

## ALUMNI PROFILE



Courtesy of Thomas Lynch

**THOMAS LYNCH**, a 2001 graduate of the Washington College of Law (WCL) and former Co-Editor-in-Chief of the *Human Rights Brief*, has contributed and continues to contribute to humanitarian efforts around the world.

Following his 1996 graduation from the University of Notre Dame, Mr. Lynch volunteered with the Jesuit Volunteer Corps in Philadelphia, Pennsylvania, doing legal aid work. In 1998, he began studying international human rights law at WCL. After completing his legal education at WCL, Mr. Lynch accepted a position as a Legal Associate for Special Projects with Global Rights, formerly known as the International Human Rights Law Group. At Global Rights, Mr. Lynch was involved in key projects, including technical assistance programs and a successful case before the Inter-American Commission on Human Rights (Commission) advocating greater protection for 9/11 detainees.

In 2002, Global Rights filed a complaint with the Commission against the United States on behalf of dozens of Immigration and Naturalization Services detainees who were arrested during nationwide sweeps targeting immigrants following the September 11 terrorist attacks. The detainees, Muslim men of Arab or South Asian descent, had neither been charged with nor accused of

terrorist activity. Although the detainees agreed to leave the country voluntarily or be deported, the United States continued to detain them. Global Rights argued that the United States had failed to offer a basis for their continued detention and that the detainees could suffer irreparable physical and mental harm as a result of their detention. Mr. Lynch was directly involved in the case's development. In a decision in favor of the petitioners, the Commission ordered the United States to take immediate steps to protect the rights of the detained immigrants. The U.S. government did not recognize the decision.

From 2002 to 2003, Mr. Lynch was involved in developing and implementing technical assistance programs in Afghanistan, East Timor, Cambodia, and Bosnia. Beginning in 2001, the Afghan government, supported by a number of specialists, began drafting the new Afghan Constitution. Global Rights, through its field office in Kabul, headed a lobbying effort for the government to incorporate human rights standards in the Constitution. Mr. Lynch led workshops to train local lawyers and judges on the constitutional process.

In Cambodia and East Timor, Mr. Lynch led similar workshops and training programs on transitional justice. The workshops examined the Special Panels for Serious Crimes (Special Panels) in East Timor and the proposed Extraordinary Chambers in Cambodia, and compared them with other transitional justice mechanisms in an effort to aid local practitioners on how transitional justice can best be achieved.

During the reconstruction of Bosnia and Herzegovina, the United Nations and other organizations engaged in a comprehensive judicial reform strategy, which sought to conform the legal system with international standards. In support of reconstruction efforts, Mr. Lynch

again led workshops to train judges and lawyers. The training involved methods of incorporating international human rights standards into the domestic court system. Equal opportunity was of significant focus, as many Bosnian-Serbs had been denied government positions in the past.

In August 2003, Mr. Lynch left Global Rights to become a legal officer with the United Nations Mission of Support in East Timor as a United Nations Volunteer. On August 30, 1999, the population of Timor-Leste voted to end 24 years of Indonesian rule. Over 1,500 people were killed in Timor-Leste before and following the August 1999 ballot. Furthermore, over 70 percent of the population was either forcibly deported or fled across the border to West Timor. An unknown number of people were subjected to other human rights violations, including torture and rape.

Following the atrocities during Timor-Leste's move for independence, Timor-Leste established the Special Panels, a war crimes tribunal, to prosecute pro-Indonesia militia and members of the Indonesian security forces responsible for attacks on the population. In conjunction with the Special Panels, the United Nations created the Serious Crimes Unit (SCU), which operates under the authority of the General Prosecutor of East Timor, to investigate and prosecute gross violations of human rights committed in 1999. According to investigations and indictments conducted by the SCU, top officials of the Indonesian military, police, and civilian authorities, along with pro-Indonesia Timorese militia, orchestrated the violence in Timor-Leste.

In his position with the SCU, Mr. Lynch directed investigations, drafted indictments, appeals, and other court motions, and assisted in training local

Timorese lawyers. Due to SCU efforts, the Special Panel has issued a number of indictments against top Indonesian military officials and has completed many successful prosecutions of local war criminals. Mr. Lynch noted, however, that the Timorese government is limited in its power to try top military officials due to its restricted powers of forcible extradition against Indonesia. The Indonesian government has rejected allegations of the involvement of Indonesian security forces in the violence in Timor-Leste and has so far refused to transfer suspects to Timor-Leste for trial. The majority of individuals indicted by the SCU remain at large in Indonesia.

