Alumni Profile

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From a young age, Washington College of Law (WCL) alumnus Angela Edman has desired to help those who are disadvantaged and subjected to human rights violations. Hearing stories from her grandfather about genocide and atrocities committed during World War II and volunteering in the community influenced her to work on human rights issues. Edman is currently a staff attorney at the Hong Kong Refugee Advice Centre (HKRAC).

Edman attended Bard College, earning her bachelor’s degree in Political Studies with a focus in Human Rights, and participating in a human rights study abroad program in South Africa. Although she knew that becoming a lawyer would provide her the best means to fight for human rights, she first obtained some practical experience working at human rights organizations. While working at Human Rights Watch, Edman provided analysis of the Prosecution’s case of the trial of Slobodan Milošević and was able to attend the trial in The Hague. She then worked at another human rights organization in New York advocating for the Responsibility to Protect and the International Criminal Court.

Edman’s experience during law school evidences her passion for international law and human rights. She spent part of her first summer on WCL’s first international criminal law study abroad program in The Hague. For the remainder of the summer, she interned at the Balkan Investigative Reporting Network in Sarajevo, providing legal analysis of trials at the domestic War Crimes Chamber and analysis on prosecution of sexual and gender-based crimes and sentencing policies. During her second-year summer, Edman clerked at Our Place, DC, providing legal services to presently and formerly incarcerated women. She received a WCL J.D. Distinguished Fellowship to continue her work at the organization following graduation.

Edman’s time at WCL was especially characterized by her involvement in the Human Rights Brief, covering the International Criminal Court before serving as Co-Editor-in-Chief, and working as a student attorney in the International Human Rights Law (IHRL) clinic. She was also a volunteer and Dean’s Fellow for the War Crimes Research Office. Edman will never forget winning her first IHRL clinic case, a difficult gender-based asylum claim, and the look on her client’s face when the Immigration Judge said, “… and that is why I am granting asylum.” Despite the time lag from the interpretation, Edman explained that the client “must have seen my expression, and a huge smile came over her face and she grabbed my hand before the interpreter was even finished speaking. It was amazing.”

Although she came to law school to pursue international criminal law and human rights, Edman was particularly drawn to refugee law as a result of her involvement in asylum cases with the IHRL clinic. After completing her fellowship with Our Place, DC, Edman accepted a job at HKRAC, where she provides full representation and legal advice to clients in Hong Kong seeking refugee status. Hong Kong is not party to the United Nations Refugee Convention and does not conduct its own refugee status determination, but the United Nations High Commissioner for Refugees (UNHCR) adjudicates claims in the place of the Hong Kong government. HKRAC trains and supervises volunteer caseworkers to work on many cases, while staff attorneys handle the more complex cases.

Edman’s work has often focused on gender issues. She works closely with victims of torture, victims of sexual and gender-based violence, clients with medical or severe emotional problems, illiterate clients, unaccompanied minors, single mothers with children, etc. The clients come from many countries, particularly Pakistan, Afghanistan, Sri Lanka, Somalia, the DRC, Eritrea, and in the past year, from Arab Spring countries such as Egypt and Yemen. She works closely with interpreters, social workers, and therapists to provide appropriate services to the clients, who are often traumatized from prior persecution. She also trains and supervises volunteer attorneys, caseworkers, interns, and law students, and guest-teaches refugee law classes at the Refugee Law Clinic that HKRAC runs at two universities in Hong Kong.

Edman explains that the most rewarding part of her job is seeing her clients feel empowered as they begin to understand an often confusing legal process and exercise agency within it. At the same time, she finds it challenging to feel out of control as clients await the UNHCR’s decisions. The UNHCR has a low acceptance rate relative to other jurisdictions, and their procedural standards differ from those with which Edman was familiar in the U.S. A strong societal bias exists against asylum seekers in Hong Kong, which does not allow refugees to permanently resettle, temporarily work, or even volunteer, there. Clients often wait years for the UNHCR’s status determination decision and resettlement process. The most difficult part of Edman’s job is hearing her clients’ sentiments that they are suffering and unable to contribute to society. Nevertheless, Edman feels privileged to witness the refugees’ fighting spirit and sense of hope, which continue to inspire her.

In light of the many challenges and frustration that accompany human rights work, Edman often reminds herself of the advice that WCL Professor Rick Wilson gave her: do not ever lose the fire, passion, and emotional connection that you have to the work. Control it of course, but do not lose it or let anyone else snuff it out because that’s what makes you a good lawyer. Edman encourages students who aspire to a career in human rights to find joy in the small moments, such as a client expressing happiness at the fact that you listen to him when no one else does, because the small things matter and give clients hope to keep fighting for themselves.

“There’s no big secret to it, aside from just don’t give up.”

