International Justice in Translation

The International Criminal Court (ICC) issued an arrest warrant in late 2018 for Alfred Yekatom, a former militia leader from the Central African Republic, on charges of war crimes and crimes against humanity. He was soon extradited to The Hague by Central African authorities. Yekatom served as leader of the Christian Anti-Balaka movement, which was formed to counter the Muslim armed group Seleka that took control of the Central African Republic’s government in 2013. Since the fighting erupted at that time thousands of people have been killed, and more than a million have been displaced.

In his first appearance before the Court, Yekatom, a Sango speaker, was asked a critical question by the presiding judge, one enshrined in provisions of the ICC Statute regarding the rights of accused persons: “Were you informed of the charges against you in a language you fully understand and speak?” “Yes,” replied Yekatom.

How does a language like Sango, spoken over a limited geographic territory, come to be adapted to the purposes of an international criminal proceeding? How are terms and descriptive phrases developed in Sango to express relevant legal concepts and crimes? Who assists Sango-speaking witnesses when they travel to The Hague to testify during a trial and orients them to courtroom procedures, the microphones they will speak into, and the images that will flash before them on a screen?

And, very importantly, who interprets their critical testimony simultaneously from Sango into English and French, the working languages of the Court – while conveying the tone of their speech, their inevitable hesitation, their emotion – so that it can become part of the official trial record?

These are just some of the questions that Leigh Swigart, Director of Programs in International Justice and Society, seeks to answer through her ethnographic project “Global Court, Local Languages: How the ICC Pursues Multilingual Justice.”

Swigart knows about this situation well from her longtime work with the Brandeis Institute for International Judges, which she has organized since 2003.

“All international courts must in some way accommodate the multilingualism...”

continued on p. 4
IN THE NEWS

Staff Highlights

In October, Cynthia Cohen shared remarks on behalf of the Ethics Center at a Brandeis campus vigil in memory of those killed at the Tree of Life synagogue in Pittsburgh. Transcript: brandeis.edu/ethics/news.

In June and July, Melissa Stimell directed the 9th year of the Brandeis in The Hague program in the Netherlands. Leigh Swigart was featured in an episode of the Curiosity Foundation’s TV series “New

HIGHLIGHTS OF RECENT EVENTS

AUGUST

The IMPACT initiative hosted a four-day design lab. (See page 3.)

SEPTEMBER

Jeanne Guillemin, PhD ’73 discussed the Tokyo war crimes trial at “The War Crimes That Disappeared,” cosponsored by the East Asian Studies Program and Legal Studies.

OCTOBER

Dr. Beverly Daniel Tatum was awarded the Gittler Prize. (See page 5.)


Leahy Ardon presented the one-woman play “Conflict Zone” as part of Hebrew Language Arts Week.


Brother and sister team Stephen and Elizabeth Ferry presented their book La Batea, which explores the lives of small-scale gold miners in Colombia through documentary photography and anthropological writing. Sponsored by the Anthropology Department, Latin American and Latino Studies, and the minor in Creativity, the Arts, and Social Transformation (CAST).

Climate scientist James Anderson discussed “Climate & The Human Consequences of Irreversible Change.”

NOVEMBER

The CAST minor hosted a screening of Because of the War, a documentary about four Liberian women who use their music to address injustice and inspire action for social change, and a Q&A with director Toni Shapiro-Phim.

The CAST undergraduate department representatives sponsored “Listen, Share, Create, Connect” – a space for conversation and creative responses to the Senate confirmation hearings of Brett Kavanaugh and the testimony of Christine Blasey Ford.

“20 Years of the Miseducation of Lauryn Hill” featured award-winning cultural critic, feminist author and pioneering hip-hop journalist Joan Morgan. Sponsored by the Department of African and African American Studies.

“Refugees in the Land of Refugees: The Israeli Asylum Regime in a Comparative Context” featured Dr. Tally Kritzman-Amir of the College of Law & Business in Israel.

Samuel Moyn, professor of law and history at Yale University, delivered the 55th Annual Simon Rawidowicz Memorial Lecture, “Rights and Nationhood from 1948 to the Present.” Sponsored by the Tauber Institute for the Study of European Jewry.

The Ebony Axis magazine coffeehouse “Flawless: More Than a Single Story” celebrated the creative work of self-identifying black women in the Brandeis community.

