2013

Center News and Faculty Updates

Human Rights Brief

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**CENTER NEWS**

The Center for Human Rights & Humanitarian Law was established in 1990 to provide scholarship and support for human rights initiatives internationally and within the United States. Located at American University Washington College of Law, the Center works with students, academics and practitioners to enhance the understanding and implementation of human rights and humanitarian law worldwide. The Center explores emerging intersections in the law and seeks to create new tools and strategies for the creative advancement of international norms. The Center has a variety of core projects, including the Anti-Torture Initiative, the Program on Human Rights in the United States and its Local Human Rights Lawyering Project, the Program on Human Rights of Persons with Disabilities, the Program on Human Rights Education, the Initiative on Human Rights in Business, and more. In addition to these projects, the Center provides ongoing student programming, which includes skills development seminars, lunchtime learning sessions, and a robust program of more than 50 conferences and events per year.

**ANTI-TORTURE INITIATIVE**

**CENTER’S ANTI-TORTURE INITIATIVE CONDUCTS FOLLOW-UP VISIT TO TUNISIA FOR THE UN SPECIAL RAPPORTEUR ON TORTURE**

Maria Noel Leoni, Coordinator of the Center’s Anti-Torture Initiative (ATI), and Stephanie Selg, UN Associate Human Rights Expert currently housed at the Center, conducted a six-day visit to the Republic of Tunisia to follow up on the implementation of the UN Special Rapporteur on Torture’s (SRT) recommendations. The visit, which was coordinated with the OHCHR’s office in Tunis and authorized by the Tunisian Permanent Mission in Geneva, took place from January 13-19. The ATI team visited Tunis and Sfax and met with more than twenty international and local non-governmental organizations working against torture and as part of the country’s transitional process to assess the progress achieved and challenges remaining with regard to the implementation of the recommendations issued by the SRT after his 2011 visit to Tunisia.

The Center’s Anti-Torture Initiative (ATI), together with the UN Special Rapporteur on Torture (SRT), WCL Professor Juan Méndez, will present preliminary findings and a recommendations report based on findings from the visit that will be shared with the UN and later incorporated into the follow-up information shared with the Tunisian government. The ATI team will continue to engage with local organizations in Tunisia to provide technical assistance and support in their work to implement the SRT’s recommendations.

**CENTER CO-SPONSORS HIGH-PROFILE DISCUSSION ON KIOBEL V. ROYAL DUTCH PETROLEUM REARGUMENT, MORE THAN 50 REMOTE LOCATIONS TUNE IN VIA LIVE WEBCAST**

The day after the reargument of the Kiobel v. Royal Dutch Petroleum case at the U.S. Supreme Court, the Center joined co-sponsors Earth Rights International, the WCL Program on International and Comparative Environmental Law, and the WCL International Legal Studies Program in hosting an assessment of the reargument and discussion of the future of the Alien Tort Statute. The program included an analysis of the U.S. Supreme Court argument at the intersection of human rights, environmental justice, and extraterritoriality with high-profile international law experts. Speakers included Paul Hoffman, Lead Counsel for the Plaintiffs; Katie Redford, Co-Founder and U.S. Office Director of Earth Rights International; John B. Bellinger, III, Partner at Arnold & Porter, LLP; and Former Legal Advisor to the U.S. Department of State Andrew Grossman, Litigator at Baker Hostetler and Legal Fellow at the Heritage Foundation. WCL Professor and Associate Dean for Scholarship Stephen Vladeck served as moderator. An article summarizing this event appears in this issue.

C-SPAN covered the event live, and in addition to over 120 in-person attendees, the event was also joined by a robust online audience with over fifty remote locations participating in the discussion via live webcast. A number of law schools held concurrent screenings of the discussion.

