

2005

Center News/Faculty and Staff Updates

Human Rights Brief

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Recommended Citation

Human Rights Brief. "Center News/Faculty and Staff Updates." Human Rights Brief 13, no. 1 (2005): 49-52,54.

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CENTER NEWS/FACULTY AND STAFF UPDATES

CENTER NEWS

CENTER LAUNCHES CONGRESSIONAL HUMAN RIGHTS LECTURE SERIES

The Congressional Human Rights Lecture Series is a new year-long initiative that the Center launched in collaboration with the Congressional Human Rights Caucus. The Series seeks to introduce Hill staffers to the basics of international law and human rights issues through a bi-monthly, interactive series of discussions with top experts from the American University Washington College of Law. The series will not only explore basic principles in human rights and humanitarian law, but will also discuss how and why they are relevant to U.S. lawmakers and legislators. Professor Rick Wilson delivered the first lecture on May 17, 2005, and discussed issues related to the Universal Bill of Human Rights. In July Professor Robert K. Goldman discussed "What are the Rules That Govern the War on Terror." In September Professor Diane Orentlicher spoke on "Structures of the UN Human Rights System and the Move to Reform." The Series is held in the U.S. Capitol and is aimed at staff members of Congressional offices.

BEYOND *ROPER V. SIMMONS*: INTERNATIONAL LAWS AND STANDARDS FOR TREATMENT OF CHILDREN IN CONFLICT WITH THE LAW

The Center sponsored its second annual training on human rights and criminal justice in the U.S. with a workshop called "Beyond *Roper v. Simmons*: International Law and Standards for the Treatment of Children in Conflict with the Law." As with the first training, it was co-sponsored by the American Civil Liberties Union, Global Rights, the Open Society Institute Justice Initiative, and Penal Reform International. "Beyond *Roper*" brought experts together to examine the implications of the recent Supreme Court decision overturning the juvenile death penalty and its use of international standards. It further examined international law, standards, and norms

that govern the treatment of children in conflict with the law and how those standards can further inform advocacy, policy, and litigation on behalf of children in the criminal justice system. Among the noted speakers at the workshop were Bernardine Dohrn (Northwestern University), Connie de la Vega (University of San Francisco Law School.), Rick Wilson (WCL), LaShawn Warren (ACLU), Eric



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LaShawn Warren, ACLU Legislative Counsel.

Tars (Global Rights), Jenni Gainsborough (Penal Reform International), Sue Gunawardena-Vaughn (Amnesty International), and Ajamu Baraka (US Human Rights Network).

RACE, CLASS, AND "REFUGEES": THE HUMAN RIGHTS IMPLICATIONS OF HURRICANE KATRINA

A capacity crowd convened to discuss the human rights implications of Hurricane Katrina the week after the storm devastated the U.S. Gulf region. Monique Harden, co-founder and attorney for Advocates for Environmental Human Rights in New Orleans, opened the discussion with comments patched in by phone from her temporary shelter in Birmingham, Alabama. WCL Professors Angela Davis, Susan Bennett, and Muneer Ahmad then spoke about the immediate aftermath of the hurricane. The discussion ended with a brainstorming session about

next steps for the WCL community to help provide constructive aid and assistance to communities and individuals affected by the tragedy. In addition, the Center, in collaboration with the student group Action for Human Rights, organized three bake sales/fundraising drives in the immediate days following Hurricane Katrina, which resulted in over \$2,500 raised to assist in relief efforts. A summary of the proceedings from the panel are available on the Center's website at www.wcl.american.edu/humright/center.

IM4HR: INSTANT MESSAGING FOR HUMAN RIGHTS

Responding to a series of meetings that identified a need for creative thinking about how to better communicate human rights messages in the U.S., the Center, in conjunction with Citizens for Global Solutions, held "IM4HR: Instant Messaging for Human Rights" in May 2005. "IM4HR" was a first step in trying to bring people together to brainstorm about how to effectively communicate and promote human rights in the current American climate. The workshop attempted to first acknowledge the problems with the current "frames" used to address human rights issues, to create new "frames" and better ways in which advocates and activists in the human rights field communicate their messages, and to find different ways in which to connect the discourses on civil rights (mainly perceived as U.S.-oriented) and human rights (mainly perceived as internationally-oriented) to promote similar goals. The workshop was designed to promote interaction among the participants both during and after the session. The proceedings of the workshop have been published on the Aspen Institute's website, http://www.aspeninstitute.org/site/c.huLWJeMRKpH/b.612039/k.5132/Global_Interdependence_Initiative.htm, to encourage further debate on the subject.