For more: brandeis.edu/ethics/news
Arts, Culture and Conflict Transformation: An IMPACT Design Lab

Imagining Together Platform for Arts, Culture and Conflict Transformation (IMPACT) is a collaboration among the Ethics Center’s Program in Peacebuilding and the Arts, the Baker Institute for Peace and Conflict Studies at Juniata College, and Maseno University in Western Kenya, supported by the Andrew W. Mellon Foundation. It is charged with designing a set of structures and processes to strengthen the field of Arts, Culture and Conflict Transformation. Since kicking off in September 2017, IMPACT has connected with some 500 individuals and organizations around the globe.

In September 2018 IMPACT hosted a four-day design lab on the Brandeis campus during which some of these practitioners and scholars discussed advocacy and strategy in the Arts, Culture and Conflict Transformation field. These are some of their reflections.

“My biggest question at the moment: how do we create more inclusive, more expansive, more liberatory and decolonial feminist futures, and imagine... that actual work of ‘imageneering,’ that imagination and the work it takes to imagine something that is different from our current oppression, while currently existing in the complexity and mess of what that is? How do we even start to talk about futures?”
– Refilwe Nkomo, South Africa

“Even though we are a group of people who are like-minded, we care about this, there are loads of differences amongst us, we come to this place from very different experiences. One thing that one person said was, ‘Who is not here?’”
– Kiran Singh, United Kingdom/United States

“There are also some people [in Colombia] who don’t want peace, because of the business. Gold is booming, and there is an economic base to this. (...) we are trying to enable people to imagine that there can be a different future. It’s hard for people to imagine that we can do it in a different way. [Until now] we are subjects of war, we are not subjects of peace.”
– Angela María Pérez Mejía, Colombia

“All images are from video documentation of the design lab.

“ I don’t know how often we put ourselves to a hard-nosed and steely-eyed look to what the impact is of our work, and how we can identify those aesthetic and artistic strategies that are most likely to have positive impact and where, because those strategies need to be different depending on where.”
– Germaine Ingram, United States

After a very successful global virtual learning exchange last year, IMPACT will be convening more learning exchanges on the Peace Insight platform in March, April, May and June 2019 to deepen conversations related to the field of Arts, Culture and Conflict Transformation and engage more people. The March learning exchange will be conducted in Spanish.

For a full report on the design lab, to stay updated on IMPACT, or to express interest in participating in a virtual learning exchange: brandeis.edu/ethics/peacebuildingarts/impact
Translation—continued from page 1

found across their geographic jurisdictions,” notes Swigart, “but the challenges facing the ICC are particularly daunting. It is currently providing interpretation and translation services in over three dozen languages relevant to its various cases.”

An anthropologist with a background in African sociolinguistics, Swigart is particularly interested in how the ICC accommodates speakers of African languages in its various activities, from investigations to trial proceedings to outreach programming.

As of early 2019, 32 African languages were “in play” at the Court. Providing the required language services is further complicated by factors that can include an absence of trained language professionals, the lack of existing words to denote specific international legal concepts, the lack of a written tradition for a language, and low rates of literacy in victim communities.

Swigart has interviewed more than 50 ICC staff members since she began her project in 2017, including language service providers such as terminologists, translators, field and court interpreters, and transcribers. She is also interested in the perspectives and experiences of staff who use these services, such as judges, legal officers, investigators, members of prosecution and defense teams, outreach and communication specialists, psychosocial evaluators, and victim support staff.

She has already presented preliminary results of her study in diverse settings: at a United Nations conference on multilingual institutions; at academic gatherings in the fields of anthropology, jurilinguistics, and legal studies; and even at the ICC itself. (See below for a list.)

Swigart is pleased by the enthusiastic reception to her project. “It seems to be filling a gap in knowledge about how the International Criminal Court functions,” she explained. “It may be taken for granted that interpretation into English or French is available at the push of a button, and translation through a simple written request to the Language Services Section. But few understand the hard work and innovation that takes place behind the scenes. The fact is that the important aims of the ICC – to bring about justice and end impunity – would be impossible without effective language services. They deserve to be the subject of serious study.”

The case of Alfred Yekatom is less challenging than one might expect, for the simple reason that Sango already played a central role in an earlier ICC case. The difficult work of developing terminology and training interpreters has already been done. Sango language staff can now be redeployed when necessary.

But new cases are on the ICC’s horizon, involving alleged crimes in countries as disparate as Afghanistan, Bangladesh, the Philippines, and Venezuela. Should these develop into full-fledged cases, the challenge of providing services in a new array of languages will start all over again.

Swigart hopes that her research findings will contribute to scholarly knowledge about how global institutions meet the challenges of multilingualism – particularly those associated with “languages of lesser diffusion” – and that her work will be of practical help to ICC staff across the Court as they encounter these languages.

