

# CENTER NEWS/FACULTY AND STAFF UPDATES

## CENTER NEWS

### **NATIONAL SECURITY AND HUMAN RIGHTS: LESSONS LEARNED FROM ISRAEL AND THE U.S.**

On January 31, 2007, the Center, in conjunction with the New Israel Fund, co-hosted the first annual panel discussion in honor of the Israel-U.S. Civil Liberties Law Program at American University Washington College of Law (WCL). Panelists at the conference discussed how two democracies, the United States and Israel, are dealing (both successfully and unsuccessfully) with striking a balance between human rights and national security, discussing both domestic and international responses. Panelists included Professor Neta Ziv of Tel Aviv University, WCL Professor Herman Schwartz, WCL Professor Bob Goldman, and Jamil Dakwar, formerly with Adalah and currently with the American Civil Liberties Union (ACLU). The panel was moderated by Georgetown Law Center Professor Peter Edelman, Chair of the Board of the New Israel Fund.

The New Israel Fund and American University Washington College of Law established the Israel-U.S. Civil Liberties Law Program in 1984 to develop a cadre of dedicated and well-trained lawyers to promote human rights and justice in Israel. Now in its 23rd year, the program has become a mainstay of Israel's progressive legal and non-profit community, with graduates now working on diverse aspects of human rights advocacy. Participating attorneys spend one year in the United States, obtaining a Master's in Human Rights Law (LL.M.) from WCL and serving in internships with U.S.-based public interest groups such as the American Civil Liberties Union, the Washington Lawyers' Committee for Civil Rights, and the NAACP Legal Defense and Education Fund, Inc. Fellows return to Israel during the second year and work full-time with an Israeli public interest organization with a stipend funded by the New Israel Fund. Recent Law Fellows have worked at a wide range of organizations, including: Adalah — the Legal Center for Arab Minority Rights; ACRI — the Association for Civil Rights in Israel; IRAC — the Israel Religious Action Center and others.

### **HUMAN RIGHTS IMPACT OF CHINA'S INVESTMENT IN AFRICA**

In February 2007, the Center hosted a roundtable discussion on the human rights implications of China's expanding investment in Africa. The program discussed the human rights impact through trade, investment, and corporate social responsibility, with experts from each field. Discussants included: Ambassador David Shinn, former U.S. Ambassador to Burkina Faso and Ethiopia; Clifford Shelton, Consultant, U.S. Naval War College; Stephanie Kleine-Alhbrandt, International Affairs Fellow, Council on Foreign Relations; Dr. Bryan Scott Bachner, Assistant Director of Legal Research and Chief of the Eastern Law Division for the Law Library of Congress at the Library of Congress. Professor Li Yong, joined the discussion live via videophone from Beijing, China. Professor Li Yong is an Associate Professor at the Business School at the China University of Political Science and Law.

### **U.S. EDUCATION LAW AND ITS HUMAN RIGHTS IMPACT ON RACIAL MINORITIES**

While the equal protection clause of the U.S. Constitution requires intent as a necessary element for proving racial discrimination, the disparate impact of a law or policy on a racial minority is sufficient grounds to find discrimination under the International Convention on the Elimination of all forms of Racial Discrimination (ICERD), to which the United States is obligated. On February 9, 2007, the Center for Human Rights and Humanitarian law, in conjunction with WCL student groups the Black Law Students' Association, the Latino(a) Students' Association, and the South Asian Law Students' Association, organized this daylong conference to explore the tension between U.S. domestic law and the U.S.'s international obligations regarding racial discrimination and education. The conference also looked at the practical application and impact of current U.S. education law on racial minorities in the public school system in the Washington, DC area. Among the panelists was Gay McDougall, UN Independent Expert on Minorities, WCL Professor Darren Hutchinson, Professor Maurice Dyson,

Carolann North, English Teacher, Anacostia High School in Washington, DC, and more. The keynote address was given by Professor Carol Anderson, University of Missouri-Columbia and author of the critically acclaimed book *Eyes Off the Prize: the United Nations and the African American Struggle for Human Rights*.

### **CENTER AND HUMAN RIGHTS BRIEF HOSTS FIRST MAJOR U.S. CONFERENCE ON THE NEW UN DISABILITY RIGHTS CONVENTION**

On March 30, 2007, the United Nations Convention on the Rights of Persons with Disabilities opened for signature and ratification. On its first day, 80 countries signed the historic treaty. The United States was not one of them. On April 9, 2007, the disability, human rights, and international development communities in the U.S. came together at WCL to examine the new Convention, its guarantees, and its implications for U.S. law and foreign policy. Conference participants considered strategies for encouraging U.S. government and public support for the Convention and examined how to ensure continued U.S. leadership in the international protection of disability rights. The two keynote addresses were delivered by former Governor Dick Thornburgh and by Open Society President Aryeh Neier. Other speakers included John Lancaster, US International Council on Disabilities; Charlotte McClain-Nhalpo, the World Bank; Kathy Martinez, World Council on Disability; Prof. Arlene Kanter, Syracuse University College of Law; Hadar Harris, American University Washington College of Law; Eric Rosenthal, Mental Disability Rights International; Steven Hill, U.S. Department of State; Judy Heumann, Global Partnership for Disability and Development; Sam Worthington, InterAction; John Kemp, State Department Advisory Board on Disability; Hans Hogrefe, Congressional Human Rights Caucus; Holly Burkhalter, International Justice Mission; Jerry White, Landmine Survivor's Network.