CELEBRATING 10 YEARS OF CONSTITUTIONAL DEMOCRACY IN SOUTH AFRICA WITH CONSTITUTIONAL COURT JUSTICES

KATE O'REGAN AND YVONNE MOKGORO

The Center for Human Rights and Humanitarian Law hosted a dinner to honor the South African Constitutional Court's two female justices and celebrate the tenth anniversary of South Africa's transition to a constitutional democracy. The dinner was attended by diplomats, lawyers, faculty, alumni, and students. Justices Kate O'Regan and Yvonne Mokgoro addressed the dinner.

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Justice Kate O'Regan, Karen O'Connor, Justice Yvonne Mokgoro, and Mary Clark.

JUDGE JUAN GUZMAN TAPIA ON "PROSECUTING PINOCHET: THE CHALLENGES AND OBSTACLES TO THE PURSUIT OF JUSTICE IN CHILE"

In October Judge Juan Guzmán Tapia spoke at WCL about his efforts to prosecute Chilean Dictator General Augusto Pinochet and bring him to justice. Within 72 hours of Pinochet's return to Chile after leaving 18 months of house arrest in Britain, Judge Guzmán moved to strip Pinochet's immunity from prosecution, initiating a series of prosecutions that continue today. Twice — in 2000 and again in 2004 — Judge Guzmán succeeded in indicting Pinochet. Though in both cases superior courts declared Pinochet mentally unfit for trial, Judge Guzmán's work has given new hope to Pinochet's victims, helped strengthen the rule of law in Chile, and inspired victims of tyranny the world over to seek justice against human rights violators who once seemed immune to judicial accountability. Judge Guzmán retired from the Santiago Court of Appeals in April 2005 and was recently appointed as dean of the law school at Central University in Santiago. His memoir, *En el borde del mundo: Memorias del juez que procesó a Pinochet*, is now a best

seller in Chile.

PRIVATE FINANCE, SOCIAL RESPONSIBILITY, AND TRANSITIONAL JUSTICE: THE CASE OF RECONCILIATION AND DEVELOPMENT BONDS

On October 11, 2005, WCL Professor Daniel Bradlow discussed his groundbreaking work on reconciliation and development bonds in South Africa. Reconciliation and development bonds provide a means through which private citizens can directly contribute to reconciliation and reconstruction in their own societies. One of the challenges facing countries that are trying to recover from serious social trauma, such as South Africa, is how to deal with the traumas and inequities of the past while building a sustainable future for all their citizens. This challenge can only be met if all stakeholders in a society — public and private actors alike — contribute to the healing of the society and the construction of a new future. Truth commissions, criminal trials, confessions and amnesties, and official compensation are all mechanisms through which the state can provide support and relief to those who suffered the abuses of a prior regime. Reconciliation and development bonds are an innovative attempt to deal with the need for private efforts at reconciliation and reconstruction.

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Judge Juan Guzmán Tapia and Dean Claudio Grossman.

CENTER HOSTS STUDY VISIT BY INDIAN COLLEAGUES FOR GENDER MAINSTREAMING IN LEGAL EDUCATION AND LAW REFORM IN INDIA PROJECT

