

The Quality of Courage: A Dialogue with Human Rights Defenders

by Sarah C. Aird*

On September 18, 2000, the Washington College of Law (WCL) and the Robert F. Kennedy Center for Human Rights (RFK Center) co-sponsored a conference entitled “The Quality of Courage: A Dialogue with Human Rights Defenders.” The conference was the first in a series of events commemorating the courage and inspiration of 51 human rights defenders from 40 different countries. Their stories are documented in *Speak Truth to Power: Human Rights Defenders Who Are Changing Our World*, a book written by Kerry Kennedy Cuomo, founder of the RFK Center and long-time human rights activist.

The 14 human rights defenders who participated in the WCL event included: Gabor Gombos from Hungary, a former patient in the Hungarian mental health-care system who became an activist on behalf of persons with mental disabilities, and a co-founder of two non-profit organizations—the National Family Association of the Mentally Ill and Voice of Soul; Bruce Harris, a former postman from the United Kingdom, and now, as executive director of *Casa Alianza*, one of the leading advocates for street children in Guatemala; Rana Husseini of Jordan, a journalist who, through a series of articles in the *Jordan Times*, brought to the public’s attention the practice of honor killings; Wei Jingsheng, currently based at Columbia University, who symbolizes the struggle for human rights and democracy in China because of his unrelenting commitment to political reform; Guillaume Ngefa Atondoko from the Democratic Republic of Congo, founder and president of the African Association for the Defense of Human Rights, Congo’s premier human rights organization, which is known for its even-handed monitoring of human rights violations; Digna Ochoa from Mexico, one of the leading human rights defense attorneys in her country, who has taken on some of Mexico’s most politically-charged cases as a member of the Miguel Agustín Pro Juárez Human Rights Center; Marina Pisklakova, Russia’s leading advocate on behalf of victims of domestic violence, who founded a domestic violence hotline called Anna, Association No to Violence, and established the first women’s crisis center in Russia; Kailash Setyarthi of India, head of the South Asian Coalition on Child Servitude, and the foremost advocate for the abolition of child servitude in Asia, having emancipated over 40,000 people from slave-like conditions; Francisco Soberón of Peru, founder of the Association for Human Rights, one of the leading human rights organizations in Latin America; Raji Sourani, founder and director of the Palestinian Center for Human Rights and outspoken critic of human rights violations committed by both Palestinians and Israelis in Gaza; Sezgin Tanrikulu, co-founder of the Diyarbakir Human Rights Association and a leading human rights attorney in Turkish Kurdistan, specializing in the defense of political prisoners; Maria Teresa Tula, one of the leaders of the Mothers of the Disappeared, an organization formed in Latin America in the early 1980s that advocates on behalf of disappeared persons and their families; Harry Wu, China’s foremost critic of the Chinese *Laogai* labor camp system and founder and director of the Laogai Research Foundation; and Mohammad Yunus from Bangladesh, founder of the Grameen Bank, the largest and most successful microcredit lending institution in the world.

Professors Rick Wilson and Claudia Martin of WCL’s Center for Human Rights and Humanitarian Law, and WCL Professors Ann Shalleck, Brenda Smith, and Michael Tigar, facilitated the discussion. Professor Wilson asked the panelists how they manage to continue their work in the face of extreme violence against them, their families, and their co-workers. Raji Sourani, a torture survivor, expressed the position of many of his colleagues when he stated that he feels obligated to act when aware that others continue to suffer trauma that he or a loved one once endured. Others, like Marina Pisklakova, are driven by a sense of responsibility toward the individual stranger who may call their organization in need of help.

Professor Shalleck then asked the defenders to describe what, in their clients’ lives, they find so compelling that they are able to transcend their own personal ordeals to help them. Wei Jingsheng explained that whenever he feels he cannot continue his work, he remembers a young girl he saw naked and begging at a train station when he was sixteen years old. He was shocked by her poverty, for he had believed his privileged status was the norm, and to this day, he remembers her image. Gabor Gombos stated that despite suffering from a mental illness, he is fortunate to be economically and educationally privileged, leaving him with a sense of responsibility toward others facing the same illness. Furthermore, only by fighting against the discrimination and stigma that all people with mental disabilities in Hungary face can he improve his own situation. Mohammad Yunus, an economics professor, was disturbed by the extreme poverty in Bangladesh and the inability of traditional economic policies to resolve this problem. So he decided to challenge the common perception that the poor are not creditworthy by loaning out his own money, initially only U.S.\$27 split among 40 people. From this humble start, his program, known around the world today as the Grameen Bank, has proven that the poor are creditworthy and that “banks are not people-worthy.”

