

ALUMNI PROFILE

Layli Miller Bashir

by Barbara Cochrane*

Layli Miller Bashir is a 1996 graduate of the Washington College of Law (WCL) and the Master's Program in International Relations at American University (AU). Although Bashir currently works for the law firm of Arnold & Porter in Washington, D.C., she did not plan to practice as an attorney when she decided to get a J.D. Instead, Bashir came to law school because she believed that a law degree would be useful for human rights work, which she wanted to do for either a public interest organization or the U.S. government. Judging by her activities at WCL and since her graduation, Bashir more than exceeded the expectations that she set for herself.

Prior to arriving at WCL in 1993, Bashir attended Agnes Scott College in Atlanta, Georgia. She spent the summers of 1989 and 1991 working as an intern in the Human Rights Program of The Carter Center in Atlanta. During her undergraduate career, she also worked with the Martin Luther King, Jr. Center for Non-Violent Social Change. She was a trainer/organizer, instructing students in the principles and techniques of non-violent social action. These work experiences, as well as visits to her family in the Gambia, where she learned about human rights issues, including female genital mutilation, inspired her to pursue a career in human rights.

During her first two years at WCL, Bashir was actively involved in the human rights community. She worked for the Center for Human Rights and Humanitarian Law, assisting with the development and organization of the Center's programs as well as working on *The Human Rights Brief*. She was also a member of the *American University Journal of Gender & the Law*. In the spring of 1995, she began work on an article entitled *Female Genital Mutilation in the United States: An Examination of Criminal and Asylum Law*, which the *Journal* published in 1996. Additionally, during the summer of 1995, Bashir worked as a law clerk for the Immigration Law Center (ILC) in Alexandria, Virginia. When ILC attorney Eric Bowman learned of her article concerning female genital mutilation, he asked Bashir to prepare

the brief for his case: *Matter of Kassinga*. Bowman's client, Fauziya Kassindja, sought asylum in the United States after fleeing her homeland of Togo to avoid female genital mutilation. In August 1995, Bashir argued the case before Judge Donald V. Ferlise, an immigration judge in Philadelphia, Pennsylvania, where Kassindja was being detained.

Kassindja lost her case at trial. Frustrated by this experience, Bashir flew to Beijing, China the next day to participate in the UN Fourth World Confer-

ence on Women. She attended both the Non-Governmental Organization Forum and the Government Conference, strategically sitting in on workshops and networking with other participants. Bashir met representatives from Equality Now, an international human rights organization that focuses on the rights of women, which later played a central role in securing support for Kassindja's appeal. Members of the *Bahá'í* community around the world, whose faith Bashir shares, also supported Kassindja's case. When Bashir returned from the Beijing conference, she approached Karen Musalo, Acting Director of the Human Rights Clinic at WCL from 1995 to 1996, and asked if the clinic would take on the appeal. After a few weeks' consideration, Musalo agreed that the clinic would represent Kassindja.

Bashir continued to work on the Kassindja appeal with the Human Rights Law Clinic. In June 1996, Kassindja won her appeal and was granted asylum in the United States, based on the court's finding that female genital mutilation constituted persecution in her case. This was the first case in which the Board of Immigration Appeals (the highest U.S. immigration appellate tribunal) recognized female genital mutilation as a basis for asylum. Kassindja's case established a nationally binding legal precedent with global implications.

During the course of the proceedings, Kassindja's case attracted commercial interest, and Bantam Doubleday

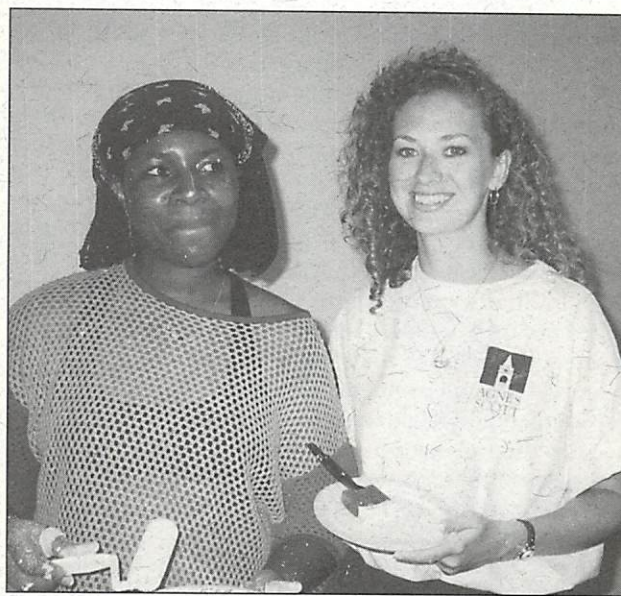


Photo courtesy of Layli Bashir

Bashir and Kassindja preparing for the opening of the *Tahirih* Justice Center.

Dell acquired the rights to a book about her story. Bashir and Kassindja co-authored this book, entitled *Do They Hear You When You Cry?*, which Bantam released in March 1998.