The Conference was spearheaded by the Human Rights Brief and was co-sponsored by the Center for Human Rights and Humanitarian Law, the Syracuse University College of Law Disability and Policy Program

of the Center on Human Policy, Law, and Disability Studies and the *Syracuse Journal of International Law and Commerce*; Mental Disability Rights International and the U.S. International Council on Disability.

### **RADICAL IDEAS IN HUMAN RIGHTS REFORM**

In Spring 2007, the Center started an experimental new program which invited expert LL.M human rights students at WCL to lead mini-workshops on their "Radical Ideas for Human Rights Reform." LL.M student **Jon Tracy** kicked off the series with a talk entitled *Blood Money or Justice: Compensating War Victims*. Following on his experience as a JAG officer in Iraq, he discussed his ideas to reform the ways in which the U.S. military compensates civilian war victims. LL.M student **Jean Degli**, a former defense attorney with the International Criminal Tribunal for Rwanda, spoke at another session about the need to equalize resources for defense counsel in genocide trials.

### **RACIAL DISCRIMINATION IN THE U.S. CRIMINAL JUSTICE SYSTEM AND INTERNATIONAL HUMAN RIGHTS STANDARDS: REPORTING TO CERD**

Following the U.S. submission of its periodic report to the U.N. Committee on the Elimination of all forms of Racial Discrimination, the Center, in collaboration with Global Rights, The Sentencing Project, Penal Reform International and the Open Society Institute held a day-long convening on May 17, 2007, which brought together criminal justice advocates from around the U.S. to discuss racial discrimination in the U.S. criminal justice system as it relates to the UN Convention for the Elimination of all forms of Racial Discrimination (CERD). Experts on racism in the juvenile justice system, racial discrimination in law enforcement and the courts, racism and the death penalty, and experts on the destructive impact of mass incarceration on communities of color were present to discuss how these issues play out in the United States and how this relates to U.S. obligations under CERD. A follow-up meeting was held the following day at Global Rights to discuss a coordinated response from civil society to the U.S.'s report to the UN CERD Committee concerning its efforts to end racial discrimination.

### **CENTER CO-HOSTS VISIT BY MEMBERS OF THE GENDER AND LAW ASSOCIATION (GALA) IN INDIA**

As part of the ongoing Gender and Legal Education in India Project, a joint project of the Center for Human Rights and Humanitarian Law and the Women and International Law Program at WCL, the Center co-hosted a visit by Professor Amita Dhanda from the NALSAR University in Hyderabad, India, Dr. Ruchira Goswami from the West Bengal National University of Juridical Sciences in Calcutta, India, and Karubakee Nandi, a fourth year law student at the National University of Juridical Sciences. During the visit, Professor Dhanda and Dr. Goswami presented papers at the Fourth Annual Symposium on Intellectual Property and Gender held at WCL and gave a public lecture on judicial activism in India. Karubakee Nandi also presented a talk to members of the WCL student body concerning student activism around human rights in India.

In 2003, the Center and the WCL Women and International Law Program launched the Gender and Legal Education in India Project to facilitate and support gender mainstreaming in legal education and law reform in India. The project has helped to develop the Gender and Law Association in India (GALA) which seeks to be an interdisciplinary network for exchange and collaboration for Indian academics and activists working on women's legal rights.

### **FACULTY AND STAFF UPDATES**

**Claudio Grossman**, Dean of WCL and Co-Director of the Center, appeared on *CNN International* to discuss freedom of expression in Venezuela (Jan. 11, 2007) and was interviewed by *Univision* for a feature on WCL's podcasting program (Feb. 28, 2007). He delivered the keynote address at "Beyond Borders in the Classroom: The Possibility of Transnational Legal Education," an international legal education conference at the University of Ritsumeikan School of Law (Kyoto, Japan, Feb. 9, 2007); and delivered remarks at *Pathways to Employment in International Law*, a WCL program organized in conjunction with the American Bar Association (ABA) Section of International Law, the Inter-American Development Bank (IDB) and the American Society of International Law (ASIL, Washington, D.C., Feb. 27, 2007). Dean Grossman also provided opening remarks at the Organization of