Professor Smith raised a new topic, asking the defenders to what extent their work involves ensuring access to economic, social, and cultural rights for the disenfranchised. Francisco Soberón noted that in politically repressive situations, it is necessary to focus greater attention on civil and political rights. He added, however, that human rights are indivisible and that ultimately, it is not possible to resolve civil and political rights without addressing economic, social, and cultural rights as well. Mohammad Yunus responded with an example of the interrelationship of human rights. He described how, as a result of the personal and financial empowerment experienced by many Grameen recipients, an overwhelming number of them now participate in elections, both as voters and as candidates. Bruce Harris views economic and political rights as inseparable, insofar as he considers economic marginalization not to be an unfortunate global accident, but rather the known consequence of calculated political decisions. He noted, for example, that it would take U.S.\$8 billion to feed and clothe all the children in the Americas and yet U.S.\$40 billion is spent annually on golf around the world. He underscored the responsibility of each individual for this injustice and countered arguments that one

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person alone cannot make a difference, stating, “if you feel that you’re too small to do anything, then you’ve never been in bed with a mosquito.”

In response to a directed question from Professor Tigar, Guillaume Ngefa Atondoko described the role of international actors in exacerbating African wars. He derided the United States for claiming to support the rule of law in Africa while ignoring the suffering of more than 400 million people throughout the continent and warned that U.S. taxpayer dollars are used to support murderous policies abroad. As a response to this type of insidious foreign involvement, Mr. Ngefa’s organization is exploring how to link traditional war crimes and crimes against humanity with the nascent concept of economic war crimes.

Professor Martin next asked a question eliciting the advocates’ opinions regarding the international community’s efforts to address human rights issues. Harry Wu expressed his concern that the Western world, and in particular the United States, seems willing to dismiss human rights violations in China as cultural traditions. He noted the mutability of traditions, describing how France, a country once best known for the invention of the guillotine, now bans the death penalty. Mr. Wu expressed his hope that in the future, Western policy makers will not use the concept of tradition as an excuse to refrain from holding China accountable for its human rights violations. Digna Ochoa focused on the positive impact of international solidarity, explaining that it helps protect human rights defenders from governmental retribution for their work. Moreover, she noted that publicizing Mexican human rights violations abroad discourages the government from committing such abuses because of its fears of losing international economic investment as a result.

In closing, Ariel Dorfman, Walter Hines Page Research Professor of Literature and Latin American Studies at Duke University, playwright, and author of a theatrical presentation based on the defenders’ lives, reiterated how the defenders use the power of truth to challenge the status quo. Unwilling to turn away from the ugly and the horrific, these activists threaten not only state perpetrators of human rights violations, but also the complacency shared by many of the privileged around the world. As Ms. Kennedy-Cuomo states in the introduction to her book, “[t]heir determination, valor, and commitment in the face of overwhelming danger challenge each of us to take up the torch for a more decent society. Today we are blessed by the presence of these people. They are teachers, who show us not how to be saints, but how to be fully human.”

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Crimes of War provides an informative overview of war crimes and the laws designed to limit them. Consistent with the book’s educational mission, the reader obtains a useful foundation for evaluating current and future events. Although the book’s alphabetical organization, numerous contributors, and wide range of subject matter make for a somewhat uneven read, on the whole, it is an invaluable reference.

In addition to Professor Anderson’s contribution as legal editor, WCL Professor Diane Orentlicher provided the essay, “Genocide,” and WCL Professor Robert Goldman, assisted by

defining the Rules and the Elements of the Crimes (Elements) on or before June 30, 2000. Although the United States is not a signatory to the Rome Statute, it has nonetheless taken an active role in drafting both the Rules and the Elements to be used by the Court once it officially comes into existence. In addition, the PrepCom agreed in June 2000 to extend considerations to exempt U.S. citizens from the jurisdiction of the Court until the PrepCom’s next meeting in November and December of this year. Because the Rome Statute is open for signature at the United Nations Headquarters in New York until December 31, 2000, the United States still has the opportunity to adopt the Rome Statute (Article 125). Therefore, should the United States choose to endorse the creation of the ICC, it will have a chance to review the final texts of the Rules prior to signing the treaty.

Conclusion

Although prior to the Rome Conference the Clinton administration advocated a world criminal court, the efforts of the U.S. delegation team at the Rome Conference do not reflect such a desire. Rather, their efforts reveal an American attempt to shape a court that would not pose a threat to U.S. citizens. Even before the U.S. delegation team headed to Rome during the summer of 1998, the U.S. State Department issued a statement signaling an impending U.S. opposition to the ICC: “The American armed forces have a unique peacekeeping role, posted to hot spots around the world. Representing the world’s sole remaining superpower, American soldiers on such missions stand to be uniquely subject to frivolous, nuisance accusations by parties of all sorts. And [the United States] simply cannot be expected to expose [its] people to those sorts of risks.” Accordingly, some might argue the United States sought the creation of a global court only insofar as the term “global” would exclude the United States.

Aside from U.S. opposition to the Rome Statute, the accomplishments of the Rome Conference mark an historic and important step toward ending the traditional impunity of those who commit the most offensive crimes. Perhaps the most remarkable aspect of the Rome Conference is the overwhelming international support for the creation of a permanent world criminal court. The consensus achieved in the ICC’s creation is testament to the international community’s unified position of intolerance toward crimes against humanity and other egregious crimes.

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then-WCL L.L.M. candidate Ewen Allison, provided seven entries, including “Belligerent Status,” “Civil Patrols,” and “Illegal or Prohibited Acts.” Royalties from the book support the Crimes of War Project, a non-profit organization based at American University that seeks to raise awareness about international humanitarian law.

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