolution recognizing the Responsibility to Protect, the case of Sudan continues to challenge the real-life implementation of this theoretical concept. A September 29th conference examined the implications of the Responsibility to

Protect in the context of Sudan. Given the prospect of the African Union peacekeeping force pulling out of Darfur, the Sudanese government’s continued rejection of a new UN Peacekeeping force for the area, and the implementation of several peace agreements in the region, the conference discussed the conceptual framework of the Responsibility to Protect and the complexities surrounding its implementation in Darfur. Panelists also considered the prospects for a comprehensive and sustainable peace in Sudan and the need to expand the peacekeeping mandate in the region to fulfill the Responsibility to Protect. Among the panelists were Ted Dagne, Africa Specialist, Congressional Research Service; Sarah Margon, Policy Advisor for Humanitarian Response at Oxfam America; Dr. Mudawi Ibrahim Adam, Founder and Chairperson, Sudan Social Development Organization (SUDO); Lee Feinstein, Senior Fellow for U.S. Foreign Policy and International Law, Council on Foreign Relations; Ken Hurwitz, Senior Associate, International Justice Program, Human Rights First; Nicole Deller, Program Advisor, World Federalist Movement; Tod Lindberg, Fellow, Hoover Institution, Stanford University; Roberta Cohen, Co-Director, Brookings-Bern Project on Internal Displacement, Brookings Institute; Ariela Blatter, Director of Crisis Prevention and Intervention, Amnesty International U.S.A.; Rahim Sabir, Former UN Human Rights Monitor, Darfur, Sudan; Colin Thomas Jensen, Advocacy and Research Officer for Africa, International Crisis Group; and Mark Hanis, Executive Director, Genocide Intervention Network. A webcast and podcast taping of the conference is available on the Center’s website: <http://www.wcl.american.edu/humright/center/>.

The conference capped off a full week of activism at WCL which included a lobbying training seminar, conducted by Amnesty International U.S.A., which was held on Capitol Hill in Washington, DC. Throughout the week, a photo display, which was a featured exhibition at the United States Holocaust Memorial Museum, remained in WCL’s lobby. In addition, filmmaker Adam Shapiro spoke to an audience of students at a screening of his film “Darfur Diaries,” which has received critical acclaim within the human rights commu-

nity. The entire week of activities was co-sponsored by the Center for Human Rights and Humanitarian Law in collaboration with WCL student groups Action for Human Rights, the LLM Board, the Israel & Law Society, and STAND: Students Taking Action Now Darfur.

#### **ALL-DAY TEACH-IN ON GUANTÁNAMO BAY NAVAL BASE**

On October 5, 2006, WCL participated in an unprecedented collaborative effort of academia, journalism, religion, medicine and the military in exploring the Government’s detention policy and practices in the “War on Terror.” Over 200 schools in at least 44 U.S. states participated in an all-day conference, which was webcast from Seton Hall University School of Law in Newark, New Jersey. The Teach-In addressed the national and international implications of indefinitely detaining hundreds of individuals deemed “enemy combatants.” More specifically, the Teach-In documented the history of Guantánamo, including: the Bush Administration’s strategy to locate an off-shore prison complex beyond the jurisdiction of U.S. courts; its disregard for international and domestic laws, as well as years of U.S. military tradition regarding the classification and treatment of captives in conflict; the use of torture and systematically coercive interrogation techniques; the abuse of medical and psychological ethics; and Guantánamo’s place in a broader network of detention operations as part of the “War on Terror.”

In addition to the panels which were webcast from Seton Hall, WCL hosted a standing room only event with WCL Professors who serve as co-counsel to Omar Khadr, the youngest detainee at Guantánamo Bay and a client of the WCL International Human Rights Clinic. Omar, a Canadian citizen, was detained at the age of 15 in Afghanistan and remains in Guantánamo as he approaches his 20th birthday. His case brings up issues not only of due process and rule of law, but also of the rights of juveniles. Professors Rick Wilson and Muneer Ahmad serve as co-counsel for Mr. Khadr and spoke on the panel, as did Professor Kristine Huskey. A webcast taping of the live panel featured at WCL as part of the Guantánamo Teach-In is available on the Center’s website: <http://www.wcl.american.edu/humright/center/>.