American States' conference *Access to Justice in the Americas*, exploring methods for improving access to justice for vulnerable groups. Other speakers included Jose Miguel Insulza, Secretary General of the Organization of American States, and Florentín Meléndez, President of the Inter-American Commission on Human Rights (Washington, D.C., March 8, 2007). He participated in the ABA accreditation site visit to University of Miami Law School (March 2007); participated in alumni receptions and admitted students events in San Francisco, Los Angeles, Miami, Boca Raton, and Washington, D.C. (March 2007). He was interviewed by *CNN Spanish* concerning Iran (April 4, 2007) and delivered opening remarks at a reception to establish the Latina/o Alumni Association of WCL. Omar Vargas (WCL '98), a member of the Dean's Diversity Council and director of Global Policy and Government at PepsiCo, hosted the event, which was attended by approximately 60 J.D. and LL.M. students and alumni (Washington, D.C., April 12, 2007).

**Hadar Harris**, In March, Center executive director Hadar Harris met with a group of Russian prosecutors, judges, and human rights activists from St. Petersburg and Moscow to discuss the prevention of hate crimes and the protection of minority rights from an international human rights perspective. In April, she presented on a panel entitled, "Implementation Through Domestic Law and Policy" at a Human Rights Brief sponsored conference on the new UN Disability Rights Convention. In early May, Hadar participated in a resource and networking event sponsored by SheSource.org, where she is listed as an expert international human rights attorney. SheSource.org is an online braintrust of female experts on diverse topics designed to serve journalists, producers and bookers who need female guests and sources. SheSource.org includes spokeswomen from a variety of backgrounds, representing demographic and ethnic diversity as well as expertise in areas, ranging from security, the economy, and politics to law, peacekeeping, humanitarian crisis, and more. In May she also presented introductory remarks about the role of US advocates in monitoring compliance and implementation of the Convention for the Elimination of all forms of Racial Discrimination (CERD) at a conference focused on racial discrimination in the US criminal justice system. For the past year, Hadar has also served in an advisory capacity to the organizing and coordination efforts for

US civil society shadow reports on US compliance with the International Covenant on Civil and Political Rights as well as CERD.

**Claudia Martin**, Professional Lecturer in Residence and Co-Director of the Academy on Human Rights and Humanitarian Law (Academy), moderated “Reparations: A Comparative Perspective,” at *Reparations in the Inter-American System: A Comparative Approach* (Washington, D.C., March 6, 2007); moderated “The Protection of Vulnerable Groups in the Inter-American Human Rights System” at the Academy’s *Second Annual Meeting on Human Rights* (March 9, 2007); was a panelist for “*Arbitration of Investment Disputes: International Human Rights and Investment Law Issues in International Arbitration*,” at “Investment Arbitration and Human Rights Law,” sponsored by the International Arbitration Program (WCL, Washington, D.C., March 21, 2007). Professor Martin published “The Reform Debate in the Inter-American Human Rights System Ten Years After: Successes and Failures,” in *International Institutional Reform, Proceedings of the 7th Hague Joint Conference on Contemporary Issues of International Law*, T.M.C. Asser Press, The Hague.

**Diane Orentlicher**, Professor of Law at WCL and Co-Director of the Center, was quoted in “Uganda’s Peace at Mercy of Court,” in *The National Journal* (Feb. 10, 2007); she was also quoted in *Christian Science Monitor* in “World Court’s Big Move on Darfur,” (Feb. 28, 2007). She presented testimony on “Genocide and the Rule of Law” at the inaugural hearing of the Subcommittee on Human Rights and the Law of the United States Senate Committee on the Judiciary (Feb. 5, 2007); and she participated in *Experts Workshop on Negotiating for Peace with Justice*, at the Mortara Center for International Studies at Georgetown University (Washington, D.C., Feb. 28, 2007). She was also appointed to serve as Co-chair of the Sub-Committee on Extraterritorial Jurisdiction for the International Bar Association Task Force on Extraterritorial Jurisdiction. She was interviewed on the recent judgment of the International Court of Justice on the Bosnia genocide case and on the first Darfur indictments by the Prosecutor of the International Criminal Court as part of the U.S. Holocaust Memorial Museum’s series, *Voices on Genocide Prevention*, an audio interview series and podcast service on March 14, 2007. She

served as Master of Ceremonies at an awards dinner sponsored by the Open Society Institute. The seven honorees, each of whom has served as the first female president, vice president, registrar, or chief prosecutor of an international court received the “Women Groundbreakers in the First International Courts” award (The Hague, March 8, 2007). She was quoted in “Genocide Court Ruled for Serbia without Seeing Full War Archive” in *The New York Times* (April 9, 2007), “War crimes tribunal allowed Serbia to censor incriminating documents” in *International Herald Tribune* (April 9, 2007) and in “Serbia’s darkest pages hidden from international court” in *International Herald Tribune* (April 8, 2007). The article also appeared in various other international outlets. Professor Orentlicher was mentioned in *The Post-Standard* (Syracuse, NY), in “Festival Promotes Education in Films,” (April 15, 2007).