As part of its commitment to creating

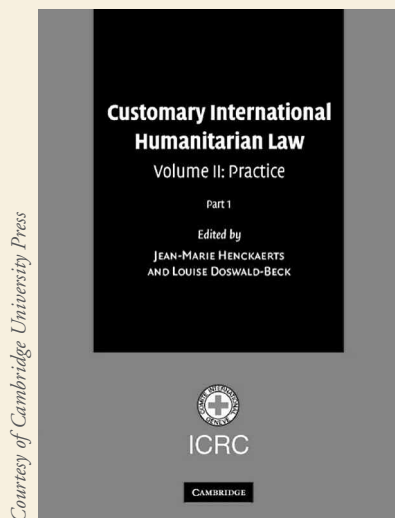
innovative training models for practitioners around the world, the Center, together with the WCL's Women and International Law Program (WILP), has continued to support gender mainstreaming in legal education and law reform in India through its Gender and Legal Education in India Project. The project has supported the development of the Gender and Law Association in India (GALA), an interdisciplinary exchange and collaboration network of noted academics and activists throughout India working on women's legal rights. In October the Center and the WILP jointly hosted a delegation of academics and activists. The seven-member delegation spent one week at WCL examining methods and structures for clinical legal education and experiential learning. Among the participants were Dean Nomita Aggarwal (University of Delhi, New Delhi), Asha Bajpai (Tata Institute of Social Sciences, Mumbai), Gangotri Chakraborty (Gujarat National Law University, Ahmedabad), Vasanthi Nimushakavi (NALSAR University of Law, Hyderabad), Ruchira Goswami (West Bengal National University of Juridical Sciences, Calcutta), Sanobar Keshwar (KC Law College, Mumbai), and Shalu Nigam (Centre for Women's Development Studies, New Delhi).

Along with observing clinical teaching, exploring externship opportunities, and discussing student-led projects, the delegation met with local NGOs who incorporate students in their work, observed law students in court, and met with judges who work with students. The delegation also shared their varied perspectives on women's legal rights in India through an engaging panel discussion. The next meeting of the exchange program will take place in December in Pune, India.

THE REAFFIRMATION OF CUSTOM AS AN IMPORTANT SOURCE OF INTERNATIONAL HUMANITARIAN LAW

On September 28, 2005, over 120 practitioners, students, and academics convened at WCL for the U.S. launch of the long awaited ICRC study, *Customary International Humanitarian Law*. The event was sponsored by the Center for Human Rights and Humanitarian Law, the International Committee of the Red Cross (ICRC), and the WCL War Crimes

Research Office. The ICRC's nearly 5,000-page study has identified 161 rules of customary international humanitarian law that offer legal protection for people affected by war. Jean-Marie Henckaerts and Louise Doswald-Beck, the report's primary authors, were joined by a distinguished panel of U.S. government representatives, law professors, practitioners, and others from across the world to discuss the significance of this study. Judge



Theodor Meron, President of the International Criminal Tribunal for the former Yugoslavia, delivered the lunchtime keynote address. A review article of the conference and overview of the study will be forthcoming in the winter issue of the *Human Rights Brief*.

PODCASTING AND TECHNOLOGY

The Center has begun to podcast all of its major events and is making them easily accessible on the Center's website. Proceedings and webcasts of certain events will also be available on the website. To access past Center events, please go to www.wcl.american.edu/humright/center. In addition, the Center publishes a weekly listserv with human rights related announcements and events happening at WCL and around Washington D.C. To join the listserv, send an email to chrhlupdate-request@wcl.american.edu, leaving the subject line blank and typing SUBSCRIBE in the body of the message.

FACULTY AND STAFF UPDATES

Robert Goldman, Professor of Law at the Washington College of Law (WCL) and Co-Director of the Center for Human

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Rights and Humanitarian Law (Center), was interviewed by *BBC Spanish* about the aftermath of Hurricane Katrina and the Bush Administration's responsibilities during and after the hurricane. In May 2005 he was quoted on *Yahoo.com*, *News From Bangladesh*, and in the Turkish press regarding what he believes to be the lenient sentence given to Lynndie England, the U.S. soldier accused of torturing prisoners at Abu Ghraib prison in Iraq.

Claudio Grossman, Dean of WCL and Co-Director of the Center, participated in the meetings of the UN Committee Against Torture (UN CAT) in his capacity as Vice Chairman in May 2005. The following month Dean Grossman was the keynote speaker at the Inter American Press Association Conference on Freedom of Expression in Chile, attended the General Assembly of the Organization of American States (OAS) as President of the College of the Americas, and participated in a dialogue with the Ministers of Foreign Affairs of the 34 OAS member-countries. He also participated in an American-Chilean Chamber of Trade sponsored panel on the comparison between penal procedures in the U.S. and Chile, and in a roundtable discussion on lawyers and freedom of the press. Dean Grossman is a member of the American Bar Association (ABA) Section of International Law's Task Force on Reform of the United Nations Commission on Human Rights, the recommendations of which were unanimously approved by the ABA Board of Governors in June. In addition to teaching in WCL's Summer Comparative Law Program this summer, Dean Grossman delivered the keynote address on "Challenges Posed by Globalization" at the Second International Legal Education Conference at Yeditepe University in Istanbul, Turkey, and, in his capacity as UN CAT Vice Chairman, visited jails and detention centers in Brazil. In August Dean Grossman was appointed Honorary Professor of the Universidad de San Martin de Porres in Lima, Peru, in recognition of his notable dedication and outstanding contributions to research and teaching in the field of human rights. In September Dean Grossman published an article in the *Legal Times' Law Schools Edition* regarding WCL's Integrated Curriculum and gave a lecture to the Heads of Jamaica's Means of Communication on freedom of