**LOCAL HUMAN RIGHTS LAWYERING PROJECT DIRECTOR SELECTED FOR US CIVIL SOCIETY ICCPR COORDINATING TASKFORCE**

Lauren E. Bartlett, Director of the Center’s Local Human Rights Lawyering Project, was appointed to the U.S. Human Rights Network’s new ICCPR Taskforce, a Network body charged with coordinating U.S. civil society advocacy before the UN Human Rights Committee to hold the United States accountable to its obligations to respect, fulfill, and protect human rights under the International Covenant on Civil and Political Rights (ICCPR). The ICCPR Taskforce comprises twelve members and two co-chairs representing different geographic regions, issue areas, and constituencies.
Center Co-Sponsors Expert Panel and Supports Efforts to Promote Free and Fair Elections in the United States

On October 25, the Center and the WCL Program on Law and Government sponsored an expert panel to discuss international standards for free and fair elections and apply those standards to the 2012 U.S. elections. The discussion featured Patrick Merloe, Senior Associate and Director of Electoral Programs at the National Democratic Institute, and Marcia Johnson-Blanco, Co-Director of the Voting Rights Project of the Lawyers’ Committee for Civil Rights Under Law. Center Executive Director Hadar Harris moderated the panel.

The Center also helped coordinate a nonpartisan election protection training by Meredith McCoy, an Election Protection Legal Fellow with the Lawyers’ Committee, at WCL. The training provided law students and attorneys with information on federal and state election law so as to equip them to provide voter support at polling locations on Election Day.

Program on Human Rights in the United States

Local Human Rights Lawyering Project Presents at NLADA Conference in Chicago and ABA Roundtable on HIV/AIDS

Lauren E. Bartlett, Project Director of the Local Human Rights Lawyering Project, Reena Shah, Human Rights Project Director at Maryland Legal Aid, and Nelson Mock, Human Rights Coordinator at Texas RioGrande Legal Aid, presented a workshop at the National Legal Aid and Defenders Association (NLADA) annual conference in Chicago, Illinois, on December 5, 2012. The NLADA is the largest nonprofit association dedicated to legal services for the poor and the annual conference is attended by thousands of legal aid attorneys and public defenders from across the United States. The presentation was entitled “Expanding the Toolbox: Using Human Rights in Legal Aid” and was attended by over 25 legal aid attorneys from across the United States.

In addition, Project Director Lauren E. Bartlett spoke at a roundtable discussion among American Bar Association (ABA) AIDS Coordinating Committee members and colleagues from the legal services and advocacy communities in New York City on November 16, 2012. The meeting centered on issues of shared concern, with particular focus on identifying and addressing the needs of women with HIV, access to HIV legal services, the ABA’s potential influence on domestic and international HIV policy agendas, and how the ABA could address these issues more effectively. Ms. Bartlett’s participation emphasized the utility of using human rights law arguments in HIV/AIDS-related cases in U.S. courts.

Initiative for Human Rights in Business

Center Receives $25,000 Grant for New Initiative for Human Rights in Business, Financial Humanity Project

The Center for Human Rights and Humanitarian Law has been awarded $25,000 by the ARCA Foundation to support its new Financial Humanity Project, part of the Center’s Initiative for Human Rights in Business (IHRIB), which has been developed by WCL alumnus John Richardson (ILSP ’11) and Dr. Rebecca DeWinter-Schmitt. The grant provides seed funding for the initiative’s Financial Humanity Project, which seeks to end the practice of speculation on food futures and derivatives that drives up the prices of food globally, causing a direct increase in the number of people living in extreme poverty.

IHRIB has two core projects in development: Accountability for the Security Sector in Risk Environments (ASSURE) and the Financial Humanity Project (FHP). ASSURE seeks to foster rights respecting behavior by private military and security companies operating around the world through strategic engagement with industry leaders and key stakeholders in government, civil society, and academia. FHP seeks to improve access to affordable food for those at greatest risk of hunger resulting from uncontrolled speculation in global commodity investments. Both programs are aimed toward ensuring that these growing markets — private security and global commodity investments — operate with greater emphasis on respect for human rights, adjusting their practices to reduce and eliminate harm done to associated populations. More details can be found at the IHRIB website, www.IHRIB.org.

Program on Human Rights of Persons with Disabilities

Center’s Program on Human Rights of Persons with Disabilities Launches New Global Disability Rights Course and Begins Selection Process for New Fellows

The Center’s Program on the Human Rights of Persons with Disabilities has launched a new course for the Spring 2013 Semester on Global Perspectives on the Rights of Persons with Disabilities. The course, co-taught by Adjunct Prof. Janet Lord and Center Executive Director Hadar Harris, is one of the first of its kind to be taught in the United States, focusing on implementation of the new Convention on the Rights of Persons with Disabilities. The course is an outgrowth and integral programmatic feature of the Center’s new Disability and Human Rights Fellows Program, which has brought five LLM students to WCL to study human rights and disability under the direction of Hadar Harris and Prof. Bob Dinerstein. In addition to a specialized course of study, the Fellows are required to intern with disability rights organizations in DC and focus their academic work on the intersection of human rights and disability. The program is supported by the Open Society Foundations. Preliminary screening is currently underway for the second cohort of DHR Fellows who will come to WCL in the 2013-2014 academic year.