**Diego Rodríguez-Pinzón**, Professional Lecturer in Residence and Co-Director of the Academy on Human Rights and Humanitarian Law, participated in the Meeting of Experts on Access to Justice organized by the General Secretariat of the Organization of American States (March 7-8, 2007); he was also a panelist in “Reparations: A Comparative Perspective” at the conference, “Reparations in the Inter-American System: A Comparative Approach,” WCL (March 6, 2007). He published “La Prohibición de la Tortura y los Malos Tratos en el Sistema Interamericano” (co-authored with Claudia Martin) (World Organization Against Torture, Geneva, Switzerland, Feb. 2007). He was designated *Ad Hoc Judge* of the Inter-American Court on Human Rights (Court) by the State of Ecuador. The Court is the highest human rights tribunal of the Americas and one of three existing international human rights courts in the world: the European Court on Human Rights and the newly-established African Court on Human Rights. He was selected to integrate the Executive Committee for the AALS International Human Rights Section in the January 2007 meeting.

**Susan SáCouto**, Director of the War Crimes Research Office (WCRO) and adjunct professor at WCL, participated on the “Prosecuting Heads of State” panel, at Beloit College’s conference *Transitional Justice: Accountability in the Wake of Mass Atrocities*, addressing lessons learned from the Milosevic trial (Beloit, WI., Jan. 27, 2007); she pre-

sented “Critical Legal Issues Raised by the ICC’s Early Decisions” at a *War Crimes Symposium* organized by the University of Iowa College of Law’s journal, *Transnational Law and Contemporary Problems* (Feb. 9, 2007). She co-chairs the American Society for International Law (ASIL)’s Women in International Law Interest Group (WILIG), which hosted Judge Taghrid Hikmet at its annual luncheon at ASIL’s 101st Annual Meeting. Judge Hikmet was not only the first female judge in Jordan but also the first Arab woman to serve on an international criminal tribunal. A discussion of the event can be found on the IntLawGrrls blog at: <http://intlawgrrls.blogspot.com/2007/03/gauntlet-for-international-community.html>.

**Herman Schwartz**, Professor of Law at WCL and Co-Director of the Center, served as a panelist at *National Security and Liberty: Lessons from Israel and the United States*, at WCL (Washington, D.C., Jan. 31, 2007); he was a panelist on the National Institute of Military Justice-WCL event *The Future of Military Commissions* (Feb. 19, 2007); and he provided consultation with USAID-Kosovo regarding a constitution for Kosovo (Feb. 2007). He was interviewed by Bilgi University Law Faculty Dean and Journalist Turgut Tarhanli for *Radikal* newspaper (Istanbul, Turkey) (Mar. 22, 2007). Professor Schwartz also participated in the lecture series on *Free Speech in the United States and Elsewhere* for law schools, journalists, parliamentarians, and bar associations in Istanbul, Ankara, Konya, and other venues in Turkey as a Specialist/Speaker on behalf of the U.S. Department of State (Turkey, March 8-15, 2007). He was a panelist on “The Draft Israeli Constitution,” at the *Annual International Conference of the International Association of Jewish Lawyers and Jurists* (Washington College of Law, Washington, D.C., March 23, 2007); and a panelist for “Human Rights Six Years After September 11,” at the *International Legal Studies 25th Anniversary Conference* (WCL, Washington, D.C., March 26, 2007).

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2007). Professor Wilson served as an invited expert at Amnesty International's *Experts' Meeting on Terrorism and Human Rights* (New York University, Feb. 16-17, 2007). He was interviewed by *AVUI* newspaper (Catalonia) on Guantánamo detainees and the alleged confession of Khalid Sheikh Mohammed (March 15, 2007); he published an op-ed piece in *Legal Times*, "A Child in

War: Detaining Omar Khadr Violates Our Moral and Legal Principles" (April 2, 2007); he moderated "Lawyering for Reparations: Inter-American Perspectives" at Conference on *Reparations in the Inter-American System: A Comparative Approach* (WCL, Washington D.C., March 6, 2007); presented "A Multifaceted Approach to International Human Rights Defense," at Conference on

*The Legal Approach to Securing International Human Rights* at the New England School of Law (Boston, M.A., March 21, 2007); and moderated *International Legal Studies Program 25th Anniversary Celebration Conference* panel, "The Practice of Law in the 21st Century: The New Frontiers of International Practice" (WCL, Washington D.C., March 27, 2007). **HRB**