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Prologue

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Prologue

I am pleased to write this prologue for American University's International Law Review which, in this special issue, is publishing the winning papers of the 2004 Human Rights Award, sponsored by Washington College of Law's (WCL) Academy on Human Rights and Humanitarian Law.

Some years ago, the Academy created the annual Human Rights Award to encourage the production of scholarly work in international human rights law. Our effort has been well-received, as year after year we receive numerous engaging and educational submissions from lawyers with demonstrated experience or interest in international human rights law. We solicit papers in English and Spanish, and offer the awards for the best work in each language. Each award has its own Honor Jury, which is comprised of scholars of the highest academic credentials in the field of international human rights law. Winners receive a full scholarship to attend WCL's Academy on Human Rights and Humanitarian Law, including tuition, travel and living expenses.

The theme for the 2004 Human Rights Award, "Criminal Responsibility of Individuals in International Law," led to many insightful and enlightening papers. The Academy received more than 50 articles from around the world.

The winner of the 2004 Award in English is David S. Koller of Dayton, Ohio, for his article "Immunities of Foreign Ministers: Paragraph 61 of the Yerodia Judgment as it pertains to the Security Council and the International Criminal Court." Mr. Koller received a J.D. in May 2003 from New York University, a B.S. and B.A. from the University of Dayton, and has completed graduate studies at Cornell University.

Honorable mentions in the English category were awarded to Arthur Thomas O'Reilly of Arlington, Virginia, who won second place for his paper "Command Responsibility: A Call to Realign Doctrine with Principles;" and to Shane Darcy of Galway, Ireland,

who won third place for the paper "An Effective Measure of Bringing Justice? The Joint Criminal Enterprise Doctrine of the International Criminal Tribunal for the Former Yugoslavia."

The winner of the 2004 Award in Spanish is Rosario Domínguez Matés of Sevilla, Spain, for her article "Un Nuevo Desafío para el Derecho Internacional Humanitario: La responsabilidad penal internacional del individuo por daños causados al medio ambiente en periodo de conflicto." At the University of Sevilla, Ms. Mates completed both a law degree and doctoral studies. She currently teaches law at the University of Huelva.

Honorable mentions in the Spanish category were awarded to Emiliano Buis of Buenos Aires, Argentina, who won second place for his article "La responsabilidad penal del individuo por el crimen de limpieza étnica en la jurisprudencia internacional;" and to Xavier Andrés Flores Aguirre of Guayaquil, Ecuador, who won third place for his paper "La responsabilidad penal internacional de los individuos y la complementariedad de la Corte Penal Internacional. Algunas perspectivas desde el Sistema Interamericano de Protección de los Derechos Humanos."

I would like to personally congratulate these individuals for their excellent papers, and to thank everyone who participated in the Academy's 2004 Human Rights Award, including my fellow Honor Jury Members: Sandra Coliver, Robert Goldman, Diego Rodríguez-Pinzón, Brian Tittmore, and Leo Zwaak (for English submissions); and Silvia Fernández de Gurmendi, Baltasar Garzón Real, Claudia Martin, Pablo Saavedra, and Carlos Villán Duran (for Spanish submissions).

The sponsor of the Human Rights Award, the Academy on Human Rights and Humanitarian Law, was created as a result of WCL's realization of the need for specialized legal training in human rights law around the world. Our institution, with a long and recognized tradition in this field, was in a position to contribute to bridging that gap. With a growing community of activists and human rights defenders, and the need to address new issues of international law, the Academy offers participants an opportunity to acquire specialized

knowledge on the current challenges that are shaping our world. Our “global village” guides practitioners to a deeper understanding of the scope and practical implications of the human rights rules and mechanisms that impact people worldwide. The defense of human rights requires a professional community that is capable of undertaking a wide variety of actions, such as defending individual victims in international fora, advocating changes in domestic human rights legislation, protecting the economic and social rights of our communities, or prompting the domestic or international prosecution of those that have perpetrated international crimes. The Academy addresses those needs by providing participants with access to well-recognized lecturers and practitioners in international human rights law who bring a pragmatic and theoretical perspective to their areas of expertise.

The Academy’s courses are programmed to take place in the summer, with the goal of bringing together members of the judiciary, professors, civil servants, and other professionals with limited time to participate in year long courses. The Academy’s faculty is composed of an impressive group of scholars and activists, creating a unique and rewarding experience for its participants.

Topics covered in the Academy’s courses include regional human rights approaches; the United Nations; international criminal tribunals; economic, social, and cultural rights; women’s rights; terrorism and human rights; international humanitarian law; clinical methods; and many more. Interwoven into some basic courses are historical and political approaches to human rights, which involve interdisciplinary concepts.

During the Academy’s summer program, numerous panel discussions and debates are organized. In 2004, panels covered topics such as “Impunity or Justice: Colombia’s Peace Process” and “Current Human Rights Challenges for the United Nations.” The Academy also arranges visits to NGOs and international institutions in Washington, D.C., including the Inter-American Commission on Human Rights which, during the last session, featured a workshop on how to present individual petitions under the Inter-American system.

This year, the seventh year of the Academy, we welcomed 160 participants from over 14 different countries. Sixteen students from other law schools around the country such as Northwestern School of Law, Georgetown, University of Arizona, George Washington University, Wake Forest School of Law, Stetson University, and California Western School of Law, also participated. The Academy offered 16 courses, 10 in English and 6 in Spanish, and hosted 23 non-WCL professors representing prestigious institutions, NGOs, and international human rights organizations.

The Academy is one important example of the numerous human rights activities taking place at WCL. Other impressive contributions of WCL in human rights law include the Center for Human Rights and Humanitarian Law, the International Human Rights Law Clinic, the International War Crimes Tribunal Research Office, the Office of Public Interest, the *Human Rights Brief*, the Women and International Law Program, the Program on WorkLife Law, the Inter-American Human Rights Digest Project, the Israeli Civil Rights Program, the annual Inter-American Human Rights Moot Court Competition, and numerous externships and opportunities open to the students each year.

All of these activities are grounded in the belief that law schools and lawyers have an important role in promoting the values of human dignity. Our institution's ongoing commitment is realized through the ingenuity, as well as the moral and ethical conscience, of our community. American University's International Law Review, which embraced this important and challenging task of publishing these outstanding contributions to international human rights law in both English and Spanish, is a shining example of WCL's commitment in action.

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