

# Human Rights Brief

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## Center News

Human Rights Brief

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## CENTER NEWS/FACULTY AND STAFF UPDATES

### CENTER NEWS

Over the past ten years, the Center for Human Rights and Humanitarian Law (Center) has not only created and published the *Human Rights Brief*, but it has played a major role in promoting human rights education and advocacy in the study of law at the Washington College of Law (WCL) and beyond. The Center focuses on education, training, advocacy, and research.

This spring, the Center held a variety of conferences and workshops on cutting edge issues. In March, as part of its Project on Indian Law and Indigenous Rights, the Center convened an important conference on the emerging principles of *Prior Informed Consent* in international law. The conference, jointly organized by the Center with the American University Washington College of Law International Legal Studies Program and the Center for International Environmental Law, looked at the rights that the principles establish for both national governments and for indigenous peoples and local communities, and examined how the right to prior informed consent is applied in a variety of different contexts, including dams and extractive industries, biosafety, toxic waste management, and genetic resources. Participants considered the challenges that arise in implementing this principle at the international, national, and local levels. The conference brought together experts from the World Bank, the Inter-American Development Bank, indigenous leaders and activists, the United States Environmental Protection Agency, the National Institutes of Health, and the United Nations Environmental Programme. The WCL Sustainable Development Law and Policy Journal plans to publish the conference proceedings next fall.

In February, in collaboration with the Institute for Policy Studies, the Center sponsored a roundtable discussion on “Challenges to the Pinochet Precedent and the Globalization of Justice.” The implications of former Chilean dictator Augusto Pinochet’s arrest in 1998 continue to resonate around the world, and even in the U.S. District Court, through a chain reaction of cases against human rights abusers.

Over the past five years, however, there have been both challenges to and advances in the effort to move towards a greater globalization of justice. The roundtable explored the important implications of the “Pinochet Precedent,” and featured **Reed Brody**, special counsel for prosecutions, Human Rights Watch; **Joan Garcés**, attorney who led the prosecution team in the Spanish case against Pinochet; **Prof. Diane Orentlicher**, WCL; **Peter Weiss**, vice president, Center for Constitutional Rights; and **Prof. Richard Wilson**, WCL. **Stacie Jonas**, Director of the Pinochet Case Project at the Institute for Policy Studies, moderated the event.

The Center has also continued the Human Rights Defenders Speakers Series (Series), which brings activists from around the world to WCL to discuss the work of defending human rights. This spring, the Series included special presentations by **Michael Njong** of Cameroon and **Dean Claudio Grossman** of Chile, who discussed “The Other September 11.” The Series also hosted a panel with governmental representatives discussing their work “Protecting Human Rights from the Government Side.” Panelists included **Gaston Mwenelupembe** (Ministry of Justice, Malawi); **Ahmad Waraich** (Ministry of Law, Justice & Human Rights, Pakistan); and **Gombosurengiin Ganzorig** (Former Supreme Court Justice, Mongolia).

On April 30, the Center will sponsor “Strengthening Criminal Justice: Using International Human Rights Standards,” an interactive workshop for practitioners on using international human rights standards to strengthen criminal human rights advocacy in the United States. The conference is designed to train lawyers and activists in the fundamentals of strategically applying international human rights standards and mechanisms to U.S. domestic criminal law. The conference will include an overview of international human rights standards and norms; specific case studies and strategies; and a panel exploring methods to build constituencies for incorporating international human rights in the U.S. criminal justice system. In addition, there will be interactive lunch-time discussions on a range of applied issues and themes including the death

penalty, juvenile justice, and prison conditions. Among the scheduled speakers are **Anthony Romero**, ACLU; **Prof. Herman Schwarz**, WCL; **Jenni Gainsborough**, Penal Reform International; **Hadar Harris**, WCL; **Margaret Huang**, Global Rights; **Nkechi Taifa**, Open Society Justice Initiative; **Paul Hoffman**, ACLU; **Prof. Rick Wilson**, WCL; **Jokata Eddy**, National Committee Against the Death Penalty; **Dorothy Thomas**, Jeht Foundation; **Wendy Patten**, Human Rights Watch; **Ann Beeson**, ACLU; **Elisa Massimo**, Human Rights First; and **Ben Jealous**, Amnesty International. The conference is co-sponsored by the Center, the American Civil Liberties Union, Global Rights, Open Society Institute, and Penal Reform International.