Program on Human Rights Education

Successful Speak Truth To Power Human Rights Teaching Fellows Program Pilot Semester Draws to a Close

The Fall 2012 semester marked a successful launch of the Center’s Speak Truth To Power Human Rights Teaching Fellows Program, a project formed in collaboration with the Robert F. Kennedy Center for Justice and Human Rights (RFK). During
this semester, ten law students participated in a seminar to learn about various human rights education pedagogies and taught RFK’s Speak Truth to Power human rights curriculum in local high schools. This unique educational opportunity focused on training students on the use of different strategies and methodologies to create points of entry for discussion of rights-based issues; refining understandings of ways to talk about rights to different audiences; and provided practical experience of examining hard legal issues with non-legal audiences. This course also helped develop skills that will be useful to students who may engage in training of NGOs or government stakeholders or need to argue concepts to judges unfamiliar with international law or human rights in their careers as human rights lawyers. The project was co-directed by Human Rights Education Program Director Melissa del Aguila and Center Executive Director Hadar Harris.

Third International Humanitarian Law Student Writing Competition Draws More Than Forty Submissions From Across the Globe

On January 31, 2013, the 2013 International Humanitarian Law Student Writing Competition, co-sponsored by the Center and the American Society of International Law’s (ASIL) Lieber Society, came to a close. More than forty law students from eleven different countries submitted papers on a wide variety of IHL-related topics. This Competition is designed to promote interest and enhance scholarship in the field of international humanitarian law (IHL) among law students from around the world. A high level panel of IHL experts, both academics and practitioners, will judge the submissions and determine the winners. The competition will culminate in a conference to be held on April 3, 2013 at American University Washington College of Law. The conference, entitled International Humanitarian Law: Emerging Issues in the Law of Armed Conflict, will feature a panel with presentations by the student winners, as well as a roundtable discussion with IHL experts on the unique experience of women in war.

Human Rights Film Series Highlights Four Films Raising the Profile of Key Issues; Awards Grant to Aspiring Human Rights Filmmaker

The 13th Annual Human Rights Film Series, first organized in 2000 and co-sponsored by the American University Center for Social Media (CSM), showcases the power of film to educate and advocate about human rights. Four exceptional documentary films that exhibit excellence in filmmaking and explore a broad spectrum of human rights issues are screened each fall. The 2012 selections were: Give Up Tomorrow; ½ Revolution; Call Me Kuchu; and Granito: How To Nail a Dictator. Following each screening, there was an opportunity for the filmmaker and an expert human rights practitioner to discuss the issues highlighted in the screening with the audience. A Student Human Rights Grant Competition is carried out in conjunction with the Series to promote and support student’s multimedia initiatives around human rights. This year’s winner, student filmmaker Kady Buchanan, will utilize her award to tell the untold stories of African asylum seekers in Israel and raise awareness about the need for meaningful dialogue and advocacy for the basic human rights of this marginalized community. The Human Rights Film Series and the Student Human Rights Grant Competition are campus-wide initiatives supported by all six schools at American University. For more information on the 2012 Human Rights Film Series, visit: www.AUHumanRightsFilmSeries.org.

Faculty Updates

Claudio Grossman is a Professor of Law, Dean of the American University Washington College of Law (WCL), and the Raymond Geraldson Scholar for International and Humanitarian Affairs. Since 2008, Dean Grossman has served as Chair of the United Nations Committee Against Torture and in May 2012 he was unanimously reelected chair for a third consecutive term. He continues to serve on the board of directors for the Robert F. Kennedy Center for Justice & Human Rights, as well as on the RFK Center’s judging panel for the RFK Human Rights Award, and on the board of the International Association of Law Schools.

