

Brandeis International Fellowships in Human Rights, Intervention, and International Law

A program of

**The International Center for Ethics, Justice, and Public Life
at Brandeis University**

Summary

The Brandeis International Fellowships in Human Rights, Intervention, and International Law brings together ten Fellows for a series of three one week Institutes over an eighteen-month period. During their time at Brandeis University, and through their work on individual research projects between the Institutes, Fellows explore the topics of human rights, intervention, and international law building on their own expertise and through discussions with scholars and practitioners from the Boston area and beyond. Justice Richard Goldstone, member of the Constitutional Court of South Africa, former Chief Prosecutor for the International War Crimes Tribunal for the Former Yugoslavia and Rwanda, and Advisory Board member of the International Center for Ethics, Justice and Public Life, is actively involved in the fellowship program. Justice Goldstone will also participate in a judicial education pilot project that will coincide with the second of the three Institutes.

Philosophy

The past decade witnessed severe and repeated crises around the globe related to human rights, many of which resulted in international intervention. The United Nations International Criminal Tribunals for the former Yugoslavia and Rwanda set bold new precedents for judicial involvement with respect to international human rights. The work of the Tribunals has also stimulated discussion of permanent courts for similar purposes. Jurists and diplomats from around the world are currently engaged in assessing the viability of an International Criminal Court.

As international intervention and judicial action in support of human rights become more prevalent, new questions arise concerning the ethical foundations and composition of such courts. What training do jurists need to address issues of international human rights and intervention? What are the guiding ethical concerns that underpin international judiciaries? On what legal foundation is their mandate built? How can judges best prepare themselves to adjudicate across ethnic, religious, cultural, linguistic, and national boundaries? What are the relative merits of justice and reconciliation? How can international courts focused on human rights secure their legitimacy and enforce their rulings? What lessons can be learned from past experiences, and how can this knowledge be used in the service of future efforts?

Questions, rather than answers, tend to dominate discussions of this important emerging field of judicial action. We seek to frame the core issues, illuminate past successes and failures as well as new ideas, and identify ways of preparing judges for these new responsibilities.

Goal

This fellowship program convenes scholars, educators, activists and judges from around the world for a combination of collaborative sessions and individual reflection. Their efforts focus on developing a framework for reflective practice in international courts on issues of human rights and intervention. Participants in the program attend three institutes over eighteen months designed to develop a methodology for orienting new international judges to ideas and responsibilities in these areas. They will also produce projects related to the Fellows program, such as scholarly articles or teaching modules for judges. Their work over the course of the program will pioneer new frameworks for thinking about international intervention and human rights, and new means of preparing jurists for the challenges of this emerging field.

The Experience

The Fellows will meet together for three one-week institutes: in November 2001, June 2002, and April 2003. Between institutes, they will work on research, writing and education projects designed to enhance the reflective practice of the international judiciary in the areas of human rights and intervention. The second institute, in June 2002, will coincide with a pilot program for international judges, in which the Fellows will participate.

The Institutes will draw upon the experience of the Fellows, and on the expertise of guest scholars and practitioners from Brandeis University, the Boston area, and the northeastern United States.

The First Institute

November 11-16, 2001

The Brandeis International Fellows in Human Rights, Intervention, and International Law met for the first of three Institutes in November, 2001. The week-long gathering focused on intensive discussions designed to introduce the Fellows to each others' work, and to build connections among them for their future work together.

The core of the program consisted of ten hour-long discussions, each of which examined on the professional experience and perspective of one of the Fellows. Topics ranged from a philosophical dialogue on the question "what are rights," to discussions of gender bias in the judiciary, the proposed combined national-international tribunals in Cambodia and Sierra Leone, and the diplomatic debates over armed intervention. These conversations began the process of creating a common basis of knowledge on which collaborative work can built.

In addition, the Fellows engaged in dialogues with Center Advisory Board member Justice Richard Goldstone and with Michael Ignatieff, Director of the Carr Center for Human Rights at Harvard University. Meetings with faculty, students and staff from Brandeis University and a public panel discussion on the aftermath of the September 11 terrorist attacks rounded out the week.

Projects

November 2001 – June 2002

Projects may take many forms, but the most likely would be a scholarly article or a teaching module for international judges. These projects will grow out of the Fellows' experiences and the discussions at the First Institute. The projects may take the form of individual writing and research, or they may grow into collaborative projects among Fellows.

The Second Institute**June 12-19 2002**

The Second Institute will focus on discussion of the original work produced by the Fellows in their projects. This collaborative process of intellectual examination is intended to strengthen the projects and will inform the subsequent revisions.

Building on the work of the First Institute, these discussions will also seek to further the process of creating a comprehensive framework for orienting international judges to issues of human rights and intervention.

The Second Institute will also coincide with the Brandeis Institute for International Judges (BIIJ), a pilot judicial education project. Several of the Fellows will lead sessions for the judges, and all of the Fellows will participate in several joint sessions with BIIJ participants.