One of the Center’s key annual events is the Inter-American Human Rights Moot Court Competition. This year will mark the Competition’s ninth year and is scheduled to take place from May 23-28, 2004. Record attendance is expected. The Competition brings together students from all over the world to argue a hypothetical case in English, Spanish, or Portuguese. Based on the jurisprudence of the Inter-American system, the Competition has had a profound effect on shaping research, writing, and oral advocacy training throughout Latin America and the Caribbean. This year’s hypothetical case involves indigenous rights. Previous judges for the Final Round have included the President of the Inter-American Commission on Human Rights, Commissioners, Supreme Court Justices, Ambassadors to the OAS, academics, and noted NGO activists. In addition to the Competition’s annual *fiesta latina*, this year’s Competition will feature a special training workshop conducted by Witness on using video advocacy as a tool to promote and protect human rights.

Finally, the Center has recently launched a major international initiative, “The Rwanda Commemoration Project: Genocide in Our Time,” to encourage law schools, human rights centers, NGOs and others to mark the tenth anniversary of the Rwandan genocide. April 7, 2004 marks ten years since the beginning of the Rwandan genocide, when nearly a million people were

killed in ninety days while the international community largely stood by. The Center has produced an 8-page resource booklet to encourage law schools, universities, high schools, NGOs, community groups, and religious organizations to plan programming marking the tenth anniversary of the genocide. The Project's approach is to encourage us both to look back at what led to the genocide in Rwanda and to look ahead to preventing looming genocide around the world today.

The booklet is being distributed around the world in partnership with Amnesty International-USA, the United States Holocaust Memorial Museum, Civicus, Human Rights Education Associates, and other organizations. A sample teaching curriculum for high schools is being developed with the WCL Marshall Brennan Fellowship Program and various materials are available on the Center's website. Copies of the booklet can be downloaded from the Center's website free of charge at [www.wcl.american.edu/humright/center](http://www.wcl.american.edu/humright/center) or requested via email at [Rwanda@wcl.american.edu](mailto:Rwanda@wcl.american.edu). *HRB*

## FACULTY AND STAFF UPDATES

**John Cerone** is the Executive Director of the War Crimes Research Office and an adjunct professor at American University's Washington College of Law (WCL). In January and February, Professor Cerone took part in discussions at UN Headquarters on the establishment of the Extraordinary Chambers in Cambodia. In February, the Canadian Department of Foreign Affairs and International Trade (DFAIT) invited the WCRO to prepare a presentation on international criminal law for a select group of officials from various Canadian government agencies, including DFAIT, the Department of Justice (including the DOJ War Crimes Unit), and the Canadian International Development Agency. Professor Cerone and Assistant Director Susana SaCouto traveled to Ottawa in February to deliver a lecture entitled "The Buck Stops...Where?: Tracing the Development of Accountability under International Criminal Law." In late March, Professor Cerone will travel to Berlin to participate in a round-table discussion with the Afghan Independent Human Rights Commission on promoting accountability in Afghanistan. He has also been invited to participate in several discussions in the coming months on

recent developments in international justice, including a panel on the recent referral to the ICC regarding the situation in Uganda. Lastly, Professor Cerone has accepted an international law faculty position at the New England School of Law, where he also been appointed Director of New England's Center for International Law and Policy.

**Robert K. Goldman**, professor of law at Washington College of Law (WCL) and Co-Director of the Center for Human Rights and Humanitarian Law (Center), will be speaking in April at a seminar in Lima, Peru on implementation of the Truth Commission's Report being organized by the Institute of Democracy and Human Rights of the Pontificia Universidad Catolica del Peru. In May, he will be in Tokyo, Japan to speak at a conference on International Cooperation and Assistance to Countries in Transition being organized by the Japanese Education Ministry, the Science Council of Japan and Chuo University. In June, he will co-teach the International Humanitarian Law course at the Law School's summer Academy in International Law.

