



INDIANA INTERNATIONAL HUMAN RIGHTS LAW BULLETIN

Volume 4, Issue 1, Autumn 2001/Spring 2002

Publication of the *Program in International Human Rights Law* • Indiana University School of Law — Indianapolis

International Criminal Court Launched

Introduction

On 1 July 2002, a permanent international criminal court was established to try alleged perpetrators of the most serious international crimes. The International Criminal Court ("ICC"), which will sit in The Hague, The Netherlands, is empowered to exercise jurisdiction over individuals charged with genocide, crimes against humanity, and war crimes. Though ad hoc tribunals have tried persons charged with international crimes such as those perpetrated in the Former Yugoslavia and Rwanda, the ICC is the first permanent international court with criminal jurisdiction.

ICC History

The ICC was established pursuant to the Rome Statute of the International Criminal Court, which is a 1998 treaty that has been ratified by approximately one-half of the world's nations. Member states include Canada, Australia, virtually all of Western Europe

and South America, and many countries from Africa, Asia, and other regions. The United States and Israel signed the Rome Statute in 2000, but in 2002 announced that they "did not intend to become a party to the treaty".



Arguments regarding the ICC

ICC opponents, including the United States argue that the court will encroach upon the sovereignty of states that are not party to the Rome Statute, that the ICC prosecutor may engage in political prosecutions or be manipulated by uncontrollable "rogue regimes", and that the ICC will not adequately protect the internationally recognized human rights of suspects or the accused.

Proponents counter that, regarding sovereignty, the ICC may exercise jurisdiction only when individual states cannot or will not

(See "International Criminal Court" on Page 16)

Human Rights Experiences in Latvia & Estonia

by *Arnīs Daiga ('03)*



Arnīs Daiga ('01)

As a Program in International Human Rights Law 2001 summer intern, I worked at two non-governmental organizations in the Baltics: (1) the Latvian Center for Human Rights and Ethnic Studies (LCHRES) in Riga, Latvia; and (2) the Mental Disability Advocacy Center in Tallinn, Estonia. In Riga, I researched the treatment of mentally disordered criminal offenders and patient access to their medical records. In Tallinn, I sought to empower a European and Asian advocacy network to support the rights of the mentally disabled.

Latvian Center for Human Rights & Ethnic Studies

The Latvian Center for Human Rights and Ethnic Studies was founded in 1993 as a not-for-profit, non-partisan, non-governmental organization that monitors

human rights. The center focuses on ethnic relations, policy advocacy and research, and human rights education and training. It also provides legal aid to victims of human rights violations. The Latvian Center is a member of the International Helsinki Federation for Human

Rights, which is a network of human rights groups operating in the Organisation for Security and Cooperation in Europe ("OSCE") region. The center receives funding from the Soros Foundation's Open Society Institute, the Council of Europe, and the Swedish Institute.

A new Latvian criminal code

Under the supervision of Ieva Leimane, I researched the 1999 Latvian criminal code, which in its new Article 14 outlines sentencing guidelines for individuals of diminished capacity. Article 14 has created a dilemma in Latvia: it permits a mentally disordered offender who is also the subject

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(See "Latvia & Estonia" Page 14)

Editors' Message

We welcome readers to this issue of our *Indiana International Human Rights Law Bulletin*, which is published by the *Program in International Human Rights Law* of Indiana University School of Law at Indianapolis. The *Law Bulletin* has been instrumental in informing our law school community, and the outside world, of the wide-ranging international human rights law projects and programs in which we engage on campus, and outside — indeed in many distant corners of the globe. The *Law Bulletin* furthers our international human rights law teaching, study, research and service goals.

Earlier issues of the *Law Bulletin* have highlighted our overseas human rights law internship program, that since 1997 has had more than 50 student placements in over 35 countries on six continents. A chart of internship locations is on pages 10 and 11 of this issue, with summaries of recent internships on pages 8, 9 and 12.

Earlier issues chronicled interns' overseas human rights work and educational experiences, as students contributed to human rights promotion and protection, while earning academic credit. Personal stories conveyed how students were affected, dramatically and positively, by their overseas human rights law experiences.

We have highlighted overseas and domestic human rights speakers who visited the school, "pro bono" projects facilitated from our campus Human Rights Center, and work of the law schools' other international programs. Furthermore, we have published international human rights law analytical work, authored by students, former students, professors, and others. Our topics have varied from local community human rights issues, to other pressing human rights issues at national and international levels.

As our programs and projects expand, so to does our *Law Bulletin*. We anticipate publishing longer, more in-depth, scholarly international human rights law articles. We encourage readers, from the law school and outside, to submit work to us for publication.

As we publish this issue, we would again like to thank Dean Norman Lefstein, who in 2002 retired as Dean after more than a dozen years in that position. Dean Lefstein demonstrated—through financial, administrative, and other means — his enduring support for our Program. Indeed, without Dean Lefstein's support, our Program would not exist and would not have flourished these past one-half dozen years. We look forward to continued growth and development under the leadership of our new Dean, Anthony A. Tarr. In the meantime, thank you again Dean Lefstein. ■



PIHRL Director Professor George Edwards presenting "Honorary International Human Rights Law Intern Recognition" to retiring Dean Norman Lefstein at a 2002 Human Rights Law Internship Reception.

Contents

<i>International Criminal Court Launched</i>	Page 1
<i>Human Rights Experiences in Latvia and Estonia</i>	Page 1
<i>Editors' Message</i>	Page 2
<i>Aung San Suu Kyi and Human Rights in Burma</i>	Page 3
<i>Sustained Economic Action in Burma</i>	Page 4
<i>Amnesty International Student Chapter</i>	Page 4
<i>Human Rights in Nigeria's Niger Delta</i>	Page 5
<i>Human Rights in Macedonia</i>	Page 7
<i>Indiana University Human Rights Interns Around the World in - 2001</i>	Page 8
<i>International Human Rights Law Internships Placements (1997-2002) (graphic)</i>	Page 10
<i>Overseas Human Rights Law Interns in 2002</i>	Page 12
<i>Tortured Tibetan Nun Testified at U.S Congressional Human Rights Caucus</i>	Page 13
<i>Human Rights Fair</i>	Page 15
<i>Civil Rights Conference</i>	Page 15
<i>Trafficking in Persons: Modern Day Slavery</i>	Page 17
<i>PIHRL Photo Gallery</i>	Page 19

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The PIHRL thanks those who have supported the PIHRL and the *Law Bulletin*. Special thanks to Professor Patrick J. McKeand, Chancellor Gerald Bepko, Dean Norman Lefstein, Dean Anthony Tarr, Dean Angela Espada, Dean Elizabeth DeCoux & the Scholarships and Awards Committee, Ms. Therese Kamm, IUPUI International Programs, The International Center of Indianapolis, Mr. David G. Edwards, Mr. Daniel G. Foote, Mr. Michael Bergin, Mr. Wayne Kreuscher, Mr. Sam Mattes, Ms. Jill Mayo, Ms. Chalanta Shockley, student contributors, overseas and domestic visitors, intern host organizations, student interns & others.

Aung San Suu Kyi and Human Rights in Burma

(Remarks by Gerald L. Bepko, Chancellor, at International Human Rights Law Internship Pre-Departure Reception, 9 May 2002)

Earlier this week, the Nobel Prize-winning democracy activist Aung San Suu Kyi was once more released from house arrest by the Burmese military. This time, reportedly, she was released with fewer conditions on her freedom of movement than there had been before. The military junta has ruled Burma with an iron fist since 1962. They placed her under house arrest following her party's win in the general elections of 1990, released her in 1995, and rearrested her in September 2000.



IUPUI Chancellor Gerald L. Bepko at 2002 Intern Pre-Departure Reception

In gaining her latest release, economic sanctions and diplomatic negotiations had once more been applied to positive effect. Although the ruling junta continues to deprive the Burmese people of the democratic leadership for which they had voted, Aung San Suu Kyi credits the unrelenting international attention to her personal plight with whatever progress she has been able to make in her efforts to win freedom for the Burmese people as a whole.

Noble Peace Prize & Sacrifices

Aung Sang Suu Kyi's story may be better known than most of the people with whom you will work in your International Human Rights Law Internships. This is because of the high profile given her by the Nobel Peace Prize. But her story is instructive in the points I wish to make.

Aung San Suu Kyi was a professor's wife, living abroad in England, taking care of her house and children – an ordinary person – until she went back home to Burma in 1988. She went back to nurse her dying mother. While there, she saw the oppression under which her people had been living. She founded her democracy party after Burma's ageing dictator announced he was holding elections, but the military refused to acknowledge the vote. She faced down the guns aimed at her, but was then placed under arrest. Her sacrifices have been many and costly. When her husband, an Oxford don, was diagnosed with terminal cancer three years ago, the junta refused to give him a visa to enter Burma, hoping she would leave. She did not. She has seen little of her two now grown sons since her extraordinary stand-off with the military government

began 12 years ago. She has seen her new grandson only once.

The Nobel Peace Prize was awarded to her but presented officially to her sons in 1991. She was afraid to leave the country for fear of not being let back in to help her people. At the ceremony, Professor Francis Sejersted, chairman of the Nobel Prize committee, summed up the meaning of her prize with these words:

In the good fight for peace and reconciliation, we are dependent on persons who set examples, persons who can symbolize what we are seeking and mobilize the best in us... We ordinary people, I believe, feel that with her courage and her high ideals, Aung San Suu Kyi brings out something of the best in us. Aung San Suu Kyi... unites deep commitment and tenacity with a vision in which the end and the means form a single unit. Its most important elements are: democracy, respect for human rights, reconciliation between groups, nonviolence, and personal and collective discipline.

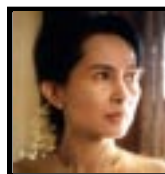
Program in International Human Rights Law

I think that one of the finest things about our *Program in International Human Rights Law* and the internships upon which you are about to embark is the opportunity they provide for you — and for us — to see the great sacrifices others have made to enjoy the freedoms we might otherwise take for granted. Their courage and idealism truly call forth our better natures. They remind us of what we most cherish and value, and we are compelled to come forward and do our part to help.