Projects**June 2002 – April 2003**

Fellows will refine and prepare their projects for publication, based on the work done at the second institute and their experiences with the pilot program.

The Third Institute**March 30 – April 5 2003**

Coinciding with the publication of a compilation of Fellows' projects, the final institute will focus on the development of a long-term plan for educating international judges. The Institute will focus on creating an implementation plan for the ideas generated during the previous Institutes, and the teaching modules designed by the Fellows. The content and structure of the educational programs conceived during the cycle of three Institutes will form the basis of a new judicial education program sponsored by the International Center for Ethics, Justice, and Public Life. The Third Institute will also coincide with a public conference to disseminate the products of the fellowship program.

Biographies of the Fellows

David Benatar is Senior Lecturer in the Department of Philosophy at the University of Cape Town, South Africa. Dr. Benatar teaches courses in applied ethics, contemporary moral and political philosophy, critical thinking, bioethics, and philosophy of law. He is the author of numerous articles and *Ethics for Everyday*, due in August 2001.

Brian Concannon Jr. is a human rights lawyer and activist. Since 1996 he has managed the Bureau des Avocats Internationaux, an office funded by the Haitian government to help the judiciary prosecute human rights violations from Haiti's 1991-94 dictatorship. Mr. Concannon is currently working on an article entitled "The Bureau des Avocats Internationaux: a victim-centered approach" for the volume *Effective Strategies for Protecting Human Rights*.

Peter Ford is British Ambassador to Bahrain. He is also a linguist and a Middle East specialist with extensive experience in the politics and economics of the region. Prior to becoming Ambassador, Mr. Ford served as Head of the Near East and North Africa Department in the British Foreign Office and Senior Advisor to the Foreign Secretary on the Middle East peace process. His other diplomatic posts have included Riyadh, Paris, Cairo, and Beirut.

David Hawk is a consultant on human rights and international affairs. He has consulted for organizations such as the Landmine Survivors Network, Fair Labor Association, U.S.

Committee for Refugees, and Amnesty International. Mr. Hawk also served as Head of Office and Chief of the Education, Training, and Information Unit for the U.N. High Commissioner for Human Rights Cambodia Office in Phnom Penh. He is currently researching and writing on the subject of “transitional justice in Phnom Penh.”

Naina Kapur is an attorney and Director of Saskhi, a violence intervention center in New Delhi, India. She is also Co-chairperson of the Asia-Pacific Advisory Forum on Judicial Education and Equality Issues, an ongoing judge-led effort to mainstream gender equality issues within the judiciary with specific emphasis on violence against women. In addition, she is Legal Counsel for a test case before the Supreme Court of India focused on re-interpreting the existing law on rape.

Agnieszka Klonowiecka-Milart is an international judge with the United Nations Mission in Kosovo, serving on the Pristina District Court. She also serves as a District Court Judge in Lublin, Poland. Judge Klonowiecka-Milart began her international judicial experience in 1998 when she was selected by the United Nations as head of the Judicial Revue Team that examined the judiciary system in Bosnia and Herzegovina. Prior to her time on the bench she taught criminal law and procedure in Poland.

Chidi Anselm Odinkalu serves as Senior Legal Officer for the Africa, Liberty, and Security of Persons Programmes at Interights in London. He has also been a Solicitor and Advocate of the Supreme Court of Nigeria since 1988. An active member of the Executive Boards of several NGOs, he has also served as a Human Rights Advisor for the U.N. Observer Mission in Sierra Leone. Mr. Odinkalu’s most recent book *Building Bridges for Rights: Inter-African Initiatives in the field of Human Rights* follows two monographs on Nigerian legal issues.

Nancy Paterson spent the past seven years serving as Acting Senior Trial Attorney at the International Criminal Tribunal for the former Yugoslavia (ICTY). She was the senior lawyer in charge of the investigation of Slobodan Milosevic. Her work at the ICTY involved, which included several other major investigations, involved dozens of field missions to Bosnia, Serbia, and the Republic of Srpska. Prior to her work at the ICTY Ms. Paterson spent over ten years an Assistant District Attorney in New York County.

Shiranee Tilakawardane was the first woman appointed as a Court of Appeal Judge in Sri Lanka. Previously, she was a High Court Judge and an Admiralty Court Judge. Judge Tilakawardane’s efforts are focused on the fields of equality, gender education, and child rights. She has been active in Sakshi of India’s gender workshops for judges, the Asia Pacific Forum for Gender Education for Judges, and serves on the International Panel of Judges for the Child Rights Bureau.

Silvana Turner is an investigator and researcher for the Argentine Forensic Anthropology Team, an organization that applies the techniques of forensic anthropology to the investigation of human rights violations. Ms. Turner is also an assistant lecturer at the University of Buenos Aires, Argentina. In addition to participating in investigations in Argentina, she has joined forensic teams working in Brazil, Bolivia, Colombia, Panama, Guatemala, Honduras, Bosnia, Kosovo, the Philippines, and Ethiopia.

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