**Claudio Grossman**, Dean of WCL, gave remarks to the new members of the Inter-American Commission on Human Rights regarding his experiences as former President and Commissioner on February 26, 2004. On that same day, Dean Grossman gave remarks at the Inter-American Defense College on the Inter-American System of Protection of Human Rights. On March 2, 2004, he gave the keynote address on "Prior Informed Consent and Human Rights," at the conference "Prior Informed Consent: Emergence as a Principle in International Law and Challenges of Implementation at International, National and Local Levels," at WCL. Dean Grossman gave several interviews in February and March with CNN Español on the political situation in Haiti and Venezuela. On March 22, 2004, Dean Grossman will chair the panel, "NAFTA Investment Law and Arbitration: the Early Years" at WCL and on April 13, 2004 he will participate in the panel, "Human Rights in the International System: Enforcing Global Governance" at the Woodrow Wilson International Center for Scholars. Additionally, Dean Grossman will give remarks on "Independent Judiciaries and

Human Rights" at the Center for Democracy and Election Management of American University at the "Summer Training Institute on Democracy and Elections: Challenges in the 21st Century" on June 6, 2004, and will teach a course on human rights law in WCL's Paris-Geneva Program in June 2004.

**Hadar Harris**, Executive Director of the Center, conducted ten days of training in Skopje, Macedonia for a local NGO seeking to assess Macedonia's compliance with CEDAW. In January, she was the keynote speaker for a group of prosecutors and criminal defense attorneys from Uzbekistan and in February, she met with a group of judges, attorneys and human rights activists from five Arab countries to discuss national security and human rights. She has also recently drafted the Center's new booklet, "The Rwanda Commemoration Project: Genocide in Our Time."

**Claudia Martín** is a visiting associate professor at WCL and Co-Director of the Academy on Human Rights and Humanitarian Law (Academy). The summer program of the Academy will be held this year between June 1 and June 18, 2004. This intensive program offers several new or enhanced courses for credit and/or certificate, including "Regional Approaches to Human Rights Law: Africa, America & Asia" taught by Professors Elizabeth Abi-Mershed, Christof Heyns and David Kinley, "Terrorism and Human Rights" taught by Professor Tom Farer, and "Teaching Human Rights: Design & Methods in Law School Clinics" taught by Professor Richard Wilson, among others. Additionally, Professor Gudmundur Alfredsson, Director of the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, is teaching the course "United Nations Human Rights System." Professor Asbjörn Eide teaches the course "Economic, Social and Cultural Rights." The Academy is attended by practitioners, scholars, government officials and students from around the world. Moreover, the Human Rights Month takes place during May and June, with a series of conferences, on site visits to organizations in Washington DC and a film festival, among others.

**Diane Orentlicher**, professor of law and Co-Director of the Center, recently participated in *amicus curiae* submissions in two U.S. Supreme Court cases: *Sosa v. Alvarez* and *Hamdi v. Rumsfeld*. On February 3, 2004, she was a panelist at a WCL program on "Confronting Challenges to the Pinochet Precedent and the Globalization of Justice," co-sponsored by the Center for Human Rights and Humanitarian Law and the Institute for Policy Studies. On March 11, Professor Orentlicher will give a talk at Columbia Law School in New York on "Frontiers of Global Justice: War Crime Prosecutions: From Augusto Pinochet to Saddam Hussein." On March 21-22, Professor Orentlicher will participate in a conference in Amsterdam, the Netherlands on the establishment of the Iraqi Special Tribunal, co-sponsored by the U.S. Institute of Peace and the Institute for International Criminal Investigations, in cooperation with the Iraqi Governing Council. On March 27-29, she will participate in an international conference on "Trauma and Transitional Justice in Divided Societies" sponsored by the U.S. Institute of Peace, at the Airlie House Conference Center. On April 16, Professor Orentlicher will be a panelist on the subject of the International Criminal Court at a conference on "U.S.-Canadian Security Relations: Partnership or Predicament?" at Duke University in Durham, NC. In mid-April, the "Independent Study on Best Practices, Including Recommendations, to Assist States in Strengthening Their Domestic Capacity to Combat All Aspects of Impunity" (UN Doc. E/CN.4/2004/88), prepared by Professor Orentlicher, will be presented to the UN Commission on Human Rights.