## **ONE YEAR ANNIVERSARY OF HURRICANE KATRINA: COMMEMORATION AND MOVING FORWARD**

On August 29, 2006, the Center, together with the WCL student organization Action for Human Rights, co-sponsored a day of activities to commemorate the one year anniversary of Hurricane Katrina. Action for Human Rights presented a short film and presentation on Hurricane Katrina and the current state of affairs in the Gulf Coast one year after. In addition to the presentation, the WCL student group held a day long fundraiser for victims of Hurricane Katrina and ended the day by joining students from Howard University, Georgetown University and the University of the District of Columbia, for a candlelight vigil in front of the White House, to express sympathy and concern for the current state of affairs in the Gulf Coast after the Hurricanes last year.

## **MUNCHING ON HUMAN RIGHTS AND ACTION FOR HUMAN RIGHTS**

The Center kicked off its monthly "Munching on Human Rights" Speaker Series with a presentation by the Center's Executive Director, Hadar Harris, entitled "What Do You Mean When You Say 'Human Rights?': An Introduction to Human Rights Law." Other sessions in the fall series featured WCL Professor and Director of the WCL International Human Rights Clinic, Rick Wilson, who spoke about the international bill of rights, and Susana SáCouto, Director of the War Crimes Research Office (WCRO) at WCL, who discussed the difference between international humanitarian law, human rights and international criminal law. "Munching on Human Rights" is a program designed to educate and engage students about the basic issues in international human rights and humanitarian law. The Center also continued to support and participate in weekly Action for Human Rights coffee hours, which provide opportunities for students, faculty, and staff interested in human rights issues to meet, make announcements, and share fair trade coffee and bagels before class.

## **NEW PROGRAM COORDINATOR AT THE CENTER: INTRODUCING AMELIA PARKER**

The Center is pleased to welcome Amelia Parker as its new Program Coordinator. Ms. Parker received her J.D. in 2006 from WCL, where she served as co-founder of the Center's Genocide Teaching Project. Prior to coming

to WCL, Amelia received a bachelor's degree from the University of Tennessee, Knoxville in Comparative Studies of Race and Ethnicity and a second major in Italian. She has worked for human rights organizations both at home and abroad. After receiving the Patrick Stewart Human Rights Scholarship in 2000, she traveled to Ghana and worked for the Legal Resources Centre, where she researched the right to work of Sierra Leonean refugees. While in Ghana, she also worked for the Centre for Public Interest Law, researching the human rights implications of the privatization of water. For the past several years, Amelia has volunteered with Amnesty International, most recently serving as the Legislative Coordinator for the State of Tennessee.

## **THE CENTER RECOGNIZES SAB 2006 FOR AN EXEMPLARY YEAR OF SERVICE**

## **THE U.S. HEARINGS OF THE INTERNATIONAL COURT OF JUSTICE (ICJ) EMINENT JURISTS PANEL ON COUNTER-TERRORISM**

On September 6 – 8, 2006, the ICJ Eminent Jurists Panel heard evidence in public sessions at American University Washington College of Law to examine and assess the United States' response to terrorism since the attacks on September 11, 2001. The ICJ is a non-governmental organization dedicated to the primacy, coherence and implementation of international law and principles that advance human rights. Based in Geneva, its members represent all the different legal traditions. The Eminent Jurists Panel is an independent body established by the ICJ to conduct a global inquiry into terrorism, counter-terrorism, and human rights. The Panel's mandate was "to examine the compatibility of laws, policies and practices, which are justified expressly or implicitly as necessary to counter terrorism, with international human rights law and, where applicable, with international humanitarian law." The Panel considered the nature of today's terrorist threats and the impact of counter-terrorism measures on human rights. It also explored how counter-terrorism laws and policies can be both effective and respect human rights and the rule of law. It is composed of eight internationally renowned jurists from all regions and legal traditions including WCL Professor Robert K. Goldman, the sole representative from the United States. The Eminent Jurists Panel is chaired by Arthur Chaskalson, former Chief Justice of South Africa and the first President of South Africa's Constitutional Court and also includes Georges

Abi-Saab (Egypt); Hina Jilani (Pakistan); Viti Muntarhorn (Thailand); Mary Robinson (Ireland); Stefan Trechsel (Switzerland); and E. Raul Zaffaroni (Argentina).