In November 2012, The National Jurist included Dean Grossman among the top 25 most influential people in legal education and later ranked him number eleven in its individual rankings issue in January 2013. The Dean also received an appointment as a member of the Scientific Council of the International Academy of Jurists for the Integration of the Americas in December 2012.

During late 2012 and early 2013 Dean Grossman gave several presentations. He presented and commented on “Key Issues in Drafting Anti-Torture Legislation” at the expert meeting for the Association for the Prevention of Torture in Geneva, Switzerland. Also in Geneva, Dean Grossman presented at the International Commission for Jurists’ training seminar for lawyers on international human rights law, criminal procedure, torture, and other forms of ill treatment. In addition to chairing the 49th session of the UN Committee Against Torture, Dean Grossman served as Country Rapporteur for Norway and Co-Rapporteur for Senegal. In January, Dean Grossman co-moderated a panel on “Assessing the Future of International Criminal Justice — Evolving Individual Accountability From Nuremburg to the International Criminal Court” for the Presidential Program of the 2013 Annual Meeting of the Association of American Schools in New Orleans, Louisiana. Also at the annual meeting, Dean Grossman participated in a panel discussion on “Open
Daniel Bradlow is a Professor of Law at WCL, and the SARCHI Professor of International Development and African Economic Relations at the University of Pretoria, South Africa. He also serves as Chair for the Roster of Experts for the Independent Review Mechanism at the African Development Bank, as a member of the Boards of Directors of International Lawyers and Economists Against Poverty, and as a member of the Executive Council of the American Society of International Law. Professor Bradlow’s current work focuses on international financial institutions, working toward sustainable and equitable methods of development, and funding for development projects across the globe.


Additionally, Professor Bradlow gave a talk on “The G20 and Africa: A Critical Assessment” for the First Annual Global Economic Governance Africa Conference for the Centre for Human Rights at the University of Pretoria in December. In connection with his work, Professor Bradlow made several media appearances in 2012 for both the Daily Maverick and Espresso Magazine.

Juan E. Méndez has been a Visiting Professor at WCL since 2010, and is also the UN Special Rapporteur on Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (SRT). In 2009 and 2010 he was the Special Advisor on Prevention to the Prosecutor of the International Criminal Court. In 2010 and 2011 he was also the Co-Chair of the Human Rights Institute of the International Bar Association. He is currently a Co-Director of the Center for Human Rights and Humanitarian Law at WCL.

As SRT, Professor Méndez conducted a country visit to Morocco and Western Sahara in September 2012, and his report of that visit will be presented to the UN Human Rights Council in March 2013. In October he presented his annual report to the UN General Assembly on the prohibition of torture and the death penalty. In December 2012 he conducted a follow-up visit to Uruguay, where his predecessor had conducted a mission in 2009. Also in December he lectured at the Universidad Nacional de La Plata in Argentina and taught a course on Transitional Justice at the Universidad Nacional de Lanus, also in Argentina. Later in December, with the assistance of the Center for Human Rights and Humanitarian Law, he convened a consultation at WCL on torture in healthcare care to assist in preparing a report on that topic that he will deliver to the Human Rights Council in Geneva in March 2013.

The Universidad Nacional de La Plata has announced that it will confer on Professor Méndez the degree of Doctor in Law Honoris Causa.

Diane Orentlicher is a Professor of International Law at WCL specializing in human rights and war crimes tribunals. Professor Orentlicher has served in various public positions, including as the Deputy for War Crimes Issues in the U.S. Department of State, as the UN Independent Expert on Combating Impunity, and as Special Advisor to the High Commissioner on National Minorities of the Organization for Security and Co-operation in Europe.

In November 2012, Professor Orentlicher participated in an expert workshop on the UN Security Council and the International Criminal Court organized by the University of California, Irvine. Subsequently, Professor Orentlicher was a panelist at a program entitled “Justice for Sale: The Quest for Justice in the Eastern Democratic Republic of Congo,” sponsored by the Embassy of The Netherlands in Washington, D.C., and co-hosted by ABAROLI. Most recently, Professor Orentlicher participated in a panel at the 2013 Annual Meeting for the Association of American Law Schools in New Orleans in January on “Assessing the Future of International Criminal Justice — Evolving Individual Accountability — From Nuremberg to the International Criminal Court.”

