

CENTER FACULTY/STAFF NEWS

Robert Goldman, Professor of Law, Co-Director of the Center for Human Rights and Humanitarian Law (the Center), and First Vice-President of the Inter-American Commission on Human Rights (the IACHR Commission), traveled to Paraguay in July 1998 to represent the Commission in a ceremony marking the return of ancestral lands to two indigenous communities. In August, he spent a week in Argentina on behalf of the Commission, meeting with government officials and private litigants. In addition, he lectured to students, judges, and lawyers at the law schools of the *Universidad Nacional de Tucumán* and the *Universidad Nacional de la Plata* in Buenos Aires, Argentina. In September, he delivered a speech on "The Inter-American Human Rights System" at a conference organized by the Group of 78, a private group of prominent Canadian citizens, held in Québec, Canada.

Claudio Grossman, Dean, Co-Director of the Center, and Member of the IACHR Commission, concluded an agreement between representatives of the Republic of Paraguay and an indigenous organization, *Tierra Viva*, for the transfer of title by state authorities to the communities of Lamexay and Riachito in March 1998. This is the first peaceful settlement agreement in the Inter-American human rights system that restores legitimate rights to an indigenous community in the western hemisphere. In April, Dean Grossman coordinated a panel on the "Future of the Inter-American System for the Promotion and Protection of Human Rights" at the meeting of the American Society of International Law (ASIL). The presentation will be published in the 1998 ASIL proceedings. Also in April, as Special Rapporteur on Women's Rights for the Commission, Dean Grossman presented the Report on the Status of Women in the Americas. The report, which the Commission approved, sets forth specific recommendations aimed at remedying instances of *de facto* and *de jure* discrimination against women. Dean Grossman appeared for the Commission in June before the Inter-American Court on Human Rights in the case of *Bámaca Velásquez v. Guatemala*. This case involves the highly publicized disappearance of Efraín Bámaca Velásquez, the husband of the American human rights activist Jennifer Harbury. In August, Dean Grossman participated in an on-site visit to Guatemala with the Commission. He also

made the keynote presentation, entitled "The Future of Chapultepec in the Inter-American System," at the Chapultepec Conference on Freedom of Expression, sponsored by the Inter-American Press Association in San Jose, Costa Rica. He recently published "*Palabras del Presidente de la Comisión de Derechos Humanos, Decano Claudio Grossman, en la Sesión Inaugural del 95avo Período Ordinario de Sesiones de la CIDH*" in *El Futuro del Sistema Interamericano de Protección de los Derechos Humanos*.

Nicholas Kittrie, Professor of Law, was recently elected as Chair of the UN Alliance for Non-Governmental Organizations for Crime Prevention and Criminal Justice. In addition, Dr. Kittrie served as a delegate at the International Conference for the Establishment of an International Court of Criminal Justice, which took place in Rome, Italy from June 15 to July 17, 1998. Conference participants drafted and gave final approval to a new international convention creating the first permanent international criminal court in history. Dr. Kittrie is currently in the process of completing a volume titled *International Crimes and Punishments: A Documentary Sourcebook on International Criminal Law and Procedure*, which is expected to be published in 1999.

Beth Lyon, Practitioner-in-Residence, joined the Washington College of Law (WCL) International Human Rights Law Clinic in July 1998. Before coming to WCL, she was a staff attorney for the Lawyers Committee for Human Rights, where her focus was asylum law and refugee rights. In addition to asylum and refugee issues, her research interests include subsistence rights and human rights in the legislative process.

Claudia Martin, Co-Director of the Inter-American Human Rights Digest Project, was a member of the research team that published *Repertorio de Jurisprudencia del Sistema Interamericano de Derechos Humanos: La Corte Interamericana de Derechos Humanos 1980-1997*. On September 25, 1998, she participated in the African Human Rights Camp 1998, celebrated in Morocco. At the camp, she lectured on the "Inter-American System for the Promotion and Protection of Human Rights."

Diane Orentlicher, Professor of Law, Co-Director of the Center, is currently completing a casebook on human rights, which she is co-authoring with Louis Henkin, David Leebron, and Gerald Neu-

man. On June 3, 1998, Professor Orentlicher chaired a meeting convened by former president Jimmy Carter at The Carter Center in Atlanta, Georgia. The meeting brought together senior officials of the Clinton administration and leaders of human rights organizations to explore key issues concerning the U.S. position at the Diplomatic Conference in Rome on the establishment of a permanent international criminal court. She also participated in the Diplomatic Conference itself, which took place from June 15 to July 17, 1998. After the conference, she participated in a meeting organized by the American Academy for Arts and Sciences, which brought together U.S. administration officials and several experts on international criminal tribunals to consider issues raised by U.S. opposition to the statute adopted in Rome.

Diego Rodríguez-Pinzón, Co-Director of the Inter-American Human Rights Digest Project, was a member of the research team that published *Repertorio de Jurisprudencia del Sistema Interamericano de Derechos Humanos: La Corte Interamericana de Derechos Humanos 1980-1997*. In addition, he recently published an article titled "Presumption of Veracity, Non-appearance, and Default in the Individual Complaint Procedure of the Inter-American System on Human Rights" in *Revista del Instituto Interamericano de Derechos Humanos*, an international human rights law review.