Get more involved
Swigart has presented her research findings around the globe:

- International Criminal Court (The Hague, October 2017)
- PluriCourts conference on “Unseen Actors in International Adjudication” (The Hague, October 2017)
- Language and Development Conference (Dakar, Senegal, November 2017)
- “Multilingualism in International Organizations and in International Cooperation” conference (United Nations, New York City, May 2018)
- iCourts graduate seminar on “From Texts in the Making to Authoritative Judgments” (Copenhagen, Denmark, June 2018)
- “Jurilinguistics II” conference (Seville, Spain, October 2018)
- Annual conference of the American Anthropological Association (San Jose, California, November 2018)
- Expert meeting on Intersections of Law and Culture at the ICC (Utrecht, the Netherlands, December 2018)

Read more: brandeis.edu/ethics/internationaljustice
Closing the Empathy Gap: Community Building through Dialogue

Dr. Beverly Daniel Tatum, a renowned authority on racial identity and resegregation in America, was the 2018 winner of the Joseph B. and Toby Gittler Prize. The prize recognizes outstanding and lasting scholarly contributions to racial, ethnic and/or religious relations. Tatum was president of Spelman College in Atlanta, Georgia from 2002 until her retirement in 2015, when she was named president emeritus. Her critically acclaimed landmark book from 1997, Why Are All the Black Kids Sitting Together in the Cafeteria? And Other Conversations About Race, has been re-released in a special 20th anniversary version, with significant changes that reflect demographic shifts in America today. Tatum is also the author of Assimilation Blues: Black Families in a White Community, published in 1987 and Can We Talk About Race?: And Other Conversations in an Era of School Resegregation in 2007. She has conducted workshops and spoken on issues of racial identity across the country. Along with her books and thought leadership, Tatum has had an illustrious career in higher education. “In honoring Beverly Tatum, the University makes an important statement about values associated with both the Gittler Prize and with the University, such as the importance of positive inter-group relations, social justice, and leadership,” said Brandeis University President Ronald Liebowitz in his introduction. He expressed his hope that Dr. Tatum’s residency would “inform conversations about race at Brandeis itself, and support student leaders and faculty/staff partners as they continue to examine how our own institution addresses critical issues around race and diversity.” The Gittler Prize is hosted by the Ethics Center on behalf of the Office of the President.

The following is excerpted from Dr. Tatum’s October 3, 2018 lecture. Full video of the lecture and an interview with Dr. Tatum are online: brandeis.edu/gittlerprize/videos

When someone is viewed as other, there is less likely to be empathy. In order to bring about genuine change, we need genuine empathy. Chaos or community? Dr. King asked in his book. Our only healthy choice is to build a bigger tent, a larger circle of care, a more inclusive sense of community. Focused dialogue is the tool of choice for that community building.

Some people believe that talking about race will make things worse – that those who bring it up are playing the race card, creating problems where otherwise there would be none. Silencing the conversation, however, is just another way to maintain the status quo. You can’t solve a problem without talking about it. Learning how to have this dialogue is a necessary part of moving forward as a healthy society.

And it is of particular importance that white people who want to see social change learn how to have the conversation – not just with people of color, but with their white peers as well. We are at an important historical moment with regard to our nation’s legacy of dealing with race. It is a moment that contains both dangers and opportunities. We can allow the forces leading to greater segregation to drive us further apart as a nation. Or, we can use our leadership as active citizens to engage one another in the work of building community across lines of difference.

As Dr. King said, “racial understanding is not something that we find, but something that we must create.” Are we creating it? We could be.

Dr. King ended his book Where Do We Go from Here? with these words: he wrote, “We still have a choice today. Nonviolent coexistence or violent coannihilation.” But, he warned, “this may well be mankind’s chance to choose between chaos and community.”

If we don’t want chaos, we must choose community. We must choose to listen, even to the stories that are hard to hear, and close the empathy gap, working for lasting change, so we can all enjoy the fruits of our democracy as a united community – together.
FROM THE DIRECTOR

Coming Full Circle
continued from page 1

Understanding the seeds of conflict and using mediation strategies were important tools in my next position as Executive Director of the Mental Health Legal Advisors Committee, an arm of the Massachusetts Supreme Judicial Court dedicated to advising and informing the public, attorneys, and judges on legal issues related to mental disabilities. As the director of a small state agency, I was thrust into Massachusetts politics. I learned about the state legislative and budget-making process – how it works in theory and how unpredictable it actually is.