"[O]ne of the finest things about our Program in International Human Rights Law and the internships upon which you are about to embark is the opportunity they provide for you — and for us — to see the great sacrifices others have made to enjoy the freedoms we might otherwise take for granted. Their courage and idealism truly call forth our better natures. They remind us of what we most cherish and value, and we are compelled to come forward and do our part to help." — Chancellor Bepko

In the six years since the *Program in International Human Rights Law* has been in place, we have seen its extraordinary effect on the culture of our law school. Although we have always had practice-based learning experiences for students through clinics and pro bono work, these internships in international human rights law have added a new dimension. They have reversed the impression that students tend to be apathetic about human injustice or indifferent to legal and political matters beyond our borders that do not necessarily affect our day-to-day sense of well-being. The experiences of our interns have led to the founding of a student chapter of *Amnesty International* here as well as a *Society for International Human*

(See "Aung San Suu Kyi" on next page)



Daw Aung San Suu Kyi



Burma on the Map



... Aung San Suu Kyi

(Continued from previous page)

Rights Law. And today, students from around the country and from other nations are applying to our law school because of its human rights focus.

Congratulations to Prof. George Edwards & the Program

We owe this in large measure to the extraordinary dedication that Professor George Edwards brings to the cause of human rights and to placing interns so that their work is meaningful both to them and to those they seek to help. We have every reason to be proud of this program and of all the student interns who have paved the way for the experience you have before you. Like Aung San Suu Kyi, and all those ordinary people turned heroes that they have tried to help, our international human rights law interns have come to symbolize courage and idealism and, in turn, have “mobilized the best in all of us.” We look forward to seeing this program grow stronger in size and influence. And it will, thanks to all the good work you are – or will be – doing. ■

Sustained Economic Action in Burma

by *Jamyang Norbu**



Jamyang Norbu

The release of Daw Aung San Suu Kyi [and] nine opposition members from jail a few days ago...is a hopeful indication that Su Kyi's release is not merely a ploy of the military regime to play down world concern for the plight of this Nobel laureate, but possibly a willingness to discuss genuine political change in Burma. ...

The one overwhelming reason why the military government released Suu Kyi was the pressure of economic sanctions [From] the start Suu Kyi and her supporters were clear and unwavering about the need for economic action against the military junta in Burma, even at the cost of hurting Burma's economy and the livelihood of its people. In fact, Suu Kyi was criticised for her stand by leaders and journalists in Southeast Asia and business interests in the West, who claimed, as is being done in the case of China, that the only way to get the repressive regime to change was through “constructive engagement” and not through economic action which would only hurt the innocent Burmese public.

This stand of the Burmese opposition was translated into action through a series of economic campaigns, undertaken by a coalition of activist groups in the West.

[T]he persistence and focus of the Burmese activists and their single-minded pursuit of economic action gradually began to effect at a governmental level. In 1996, the Massachusetts Legislature passed a law penalising firms that conducted business with Burma. In November 2000, the International Labour Organisation called on all of its members, including 175 governments (and the United States), to review their relationships with and policies toward Burma to ensure they were not contributing to forced labour in the country... Since 1995, at least 50 foreign companies have pulled out of the country. ■

**Jamyang Norbu, an international renowned Tibetan writer, co-founded 'Rangzen Alliance' -- the World Council of Tibetans for Independent Tibet. He lectured at IU Bloomington on 13 September 2002. He and 'Rangzen Alliance' are launching a "boycott movement" against Chinese goods.*



Katherine Hendrix receives 'Thank You' Tibetan traditional scarf from monk Palden Gyatso after his Law School talk. Following an Amnesty International campaign, Palden was released after 33 years in a Chinese prison. At left is PIHRL Research Assistant Mr. Tenzin Namgyal.

Amnesty International Student Chapter

by *Katherine Hendrix ('03)*

The Amnesty International Student Chapter at Indiana University School of Law promotes a wide range of internationally recognized human rights. Working with the local, national and international divisions of Amnesty International, the Student Chapter advocates for persons who are denied freedom of conscience and expression, and for other victims of discrimination. Amnesty International, and the Chapter, work not only for civil and political rights, but also for economic, social and cultural rights.

Amnesty Student Chapter Activities

The Student Chapter engages in awareness raising projects, hosts human rights seminars, organizes letter-writing campaigns to governments on behalf of prisoners of conscience, engages in legislative and other advocacy initiatives, and co-ordinates other international human rights law activities, on and off campus.

The Chapter presents seminars and lectures by leading human rights experts from the U.S. and abroad. Many of these events are co-sponsored by other law school groups, including the International Human Rights Law Society, the International Law Society, the Hispanic Law Society, the Black Law Student Association, the LAMBDA Law Society, and the Program in International Human Rights Law. The Chapter also co-sponsors the law school's Annual Human Rights Fair.

The Student Chapter was founded in 2000 by students who had participated as overseas human rights law interns in the law school's Program in International Human Rights Law.

Amnesty - A global organization

Amnesty International is an independent, impartial global organization with more than 1 million members and supporters in over 140 countries. Amnesty is not affiliated with any government, political persuasion or religious creed. Its work is largely financed by subscriptions and donations from members worldwide. ■

For more information, please contact Ms. Katherine Hendrix at kathendrix@yahoo.com or please contact rights@iupui.edu.

Human Rights in Nigeria's Niger Delta

By Dr. Scott Pegg*

Background

Human rights problems in the oil-producing Niger Delta region of Nigeria first received world attention in the mid-1990s. Under the leadership of Ken Saro-Wiwa and the Movement for the Survival of the Ogoni People (MOSOP), approximately 300,000 Ogoni people – out of a total population of 500,000 – came out in a series of rallies on January 4, 1993 to declare Shell Oil *persona non grata* in Ogoniland and to demand better respect for their human and environmental rights. The Nigerian military dictatorship responded to the Ogoni's non-violent demand for change in brutal fashion, killing between 2-3,000 Ogonis from 1993 to 1995. The violence against the Ogoni culminated in the hanging of Ken Saro-Wiwa and eight others on November 10, 1995, in a process that former British Prime Minister John Major described as “judicial murder.”

Human rights violations in the Niger Delta did not end with Saro-Wiwa's hanging. The Ijaw people, Nigeria's fourth largest ethnic group, proclaimed their own set of self-determination demands in the Kaiama Declaration issued on December 11, 1998. The Nigerian state again chose to respond violently. Patterson Ogon, the director of the Ijaw Council for Human Rights, estimates that approximately 2,600 Ijaws were killed between December 1998 and November 1999.

The democratic election of President Olusegun Obasanjo in May 1999 resulted in at least two major improvements in Nigeria's human rights situation. First, as Ken Saro-Wiwa's younger brother Owens Wiwa pointed out in a talk to members of the *Indiana University School of Law Program in International Human Rights Law* in February 2002, Nigerians now, for the most part, have freedom of speech. Second, in terms of the oil-producing Niger Delta region, the level of violence as a whole has declined. The oil-producing communities still regularly suffer human rights abuses, but the type of large-scale violence directed at the Ogoni from 1993-1995 and the Ijaw from 1998-1999 is, for the moment at least, mercifully absent from the Niger Delta.

Current human rights problems in the Niger Delta

At least four fundamental human rights problems remain in the

Niger Delta today: (1) the failure to bring human rights abusers to justice, or to otherwise obtain truth or reconciliation; (2) the operation of “special task forces” to protect oil pipelines from sabotage; (3) impunity of corrupt and incompetent police; and (4) double standards.

(1) Non-reconciliation: Non-truth and non-justice

No attempt has been made to redress past human rights abuses. Nigeria launched its equivalent of South Africa's Truth and Reconciliation Commission (TRC), called the Human Rights Violations Investigations Commission (HRVIC), and more commonly referred to as “the Oputa Panel,” after its chairman, Justice Chukwudifu Oputa. While some of the victims' families in South Africa (Steven Biko's, in particular) were critical of the TRC for

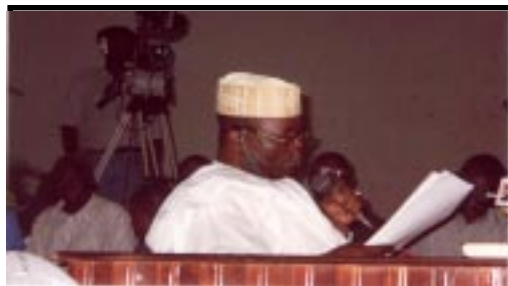
granting amnesty to those who confessed and for not bringing them to trial, that process at least served the beneficial purpose of bringing the truth to light in many cases. In the Nigerian case, this did not happen. The result was a fatally flawed process which I

“Nigeria launched its equivalent of South Africa's Truth and Reconciliation Commission (TRC), called the Human Rights Violations Investigations Commission (HRVIC). [This] served the beneficial purpose of bringing the truth to light in many cases. In the Nigerian case, this did not happen. The result was a fatally flawed process which I characterize as “reconciliation” without truth or justice... . Nigerians were denied even truth and subjected to a process that routinely descended into farce.” — Dr. Scott Pegg

characterize as “reconciliation” without truth or justice. South Africans might have had reconciliation without justice, but at least they got some truth. Nigerians were denied even truth and subjected to a process that routinely descended into farce.

Let me give two examples from cases I personally saw during the HRVIC hearings in Port Harcourt in January 2001. The first case involved an Ijaw man named Dr. Augustine Enewari who was killed in August 1998, ostensibly after falling out of a boat and being cut to death by the propellers. The Bayelsa State police immediately declared his death an accident and closed the case. His family, suspecting foul play, hired three independent forensic pathologists to examine the body. Their findings clearly indicated that the wounds this man sustained were not at all consistent with boat propeller blades but were consistent with being hacked to death by machete. The relatives petitioned the Oputa Panel to reopen this case. Justice Oputa felt that the photos and autopsy reports decisively indicated that this man had not been killed after falling out a boat. He repeatedly asked the Bayelsa State chief investigating officer if,

(See “Niger Delta” on next page)



Col. Paul Okuntimo, Former Commander, Rivers States Internal Security Task Force testifies at HRVIC



Sign announcing the HRVIC hearings in Port Harcourt, Nigeria



Audience members at HRVIC hearing in Port Harcourt, Nigeria, January 2001

... Niger Delta

(Continued from Page 5)

after seeing this new evidence, he still thought the man died from falling out of a boat. The officer insisted he did. Oputa then informed him that he was not on trial, that he was not up for any kind of disciplinary procedure, and that he would not be punished for having made a conclusion that was subsequently proved wrong by new evidence. Did he now have any doubts about his original decision? No, none whatsoever. Amid much laughter, the case adjourned.