expression in the Inter-American System. In October 2005 Dean Grossman participated in a hearing, together with WCL students and alumni, before the Inter-American Commission on Human Rights in a case on behalf of three Cuban nationals who were executed without due process of law and in violation of the American Declaration of the Rights and Duties of Man. Dean Grossman was interviewed by a number of media outlets during this period on topics including the new Chilean constitution, the Israeli pull out from the Gaza Strip, freedom of expression in the Inter-American system, and the future of the UN.

Hadar Harris, Executive Director of the Center, met with the visiting Iraqi Minister of Women's Affairs and an accompanying delegation of female judges, attorneys, and activists in July to discuss ways in which international treaty norms could impact the constitutional drafting process in Iraq. She also conducted an afternoon seminar with a group of visiting law and government students from Ritsumeikan University in Japan on the ways in which human rights are integrated in domestic law. In October Ms. Harris was one of the primary trainers in Los Angeles at a workshop organized by the ACLU in collaboration with the Center for Human Rights and Humanitarian Law and other partner organizations entitled, "Shadow Reports: Documenting U.S. Failure to Comply with Human Rights Treaties." In addition, she spoke as part of the legal seminar at the National Coalition Against the Death Penalty National Conference in Austin, Texas, on the use of international law in anti-death penalty advocacy in the United States. She also served on the Conference Committee for the US Human Rights Network's first national conference that will take place in Atlanta, Georgia, in November and led an introductory workshop on using the human rights framework in U.S.-based social justice advocacy at the conference.

Anne Heindel, Assistant Director of the War Crimes Research Office, participated in The Hague Joint Conference on Contemporary Issues of International Law in June 2005.

Claudia Martín, Professorial Lecturer in Residence and Co-Director of the Academy on Human Rights and

Humanitarian Law, organized the First Annual Meeting on Human Rights: The Washington Colloquium on the Inter-American Human Rights System from June 26-28, 2005, and chaired a panel on the scope of inter-American human rights jurisprudence. This event was designated a "Centennial Event" by the American Society of International Law (ASIL). Professor Martín participated in the Honor Panel that judged the Final Round of the 10th Inter-American Human Rights Moot Competition on June 28, 2005. In June she served as an expert commentator for the *Practical Guide to International Human Rights Instruments Applicable in Sierra Leone*, published by the American Bar Association Central European and Eurasian Law Initiative (ABA/CEELI) and the Sierra Leone Bar Association. Professor Martín coordinated the 7th Summer Program of the Academy on Human Rights and Humanitarian Law and co-taught Inter-American Human Rights Law during the summer program. In July Professor Martín presented "Reform Debate in the Inter-American Human Rights System Ten Years After: Successes and Failures" at the 7th Hague Joint Conference on Contemporary Issues of International Law. During September Professor Martín lectured on the procedures and case law of the Inter-American Human Rights Court at the "Human Rights and the Inter-American System" event organized by the University San Martín de Porres, in Lima, Peru; participated in the First Meeting of the European and Latin American Network on Human Rights, sponsored by the University of Utrecht, the University of Ghent, and the University of Los Andes, in Cartagena, Columbia; and lectured on the procedures and case law of the Inter-American Court at the VI Session on The Inter-American Human Rights System, organized by the Center for Human Rights, Catholic University Andres Bello, in Caracas, Venezuela.