Diego Rodríguez-Pinzón is a Professorial Lecturer in Residence and Co-Director of the Academy on Human Rights and Humanitarian Law at WCL. Professor Rodríguez-Pinzón has also served as Ad Hoc Judge in the Inter-American Court on Human Rights. Additionally, he is a correspondent for the British periodical Butterworths Human Rights Cases, covering the Americas, and for the Netherlands Human Rights Quarterly, covering the Inter-American System on Human Rights.


Additionally, last year Professor Rodríguez-Pinzón was invited once again to teach the course “The Inter-American Human Rights System” during the prestigious 43th Annual Study Session of the Rene Cassin Institut International des Droits de l’Homme (International Institute on Human Rights-IIHR) that takes place in Strasbourg, France, every year. He also taught “The Inter-American System on Human Rights” at the Ábo Akademi Institute for Human Rights in...
Turk and taught with Claudia Martin the courses “Human Rights and International Humanitarian Law: New Challenges” and “The International Labour Organization Decent Work Agenda” delivered in the Program on International Organizations, Law and Diplomacy organized by the American University School of International Service and WCL, in Geneva, Switzerland. He also participated as panel moderator in “The Reform Debate and the Inter-American Human Rights System: An Appraisal of the Recent Reforms and an Assessment of the Need for More Measures” hosted by WCL.

Susana SáCouto is a Professorial Lecturer-in-Residence at WCL and the Director of the War Crimes Research Office (WCRO) and WCL’s Summer Law Program in The Hague. In June, Professor SáCouto traveled to Sarajevo with two WCRO staff members to train legal officers at the War Crimes Section of the Court of Bosnia and Herzegovina on “Research Methodologies in International Criminal Law & Procedure and the WCRO’s Jurisprudence Collections.” In December, Professor SáCouto returned to Sarajevo to participate as a guest speaker at a “Roundtable Discussion with Judges and Legal Officers” at the War Crimes Section of the Court.

Throughout the Fall of 2012 and in January 2013, Professor SáCouto participated in several panel discussions, including as a speaker on a panel on “ICC Investigations” at a conference hosted by The University of Leiden Grotius Centre for International Legal Studies, entitled “The Law and Practice of the International Criminal Court: Achievements, Impact and Challenges,” which took place in the Peace Palace, The Hague, The Netherlands, and a panel on “Perspectives on Crimes of Sexual Violence in International Law,” part of the 91st Annual Meeting of the American Branch of the International Law Association conference entitled “Ideas, Institutions, and Interests — Dynamics of Change in International Law,” which took place in New York City. She also moderated several panels, including a discussion on “Atrocity Documentation Projects in Afghanistan, Cambodia, and Syria,” part of the WCRO’s War Crimes Speaker Series; a panel entitled “Justice for Sale: the Quest for Justice in the Eastern Democratic Republic of Congo,” hosted by the Embassy of The Netherlands in Washington, D.C.; and a panel on “Sexual and Gender-Based Violence Post Arab Spring: Syria’s Challenges to Protection and Accountability,” a WCRO War Crimes Speaker Series event co-hosted with the American Red Cross and the American Society for International Law’s Women in International Law Interest Group.

In October 2012, Professor SáCouto served as an expert witness on “Judicial and Non-Judicial Approaches to Gender Justice” at the Asia-Pacific Regional Women’s Hearing on Gender-Based Violence in Conflict in Phnom Penh, Cambodia. That same month, she guest lectured on “The International Criminal Court and the Extraordinary Chambers in the Courts of Cambodia” as part of the American University Washington Semester Program’s International Law and Organizations Program. In November 2012, she served as the guest speaker at New England Law | Boston’s Center for International Law & Policy Speaker Series, where she spoke on “Investigative Management, Strategies, and Techniques of the International Criminal Court’s Office of the Prosecutor.” In December 2012, Professor SáCouto served as the inaugural guest speaker of the Transitional Justice Speaker Series organized by USAID’s Bureau for Democracy, Conflict, and Humanitarian Assistance, where she spoke on “Advances, Challenges and Lessons-Learned from the Investigation and Prosecution of Conflict-Related SGBV Crimes.”