It has been such an honor to bring this expertise to my teaching at Brandeis University, in the Legal Studies Program and the Program in Social Justice and Social Policy. It is no surprise that my courses focus on experiential learning in conflict analysis and intervention, policy work at the state legislative level, and international legal issues in The Hague.

Such work fits seamlessly with the mission of the Ethics Center. I have served as Academic Program Director of the Center’s program ENACT: The Educational Network for Active Civic Transformation since its inception. ENACT teaches civic engagement, focusing on the process of state legislation. The Center’s Programs in International Justice and Society enhance the work of the international justice system and continue to support the Brandeis in The Hague program I direct. And the Center’s Program in Social Justice and the Program in Social Policy. It is no surprise that my expertise to my teaching at Brandeis University, in the Legal Studies Program and the Program in Social Justice and Social Policy.

It is personally and professionally gratifying to have this opportunity to come full circle and to delve deeper into these efforts. I look forward to collaborating with my Ethics Center colleagues, the University, and all of our partners to fully support such valuable and critical work.

ENACT

From the State House to Capitol Hill: An ENACT Student Journey

Sage Rosenthal ’19

It is summer 2018. I am working in the Longworth House Office Building in Washington, D.C. as an intern for Congresswoman Katherine Clark of Massachusetts. As a dedicated advocate for social justice, I am excited to be exposed to the work first hand. I am grappling with hot-topic policy issues and working hands-on with legislation, utilizing my passion for health.

I owe much of my confidence and motivation to apply for this internship to ENACT: The Educational Network for Active Civic Transformation.

Last spring I had the privilege of taking Professor Stimell’s “Advocacy for Policy Change” class at Brandeis University – the course the ENACT model is based upon. I explored the field of policy through a single piece of Massachusetts legislation: H.488: An Act to increase access to children’s mental health services in the community. I spoke with professionals in legislation, policy, and mental health. I delved into the advocacy field from a policy perspective, and brought my writing, speaking, and research skills to bear on a topic I care about. I also met with new ENACT Faculty Fellows at the ENACT Institute in May.

Ultimately, the ENACT experience was the driving factor that inspired me to work on Capitol Hill in D.C.

Engaging directly with the state legislative process in Massachusetts, and seeing it through the eyes of an advocate, has translated into my work for Congresswoman Clark, preparing me to be a thoughtful and effective staffer on the Hill.

I can better relate to constituents and advocacy groups because I have been in their shoes. I know what it is like to be an advocate fighting for social justice – and it is eye-opening now being on the other side of the conversation. I feel much more well-informed in the process and I better understand how constituents and advocates are taken into account.

At hearings and briefings I am able to consider the information from the speakers and House members both as a staffer and as an advocate. There are people in the audience filling various roles, and we are all here for the same purpose: a better understanding of the information. I am able to combine the roles I’ve played in advocacy, and continue my journey working for social justice and the topics I am passionate about.

Now, back at Brandeis for my senior year, I am serving as the 2018-19 ENACT Student Delegate, fostering greater civic engagement on my campus and facilitating engagement and interaction with ENACT students and alumni around the country.

I am incredibly grateful for the experience ENACT has provided me. As ENACT Student Delegate I hope to play a role in bringing to other students the same impact the program had on me. And I believe the hands-on work I was able to be a part of due to this network will be invaluable to me in my work after graduation.

Read more from Sage and other ENACT alumni: go.brandeis.edu/ENACT

From the State House to Capitol Hill: An ENACT Student Journey

Sage Rosenthal discussing her ENACT experience with Faculty Fellows Michael Rich (Emory University) and Joseph Mead (Cleveland State University) during the 2018 ENACT Institute (l-r).
Just Published: The Trials of Richard Goldstone

In *The Trials of Richard Goldstone*, published in December by Rutgers University Press, Daniel Terris, Director Emeritus of the Ethics Center, tells the story of an extraordinary individual and the price he paid for his convictions.

Richard Goldstone, a South African-born judge and human-rights lawyer, has served on the Center’s International Advisory Board since its founding and is a former chair of the Board. He was the chief prosecutor at the United Nations tribunals that tried leaders of Rwanda and the former Yugoslavia for war crimes. He also authored a controversial report on the 2008-09 conflict in Gaza between the Israelis and Palestinians.

The following is excerpted from a recent BrandeisNOW interview with Terris.

**What interested you about Goldstone?**

Before the Rwanda and former Yugoslavia war crime tribunals, there was really no mechanism for holding leaders responsible for mass atrocities committed on their watch. In successfully prosecuting most of these cases, Goldstone brought about a sea change in the way the world thinks about atrocity. He also played a leading role in the transition to democracy in South Africa, setting the stage for the later Truth and Reconciliation Commission.