After finishing her joint JD/MA degrees at WCL and AU, Bashir began working for the U.S. Department of Justice at the Board of Immigration Appeals in the fall of 1996 as an Attorney-Advisor. Her responsibilities included processing cases that involved asylum/refugee law, suspension of deportation, and visa petitions. In the aftermath of the Kassindja case, however, Bashir found herself frustrated by the limited resources available to women in similar situations in the D.C. area. Bashir, therefore, decided to start

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an organization herself focusing on the human rights issues of women in Africa, Asia, and the Middle East. Using money she received as an advance on *Do They Hear You When You Cry?*, Bashir founded the *Tahirih* Justice Center in September 1996. By the following summer, the center was fully operational, with an office in Falls Church, Virginia and eight interns.

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Recommendations: Argentina should compensate Carranza for violations of his human rights.

Tarcisio Medina Charry (Colombia)

Facts: The Colombian Commission of Jurists brought this petition before the Commission on behalf of Medina Charry, a journalist for a Communist Party newspaper who "disappeared" on February 19, 1988, after Colombian state agents detained him. Witnesses who saw the victim at the moment of his detention heard police agents state that they were detaining him because of his affiliation with the paper. Although the government investigated various persons and charged some with minor offenses as a result of the Petitioner's allegations, Colombian penal procedures failed to punish anyone for the crime of causing the victim's "disappearance." Colombia did, however, make reparations to the victim's family in accordance with a recommendation by the Commission in an earlier report on this case.

Conclusions: The Commission found that Colombia violated Medina Charry's rights to a judicial personality (Article 3), life (Article 4), personal integrity (Article 5), personal liberty (Article 7), judicial guarantees (Article 8), freedom of expression (Article 13), and judicial protection (Article 25).

Recommendations: Colombia should conduct an impartial and effective investigation in order to determine who was responsible for human rights violations against the victim and determine what happened to him after his "disappearance." Colombia should also respect the victim's family's wishes during the

process of finding his remains and laying them to rest. Finally, Colombia should enact legislation that ensures the prevention of "disappearances," the protection of "disappeared" persons, and the adequate investigation of "disappearance" cases.

María Eugenia Morales de Sierra (Guatemala)

Facts: Petitioner de Sierra filed on behalf of herself and other Guatemalan women, complaining that the Guatemalan Civil Code gives different legal rights to married men and women. For example, within a marriage, the law gives the husband the right to act as the primary representative of the couple and to dispose of marital property. A married woman, in contrast, is only able to act as the couple's representative in certain limited circumstances. In addition, the law places on married women the responsibility to care for the home and children, and permits them to work outside the home only if such work does not interfere with their domestic duties. In 1995, de Sierra advised the Commission that the Guatemalan Constitutional Court found these provisions to be constitutional. The Commission examined the American Convention's concept of "victim" in deciding the claim's admissibility.

Conclusions: The Commission decided that it would admit the case, advise the parties of its decision, solicit their opinions about the possibility of initiating friendly settlement proceedings, and continue with its analysis of the issues presented by the parties.

Recommendations: The Commission has made no recommendations on the case at this time.

Severiano y Hermelindo Santiz Gómez "Ejido Morelia" (Mexico)

Facts: On January 6 or 7, 1994, Mexican army forces entered the indigenous community of Morelia, in the state of Chiapas. They forced the men of the village out of their houses and confined them in the church and basketball court, where they forced them to lay face down. While the men were detained, the soldiers ransacked the village houses and stores and destroyed the medical clinic. Soldiers separated three residents from the group of men, tortured them in the sacristy of the church, and ran over them with military vehicles. Their remains were found on a nearby road on February 11, 1994. Mexican criminal procedures failed to punish anyone for their deaths.

Conclusions: The Commission determined that Mexico violated the men's rights to life (Article 4), personal integrity (Article 5), personal liberty (Article 7), judicial guarantees (Article 8), and judicial protection (Article 25).

Recommendations: Mexico should appoint an independent prosecutor to perform a prompt, impartial, and effective investigation into the incident and use the investigation's results to apply criminal sanctions to individuals who were responsible. Mexico should also make reparations to the families of the victims. Finally, Mexico should introduce legislation that will ensure the rights to judicial guarantees and protection that are defined in Articles 8 and 25 of the American Convention. ☐

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The *Tahirih* Justice Center now has two full-time attorneys, who are currently working on approximately six cases. The center offers free legal services to immigrant women facing human rights abuses, and specializes in asylum cases that result from abuses such as female genital mutilation, rape, forced marriage, and sexual slavery. In addition, it provides additional non-legal services, such as a medical referral program in which physicians examine center clients at no cost and a social services referral program which runs a pen pal program for women in detention who are waiting for their cases to be heard. Recognizing the importance of corroborating the testimony of female refugees with the tes-

timony of cultural and anthropological experts, the center also operates an expert witness referral program.

Bashir obtained an associate position at Arnold & Porter in September

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1997, where she is currently a member of the International Trade & Litigation Practice group. She does a substantial amount of work in the international trade field, as well as intellectual prop-

erty and international disputes. She also spends 15% to 30% of her time performing *pro bono* work, primarily through the *Tahirih* Justice Center. When not busy working for Arnold & Porter and the *Tahirih* Justice Center, Bashir keeps an extensive travel schedule, giving lectures on gender-based asylum issues and the state of immigration law. She is also currently a member of the Bahá'í National Committee for the Advancement of Women. ☐

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