Diane Orentlicher, Professor of Law at WCL and Co-Director of the Center, was a panelist on the subject of "International Criminal Justice and International Peace and Security" at the International Day: Challenges in a New Era conference, sponsored by the Stanford University Institute for International Studies in May 2005. She participated in a roundtable discussion of "Peace Operations:

Implementing the Rule of Law," hosted by the Future of Peace Operations Program at the Henry L. Stimson Center in Washington, D.C. In June she was a panelist for "The Role of UN Human Rights Mechanisms: Independent Experts and Special Rapporteurs," sponsored by the Academy on Human Rights and Humanitarian Law at WCL. Professor Orentlicher participated in a meeting hosted by the Stanley Foundation and the United Nations Foundation to explore the proposal to replace the UN Commission on Human Rights with a Human Rights Council. She was also a principal presenter at a retreat convened jointly by the United Nations Department of Political Affairs and the International Center for Transitional Justice. She participated in a meeting on Special Rapporteurs/Representatives, Independent Experts and Chairpersons of Working Groups of the special procedures mandates established by the UN Commission on Human Rights. Professor Orentlicher also served as a member of the search committee for an Executive Director of the National Institute of Military Justice, and as a member of the Working Group on Confronting Terrorism, convened by the New American Foundation in connection with its National Policy Forum on Terrorism, Security and America's Purpose. In October she was the discussant following the keynote address of Aryeh Neier, President of the Open Society Institute, on "Approaching the Next Era of War Crimes Tribunals" and was a panelist on "The Future of International Incitement Law" at the War Crimes Research Office's 10th anniversary conference, held at WCL.

Diego Rodríguez-Pinzón, Professorial Lecturer in Residence and Co-Director of the Academy on Human Rights and Humanitarian Law, moderated a panel presentation on "The Inter-American Human Rights System: An Open Discussion on the Problems Affecting its Functioning," in May 2005. Along with Professor Martín, Professor Rodríguez-Pinzón organized the 7th Summer Program of the Academy on Human Rights and Humanitarian Law from May 31 – June 17, 2005. He coordinated Human Rights Month in May and June, which featured 11 events, including panels on relevant human rights issues, on-site visits, workshops, and a film festival.

Professor Rodríguez-Pinzón also hosted the May 2005 Inter-American Human Rights Moot Competition, which brought together more than 150 students and coaches from universities in South, Central, and North America to WCL. He organized the First Annual Meeting on Human Rights: The Washington Colloquium on the Inter-American Human Rights System in May. In June Professor Rodríguez-Pinzón moderated a panel presentation entitled, "Accountability of IFIs: The Current Status of Existing Compliance and Review Mechanisms of the World Bank, IFC and IADB." Professor Rodríguez-Pinzón participated in the first meeting of the Latin American and European Network on Human Rights (LAEHR) in Cartagena, Colombia, from September 9-11, 2005. In September he lectured at the Universidad San Martín de Porres in Lima, Peru, and conducted a workshop about justice as a right at the Center for Human Rights of the Universidad Católica Andrés Bello in Caracas, Venezuela. Professor Pinzón is a member of the Editorial Board of the *Revista Iberoamericana de Derechos Humanos* (Ibero-American Human Rights Law Journal) and a member of the Advisory Committee for the Kenan Institute's Human Rights and Trade Partnership project of the Kenan-Flagler Business School of the University of North Carolina at Chapel Hill. Professor Rodríguez-Pinzón contributes as a Correspondent for the Americas to the British publication *Butterworths Human Rights Cases*, a multi-volume series that reports on recent human rights cases around the world, and to the prestigious international law journal *Netherlands Quarterly of Human Rights* by reporting periodically on the Inter-American Human Rights System.

Susana SáCouto, Director of the War Crimes Research Office (WCRO) and adjunct professor at WCL, participated in the Second International Prosecutor's Colloquium hosted by the Special Court for Sierra Leone in Freetown in June 2005. That same month she traveled to The Hague to meet with members of the Prosecutor's staff at the International Criminal Court, and to participate in The Hague Joint Conference on Contemporary Issues of International Law. On September 30, 2005, she mod-

when they are discriminated against, or even when they are injured on the job.

Ms. Paoletti has continued to advocate for migrant farmworkers through participation in trainings, scholarship, and collaborative advocacy efforts both nationally and internationally. She returned to WCL as a Practitioner-in-Residence for the International Human Rights Law Clinic in 2003. The clinic allows WCL students to work directly with clients on asylum cases, workers' rights disputes, and other international human rights issues. As a Practitioner-in-Residence, Ms. Paoletti applies her experience with FOF and her interest in advocacy for workers' rights to international human rights issues. For example, she is currently assisting the National Employment Law Project with the organization's report to the UN Human Rights Commissioner regarding migrants and development.