The second case concerns the Senewo family from Bane, Ogoni. Ikpobari Senewo was the youth coordinator for MOSOP there. The Rivers State Internal Security Task Force (RSISTF) under the command of Major Paul Okuntimo came to Bane one day to arrest him. Ikpobari was not at home, so they proceeded to torture his father and burn the family house down. His father subsequently died a broken man a year later. Ikpobari's younger brother, Legor Senewo, petitioned Oputa Panel to compensate the family for the loss of their home and everything that was destroyed when it was burnt to the ground. As Okuntimo and the military governor at the time, Colonel Komo, are named as defendants in the petition, both of them were called upon to testify. Throughout hours of testimony, neither Okuntimo nor Komo expressed one single regret for three years of vicious military repression in Ogoni that left thousands dead and tens of thousands homeless. Their answers to questions were repeatedly evasive and, at times, delusional. The South African TRC may have been flawed in that it did not bring to justice those responsible for the evils of apartheid. At least the South African people, though, got a fair amount of truth and disclosure in the bargain. People in the Niger Delta are still waiting for the truth.

(2) Abusive Special Task Forces

The second human rights problem remaining in the Niger Delta



Dr. Owens Wiwa (2nd row, 3rd from right), Prof. Scott Pegg (2nd row, 2nd from left), Prof. George Edwards (2nd row, 4th from left) at Law School

today concerns the continued use of special task forces, like the Rivers State Internal Security Task Force (RSISTF) mentioned above. These special task forces are notorious for human rights abuses. The oil-producing communities suffer from a special Pipeline Task Force designed to protect oil pipelines from sabotage. As many of these pipelines run above ground and through villages and farmland, ordinary citizens have no way to avoid them in going about their daily business. The Ijaw Council for Human Rights has documented numerous cases where farmers have been physically abused and subjected to extortion demands merely for stepping over pipelines on the way to their fields. The use of such special task forces should be stopped immediately.

(3) Impunity for corrupt & incompetent police

Third, citizens in the Niger Delta and throughout Nigeria still

suffer human rights abuses at the hands of corrupt and incompetent police officers secure in their own impunity. On my most recent visit to Nigeria in June 2002, I personally witnessed one police officer horse-whipping the driver and passenger of a motorcycle taxi in Bori, Ogoni, presumably for not stopping fast enough at their checkpoint. Human rights abuses will remain a part of daily life in the Niger Delta until there is fundamental reform of the police force.

(4) Double standards: Abuses by a democratic regime

Finally, residents of the Niger Delta continue to suffer from double standards because they live in an oil-producing region. Perhaps the best example of this comes from the Ijaw town of Odi which was razed by Nigerian troops in November 1999, a few months after Obasanjo's election. In disputed circumstances, 12 Nigerian police officers were killed while trying to arrest a gang of criminals



Mr. Patterson Ogon and Prof. Scott Pegg in Odi, Nigeria in Jan. 2001

who were not originally from Odi. On November 20, 1999, Nigerian soldiers entered Odi and began indiscriminately shooting residents and burning houses. Over the course of the next several days, they demolished the town. By the time the soldiers were finished, every single building in Odi except a government bank, a health center and the Anglican Church had been destroyed or badly damaged. Graffiti painted throughout the town included such messages as "We were sent by the government to kill and burn your community, take heart"; "We go kill all Ijaw people with our gun" and one that I tried to follow, "Learn a lesson. Visit Odi." To make sure that everyone knew that this massacre was intimately related to the Ijaw demands for self-determination and resource control, another sign said "Na you get oil? Foolish people." According to Patterson Ogon, the Ijaw Council for Human Rights has confirmed that at least 1,763 people were killed in Odi. This happened *after* Nigeria's return to democratic elections.

When I visited Odi in January 2001, perhaps one-third of the destroyed buildings had been repaired or torn down. Scattered throughout the town, though, you could still see hundreds of buildings with no roofs, missing walls, burned exteriors, burned interiors and/or piles of rubble in the corner. Similar episodes of police being killed have occurred throughout Nigeria, but it was only in Odi that the democratically-elected government of President Obasanjo massacred innocent civilians. Obasanjo has repeatedly pledged to double Nigeria's oil exports to satiate western demand for cheap fuel. Odi stands as a stark reminder of just how far the president is willing to go to realize this vision. For anyone who thinks that democratic elections have ensured respect for human rights in the Niger Delta, I return to the soldier's graffiti: "Learn a lesson. Visit Odi." ■

* Scott Pegg is Assistant Professor, Department of Political Science, at Indiana University Purdue University at Indianapolis. This article is based, in part, on his two most recent visits to the Niger Delta in January 2001 and June 2002. Dr. Pegg would like to thank Mr. Patrick Naagbantton and Mr. Patterson Ogon for their assistance.

Human Rights in Macedonia

by Dr. Edward L. Queen* ('02)



Dr. Edward L. Queen

Introduction

Since becoming an independent country, Macedonia's existence has been troubled by fears of conflict and civil war. A small, land-locked country of 2 million, surrounded by larger neighbors and inhabited by various ethnic groups, Macedonia has had to struggle to overcome the affects of decades of dictatorship and massive economic distress. The establishment of a new government following the elections in September 2002, and commitment from the United States and Europe to rebuild the economy, provide it with its best opportunity since independence to move forward.

Impediment to independence

The Republic of Macedonia, which experienced separation from the former Yugoslavia with relative ease and with no war, faced many early challenges to its existence. Its formal entry into the world stage was delayed repeatedly by Greece, which accused Macedonia's government of irredentism, of desiring to incorporate Greek Macedonia. Greece also bitterly fought Macedonia's choice of flag and even its name, winning out on both counts. When Macedonia finally entered the United Nations it was as "The Former Yugoslav Republic of Macedonia", officially alphabetized under "T" in the UN listing. Bulgaria and Serbia continued to deny the separate existence of Macedonians as a people, the Bulgarians seeing them as simply Bulgarians and the Serbs continuing to insist that Macedonia was merely South Serbia.

Ethnic conflict

Perhaps more challenging was the ongoing tension between the ethnic Macedonians and the national and ethnic minorities within Macedonia proper. Although Macedonia is comprised of numerous ethnic groups — including ethnic Turks, Roma (Gypsies), Serbs, Vlachs (traditionally mountain-dwelling pastoralists who are Orthodox in religion but have a distinctive language related to Romanian), Gorans (ethnic Macedonians but Muslim in religion), Torbeshi and Pomaks (Slavs but Muslims), as well as Bulgarians and a few Greeks — the largest minority are the Albanians. Comprising between 25% to 40% of the country's population, the Albanians have felt that their role and status in the country is incommensurate with their numbers.

The Macedonian Constitution

Victimized by marked anti-Albanian measures during the last two-decades of Communist Yugoslavia, Macedonian Albanians were particularly incensed by the Macedonian Constitution of 1992. The preamble to the Constitution declared "Macedonia is established as a national state of the Macedonian people, in which the full equality for citizens and permanent co-existence with the Macedonian people is provided for Albanians, Turks, Vlachs, Romanies and other nationalities living within the Republic of Macedonia . . ." Under the previous socialist constitution

Albanians had been declared one of the constituent nationalities of Macedonia. The new constitution not only failed to construct Macedonia on the basis of a civic identity, it also, in the eyes of the Albanians, downgraded their status. No longer recognized as one of the components of the state itself, the Albanians felt that they had become merely guests in the country of another.

Racial discrimination against Albanians in Macedonia

Albanians in Macedonia also experienced discrimination at the hands of the national government. Underrepresented in the police, the courts, and in the civil service, Albanians felt particularly victimized by police brutality and harassment. While much of this could be attributed to inadequate training by police — whose brutality cut across ethnic lines - the low number of Albanian officers and the cultural perceptions of Albanians as criminals undoubtedly led to legitimate suspicions on the part of Albanians that they were particularly singled out.

The Albanians incurred the wrath of state authorities simply by being Albanian. Expressions of Albanian identity such as flying the Albanian flag, use of the Albanian language in majority Albanian regions, and demands for higher-education in the Albanian language were met with hostility and suspicion by ethnic Macedonians. Violence occasionally resulted, often leading to the arrest of Albanians on charges of separatism.

An independent Macedonia

Ethnic Macedonians looked upon the establishment of an independent Macedonia as the culmination of centuries of struggle and conflict. In 1945, for the first time in modern history, Macedonia came into existence as a recognized legal entity, one of the constituent republics of Yugoslavia. Freed from Turkish, Greek, Serbian, and Bulgarian domination, the Macedonians looked back on what they saw as a glorious history. Not only did they hearken back to Philip of Macedon and Alexander the Great, but also they gloried in the early days of Slavic Christianity when Macedonia had been the center of Slavic culture and learning, including the first Slavic language university. Stories of innumerable uprisings against the Ottomans and Ottoman repression, and decades of Serbian, Greek, and Bulgarian cultural and religious domination, led to a national myth of continuous Macedonian struggle for identity and recognition. For many Macedonians, an independent Macedonia symbolized the final victory of the Macedonian nation, the Macedonian Orthodox Church, and the Macedonian language and culture. They could not conceive of sharing their country with others if it meant giving up the dominance of these three areas.

This is how the situation stood in 1999 — the Albanians chafing under their second class status and the Macedonians suspicious of any activity that seemed to threaten the loss of their cherished nationhood. In 1999, with the Serbs increasingly threatening the Albanian population of Kosovo with killings and deportations, the United States led an attack on Serbian military and governmental targets designed to halt the aggression. As refugees flooded into Macedonia, the situation became increasingly unstable. The presence of numerous armed individuals in Kosovo who freely

(See "Macedonia" on Page 18)

Indiana University Human Rights Interns Around the World – 2001

Since the Program in International Human Rights Law (PIHRL) was founded at Indiana University School of Law in 1997, approximately 55 student placements have been made in more than 35 different countries, on six different continents.