On December 21, 2004, the Indonesian and Timor-Leste governments reached an agreement on a joint "Truth and Friendship Commission," to look into the violence surrounding the 1999 Timor-Leste move for independence. Mr. Lynch believes that the "Truth and Friendship Commission," will be interesting to monitor, as it does not offer any justice component and therefore cannot bring indicted individuals to account before a tribunal.

Recently, Mr. Lynch accepted a position with the United Nations Development Program in Sudan. Not only does Mr. Lynch's new position take him to a new continent, but also to a new focus.

Mr. Lynch will act as a Rule of Law Officer in the southern town of Abyei, Sudan, helping to rebuild the legal infrastructure.

Mr. Lynch attributes the many opportunities he has been afforded to his time at WCL. WCL and the *Human Rights Brief* are proud of Mr. Lynch's efforts in the human rights arena and wish him success in his new venture. HRB

*Natalie Palomino, a J.D. candidate at the Washington College of Law, covers the Alumni Profile for the Human Rights Brief.*

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of Human Rights" by reporting periodically on the Inter-American Human Rights System.

**Susana SáCouto**, Director of the War Crimes Research Office and adjunct professor at WCL, participated in a Colloquium on the Challenges of International Criminal Justice convened by the Office of the Prosecutor of the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania in November 2004. Earlier in November 2004, she delivered a lecture on the "Differences between Human Rights, Humanitarian Law and International Criminal Law" at WCL's "Munching on Human Rights" series. In February 2005, she participated as a member of the Honor Jury responsible for selecting the English speaking winner of the 2005 Human Rights Award competition sponsored by the Academy on Human Rights and Humanitarian Law. She also delivered a presentation at the Humphrey Fellows Speaker Series on the development of accountability mechanisms for serious international crimes, with a focus on the special tribunal created to bring to justice surviving Khmer Rouge leaders in Cambodia.

**Herman Schwartz**, Professor of Law at WCL and Co-Director of the Center, filed an ethics complaint on December 16th with the Center for Constitutional Rights against Deputy Attorney General James Comey for prejudicial comments he made about suspected enemy combatant Jose Padilla, who had no means of response, either in person or through counsel. This complaint has now been withdrawn and a similar petition has been filed with the U.S. Justice Department's Office of Professional Responsibility. Professor Schwartz was also quoted in the *Pittsburgh Post-Gazette* in November regarding Republican Senator Arlen Specter's then disputed efforts to become Chair of the Senate Judiciary Committee.

**Richard Wilson**, Professor of Law and Co-Director of the Center, appeared as counsel of record and author of the amicus curiae brief for the European Union, the Council of Europe, and 48 other countries in *Roper v. Simmons*, which was before the United States Supreme Court in October 2004. Professor Wilson argued that the execution of children under the age of 18 at the time of their alleged crimes violates the virtually unanimous international ban on such practice. Professor Wilson is also serving as co-counsel in federal habeas corpus proceed-

ings for the case of *Khadr et al. v. Bush et al.* (on-going since 2004 in the Federal District Court for the District of Columbia), where Omar Khadr, a Canadian national, has been detained as an enemy combatant in Guantanamo Bay, Cuba, since he was 15 years old. In November, Professor Wilson was interviewed by Radio Nizkor Web and *American Lawyer Media* about the ongoing trials of Guantanamo detainees. On February 5th, he was the closing speaker at a meeting of Human Rights Law Clinics held at New York University (NYU) Law School, and in November he served as a workshop speaker at NYU's Brennan Center for Justice on the topic of "Felony Disenfranchisement: International Law Claims in U.S. Federal Litigation." Professor Wilson also traveled to Mexico City in November as a workshop facilitator for "The Pedagogy of Clinical Legal Education: Practical Exercises," a conference sponsored by the Open Society's Justice Initiative. In October 2004, he was a panel moderator for "The Death Penalty and Innocence," held at American University's Human Rights Film Festival, and spoke on "Clinical Legal Education: Its Prospects in Your School" at the First Meeting of the International Consortium of Law Schools, an event hosted by WCL. HRB