**How do you assess what happened with Goldstone’s report on the Gaza War?**

Goldstone and his fact-finding mission [on the 2008-09 conflict in Gaza] did an excellent job of gathering evidence and describing the impact of the conflict on civilians in both Gaza and Israel. But from the very beginning, the government of Israel did not cooperate, so the members of the fact-finding mission had to draw their analysis and conclusions based on evidence from Palestinian sources, public documents, and from a small number of unofficial Israeli sources. One big piece of the puzzle was missing. As a result, the members of the fact-finding mission had to fill in some gaps through induction and a certain amount of guesswork that made the report vulnerable to outside criticisms.

**What is he like?**

Richard Goldstone is a soft-spoken, authoritative and confident commentator on his own life and the events of his era. He is justifiably proud of the role he has played in applying international justice throughout the world. The book draws on his insights, but the analysis and the conclusions are entirely my own. It is a tribute to Richard Goldstone’s character that he was willing to cooperate with my research, without any assurance that the end result would reflect the way that he sees himself.

Read more: brandeis.edu/now/2018/march/terris-qa.html

The Ethics Center is hosting a reading, discussion, and reception featuring Terris and Goldstone on March 18 at Brandeis. Details: brandeis.edu/ethics/events

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**Advocacy for Policy Change: Brandeis students work to reform Massachusetts law**

Nine years ago the Center helped launch “Advocacy for Policy Change” (LGLS 161b), an experiential learning course in the best Brandeis tradition of combining rigorous academic analysis with meaningful hands-on work. Students investigate the ethical dilemmas that arise in the process of lawmaking and engage in advocacy work with entities seeking to reform laws in Massachusetts or to propose new ones.

In spring 2018, “Advocacy for Policy Change” students tackled issues including automatic voter registration, paid family and medical leave, sexual violence on college campuses, access to mental health services for children, and substance use disorders.

An anthology of excerpts from their work is now available online as a PDF to read or download. Read it here: brandeis.edu/ethics/atbrandeis/advocacy

The national program based on the model of this course continues to grow. See page 6 for an update on ENACT: The Educational Network for Active Civic Transformation.
UPCOMING EVENTS

’déis IMPACT!
A Social Justice Festival

February 3 – February 9, 2019
Brandeis University Campus


Highlights include: “Justice for All: The Ongoing Fight for Reform of the Justice System and Prisoner Rights” (2/4 – 7 p.m.); “From Protest to Politics: The Ferguson Uprising; Challenging Longstanding Injustices” (2/5 – 8 p.m.); “Dr. Angela Y. Davis ’65 in conversation with Julieanna L. Richardson ’76 HD ’16” (2/8 – 5 p.m.).

Hosted by the Office of Diversity, Equity and Inclusion with support from the Ethics Center and the Louis D. Brandeis Legacy Fund for Social Justice.

More info: go.brandeis.edu/DEISimpact

Event updates, photos, video, academic resources and more: twitter.com/EthicsBrandeis

Richman Distinguished Fellow in Public Life Lecture

“Snapshots: Portraits of a World in Transition”

Anna Deavere Smith
March 21, 2019, 4:00 p.m.
Sherman Function Hall
Hassenfeld Conference Center
Brandeis University

Playwright, actor, and educator Anna Deavere Smith uses her singular brand of theater to explore issues of community, character, and diversity in America. The MacArthur Foundation honored Smith with the “Genius” Fellowship for creating “a new form of theater — a blend of theatrical art, social commentary, journalism, and intimate reverie.” Smith’s film and TV appearances include The American President, Rachel Getting Married, Philadelphia, Nurse Jackie, The West Wing, and Black-ish.

Free and open to the public.

Nominations for the 2019 Richman Fellowship are due March 1.
Details: brandeis.edu/richmanfellow

“Sampled: Beats of Muslim Life”

featuring Su’Ad Abdul Khabeer

February 7, 2019, 7 p.m.
Shapiro Campus Center Theater
Brandeis University

“Sampled: Beats of Muslim Life” is a one-woman solo performance by performance artist and anthropologist Su’ad Abdul Khabeer. It challenges dominant narratives on race and gender, religion, popular culture and citizenship in the contemporary United States. The central focus of “Sampled” is a concept she calls “Muslim Cool” — a way of being Muslim forged at the intersection of Islam and hip hop. “Sampled” is based on over seven years of ethnographic research among U.S. Muslims.

Free and open to the public.

Sponsored by the Ethics Center with support from the Bahalim Fund.
Presented as part of ‘deis IMPACT.

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