## **FACULTY AND STAFF UPDATES**

**Claudio Grossman**, Dean of WCL and Co-Director of the Center, was unanimously reelected Vice Chair of the United Nations Committee against Torture (the Committee) in May 2006. His reelection secures his position on the Committee for another two years. The Committee, comprised of ten independent experts from around the world, supervises compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). 141 Member States of the UN have ratified the CAT. The following month, Dean Grossman participated as a member in the meetings of the Commission for the Control of Interpol Files in Lyon, France. At the same time, he also served as a panelist for the Center for Strategic and International Studies' Conference on Judicial Reform in Latin America, as well as a speaker during the 72nd Biennial Conference of the International Law Association in Canada, where he addressed the topic of "International Human Rights Law and Practice." Additionally, Dean Grossman taught a course on the International Protection of Human Rights during WCL's Twelfth Annual Comparative Law Summer Program in Europe, and a course on the Inter-American System of Human Rights for the summer program of WCL's Academy on Human Rights and Humanitarian Law. In July 2006 Dean Grossman received the Antonio Jose Irisarri Decoration in the grade of "Comendador" from the government of Guatemala for his contributions to human rights. He also participated in the brainstorming meeting, convened by the UN High Commissioner for Human Rights, on the United Nations treaty body system, and he moderated a human rights panel at the 2006 Annual Conference of the Southeastern Association of Law Schools in Palm Beach, Florida. Dean Grossman also gave a lecture at the opening of the first WCL-University of Chile Graduate Program on International Contracts and Business Law on "Challenges for Lawyers Created by Globalization" at the University of Chile Law School. This fall Dean Grossman served as a panelist on "Humanitarian Issues: Global Justice," for the Global Young Leaders Conference in Arlington, Virginia, and was interviewed by CNN Spanish regarding the situation in the

Middle East. This September he participated in a videoconference with the US Embassy in Venezuela about the future of the Inter-American System on Human Rights. Dean Grossman will be contributing a chapter in the forthcoming book *Inside the Minds: Law School Leadership Strategies: Top Deans Offer Keys to Success*.

**Hadar Harris**, Executive Director of the Center, was interviewed on Calgary, Canada's CHQR radio program *The World Tonight* regarding the situation in Sudan, WCL's conference on the UN's Responsibility to Protect resolution, and AU's divestiture from the region (Sept. 27, 2006). In early October the Center hosted a site visit by members of the U.S. Human Rights Fund Steering Committee to discuss a two-year training and capacity building project for U.S. NGOs interested in using international human rights in their domestic work. The Center was one of 12 organizations invited to submit a proposal to the Fund's fall docket. The program will bring together activists from three distinct but related fields — immigration activists, prisoner's rights activists and labor rights activists — for a series of interactive workshops and trainings in the use and application of international human rights norms in domestic U.S. advocacy.

**Robert Goldman**, Professor of Law at WCL and Co-Director of the Center, was a jurist on the Eminent Jurists Panel hearing, *Terrorism, Counter-Terrorism, and Human Rights* held at WCL September 6-8, 2006. He was also a guest on *Talk of the Nation*, a radio program on National Public Radio that aired on September 19, 2006. On the program, Professor Goldman discussed the Geneva Conventions and outrages on personal dignity.

**Rick Wilson**, Professor of Law at WCL, Co-Director of the Center, and Director of the International Human Rights Law Clinic at WCL, published "Many Guantánamos: A Reflection on the Work of Human Rights Clinics," 13 No. 3 *Hum. Rts. Brief* 46 (2006). He also wrote "The Right to Universal, Equal and Non-Discriminatory Suffrage As a Norm of Customary International Law: Protecting the Prisoner's Right to Vote," which will be published in the forthcoming *Democracy and Punishment: International Perspectives on Criminal Disenfranchisement* (Eric Ewald & Brandon Rottinghaus, eds.). Professor Wilson authored a forthcoming article for the *Gonzaga Journal of International Law* titled "Military Commissions in Guantánamo Bay: Giving Full and Fair Trial a Bad Name." He