In 2001, twelve Indiana University law students worked for human rights governmental, non-governmental, and intergovernmental organizations in a dozen different countries. The students, who received law school scholarships and academic credit for their internships, worked for ten weeks each in office environments, on a wide variety of human rights issues, including rights of mentally disabled persons, indigenous people, street children, labor rights, and other human rights. Below are a few comments about each of the interns and their placements.



1st row (l-r): Prof. George Edwards, Jenny Sarabia, Adriana Salcedo, Catherine Deprét, Cheryl Maman, Sarah Dillinger, Janis Sims. 2nd row: Damon Moore, Amela Sijaric, Mark Fryman, Tim Brown, Tim Hurlbut. 3rd row: Arnis Daiga

1 Belize City, Belize

Mr. Mark Fryman worked for the Society for the Promotion of Education and Research (“SPEAR”), advocating for the human rights of workers in the Belizean banana industry. He researched and drafted memos related to legal issues encountered by the Banana Taskforce in their cause for education, advocacy, and promotion of unionization for the workers. Specifically, he worked with a Human Rights Commission lawyer and the Banana Taskforce to defend the rights of seven workers fired for their attempt at union affiliation under the Union Rights Act of 2000.

Banana workers in Belize suffer from brutal poverty, psychological and verbal abuse, and an extremely unhealthy environment. Their labor is exploited because many workers are not aware of and have little if any access to relevant Belizean law and international human rights law currently in place for their protection.

2 Riga, Latvia & Tallinn, Estonia

Mr. Arnis Daiga interned for two non-governmental organizations in the former Soviet Republics of Latvia and Estonia: (1) the Latvian Center for Human Rights and Ethnic Studies, in Riga, Latvia; and (2) the Mental Disability Advocacy Center in Tallinn, Estonia.

At both organizations, he advocated for the human rights of the mentally disabled. In Riga, he researched the treatment of mentally disordered criminal offenders, and patient access to their medical records. In Tallinn, he sought to empower a European and Asian advocates network to provide information and advocacy to the mentally disabled. (See story, p. 1)

3 Accra, Ghana

Ms. Cheryl Maman (along with co-intern Ms. Janis Sims) worked with the Legal Resources Center (“LRC”) in Accra, Ghana. The LRC, which was created for grassroots human rights education and

advocacy, also provides legal assistance to the community.

Ms. Maman interviewed youth leaders in the community, researched police-community relations with other security agencies, and helped organized a conference between leaders of the community and representatives of the police to work on establishing a cooperative relationship to ensure respect and protection of the community. She attended night meetings between the LRC and the leaders of the Nima community in Accra, and worked with community women.

Ms. Maman also worked on a national reconciliation project, in which she participated in fieldwork in the North of Ghana. Ms. Maman worked closely with interns from the University of Ghana Law School, and Harvard Law School (under the direction of Professor Lucie White of Harvard Law School).



Ghana interns Cheryl Maman (center left) & Janis Sims (far right)

4 Accra, Ghana

Ms. Janis Sims (along with co-intern Ms. Cheryl Maman) worked in Accra, Ghana, with the Legal Resources Center, a grassroots human rights education and advocacy non-governmental organization that also offers legal assistance within the community. The LRC seeks to help eradicate human rights abuses, facilitate reconciliation for past human rights abuses, improve the quality of life in Ghana, and encourage Ghanaians to participate in good governance.

Ms. Sims worked on projects to improve community-police relations and helped investigate health and human rights issues in one of the most impoverished communities in Accra — Nima-Maamobi. She also participated in a national truth and reconciliation project.

Ms. Sims conducted legal and academic research to examine legislative instruments and the Ghanaian Constitution. Furthermore, she interviewed various people, including: representatives from international agencies such as UNICEF, UNDP, WHO; assemblymen and assemblywomen; youth group leaders; and tribal chiefs. She

also helped to design and analyze a written questionnaire, conducted oral surveys of indigenous people in remote parts of Ghana, and assisted with open forums. Ms. Sims worked closely with interns from the University of Ghana Law School, and Harvard Law School (under the direction of Professor Lucie White of Harvard Law School).

5 Budapest, Hungary

Mr. Tim Hurlbut worked at the European Roma Rights Center, in Budapest, Hungary, on the human rights of the Roma people. Roma people are sometimes known as “Gypsies,” and are at times negatively stereotyped as people who constantly travel throughout Europe making a living stealing and panhandling. The Roma are among the most discriminated-against groups in Europe. National and local governments appear to condone systematic discrimination against the Roma, and thus perpetuate widespread violations of the Roma’s fundamental human rights.

Mr. Hurlbut researched a new European Union anti-discrimination law. He reviewed current human rights reports for various European countries, seeking guidance for implementation in Hungary. The country reports were to be used by non-governmental organizations to gain an understanding of national responsibilities under a European Union directive.

6 Castries, St. Lucia & Mexico City, Mexico

Ms. Jenny Sarabia worked with the Aldet Centre, based in Castries, St. Lucia. Ms. Sarabia focused on issues related to race discrimination, in the lead up to the United Nations World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance, held in Durban, South Africa, in August and September 2001. She traveled to Geneva, Switzerland, to participate in the Second Preparatory Committee for the World Conference. In Saint Lucia, Ms. Sarabia also researched domestic violence legal issues. Ms. Sarabia also briefly worked with Casa Alianza in Mexico City, Mexico (along with co-intern Adriana Salcedo).



Jenny Sarabia (middle) & street educators in Mexico City



Ms. Salcedo (1st from left, 2nd row) & co-workers in San Jose, Costa Rica

7 San Jose, Costa Rica & Mexico City, Mexico

Ms. Adriana Salcedo worked with Casa Alianza (Covenant House), a human rights organization that seeks to rehabilitate and defend

homeless street children in Latin America. Casa Alianza has offices in Costa Rica, Guatemala, Honduras, Mexico, and Nicaragua. Ms. Salcedo visited and worked with Casa Alianza offices in Costa Rica and Mexico.

Ms. Salcedo researched the United Nations Convention on the Rights of the Child and other international law instruments; researched juvenile justice in Latin America; and constructed a proposal to the United Nations Special Rapporteur on Human Rights Defenders. She also observed and interacted with homeless

Latin American children on the streets and at Casa Alianza facilities.

8 Katmandu, Nepal

Ms. Sarah Dillinger worked for two non-governmental organizations in Kathmandu, Nepal: (1) the International Institute for Human Rights, Environment and Development (“INHURED”); and (2) the Gurkha Army Ex-Servicemen’s Organization (“GAESO”).

In Nepal, Ms. Dillinger prepared an “Alternative Country Report on Implementation of the International Covenant on Economic Social and Cultural Rights (ICESCR) in Nepal” for submission to the United Nations Committee on Economic, Social and Cultural Rights. Ms Dillinger traveled to Geneva, Switzerland where the Committee held hearings on the report.



Sarah Dillinger (right) leaving Kathmandu, Nepal

While in Nepal, Ms. Dillinger interviewed representatives of government ministries, NGOs, and donor agencies about health and education systems and development programs in Nepal. She also researched women’s rights issues in Nepal.

9 Port Harcourt, Nigeria

Ms. Amela Sijaric worked for the Nigeria Civil Liberties Organization in Port Harcourt, Nigeria, focusing on violations of human rights such as torture, lack of due process, and unlawful detention. With Mr. Damon Moore, another law student intern, Ms. Sijaric visited prisons and interviewed prisoners pre-trial. She also researched various aspects of human rights law related to domestic litigation.

10 Port Harcourt, Port Harcourt, Nigeria

Mr. Damon Moore worked for the Nigeria Civil Liberties Organization based in Port Harcourt, Nigeria. He drafted memos, researched issues related to pending human rights litigation, and wrote letters to businesses informing them of the organization’s intentions to file suit against them.

One of his projects focused on the case of Mr. Ken Saro-Wiwa, who was a political activist who was executed by the Nigerian government after he protested human rights abuses perpetrated in his tribal region by Western oil companies. Mr. Moore explored the possibility of compensation from the Nigerian government for Mr. Saro-Wiwa’s wrongful execution. Mr. Moore’s research revealed that by denying the opportunity to appeal Ken Saro-Wiwa’s conviction, the Nigerian government not only violated the constitution of the country but also committed human rights violations under the African Charter and other international laws.



