
Letter from the Editors

THE *HUMAN RIGHTS BRIEF (HRB)* GOES TO PRESS at a turning point in U.S. history. After a long and frenzied campaign season, the American public voted Barack Hussein Obama the United States' 44th president and the first African-American to hold that office. In his victory speech, President-Elect Obama hinted that the era of American exceptionalism in international affairs might shift towards a period of greater cooperation, stating, "And to all those watching tonight from beyond our shores, from parliaments and palaces to those who are huddled around radios in the forgotten corners of the world — our stories are singular, but our destiny is shared, and a new dawn of American leadership is at hand." In support of this endeavor, throughout Volume 16, the HRB will feature pieces illustrating the need for the United States to project a foreign policy dedicated to multilateral collaboration.

The HRB celebrates the Sixtieth Anniversary of the Universal Declaration of Human Rights (UDHR) on 10 December 2008 with an article by Brian Farrell addressing whether the right to habeas corpus is implied within Article 8 of the UDHR. Article 8 enshrines the "right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law." The piece is also timely given the U.S. Supreme Court's summer decision in *Boumediene v. Bush* (2008) where the Court held that detainees held at Guantánamo Bay, Cuba have the right to file habeas corpus petitions in federal district court challenging the lawfulness of their detention. Stephen I. Vladeck's piece addresses some of the questions that *Boumediene* left unanswered, including whether the Military Commissions Act (MCA) of 2006 violates the Suspension Clause of the U.S. Constitution by not allowing collateral attacks to the military commissions' jurisdiction before a potentially unlawful trial occurs.

Just as November 4, 2008 — "Election Day" — marked an important step forward for human rights in the United States, it also signified a step backwards. In California, the state citizenry approved an amendment to the state constitution banning the right to marriage between same sex couples after the state supreme court recognized that right earlier this year. R.J. Thompson presents a timely piece on the struggle for greater respect for the human rights of the Lesbian, Gay, Bisexual and Transgender (LGBT) community in the United States. His piece is a call to action for the LGBT movement to move beyond the "silos" of identity-based politics and embrace the language of international human rights.

Another policy of the U.S. government that has been the subject of much debate over the past few months is immigration. Nowhere are the extremes the government has gone to, and the violations of human rights more obvious, than in the Postville, Iowa raid this past summer. Amalia Greenberg and Shanti Martin examine the raids in detail — looking at the procedure, the actors, and the repercussions both for the detainees and for human and civil rights in the United States. Greenberg and Martin conclude by suggesting the need for a collaborative response from those involved — including the legal and religious communities.

Turning the focus to international matters, Angela Edman examined in detail precedent established in the War Crimes Chamber of the State Court of Bosnia and Herzegovina regarding crimes of sexual violence. The WCC has ruled in at least six trials involving crimes of sexual violence and established important precedent surrounding the definition of rape, sexual slavery, and enslavement. The WCC has generally followed international precedent in defining crimes of sexual violence as persecution and torture.

In a look at international legal precedent and how it is shaped and influenced by U.S. policy, Juan Quintana addresses the difficulties of bringing international legal precedent to bear in U.S. courts in his study of the recent *Avena* and *Medellin* decisions in the International Court of Justice. The U.S. courts' enforcement, or lack thereof, of international law impacts not only the image of the U.S. internationally, but also the strength of the international legal system. Volume 16, Issue 1, is orange, a symbol of solidarity with those detained in Guantánamo Bay and a reminder to President-Elect Obama that closing the detention facilities must be a priority in the first 100 days of his administration.

HRB

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