presented testimony on Children in Armed Conflict and the situation at Guantanamo Bay, Cuba, to the Panel of Eminent Jurists on Terrorism, Counter-Terrorism and Human Rights, sponsored by the International Commission of Jurists in Washington, DC, September 2006. Professor Wilson made a broadcast presentation on the Guantanamo detainees and the Supreme Court decision in *Hamden v. Rumsfeld* for [www.radionizkor.org](http://www.radionizkor.org) on September 25, 2006. He was also a panelist on *The Role of Public Interest Lawyering through Clinical Legal Education* to Inter-American Moot Court Competition Participants (WCL, May 2006); and a panelist on *Anti-Terrorism and Redress for and Responses to Torture* Colloquium on The Human Rights of Anti-Terrorism, University of Ottawa Faculty of Law, Ottawa, Ontario, Canada in June 2006. Professor Wilson was a panelist for *Hamdan v. Rumsfeld: Implications for Military Commissions. A Practitioner's Perspective*, on September 27, 2006 and for the *Guantánamo Teach-In* on October 5, 2006. Professor Wilson gave a visiting lecture titled "Applying International Human Rights Standards in the 'War on Terror'" to an International Human Rights class at the University of Virginia School of Law. He also gave a lecture, "Guantánamo and the Inter-American Human Rights System: The Good, the Bad and the Ugly" (in Spanish), as part of the International Seminar on the Real Challenges in Human Rights, Center for the Study of Human Rights, Central University of Venezuela, Caracas, July 20, 2006. Professor Wilson was a speaker in Amnesty International's conference, *Torture, Rendition, and the Law* in Charlottesville, Virginia in September 2006. He was also a panel moderator for "Torture: A Conversation about Current Issues with World Experts" (Human Rights Academy, WCL, June 12, 2006). Professor Wilson was a guest on a call-in show on WINA (Charlottesville) regarding clinic representation of Guantanamo detainee Omar Khadr (Sept. 11, 2006). On June 16, 2006 CBC Ottawa interviewed Professor Wilson about a case argued in the Canadian Supreme Court on U.S. national security actions involving foreign nationals following 9/11. He and Muneer Ahmad were quoted in "The Unending Torture of Omar Khadr" in the August 2006 issue of *Rolling Stone*, regarding the case of their client in Guantánamo Bay, Cuba.

**Diane Orentlicher**, Professor of Law at WCL and Co-Director of the Center, served as

moderator for "The New UN Human Rights Council: Unresolved Issues and Challenges Ahead," WCL, sponsored by the Academy on Human Rights and Humanitarian Law (June 6, 2006); and as a panelist on "Hate Speech," Open Society Institute Jamboree, Budapest, Hungary (June 2006). She was a commentator on remarks of Prosecutor of the International Criminal Court on "The Interests of Justice and Peace" at Oslo Forum 2006, "Mediating Today's Conflicts for Tomorrow's Peace: Improving Practice by Confronting Reality," co-hosted by the Norwegian Ministry of Foreign Affairs and the Centre for Humanitarian Dialogue, Oslo, Norway (June 26-28, 2006). She also delivered the keynote address, "Accessibility of Information," presented at Expert Meeting on Judicial Archives, hosted by the City of the Hague, The Hague, the Netherlands (July 13-15, 2006). Professor Orentlicher published "The New UN Human Rights Council" (co-authored with Morton H. Halperin), 13 No. 3 *Human Rights Brief* 1; "Criminalizing Hate Speech in the Crucible of Trial: *Prosecutor v. Nahimana*," 21 *American University International Law Review* 557 (2006); and "Criminalizing Hate Speech in the Crucible of Trial: *Prosecutor v. Nahimana*," 12 *New Eng. Journal of International and Comparative Law* 17 (2006). Professor Orentlicher was quoted in a *Washington Post* article, "On Rough Treatment, A Rough Accord" on September 28, 2006. She has also been quoted recently in the *Washington Lawyer*, *New York Times*, *Boston Globe*, *International Herald Tribune*, *Detroit News*, and *United States Law Week*.

**Herman Schwartz**, Professor of Law at WCL and Co-Director of the Center, received the 2006 Champion of Justice Award from the Alliance for Justice on May 16, 2006.