Amela Sijaric (far right), in Port Harcourt, Nigeria

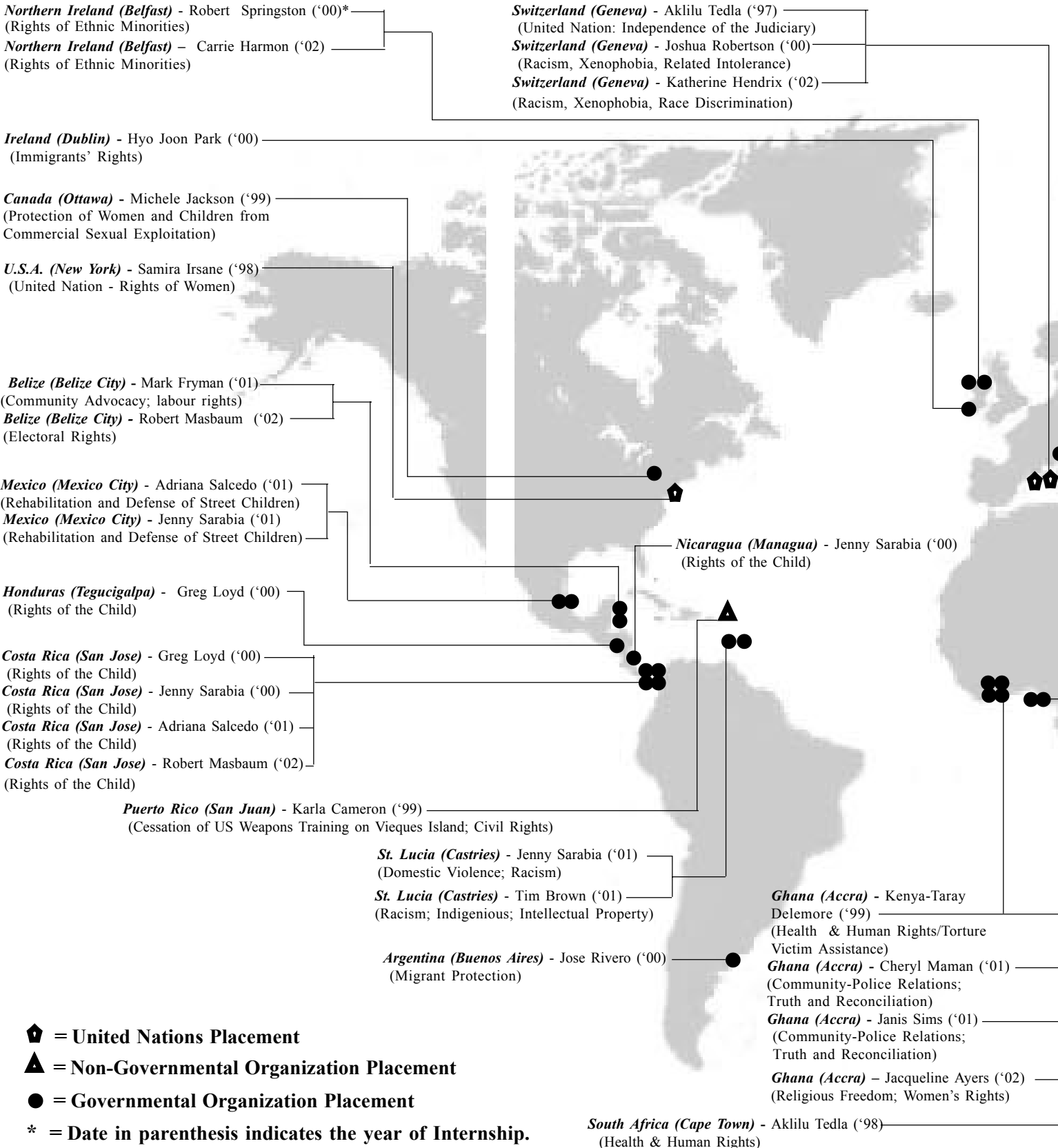
11 Kigali, Rwanda

Ms. Catherine Deprét spent her summer in Kigali, Rwanda, working at the office

(See “2001 Interns” on Page 12)

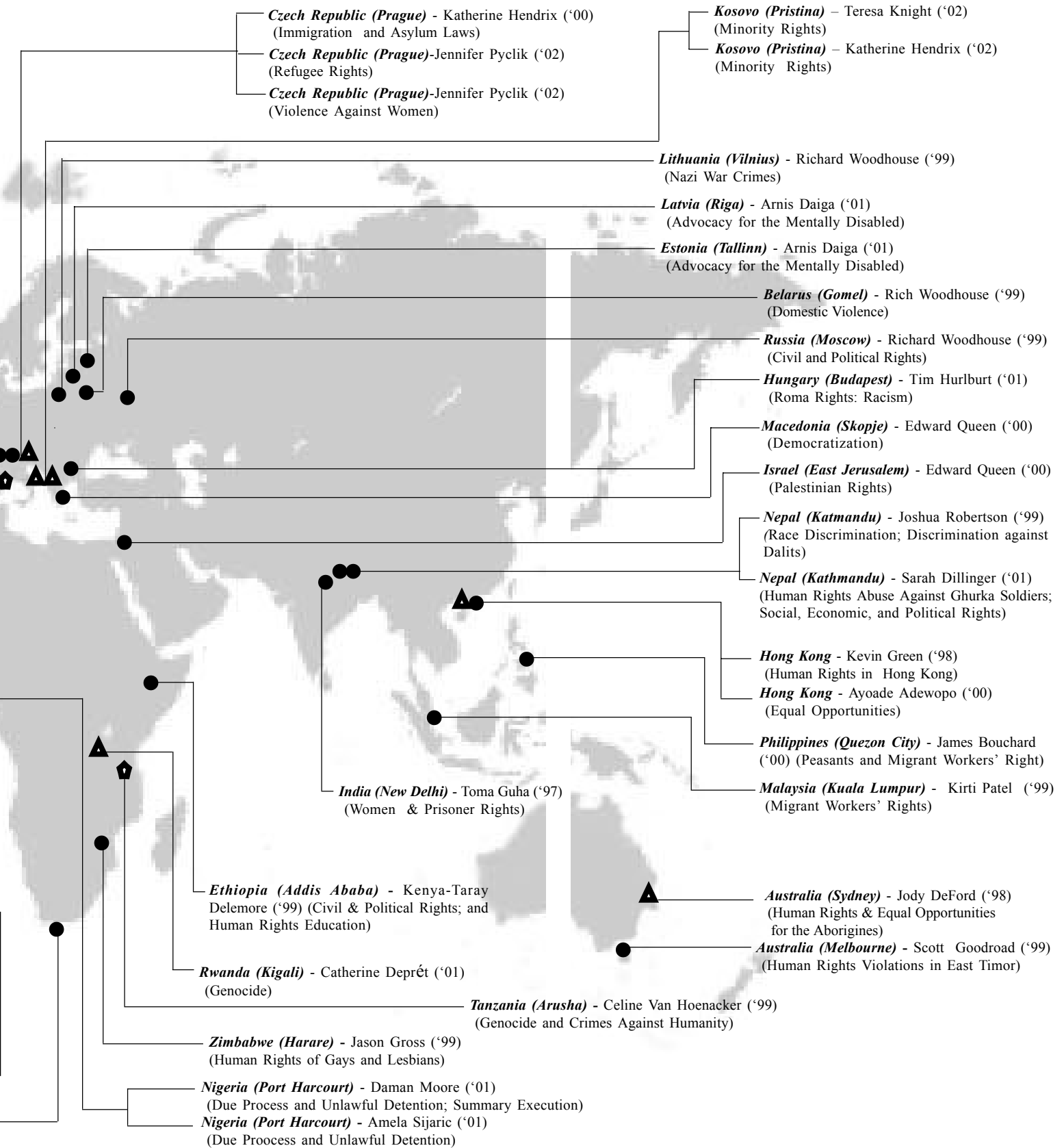
International Human Rights Law Internship Placements

1997 -



Indiana University School of Law at Indianapolis

- 2002



... 2001 Interns

(Continued from Page 9)

of the Attorney General of Rwanda. While in Rwanda, Ms. Deprét worked on projects that sought to find solutions to the back log of prisoners awaiting trial for participating in the genocide of the 1990's. She worked on issues related to the enactment of genocide legislation and gacaca jurisdiction.

Ms. Deprét also studied the possibility of the government of Rwanda derogating from fair trial guarantees enshrined in the International Covenant on Civil and Political rights. She worked closely with a lawyer seconded from the United States Department of Justice. Upon her return to the United States, Ms. Deprét continued to work on projects she began in Rwanda.

12 Castries, St. Lucia

Mr. Tim Brown worked at the Aldet Center in Castries, St. Lucia. His assignments included researching laws concerning intellectual property rights and the indigenous people on the Caribbean island. Mr. Brown studied the emergence of the Carib indigenous people, their enslavement, their assimilation with African slaves, and the possibility of their receiving compensation from European colonist countries involved in slavery.



Catherine Deprét (center) & friends in Kigali, Rwanda

During the summer, Mr. Brown traveled to Geneva, Switzerland, to attend preparatory committee meetings for the World Conference Against Racism, Racial Discrimination, Xenophobia and Related

Intolerance ("WCAR"). The Geneva meetings were precursors to the WCAR, which was held in Durban, South Africa, in August and September 2001. Ms. Jenny Sarabia, his co-intern, also participated in the Geneva UN meetings and worked in St. Lucia. ■



Jenny Sarabia (left) & Tim Brown (right) in Castries, St. Lucia

Indiana University School of Law at Indianapolis Program in International Human Rights Law Mission Statement

- 1) to further the teaching and study of international human rights law;
- 2) to promote international human rights law scholarship;
- 3) to assist human rights governmental, inter-governmental and non-governmental organizations on international human rights law projects; and
- 4) to facilitate student placements as law interns at international human rights organizations domestically and overseas.

Overseas Human Rights Law Interns in 2002



(Left to Right): Jennifer Pyclik, Carrie Harmon, Jacqueline Ayers, Katherine Hendrix, Robert Masbaum, and Teresa Knight

(1) Prague, Czech Republic

Ms. Jennifer Pyclik worked for the Refugee Counseling Centre of the Czech Helsinki Committee. She also worked with the Czech Government's Human Rights Council Secretariat.

(2) Belfast, Northern Ireland

Ms. Carrie Harmon assisted the Northern Ireland Council for Ethnic Minorities ("NICEM"), a non-governmental organization

that focuses on various issues, including immigration and asylum.

(3) Accra, Ghana

Ms. Jacqueline Ayers worked at the Legal Resources Centre, a non-government organization dedicated to the democratization of Ghana and respect for human rights in Ghana.

(4) Pristina, Kosovo & Geneva, Switzerland

Ms. Katherine Hendrix was assigned to the Office of the United Nations High Commissioner for Human Rights in Geneva, Switzerland, and to the provisional government of Kosovo, in the Prime Minister Advisory Office on Good Governance, Human Rights, Equal Opportunity and Gender, and the Office of Legal Support Services.

(5) Belize City, Belize & San Jose, Costa Rica

Mr. Robert Masbaum was assigned to work with the Society for the Promotion of Education and Research in Belize ("SPEAR"), a non-governmental organization in Belize, and with Casa Alianza, a childrens rights organization in San Jose, Costa Rica.

(6) Pristina, Kosovo

Ms. Teresa Knight was placed in Pristina, Kosovo, with the provisional government of Kosovo, in the Prime Minister Advisory Office on Good Governance, Human Rights, Equal Opportunity and Gender, and the Office of Legal Support Services. ■

Tortured Tibetan Nun Testified at U.S. Congressional Human Rights Caucus

U.S. House of Representatives May 1, 2002*

Thank you very much for the opportunity to address members of the Congressional Human Rights Caucus. . . . I am especially grateful that my appeal will be heard during the visit to America of China's Vice President, Hu Jintao, who also served as Communist Party Secretary in Tibet from 1988-1992. If Hu Jintao's ambitions are met, he will become China's next leader. At such a time, Hu Jintao will be in the position to deal responsibly with his legacy in Tibet. It is my prayer that he will release those remaining political prisoners who were detained during his tenure as Party chief in Tibet and continue to suffer in jail.