Steven Vladeck is a Professor of Law and the Associate Dean for Scholarship at WCL. He is a member of the American Law Institute, a Senior Editor of the Journal of National Security Law and Policy, and a senior contributor to the Lawfare blog. Additionally, Professor Vladeck is the Chair-Elect of the Section on Federal Courts of the Association of American Law Schools and the Supreme Court Fellow at the Constitution Project, and at the Center on National Security at Fordham University School of Law.

Recently, Professor Vladeck published several papers including, “Federal Crimes, State Courts, and Palmrore” for Jotwell; “Access to Counsel, Res Judicata, and the Future of Habeas at Guantánamo” for the University of Pennsylvania Law Review; and “State Law, the Westfall Act, and the Nature of the Bivens Question,” also for the University of Pennsylvania Law Review as a co-author. In addition to his publications, Professor Vladeck submitted two amicus briefs, one in the case of GenesisHealthCare Corp. v. Symczyk, and one entitled “Brief of Legal Historians and Habeas Corpus Experts as Amici Curiae in Support of the Petition for a Writ of Certiorari” in the case of Trinidad y Garcia v. Thomas.

In late 2012 and early 2013, Professor Vladeck participated in several discussions and panels. In November, he presented a paper on “Reordering Liberty: Judicial Self-Preservation and the Separation of Powers” for the Loyola-Chicago Constitutional Law Colloquium at Loyola University-Chicago College of Law. Also in November, Professor Vladeck led two separate panel discussions, the first for the American Constitution Society and Open Society Foundations in Washington, D.C., on “The Department of Homeland Security at 10: Past, Present, and Future,” and the second for the 22nd Annual ABA Standing Committee on Law and National Security Annual Review of the Field Conference in Washington, D.C., on “National Security and Human Rights Issues.”

In December, Professor Vladeck presented a paper entitled “Non-Article III Courts and the Jury Clauses” for the Faculty Workshop of the Cumberland School of Law in Birmingham, Alabama, and a paper entitled “A Comparative Analysis of the Use of Secret Evidence and ‘Cleared Counsel’ in the United States, the United Kingdom, and Canada” at the International Conference on the Use of Secret Evidence in Judicial Proceedings: Democratic Principles and Practical Experiences for the Israel Democracy Institute in Jerusalem. Additionally, Professor Vladeck participated in a panel for the Federalist Society on “Private Attorneys and the War on Terror” and gave a talk on “The Law and Policy of the Guantánamo Military Commissions After United States v. Hamdan” for the American Constitutional Society at Yale Law School. Most recently, Professor Vladeck gave a presentation on “Non Article III Courts: Problems of Principle and Practice” for the Section on Federal Courts of the Association of American Law Schools’ Annual Meeting in New Orleans.

Richard Wilson is a Professor of Law and founding Director of the International Human Rights Clinic at WCL. Professor Wilson serves as President of the Board of Directors of the World Organization for Human Rights U.S.A. and is also on the Board of Ensaaif, a human rights NGO in India. Professor Wilson’s paper entitled “War Stories: A Reflection on Defending an Alleged Enemy Combatant Detained in Guantanamo Bay, Cuba” was updated and reprinted in Omar Khadr: Oh Canada.

In September, Professor Wilson gave a presentation at the Norwegian Refugee Council Workshop in Oslo, Norway on “International Challenges to Forced Evictions and Property Losses through a Law School Clinic: Inter-American and African Regional Systems Examples.” In October, Professor Wilson participated in a panel for the Drexel Law Review in Philadelphia for the “Symposium on Building Global Professionalism: Clinical Legal Education in Latin America, History and Trends.” Also in October Professor Wilson lectured at the National Defense University at the Seminar on Strategic Implications of Human Rights and Rule of Law on “The Inter-American System for the Protection of Human Rights.”

In November, Professor Wilson participated as a panelist at the “Symposium on the Arab Spring: Developments in Clinical Legal Education in the ‘New’ Middle East” at the University of Baltimore Law School. He was also an invited participant at the “Roundtable on Legal Empowerment and Justice for the Poor” for the Council on Foreign Relations in Washington, D.C. In December, Professor Wilson co-convened the Focus Group on Creation of a New N.G.O. on International Access to Justice for the Norwegian Refugee Council and conducted a site visit as an International Scholar at the Law Faculty of the American University of Central Asia for the Open Society Foundation, Higher Education Support Program in Bishkek, Kyrgyzstan.