**Claudia Martin**, Professional Lecturer in Residence and Co-Director of the Academy on Human Rights and Humanitarian Law, published "The Moiwana Village Case: A New Trend in Approaching the Rights of Ethnic Groups in the Inter-American System," 19 *Leiden Journal of International Law* 491 (2006); coordinated the 11th Inter-American Human Rights Moot Competition (May 22-26, 2006), the 8th Summer Program of the Academy on Human Rights and Humanitarian Law; and co-taught Inter-American Human Rights Law during the summer program (May 30 - June 16, 2006). She served as a moderator in the panel "Women's Reproductive Rights and

International Law: Using International Litigation and Advocacy to Impact Domestic Policy,” during Human Rights Month (June 2006); and was appointed as a member of the Advisory Board of the Human Rights Program at Universidad Iberoamericana, Mexico and the Impact Litigation Project for Strengthening Democracy in the Americas (June 2006). In addition, she is Co-Principal Investigator with Diego Rodriguez in a project awarded \$169,984 dollars by the National Endowment for Democracy in June 2006, to develop human rights legal education programs in Bolivia, Mexico and Venezuela for 2006-2007. Claudia Martin also published *The Prohibition of Torture and Ill-Treatment in the Inter-American Human Rights System: A Handbook for Victims and their Advocates* (co-authored with Diego Rodriguez-Pinzón), OMCT Handbook Series, World Organization Against Torture (Sept. 2006); presented *The Scope of Mexico's International Obligations on The Prohibition of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, “National Forum on the Prevention, Investigation and Punishment of Torture,” sponsored by the Human Rights Program of Universidad Iberoamericana (Mexico City and Guadalajara, Sept. 2006).

**Diego Rodriguez-Pinzon**, Professional Lecturer in Residence and Co-Director of the Academy on Human Rights and Humanitarian Law, was invited by the Law School of the Universidad de Los Andes in Colombia to deliver the lecture “Human

Rights and International Criminal Responsibility.” He is also Co-Principal Investigator with Claudia Martin in a project awarded \$169,984 dollars by the National Endowment for Democracy in June 2006, to develop human rights legal education programs in Bolivia, Mexico and Venezuela for 2006-2007. In addition, he organized and coordinated with Claudia Martin the Summer Program of the Academy on Human Rights and Humanitarian Law (May 30 to June 16, 2006). The Program offered 16 courses in English and Spanish taught by more than 25 renowned experts from all over the world. Nearly 150 participants attended the program. He and Professor Martin also organized “Human Rights Month” (May 22 to June 16, 2006), featuring 12 events, including panels on relevant human rights issues, on-site visits, workshops, and a film festival, and hosted the trilingual XI Inter-American Human Rights Moot Competition (May 22-26, 2006). The event brought to WCL more than 150 students and coaches representing law schools from South, Central, and North America. Professor Rodriguez-Pinzon was interviewed on *CNN Spanish* about the Memorandum of the Department of Defense implementing the standards of Common Article Three of the Four Geneva Conventions on armed conflicts and the impact of the U.S. Supreme Court’s *Hamdan* opinion (June 11, 2006). Diego Rodriguez-Pinzón was selected as Ad Hoc Judge by the State of Ecuador to sit in the Inter-American Court on Human Rights in the Chaparro

Alvarez and Lapo Iñiguez Case filed by the Inter-American Commission against that State; presented *Measures to Prevent Terrorism* on the panel “Policies Adopted in International Institutions on the Protection of Human Rights” (Terrorism and Human Rights conference, Mexico City, Sept. 11-14, 2006); taught *Impunity: Justice, Truth and Reparations and Main Human Rights Concerns in Latin America*, Regional Human Rights Program, Raoul Wallenberg Institute on Human Rights and Humanitarian Law (University of Lund, Lund, Sweden, Sept. 26-28, 2006); organized a human rights video-conference series for human rights activists in Caracas, Venezuela, featuring Dean Claudio Grossman (Sept. 25) and Claudia Martin (Sept. 19); and co-authored *The Prohibition of Torture and Ill-treatment in the Inter-American Human Rights System* with Claudia Martin, OMCT Handbook Series, World Organization Against Torture (Sept. 2006).

**Susana SáCouto**, Director of the War Crimes Research Office (WCRO) and adjunct professor at WCL, spoke about international criminal prosecutions on “A World of Possibilities,” a nationally syndicated radio program produced by the *Mainstream Media Project* (April 4, 2006). She also delivered a presentation at the July 17, 2006, meeting of the Southeastern Association of Law Schools, addressing the question of whether international criminal tribunals reflect an imposition of Western standards on non-Western societies that have experienced atrocities. *HRB*