Lindsay Roberts, a J.D. candidate at the American University Washington College of Law and Co-Editor in Chief of the Human Rights Brief, wrote this alumni profile.
Endnotes: Egypt’s Protracted Revolution

30 Egypt NGO law could undermine freedoms, says U.N. rights chief, Al Arabiya News (Apr. 25, 2012), http://english.alarabiya.net/articles/2012/04/25/210315.html; Tamir Moustafa, The Struggle for Constitutional Power: Law, Politics, and Economic Development in Egypt 232 (2007) (noting that human rights groups were almost entirely dependent on transnational sources for funding, they were vulnerable to government-imposed restrictions on foreign funding and smear campaigns in the press).
31 Alaa Al-Din Aref, Hosni Mubarak and the Future of Democracy 147-48 (2009) (discussing a problem in Egypt’s civil society being that the government brought associations under tight state control by shutting down associations that oppose the regime and creating “parallel” organizations — government-organized NGOs (GONGOs) — to discredit NGOs); Essam El-Din Mohamed Hassan, Roots of Unrest: Human Rights in the Arab Region Annual Report 2010, Cairo Institute for Human Rights Studies (Jeremie Smith, et al. eds., 2010) (stating that GONGOs are government established and/or supported NGOs that push a particular state(s) agenda while attempting to discredit or limit the voice of independent NGOs).
37 Political Aid is Reshaping Middle East (shame it’s not democracy assistance), Democracy Digest (May 18, 2012) http://www.demdigest.net/blog/2012/05/political-aid-is-reshaping-middle-east-shame-its-not-democracy-assistance/; Shadi Hamid, A Democratic Transition in Trouble: The Need for Aid Conditionality in Egypt, Brookings Institution, (Jul. 20, 2012), available at http://www.brookings.edu/research/opinions/2012/07/20/egypt-hamid (stating “[a]s part of a $2.7 billion aid package, Saudi Arabia made a direct $1 billion cash transfer to Egypt’s Central Bank in May [2012]”).
43 Shahira Amin, Egyptian general admits ‘virginity checks’ conducted on protesters, CNN (May 30, 2011), http://articles.cnn.com/2011-05-30/world/egypt.virginity-tests_1_virginity-tests-female-demonstrators-amnesty-report_s-PMLWORLD (“The girls who were detained were not like your daughter or mine,” the general said. “These were girls who had camped out in tents with male protesters in Tahrir Square, and we found in the tents Molotov cocktails and (drugs)”.
48 These military tribunals have been repeatedly and soundly criticized by domestic and international human rights organizations for their inadequate and/or delayed access to counsel, limited access to appeals, glaring procedural irregularities, and harsh forms of punishment. What is telling is the fact that military tribunals have been the government’s preferred choice of forum since 1992.
52 At least 18 journalists assaulted or arrested in Egypt, Committee to Protect Journalists (May 4, 2012), http://cpj.org/2012/05/at-least-18-journalists-assaulted-
Endnotes: A New Emergency Law Model for Egypt

8 Id.
9 Id. at 212.
10 Id.
11 Id.
12 Id.
14 International Covenant on Civil and Political Rights, art. 4(1)-(2) (1966).
15 E.g. Ferejohn and Pasquino, supra note 7, at 213.
17 Id. at 5-15.
18 See, e.g. Ferejohn and Pasquino, supra note 7, at 215-16.
21 E.g. Ferejohn and Pasquino, supra note 7, at 234.
22 See id. at 230-31.
23 South Africa is unique in giving authority to declare a state of emergency to the legislature. See SOUTH AFRICA CONST. art. 37 (1996).
24 However, the emergency powers in the 1996 Constitution have not, to date, been tested, so it is difficult to evaluate the wisdom of unconditionally giving the legislature exclusive authority to declare an emergency. For this reason, combined with the institutional advantage of the executive branch with regard to taking decisive action, this paper does not recommend that Egypt adopt the South African model.
25 Examples include South Africa, SOUTH AFRICA CONST. art. 37 (1996), and Turkey, TURKEY CONST. art. 15 (1982).
26 An example is Indonesia. Law on States of Emergency art. 8(2)-(3) (Indonesia, 1959).
29 Id. at 65.
30 Posner and Vermeule, supra note 19, at 20-21.
30 Ferejohn and Pasquino, supra note 7, at 215.
31 Id. An exception is France, which declared a state of emergency in 2005 to deal with rioting in metropolitan areas, during which police instituted curfews in affected cities, prohibited petrol purchases by minors, and deported foreign citizens involved in the riots. “French Towns Get Emergency Powers,” BBC, November 9, 2005.
32 Dyzenhaus, supra note 28, at 64.
33 Ferejohn and Pasquino, supra note 7, at 218-19.
34 Id at 219-20.
36 Ramraj, supra note 27, at 484.
37 Id. at 485.
38 Gross, supra note 36, at 1097-1101.
39 Id at 1099.
40 Ramraj, supra note 27, at 490-91.
42 EGYPTIAN CONST. art. 148 (1971).
43 EGYPTIAN CONST. art. 148 (1971).
45 EGYPTIAN CONST. art. 74 (1971).
46 EGYPTIAN CONST. art. 74 (1971).
47 EGYPTIAN CONST. art. 108 (1971).
49 Id.
52 Khazbak, supra note 1.
53 EGYPT CONST. DECLARATION art. 56 (2011).
54 EGYPT CONST. DECLARATION art. 62 (2011).
55 EGYPT CONST. DECLARATION (2011).
56 EGYPT CONST. DECLARATION art. 59 (2011).
57 EGYPT CONST. DECLARATION art. 59 (2011).
61 SCAF Decree 193 (September 10, 2011).
63 Othman, supra note 4.
67 See Moustafa, supra note 67, at 1-2.
69 See Moustafa, supra note 67, at 90-218.
70 See id. at 175.
73 EGYPTIAN CONST. art. 179 (amendment of 2007).
75 SCAF Decree 193 (September 10, 2011).
81 Ramraj, supra note 27, at 507.
82 Id.
84 Michelle Ann Miller and R. Michael Feener, “Emergency and Islamic Law in Aceh,” in Ramraj and Thiruvengadam, supra note 89, at 218.
85 Posner and Vermeule, supra note 19, at 18.
88 See discussion, supra, page ___.
90 TURKEY CONST. art. 119, 120, and 122 (1982).
92 State of Emergency Law, art. 23 (Turkey 1983).
93 This paper assumes that the president will be the chief executive in the governmental system created by Egypt’s new constitution, though its recommendations hold if this role is assigned to another office.
94 Most countries require legislative approval of a constitutional declaration of emergency, though the time that may elapse before such approval varies, with Turkey requiring immediate approval, Egypt’s Constitutional Declaration giving 7 days, France giving 12 days, Egypt’s 1971 Constitution giving 15 days, and South Africa giving 21 days (after a declaration of emergency by the legislature).
Challenges to conduct undertaken during states of emergency are heard by administrative courts, id., while challenges to conduct committed during states of martial law are heard by military courts, Martial Law Act No. 1402, art. 14 (Turkey 1971).