Ms. Paoletti sees her teaching as an extension of her advocacy. She supervises

students in the clinic who fight for the rights of undocumented workers in the U.S. before the Inter-American Commission on Human Rights and in domestic proceedings. In the seminar she teaches, "Immigrants in the Workplace," Ms. Paoletti helps her students develop a critical understanding of the history of labor and employment law, how it applies to low-wage immigrant workers, and its intersection with immigration policy. She enthusiastically participates in round-table discussions, panels, and other student-led activities that address the rights of low-wage workers and the role of a law student — or lawyer — in protecting those rights.

Ms. Paoletti is a recipient of the WCL 2005 Bellows Scholars Award. She is also a member of the *Human Rights Brief* Alumni Committee. Her publications include: "The Impact of Globalization on Immigrant Workers: What Happens to an Already Invisible Workforce when their Jobs Disappear?" from a February 2005 Symposium on

Globalization and the New Politics of Labor, sponsored by the Indiana Journal of Global Legal Studies (*forthcoming*); *Inter-American Developments on Globalization's Refugees: New Rights for Migrant Workers and Their Families*, European Yearbook of Minority Issues Vol. 3, 63-87 (European Centre for Minority Issues 2003-2004) (co-author); "Human Rights for All Workers: The Emergence of Protections for Unauthorized Workers in the Inter-American Human Rights System," 12 No. 1 Hum. Rts. Brief; "Court Interpreters and Preserving Due Process in Criminal Proceedings," *ABA Judge's Guide to Immigration Law in Criminal Proceedings* (American Bar Association 2004); and "Changes to U.S. Law Threaten Refugees," 4 No. 1 Hum. Rts. Brief. **HRB**

Emily Wann, a J.D. candidate at the Washington College of Law, covers the Alumni Profile for the Human Rights Brief.

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erated the panel on "Alternative Models of Accountability: Hybrid Courts, Domestic War Crimes Chambers and Regional Criminal Courts," at the WCRO's 10th anniversary conference on International Criminal Tribunals in the 21st Century. She also recently wrote an essay on "The Role of Victims in Bringing Former Khmer Rouge Leaders to Justice in Cambodia," which will be published this fall in *Justice Initiatives*, a publication of the Open Society Justice Initiative.

Herman Schwartz, Professor of Law at WCL and Co-Director of the Center, attended a meeting in Jerusalem with Palestinian lawyers on the constitutional court and related issues on July 16, 2005. He also lectured on constitutional courts to Iraqi women at the American Bar Association (ABA) of Washington, D.C., in July. Professor Schwartz became a member of the panel of expert advisors to the Israeli Knesset Committee on revising the Israeli Constitution, which was appointed July 31, 2005. He also wrote a memorandum on attorney-client privilege in connection with John Roberts' nomi-

nation to the U.S. Supreme Court. Professor Schwartz anticipates that a number of his essays on the Burger Court and other issues will be published in the *Encyclopedia of Civil Liberties* before the end of this year.

Rick Wilson, Professor of Law at WCL and Co-Director of the Center, presented on "*Roper v. Simmons*: Mock Oral Argument on Whether the Supreme Court Should Consider International Law" to the Street Law Program at Georgetown Law School in June 2005. In September he spoke at the Universidad de San Porres in Lima, Peru, regarding "Due Process in the Inter-American System for Protection of Human Rights: Doctrine and Jurisprudence." In September he spoke to the National Association for the Advancement of Colored People (NAACP) Advisory Board on Race and the Criminal Justice System about "International Law Advocacy on Race Discrimination." He also spoke to visiting fellows of the American Association for the Advancement of Science about "International Law Structures and

Institutions" at George Washington University. He is awaiting publication before the end of the year of "War Stories: A Reflection on Defending Alleged Enemy Combatants Detained in Guantanamo Bay, Cuba" in the *Yearbook of New Zealand Jurisprudence*, and chapters entitled "Procedural Safeguards for the Defense in International Human Rights Law," "A History of the Role of Defence Counsel in International and War Crimes Tribunals," and "Defending Detainees at Guantanamo Bay" in *Defence in International Criminal Proceedings*. **HRB**