Oscar Schiappa-Pietra, Adjunct-Professor of Law and Coordinator of the Third Annual Inter-American Human Rights Moot Court, participated throughout 1997 and 1998 in a University of Maryland program that promotes friendly relations between Peru and Ecuador by bringing together citizens of the two countries. He also spoke about "The Economy That We Need" at the *Asamblea Nacional de Rectores* in Cusco, Peru, in August 1998. In addition, in 1998 he published two articles that appear on the internet, entitled "The Conspiracy of Revenge: U.S. Death Penalty Policies as Breaches of International Law" and "The Revolution of Dignity."

Herman Schwartz, Professor of Law and Co-Director of the Center, was appointed Adviser-Member to the Armenian Commission on the Constitution in June 1998. During June, he provided

continued on next page

advice and submitted memoranda on proposed constitutional amendments for the Republic of Armenia. This followed his consultation with the Armenian Constitutional Court and Armenian legislators on constitutional and legislative issues from May 22–27, 1998. Additionally, in July, Professor Schwartz was appointed Representative of the Office for Democratic Institutions and Human Rights at the Organization for Security and Cooperation in Europe, as well as to the Council of Europe's Commission on Democracy. He participated in a lecture series on judicial review held July 6–10, 1998, at the Central European University in Budapest, Hungary. Professor Schwartz organized the Second Biennial Symposium "Constitutional 'Refolution' in the Ex-Communist World: The Rule of Law," held at WCL on September 28, 1998.

Rick Wilson, Professor of Law, Co-Director of the Center, and Director of WCL's International Human Rights Law Clinic, appeared as counsel in three cases at the Inter-American Court of Human Rights in San Jose, Costa Rica in June 1998. The first case, *Iván Suárez v. Ecuador*, involved a former airline security guard held for nearly four years in preventive detention while awaiting trial. The case was one of the first under new Court rules that allow the victim's counsel to appear and argue separately during the reparations phase. In the second case, *Consuelo Benavidez v. Ecuador*, involving the disappearance of a teacher, Professor Wilson acted as special assistant to the Commission. The case resulted in the largest settlement in the Court's history. Finally, on behalf of the Amnesty International Secretariat, he argued orally as *amicus curiae* in *Advisory Opinion 16*, which was requested by the Republic

of Mexico. Mexico sought to clarify the human rights obligations for notification under the Vienna Convention on Consular Relations for foreign nationals awaiting the death penalty in the United States. The U.S. government appeared for the first time in the Court's history in response to the proceedings. Also in June, Professor Wilson lectured on the international human rights aspects of criminal procedure, due process, and the right to a fair trial as a visiting professor of law in the newly created Masters of Law program at the *Pontificia Universidad Católica* in Peru. In addition, during the summer, he became an Advisory Board member for the *Derechos*/Human Rights website, one of the largest and most active sites concerning human rights in the Americas. ☺

Sudan, continued from page 11

one Khartoum daily newspaper, the privately owned *Alwifaq*, for five days after a journalist complained that it defamed him. Additionally, there have been cases of individuals being tried for endangering the constitutional state after stating that the new constitution is not Islamic. Another person was charged with apostasy after stating that a secular state was compatible with the Islamic faith.

Finally, problems of equality and equal treatment are not improving. Women are still regularly harassed by "public order police" who judge their conduct or attire un-Islamic. In addition, three Catholic priests were arrested on suspicion of being involved in the July bombings, despite the absence of evidence.

One final effect of the constitution has been to serve as an alibi for some diplomats, who defend their unwillingness to hastily condemn human rights violations or even inquire about suspected violations under the pretext that things will change under the new constitution.

Conclusion

Although the new constitution may offer a ray of hope for moving Sudan toward democracy and greater respect for human rights, the government's continued intolerant practices may obscure this hope. The key to dispelling the skepticism of human rights advocates that has plagued the early days of

the new constitution lies in the government's hand. The current administration came to power through a military backed coup and retained power through several elections widely perceived as unfair. Despite these circumstances, the government must adequately ensure respect for human rights in Sudan. The new constitution, with supplemental legislation, will hopefully serve as a first step. For example, the legislature could end the debate over the meaning of *thwali* by expressly allowing full and free political association in accordance with Sudan's international human rights obligations. Such an interpretation would allow all individuals and associations to meet with each other for any peaceful purpose, including political parties, trade unions, and human rights organizational gatherings.

Other important players on the path to greater respect for human rights are Sudanese judges and lawyers. Judges currently seated need to develop the courage and knowledge to ensure that human rights are respected in cases before them. The still-to-be-named judges of the new Constitutional Court must have the courage to critically examine government practices and legislation that are contrary to the constitution. For example, courts should narrowly interpret the president's ability to derogate constitutionally guaranteed rights. This could be achieved by

requiring the government to show that proposed limitations are necessary to preserve the health, morals, public safety, or national security of the country and that their duration and substance are limited to what is absolutely necessary. Lawyers also must be informed and energetic enough to fight for the human rights of their clients when they are threatened.

Sudan is a country much in need of human rights defenders. Until recently, the government interpreted human rights as a challenge to the authority of state institutions and suppressed those who advocate respect for human rights. In response to this practice, some of Sudan's most prominent human rights activists have fled the country. Hopefully, the new constitution will help to unite the Sudanese people in the common purpose of pursuing human rights. If it does not, the current condition of human rights violations will certainly divide the country between those seeking respect for human rights and those without respect for these basic foundations of human dignity. ☺

* *Ghazi Suleiman is a human rights lawyer in Sudan and leader of the National Alliance to Restore Democracy. Curtis Francis Doebbler is a human rights lawyer living and working in Sudan. He is a part-time lecturer at Khartoum University, advisor to the Sudanese Government, and a legal consultant to the law offices of Ghazi Suleiman.*