The Indonesian Constitution is silent on the issue of judicial review of exigency measures, however the Indonesian Constitutional Court has exercised jurisdiction over their use. In a 2004 decision, the Court held that legislation ratifying a decree making retroactive a law criminalizing certain acts of terrorism was unconstitutional under Article 28(I)(1) of Indonesia’s constitution, which guarantees the right not to be convicted under retroactive criminal laws. Hosen, supra note 89, at 288 (discussing Indonesian Constitutional Court Decision No. 013 (2004)). As such, the Court’s case law suggests that while the exigency power allows the president to subvert the normal legislative process, it does not authorize suspension of rights guaranteed in the constitution.

Russia, App. No. 14902/04, ECtHR 2011.

See discussion, supra note 111.

Endnotes: Uneasy Partners: Russia and the European Court of Human Rights

7 Id. ¶ 57.
8 Id. ¶ 58.
9 Id. ¶ 65.
10 Id. ¶ 72.
13 Republican Party of Russia v. Russia, App. No. 12976/07, ECtHR 2011.
14 Russia maintains three high courts — the Constitutional Court, the Supreme Court, and the Higher Arbitrazh (Commercial) Court — each with their own distinct (although at times overlapping) jurisdictions and procedural rules. The overwhelming majority of complaints to the ECtHR come from Russia’s courts of general jurisdiction, headed by the Supreme Court. It was the decision of the general courts to retain the Soviet-era practice of supervisory review — which lacked the prerequisite finality of judgments — that originally prompted the ECtHR to recognize cassation court decisions, not Supreme Court rulings, as “final judgments” subject to petition to Strasbourg. Russia’s courts of general jurisdiction have continued to streamline the appellate process and limit the right to supervisory review, and it remains unclear whether the ECtHR will change its procedural rules and require the exhaustion of Russian domestic remedies — including a Supreme Court appeal — before considering applications from the Russian Federation. See Maria Voskobitova (ed.), Standarty Evropeiskogo Suda po pravam cheloveka i rossiiskaja pravoprimenitel’naia praktika [Standards of the European Court of Human Rights and Russian Legal Practice] (Anakhartis 2005), 35-40 (providing a general discussion of the exhaustion of remedies under Russian law).
16 Id.
20 Id.
30 Anna Zakatnova, Viktor Vasevin, ‘My zhe ne v khолодil’ni zhyvem’: V voskresen’eKonstitutsionnomy sudu ispolniaetsia 20 let [We Do Not Live in a Deep Freeze: On Sunday the Constitutional Court Will Be 20 Years Old], ROSSISKAIA GAZETA, Oct. 26


I am grateful to Professor Russell Miller of Washington and Lee University for directing me to this case and for sharing with me his forthcoming manuscript (with Donald Kommers), entitled The Constitutional Jurisprudence of the Federal Republic of Germany (Duke Press; 3rd edition).

Lautsi and Others v. Italy, App. No. 30814/06, ECHR 2011.


Id.


For a recent analysis of Russia as a social state, see Orest V. Martyshin, Ideia sotsial’nogo gosudarstva i ee protivniki [The Idea of the Social State and its Opponents], 12 Gosudarstvo i pravo (2011), 5-15.