The American Congress has raised the cases of Tibetan political prisoners repeatedly with Chinese officials, and Ngawang Choephel and Tanak Jigme Sanpo were both released this year. I would like to tell you the names of those nuns with whom I was imprisoned in old Unit 3 of Lhasa's Drapchi prison and who were imprisoned under Hu's authority. I respectfully ask you

to help secure their freedom. They are: Phuntsog Nyidrol and Namdrol Lhamo who are in very poor health and have also been terribly affected psychologically by prison beatings and torture. Tenzin Thubten, Rigzin Choenyi, Ngawang Choexom, Ngawang Choekyi who all suffer ill health. Jigme Yangchen who is subject to sudden anxiety and panic attacks. Ngawang Tsamdrol and Ngawang Sangdrol who have both sustained head injuries from repeated beatings. Should she survive her imprisonment, Ngawang Sangdrol, from my own nunnery, Garu Nunnery, detained at age 15 in June 1992, will serve 23 years in prison.

My own story and experience in prison is much like theirs. I decided to become a nun when I was 14. . . . In the nunnery I spent most of the time either doing renovation and restoration work or in political education classes given by local officials. In these classes we were told that Tibet had been "liberated" by China and that the Chinese government had made many improvements in Tibet, which had previously been a backward and superstitious society. . . .

In my heart, I began to understand how the Chinese government was controlling our people. Monks and nuns are especially persecuted in Tibet but lay people are also oppressed. Anyone who dares utter a word about human rights for Tibetans, His Holiness the Dalai Lama or Tibetan independence is imprisoned. Sometimes people try to distribute leaflets or print and paste posters but the punishments are severe and one has only to be suspected of such political activities to be arrested.

On 25th May 1994, I, along with four other nuns, went to Lhasa to shout slogans and to protest. We were immediately set upon by the police and brought to Gutsa detention center. . . .

In November 1994, I was taken along with 13 other nuns to

Drapchi prison to serve a 5-year sentence for "endangering state security." I was placed in "old" Unit 3, a unit for female political prisoners. Already in this unit were nuns who had been imprisoned since 1989.

In April 1996 all the inmates of "old" Unit 3, nearly 100 female political prisoners, decided to stage a hunger strike in protest of the merciless beatings and harsh treatment in Drapchi. We refused to eat or drink anything. After a week, the prison officials became very



Passang Lhamo (right) & Choeying Kunsang (left) with interpreter (center)

worried about this hunger strike and how it would harm the national reputation. They warned us that they had the medical facilities to stop a hunger strike and told us to stop rather than continue. They promised that if we stopped the hunger strike then the beatings and torture would stop. When we refused, they force-fed us and put water in our mouths. Some nuns who were in a grave state were given intravenous fluids. However, beatings and torture routinely continued to take place just

as before the hunger strike. Ngawang Sangdrol was blamed as being the ringleader for the hunger strike and her sentence was consequently extended by an additional eight years.

...

On 24th May 1999, after five years in Drapchi prison, I was set free having served my sentence. When I returned home to Penpo, I soon realized that my freedoms and those of my family were so curtailed as to make life unbearable for us all. I also learned of Choeying's situation. Unknown to our families and relatives, we made plans to leave Tibet. To get the necessary permission to leave Penpo, we told the authorities that we needed to travel to Lhasa for medical care. In Lhasa, we were able to secure the services of a guide.

I cannot describe how full was my heart when a year after my release from prison, I was given an audience with His Holiness the Dalai Lama, as is customary for all new arrivals from Tibet. Of course, I was deeply saddened to leave my homeland but His Holiness comforted us, saying that in India we would live in a free and democratic country, we no longer had to be afraid, we could practice our religion freely.

...

Ever since I was a little girl, I would hear about how America loved liberty and stood by Tibet. It is the hope of all Tibetans, both in Tibet and in exile, that the American government will prevail upon China to help my people and free Tibet.

I ask you, please, to raise the cases of all those who continue to languish unjustly in prisons, and especially my sisters whose names I have mentioned today." ■

*Edited transcript of the testimony. On 4 May 2002 in Bloomington, Indiana, Choeying Kunsang & Passang Lhamo spoke of their experiences in Drapchi Prison in Lhasa, Tibet. Their Indiana visit was hosted by Students for a Free Tibet (SFT) of Indiana University-Bloomington, International Tibet Independence Movement (ITIM) based in Indianapolis, & the Tibetan Cultural Center (TCC), Bloomington.

... *Latvia & Estonia*

(Continued from Page 1)

of a court-imposed involuntary commitment to be placed in prison, which is not an appropriate place for treatment or rehabilitation. I studied this legislation, and comparatively examined legislation from various countries and guidelines established by international organizations. I explored legislation from the Caucasus, from elsewhere in Europe, and from North America. I examined international instruments promulgated by the United Nations, the Council of Europe, and the World Health Organization. Much of my research was conducted using the internet, and using resources available at the Riga Graduate School of Law Library.

Psychiatrist's views on Latvian mental health care

In studying mental health and human rights in the criminal justice system, I met with various government officials, including Dr. Solita Udrasa, Chairman of the Board and psychiatrist at the Mental Health Care Center of Latvia, which is operated by the Department of Health, Ministry of Welfare. The Mental Health Care Center is situated at a hospital, which is set up like a college campus with numerous buildings and open areas, but with inadequate facilities. Dr. Udrasa opined that the government was doing everything in its power to improve the treatment of the mentally ill in Latvia, citing programs that had been developed with the assistance of other European nations.

Dr. Roberts Girgensons, a psychiatrist and Deputy Head of the Medical Department for the Latvian Prison Administration, suggested that the problem lies in Latvian legislation. He noted that the legislation must be changed in order to align the terminology of the code with the psychiatry profession and other European nations, and to prevent international contradictions in terminology between the Latvian Civil Code and Criminal Code. Dr. Girgensons also noted that a problem existed with the treatment of the diminished capacity criminal offender, and that his office was currently investigating ten cases.

Mental health legislation research

My research — which surveyed relevant domestic and overseas legislation, and international instruments — discussed the background of the diminished capacity criminal offender, legislation, and possible solutions to the problems in the area. I explored various categories of relevant legislation, including: punishment options; sentencing discretion; review and reevaluation periods; prisoner transfer between facilities; and treatment facility administration. I recommended reforms including changing the legislation, training judges, and establishing alternative punishment forms.

Access to medical records

Another project I completed examined whether Latvian patients should be permitted access to medical records regarding their treatment. I explored this and related issues in the jurisprudence of Latvia and the European Court of Human Rights (ECHR). Indeed, a case on this issue may be taken to the European Court of Human Rights soon. I also examined legislation from Estonia, Hungary, Slovakia, Slovenia, Ukraine, and Lithuania, with the fundamental issue being whether the access to medical records is subject to limitation, and on what basis a patient's right to information might

be limited. I examined several ECHR cases that focused on challenges under Article 8 of the European Convention of Human Rights. Of the few ECHR cases dealing with the mentally disabled, those claiming an Article 8 breach have dealt more with access to personal records, not exclusively medical records.

Other experiences

In Riga, I participated in the "Conference on Criminal Procedure Issues: International and Baltic Experiences," which had in attendance government representatives, lawyers, and professors from Estonia, Latvia, Lithuania, the Council of Europe, and the United States. The conference focused on the changes in Criminal Procedure in Central and Eastern Europe. Judge Egils Levits, an ECHR judge from Latvia, was a conference speaker. Following his presentation, I discussed with him the issue of the diminished capacity criminal offenders. He confirmed what I had already found through research — that the ECHR had yet to determine any cases on the issue of the mentally disordered criminal offenders.

An educational experience that I particularly enjoyed was the press event for the United Nations Development Program annual report for Latvia. The Prime Minister of Latvia's speech at the ceremony focused on the development of democratic institutions in the ten years since Latvian independence.

Mental Disability Advocacy Center - Tallinn, Estonia

The Mental Disability Advocacy Center, in Tallinn, Estonia, is a new office funded by the Soros Foundation. It was founded in February 2001 to advocate for human and civil rights of people with mental health and developmental disabilities, and to create and organize a network of advocates spanning 28 countries. The goal of the MDAC is to improve the quality of life for these individuals by advocating public policies that promote community integration, self-determination and support of individuals with mental disabilities and their families. The initial projects for the MDAC include creating a website and analyzing compliance with Article 5 of the European Convention for Human Rights throughout the 28 countries of their region. The hope for the website is to serve as an accessible database for regional advocates to use to contrast legislation and case law, and comparatively to learn more about the situations in other countries.

Website to propagate cause of mentally disabled

In Estonia, my primary task was to help develop the website that intended to cover Mental Disability Advocacy in 28 nations throughout Europe and Asia, stretching from the Baltics to Mongolia. This involved researching and organizing foreign legislation, analyzing relevant United Nations and Council of Europe documents, and organizing relevant ECHR case law. I used information that I had gathered in Latvia, and served as a liaison for information between the my host organization in Tallinn and the Latvian Center.

My internship observations & conclusions

My summer internships offered me insight into the operation of NGOs, as they interact with governmental and inter-governmental bodies. I learned about advocating human rights from the position of an NGO, the role of domestic legislation in the field of human

(See "Latvia & Estonia" on Page 16)



Black Law Student Table (left), Indiana Civil Rights Commission lawyer Lorraine Hitz-Bradley (right) at Human Rights Fair

Human Rights Fair

by Sarah Dillinger ('03)

In the 2002 Spring, the law school's *International Human Rights Law Society* sponsored its first Annual Human Rights Fair. The goals of the Fair included to raise law school awareness about international and domestic human rights law issues, and to expose students, faculty, staff, and the outside community to projects and programs related to international and domestic human rights law.

Numerous law school organizations collaborated with public outside governmental and non-governmental entities to make the Human Rights Fair a success. Participating groups disseminated information about their respective organizations and offered avenues through which attendees could become active.

Human Rights Fair participant organizations

At the Fair, the law school's *Women's Caucus* displayed its work with the Julian Center, which is a local organization that seeks to prevent domestic abuse, and assists domestic violence victims. The *Hispanic Law Society* cooperated with Indiana Legal Services, and displayed materials related to their migrant farm worker law projects. At that booth, current and former students spoke with Fair attendees about how students can get actively involved in providing legal services to migrant farm workers in Indiana.