**Diego Rodríguez-Pinzón**, visiting associate professor at WCL and Co-Director of the Academy, prepared an Amicus Brief for the Supreme Court of Argentina jointly with Claudia Martín and the Argentinean organization, Centro de Estudios Legales y Sociales (CELS) in February 2004. Also, during March and April he will travel to Mexico to attend several human rights meetings in Mexico City, Guadalajara, Merida, and Torreon. The sessions will include updates on the case law of the inter-American human rights system and will serve as a forum to

discuss with local human rights professors, practitioners, and students several methodologies and experiences in human rights legal education. These sessions are part of an Academy project that is supported by National Endowment for Democracy (NED). Additionally, in Spring 2004, the Academy, together with Global Rights (former International Human Rights Law Group), is publishing a book entitled *Using the InterAmerican System for Human Rights: A Practical Guide for NGOs* (Guide). The book is co-authored by Claudio Grossman, Gastón Chillier, Felipe Gonzalez, Claudia Martín, and Diego Rodríguez-Pinzón. The Guide is published in English, Spanish, and Portuguese and will serve as a practical reference for human rights practitioners throughout the Americas. It provides up-to-date information on how civil society can defend human rights and empower their national agenda by resorting to the inter-American human rights system.

**Susana SáCouto**, adjunct professor at WCL and Assistant Director of the War Crimes Research Office, presented on "Pattern Evidence of Sexual Violence as Evidence of Genocidal Intent" at the Fifth International Biennial Conference of the International Association of Genocide Scholars, which was held at the Irish Centre for Human Rights, National University of Ireland in Galway, Ireland in June 2003. She also recently completed a book chapter entitled, "U.S. Litigation as a Mechanism for Redress for International Gender-based Crimes: Fitful but Steady Progress" for publication in Kelly Askin's forthcoming edition of *Women and International Human Rights Law*.

**Herman Schwartz**, professor of law at WCL and Co-Director of the Center, addressed an international conference on Turkey and human rights on the topic of "Free Speech in the United States." The conference was held in Ankara, Turkey on February 20, 2004. In addition, he will be honored for creating a human rights training program for Israeli lawyers at the New Israel Fund dinner to be held on May 10, 2004. Professor Schwartz's new book, "Right Wing Justice: The Conservative Campaign to Take Over the Courts", will be published in May. He also will publish

an article on constitution-writing in the State Department's spring edition of its on-line journal.

**Richard Wilson**, professor of law at WCL and Co-Director of the Center, spoke on "Using International Human Rights Law in Poverty Law Cases in the Domestic Courts of the United States," at the Annual Convention of the National Legal Aid and Defender Association in Seattle, Washington, in November 2003. Professor Wilson was a panelist at "The Avena Case in the International Court of Justice (*Mexico v. United States*): Can International Law Stop the Death Penalty?" Professor Wilson co-sponsored sections on International Human Rights, Immigration Law and North American Cooperation at the Annual Meeting of the Association of American Law Schools in Atlanta, Georgia on January 2004. During January 2004, he also spoke on "Legal Education through Clinical Legal Education and Practical Steps to Design and Pedagogy in a Law School Clinic" at the First University Congress on Clinical Legal Education and Public Interest Litigation, Open Society Justice Initiative, in Mexico City. In February 2004, Professor Wilson spoke on "The Academic Mission of Clinical Legal Education and Practical Steps to Design and Instruction in a Law School Clinic" at the First Nigerian Clinical Legal Education Colloquium, Open Society Justice Initiative, in Abuja, Nigeria. On March 3, 2004, Professor Wilson gave closing remarks at the Fifth Annual Peter M. Cicchino Awards Program, "After *Lawrence v. Texas*: Where to From Here?" at WCL. Professor Wilson published "Growth of the Access to Justice Movement in Latin America: The Chilean Example" in Justice Initiatives (newsletter of the Open Society Justice Initiative) in February 2004, and will publish "Training for Justice: The Global Reach of Clinical Legal Education" this year in the *Penn State International Law Review*. **HRB**