The *Black Law Students Association ("BLSA")* booth addressed human rights abuses in Nigeria, in particular abuses by foreign oil companies such as Royal Dutch Shell. BLSA screened a videotaped documentary that had been viewed earlier in the semester at the law school presentation of Dr. Owens Wiwa, who is the brother of Ken Saro-Wiwa, who was hanged by the Nigerian government for speaking out about human rights abuses in Nigeria. (See article, page 5)

Law Students Against Capital Punishment provided information about the cruel and discriminatory realities of capital punishment in the United States, and about how one can work towards abolition of the death penalty in the United States.

The *International Human Rights Law Society*, which was the principal sponsor of the Human Rights Fair, raised awareness about child labor and sweat shops. The *Program in International Human Rights Law*, which is a faculty program, highlighted, inter alia, the program's global reach, in particular the dozens of overseas human rights law summer intern placements of IU law students.

Community non-governmental organizations at the Human Rights Fair included the *Indiana Civil Liberties Union*, which

(See "Human Rights Fair" next page)

Civil Rights Conference

by Varsha Dhumale ('04)

In June 2002, the Indiana Consortium of State and Local Human Rights Agencies held its Annual Conference in Indianapolis. The conference, which was entitled "Enforcing Civil Rights in a World of Uncertainty," brought together human rights academic and practitioner specialists to discuss strategies to further combat human rights abuses in Indiana and in the region. Ms. Sandra Leek, Executive Director of the Indiana Civil Rights Commission, recognized that the conference sought to dispel distrust based upon skin color and national origin, particularly following the attacks in the United States on 11 September 2001. She called for human rights and fundamental freedoms for everyone.

Conference Workshops

The conference featured workshops that addressed local, state, national and international laws that protect people in Indiana from human rights abuses. The workshops not only focused on human rights violations, but also they focused on remedies.

At the conference, Professor Florence W. Roisman of the Indiana University School of Law at Indianapolis conducted a workshop on housing discrimination. Professor Roisman covered issues related to fair and subsidized housing, distinctions between federal and state law related to fair housing, and remedies for housing law violations. Jamie Prenkert, who is a trial attorney of the Equal Employment Opportunity Commission ("EEOC"), conducted a workshop focusing on statutory and case law related to employment discrimination.

A workshop on mediation was conducted by Karen Bellinger, Alternative Dispute Resolution ("ADR") Coordinator, EEOC and Steve Tilden, Director, ADR and Compliance, of the Indiana Civil Rights Commission. That session, which involved a mock mediation, highlighted the importance of alternative dispute resolution. Other workshops were held on topics including: the Americans with Disability Act; changing landscapes for sexual orientation; infusing diversity in the classroom; hate crimes; and public access to documents. Honorable Sergio Aguilera, Consul General of Mexico in Indianapolis, who assumed office just a week prior to the conference, delivered a keynote address, as did Dr. Bobby Fong, of Butler University.

Conclusion

The Civil Rights Conference made clear that human rights — indeed international human rights — are not only an issue overseas, but are also an issue in Indiana. The conference successfully highlighted a wide range of human rights law issues, and offered concrete, viable strategies for combatting human rights abuses. It is unclear whether the state or local governments will adopt any recommendations made by the conference participants. Nevertheless, the conference was yet another step closer to full realization of human rights for all in Indiana. ■



Ms. Varsha Dhumale at the Civil Rights Conference

... *Latvia & Estonia*

(Continued from Page 14)

rights generally and mental health in particular, and the role of international organizations in the promotion and protection of human rights domestically. In Latvia and Estonia, I learned a great deal from the individuals with whom I worked. Those individuals had already made a significant positive impact in the field of human rights, through their policy advocacy. Yet they were constantly proposing new projects and requesting additional funding.



Judge Egils Levits (left) of the European Court of Human Rights and Arnis Daiga (in Riga, Latvia)

My first hand exposure to international human rights law advocates operating in an NGO context, and my witnessing the impact these individuals and NGOs had on society, expanded my perception of possibilities available to me and other students of international human rights law. I not only learned about the politics of international human rights law, but also I developed professional skills that will undoubtedly aid me as I set out on my law career. I learned a great deal and contributed, while working in a foreign environment that was fascinating, beautiful, different, and fun.

Most of all, I learned that Latvians and Estonians are fortunate that within their respective communities are individuals and organizations committed to developing human rights law principles and protecting the human rights of every person within their societies. ■

... *Human Rights Fair*

(Continued from Page 15)

disseminated information about constitutional rights that individuals possess when they are stopped by the police. The informative "Know Your Rights" pamphlets were available in English, Spanish, Hindi and Pashtun. Governmental representation included the *Indiana Civil Rights Commission*, which, through Lorraine Hitz-Bradley, Esq., organized a display about housing and employment law. The Commission distributed leaflets, pamphlets, and flyers outlining various aspects of Indiana non-discrimination legislation.

International Human Rights Law Society

The *International Human Rights Law Society*, which was the principal sponsor of the Human Rights Fair, was founded by law

students who had worked as overseas human rights law interns through our *Program in International Human Rights Law*. The Society's goals include to promote global justice and basic fundamental freedoms not only within the law school, but also in the greater local, state, national, and international communities. The Society provides domestic and overseas services and programs, which are intended to give students immediate access to the challenging world of international human rights law, and which are intended to contribute to the promotion and protection of global human rights. The Society's vision - to enlighten students about human rights issues - was furthered by hosting the Human Rights Fair. Because of the success of the Fair, and the interest generated both in and outside of the law school, the Society plans to expand the Fair by incorporating more organizations and more issues. ■

For more information, please contact Ms. Sarah Dillinger at: smdilling@aol.com or rights@iupui.edu.

... *International Criminal Court*

(Continued from Page 1)

prosecute an alleged perpetrator of a crime within the court's jurisdiction. States that are not a party to the treaty have an opportunity to investigate and try alleged international criminals before the ICC has such an opportunity.

Regarding independence of the prosecutor and the likelihood that "rogue regimes" will control the ICC, many checks are in place to protect against prosecutorial abuse. For example, all decisions to investigate or to prosecute must be approved by impartial judges elected by states party to the treaty, and "rogue regimes" are unlikely to become party to the Rome Statute.

Regarding human rights, the Rome Statute provides comprehensive human rights protection. For example, the Rome Statute expressly obligates the ICC to ensure extensive human rights safeguards for persons before, during, and after trial. All aspects of all ICC proceedings, including all actions by all ICC organs and divisions, and involving all ICC substantive and procedural law, must be "consistent with internationally recognized human rights" and "be without any adverse distinction" on a broad range of discriminatory grounds. These rights mimic those incorporated into the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and into constitutional, statutory and other laws of most domestic jurisdictions around the world.

Conclusion

The International Criminal Court will likely stand as the most significant international institution of the century. In the last 100 years, there have been hundreds of international and non-international conflicts, with countless international crime perpetrators enjoying impunity, because particular nations or the international community have been unable or unwilling to bring perpetrators to justice. The ICC promises to render justice to perpetrators, and to help deter future commission of international crimes. ■

Trafficking in Persons: Modern Day Slavery

by Nobuko Kudo ('03)



Nobuko Kudo

The absence of concerted political will to enforce international and domestic laws against trafficking renders trafficking a major, unresolved universal problem.

Definitions

In November 2000, the United Nations General Assembly defined "trafficking in persons" in the *Protocol to Prevent, Suppress and Punish Trafficking in Persons* (109 signatories, 19 ratifications and accessions), which supplemented the *UN Convention Against Transnational Organized Crime* (126 signatories, 26 ratifications): "Trafficking in human beings is the recruitment, transportation, transfer, harboring or receipt of persons by means of force or threat of force. It may also involve abduction, fraud, deception, abuse of power or the giving and receiving of payments for the purposes of sexual exploitation, forced labor, slavery-like practices, servitude or removal of organs."

Similarly, a United States Government Congressional Research Service Report defined trafficking in persons to encompass: "All acts involved in the transport, harboring, or sale of persons within national or across international borders through coercion, force, kidnapping, deception or fraud, for purposes of placing persons in situations of forced labor or services, such as forced prostitution, domestic servitude, debt bondage or other slavery-like practices."

Quantities and sources

The US Department of State, the UN Office for Drug Control and Crime Prevention (ODCCP), and other sources have commented on the quantities of persons trafficked each year, their countries of origins and destination, and human rights abuses associated with trafficked persons.

Those sources estimate that upwards of 2 million men, women and children each year are bought, sold, transported and held against their will in slave-like conditions. It is suggested that many international victims are trafficked from Asia, with over 225,000 victims each year from Southeast Asia and over 150,000 from South Asia. The former Soviet Union is believed to be the largest new source of trafficking for prostitution and the sex industry, with over 100,000 trafficked each year. An additional 75,000 are said to be trafficked from Eastern Europe, over 100,000 from Latin America and the Caribbean, and over 50,000 victims from Africa.

Men, women and children, from various regions of the world, are internationally trafficked for prostitution, sexual exploitation,

domestic servitude, sex tourism and other commercial sexual services, and are forced into labor situations in sweatshops, construction sites and agricultural settings.

The various reports contend that traffickers use threats, intimidation, and physical and mental abuse to control victims. This would include beating, rape, starvation, forced drug use, confinement, and seclusion. They report that many trafficked persons are exposed to HIV and AIDS, and are not afforded adequate medical attention.

Conclusion

Despite the worldwide problem of slavery in all of its forms, many if not most existing national legal frameworks appear to be ill-equipped to deal with the problem of trafficking in humans. Also, international frameworks for combating human trafficking are severely lacking. The mere existence of international instruments and domestic laws prohibiting trafficking is not enough. Nation states, and the international community as a whole, can exercise political will, coupled with strategic plans, to enforce extant law. Only if those actions are taken can human trafficking be eradicated globally. ■

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...Macedonia

(Continued from Page 7)

crossed the Macedonian/Kosovo border and the perception among Macedonian Albanians that they alone among their kinsman lacked freedom and self-determination, created an increasingly fraught situation.

During 2000, Macedonia remained relatively calm, but anyone traveling around the country could sense the growing tensions between the Albanians and Macedonians. The Albanians increasingly felt that they suffered numerous social and political affronts, while ethnic Macedonians increasingly suspected Albanians of holding separatist tendencies. These difficulties were exacerbated by Macedonia's growing economic crisis and massive corruption at the highest political levels.

Tensions leading to armed conflict

These tensions erupted into armed conflict in January 2001, when an armed Albanian political group, the National Liberation Army ("NLA"), attacked a police station in Tearce near Tetovo. This was followed by clashes near the border with Kosovo in February 2001. In March 2001, the conflict spread to the Tetovo area, and the Macedonian armed forces responded by bombarding mountain areas where it believed the NLA was based. As the conflict spread to other cities, including the area around the capital of Skopje, tens of thousands fled the fighting.

Ohrid or Framework Agreement

By mid-August 2001, with the country on the brink of much wider conflict, mediators appointed by the United States and the European Union facilitated an agreement between the President, Boris Trajkovski, and the leaders of the four main political parties, including the two largest ethnic Albanian parties. In this settlement, the so-called Ohrid or Framework Agreement, the political leaders agreed to reforms aimed at addressing discrimination against the Albanian minority. In return, the NLA agreed to disarm under the supervision of NATO forces and to disband. By the end of September 2001, NATO had collected more than the 4,000 weapons from the NLA, and an NLA spokesperson declared that the NLA had disbanded. To further reassure both communities, the international community deployed 200 monitors from the EU and the Organization for Security and Cooperation in Europe (OSCE) who operate in the country under the protection of NATO's Task Force Fox.

The parties also reached a separate, unpublished understanding



NATO Peace Keeping Force in Macedonia

that there would be an amnesty for most NLA members. Although delays in passing the amnesty law contributed to ongoing tensions within the country, it finally received parliamentary approval in March 2002. The Law covered "criminal acts related to the conflict of 2001" except "those under the authority of the International Criminal Tribunal for the former Yugoslavia and for which the Tribunal will start procedures". Currently there is much speculation in Macedonia that the country's former interior minister, Ljubce Boskovski, is the subject of a sealed indictment from the ICTY as may be the former leader of the NLA, Ali Ahmeti who, since the war, has emerged as the leader of a new political party and a major moderating voice in the Albanian community.

Key to the implementation of the Framework Agreement was parliamentary action amending the Constitution and passing a series of reforming laws designed to improve the status of Albanians in the country. Ethnic Macedonians opposed to concessions delayed the passage of these laws and almost threw the country back into war during Autumn 2001. Contrary to the spirit of the Framework Agreement, paramilitaries known as the "Lions" were set up by the Ministry of the Interior. Selected exclusively from among ethnic Macedonians who were members of the Macedonian Orthodox church and the ruling ethnic Macedonian party, they became the tools of the Interior Minister a virulent Macedonian nationalist and opponent of concessions. The Lions were guilty of cease-fire violations and are suspected in numerous attacks on Albanians.

Until Spring 2002, the national police were excluded from territory held by the NLA (around 10 percent of the country). The overwhelming identification of the police with the majority Macedonian population made Albanians suspicious of allowing them back into these areas. The Framework Agreement included provisions designed to increase the number of ethnic minorities in the police forces, and for the international community to provide police training. Although mixed Albanian and Macedonian patrols have re-entered much of this territory, some areas continued under "rebel" control.

Following the formal dissolution of the NLA in late September 2001, sporadic shootings, beatings, and property destruction continued. This violence has been variously blamed on armed Albanian gangs and on Macedonian reservists and the special police units. Despite these occurrences, the country has slowly begun to return to normal, although tensions remain high and fears persist that the conflict will resume.

Despite these fears, the reforms designed to facilitate the peace process and to improve the human rights situation have moved forward. These reforms, including recognition of Albanian as an official language, signal the end of Albanians' second-class status in the country. Potentially more important are the laws giving more power and authority to local governments. These laws hold out the possibility that all Macedonians will be able to exercise greater control over their daily lives.

The Autumn 2002 elections, which were to be a test, passed without violence or fraud. Hopefully the new government will give Macedonians the political space in which to rebuild the country.

Other Human Rights Problems

While the implementation of the Framework Agreement addressed some of Macedonia's major human rights problems, at

(See "Macedonia" on Page 20)

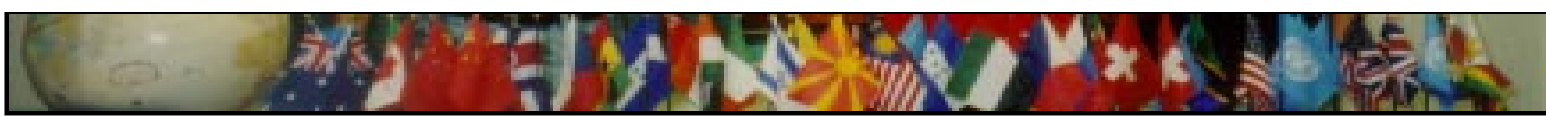


Photo Gallery - Program in International Human Rights Law



From left: Ms. Varsha Dhumale ('04), Azerbaijani Visitors Mr. Rovshan Issmailov & Ms. Aynur Bashirova, Mr. Shawn A. Reynolds (Director of the International Resource Center, IU Bloomington), Prof. George Edwards (PIHRL Director) & Mr. Namgyal Shallung (PIHRL Research Assistant)



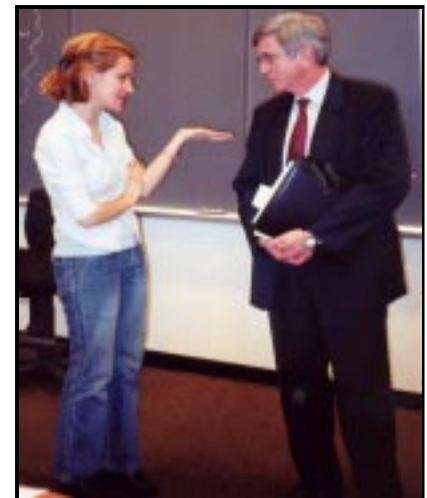
From left: Professor Li-yan Yang (Guangxi Normal University, PRC); Judge Gilbert Guillaume, President, International Court of Justice; Professor Edwards; Professor Kyuseok Moon, Hankook University (South Korea) — at Lauterpacht Research Centre for International Law while Prof. Edwards was Visiting Fellow at the University of Cambridge Law Faculty, United Kingdom



Amin Husain, Esq., (l) & Vivek Boray, Esq., from IU Bloomington, following their Law School lecture on the human right to self-determination in the Palestinian context



Conference Delegates at United Nations in Bangkok, Thailand: (left-right) Ravi Nair (South Asia Human Rights Documentation Centre – New Delhi, India); Cynthia Gabriel (Suaram – Selangor, Malaysia), James Gomez (Friedrich Naumann Foundation – Bangkok, Thailand); & Professor George E. Edwards



Ms. Amela Sijaric ('03) (l) & Mr. Edward Delaney, Esq. of Barnes & Thornburg, after his Law School talk on International Law & Human Rights in the Balkans.



Professor George Edwards lectured in Chimbote & Trujillo, Peru, under a Fulbright grant. He is here with his Peruvian students, who are enrolled in a Masters in Laws graduate program at Universidad de San Pedro, in Chimbote, Peru. He was the first U.S. lecturer to teach a course in the new graduate school program in Chimbote.



Three Ghana University Law Professors & Ghana Legal Resources Centre lawyers, who were 2001 & 2002 Intern Hosts) visit Indiana: (from left) Jacqueline Ayers ('02), Dominic Ayine, Cheryl Maman ('01), Raymond Atuguba, Janis Sims ('01), & Mohamed Ayariga (Dates in parentheses reflect the 3 students' internship years.)

...Macedonia

(Continued from Page 18)

least on the macro level, other problems remain. Corruption increasingly taints all of Macedonian society. Bribes paid to obtain services (including passing grades on university exams), to police, to judges, and to governmental officials deprive many Macedonians of social and political equality and to equal justice. The police are poorly trained and have been guilty of numerous cases of abuse and torture. While training provided by the international community has had a positive effect, particularly within segments of the customs service, the retention of old communist-era laws serves to make encounters with scrupulous customs officials somewhat problematic.

Although facing a better situation in Macedonia than most of the surrounding countries, the Roma in Macedonia still experience discrimination and social hostility. Lingering animosity from the Kosovo conflict generates many problems for the Roma among the Albanian population. While most other minorities do not face much overt discrimination, Serbs and Bulgarians have been unable to obtain religious services in their language due to conflicts over the independence of the Macedonian Orthodox Church.

Although the official status of women in Macedonia is one of equality, problems remain. In many rural villages and among the Roma, females receive grossly inadequate educations. Domestic abuse is a major problem, and the international community, working both through parliament and through NGOs, has been central in beginning to address this problem. Even more disturbing is the growing trafficking in women, with Macedonia increasingly becoming a transshipmentspace for women brought from the former Soviet Union, Rumania, and elsewhere.

Trafficking has been exacerbated by the political conflict, and some Albanian-majority areas have become centers for this and for other forms of organized crime. Among both Albanians and ethnic-Macedonians, ostensibly political para-military groups often slide into criminal bands. Cigarette, drug, and arms smuggling are major enterprises, and the presence of large numbers of armed bands in the country has led to a growth in protection rackets and extortion. Criminal activity often seems to be the only area where Albanians and ethnic Macedonians work together. Monies from criminal activities have corrupted the political parties and led to growing cynicism in the country.

Conclusion

Despite these problems, Macedonia has much going for it. Its citizens criticize the government openly, and the press is relatively free, although government control of the newsprint supply and the major printing house raises some concerns. The strong presence of inter-governmental organizations and non-governmental organizations has had a salutary effect on the country and its institutions. More than anything, what Macedonia requires is a period of relative calm. Such a period would give both its citizens and its institutions an opportunity to "catch-up" to the norms of democracy and human rights the country has set for itself. ■



From Left: Prof. George Edwards, Dr. Alajdin Abbazi (Rector of South East European University, Tetovo, Republic of Macedonia), & Dr. Edward Queen

** Dr. Edward Queen held two internships in 2001 through the Program in International Human Rights Law. He worked for a non-governmental organization in Skopje, Republic of Macedonia, and for another group in East Jerusalem. In Macedonia, he analyzed policies, ethnic and religious relations and the process of democratization. He has also been involved in a project to develop law and other curricula at Macedonian Universities.*



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