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International Law and Foreign Affairs Digest

In This Issue

Transitional Justice in Chile:
The Chilean Truth Commission and its Recommendations

BY MUHAMMAD USMAN FARIDI, 1L

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"Law is caught between the past and the future, between backward-looking and forward-looking, between retrospective and prospective, between the individual and the collective."

- Ruti Teitel, *Transitional Justice*[1]

Human rights offenders in violent internal and international conflicts around the world may now fear prosecution under the Alien Tort Claims Act[2] as well as in domestic courts. Prosecution is a powerful instrument of justice, but it is not the only remedy for addressing human rights abuses or healing war-torn societies. Truth commissions[3] are a new addition to the field of transitional justice that function as an alternative to criminal prosecutions to deal with a pattern of abuses in a nation's past. Truth commissions are essentially fact-finding missions, each with a unique mandate to document a history of abuse. These investigative bodies record the causes and consequences of violence, empowering victims to tell their stories about the traumatic events of the past.

This article will examine Chile's truth and reconciliation commission[4] to determine whether its final recommendations were carried out and implemented in the country's judiciary. The latest developments in Chile conclude that the government and judicial system have responded positively to the recommendations, as there has been much pro-

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Turkey's Barriers to Entry to the European Union:
Examining the Evidentiary Difficulties of Holding Governments Responsible for Human Rights Violations

BY LOUISE BOHMANN, 2L

Turkey and the EU

Turkey first applied for membership to the European Union's precursor, the European Economic Community, in 1959. Since then, Turkey has remained closely forged with the European alliance, but has failed to realize its aspirations of becoming a member of the European Union (EU). This is partly due to the economic and political climate that has interchangeably dominated the talks between Turkey and the EU, but more significantly due to Turkey's alarming human rights record.

The EU and Turkey only formally entered into an agreement in 1999 to begin Tur-

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Editor's Note

Thank you for reading the *International Law and Foreign Affairs Digest.* The *Digest* is a publication of the International Law Organization (ILO) at CUNY School of Law.

The *Digest* serves as a medium through which students interested in international law and events may educate others, express their views, and in effect, amplify interest in the field.

The articles, like the law school's student body, cross many cultures and disciplines. The strong activism CUNY students are known for is demonstrated in the Op-Ed section. Please note, however, the *Digest* does not align itself with any of the views expressed in this newsletter.

In previous years, this publication was called the *International Law Newsletter.* In light of the nature and quantity of submissions this year, the name no longer seemed to fit. The articles were too intellectual and not all of them focused solely on the law. The current name was decided after a vote was taken amongst ILO members. Thank you members!

I would especially like to give a very big thank you to the *Digest*'s devoted editors and faculty advisor, Professor Andrea McArdle. Thanks to your scrupulous attention to detail, the *Digest* has evolved into a truly professional looking piece that we are all immensely proud of. The time you dedicated to the *Digest* is hugely appreciated, considering your additional workloads.

And last, but certainly not least, thank you writers! Literally, without your articles, there would be no *Digest*! I was thrilled to receive such diverse and involved articles. Your submissions have catapulted the *Digest* to a new level of sophistication and scholarship.

Good luck on finals and I hope to see an active ILO next year!

Patricia Allen, 2L
Editor-in-Chief

Action Through Architecture

BY YASMIN TABI, 1L

When we think of humanitarian aid, we do not imagine international design and architecture competitions. However, Architecture for Humanity (AFH) has been providing sustainable housing and building solutions for international, social, and humanitarian crises since 1999, and has entered the new millennium with even more progressive ideas and action.

AFH was founded by Cameron Sinclair, an architect/designer who was named by *Fortune Magazine* as one of the "Aspen Seven" in 2004 (a list of seven people changing the world for the better). AFH encourages and creates opportunities for international architects and designers by offering workshops, competitions, educational forums, and various partnerships designed to facilitate humanitarian aid efforts. Past competitions have included "Outreach: Design Ideas for Mobile Health Clinics to Combat HIV/AIDS in Sub-Saharan Africa (2001-2004)," which was an effort to create a mobile facility for treatment and awareness education to people who had almost no access to even the most basic care. Statistics have shown that as many as 10,000 people, if not more, can be treated by a single clinic. A mobile center could provide treatment beyond those numbers. AFH has also initiated the "Transitional Housing for Kosovo's Returning Refugees (1999-2000)," a relief effort to create housing quickly and effectively for the hundreds of thousands of returning citizens so that they could move back and be assured that their homes, however temporary, would serve their purpose until the families got back on their feet.

Yet another project took place in February of 2005, when AFH hosted "SPICE," a photography exhibition and anonymous auction in New York to help raise funds for disaster-stricken areas in Southeast Asia following the tsunami. Photographs of images portraying the lives of Southeast Asian citizens as well as their culture were solicited for the event in an attempt to "harness the creativity, international outlook and collective spirit of compassionate globetrotters, and of professional and amateur photographers from all over the world."

What brings AFH even closer to any humanitarian activist's heart is the recently wrapped competition for building a soccer facility in Somkhele, located in the Hlabisa municipality of northern KwaZulu Natal, South Africa. (Above is a map of the Hlabisa District.) The project is called "*Siyathemba*" (Zulu for "hope"), and its premise is two-fold. The soccer facility, the first of its kind to cater to females in the area in such a manner, will host a soccer team for girls ages 9-14. It will provide them with a nurturing community and a safe place to come together and simply play. Equally as important, *Siyathemba* will provide educational forums on HIV/AIDS in one of the most affected areas of the world. Essentially, the girls will play soccer and then gather together with medical professionals trained at the Africa Center for Health and Population Studies to learn about HIV/AIDS prevention and treatment—knowledge that is desperately needed and useful. The pitch itself is to be built in the summer of 2005 by using local building material and labor, a project that might cost only $5,000 in the U.S. In an area where

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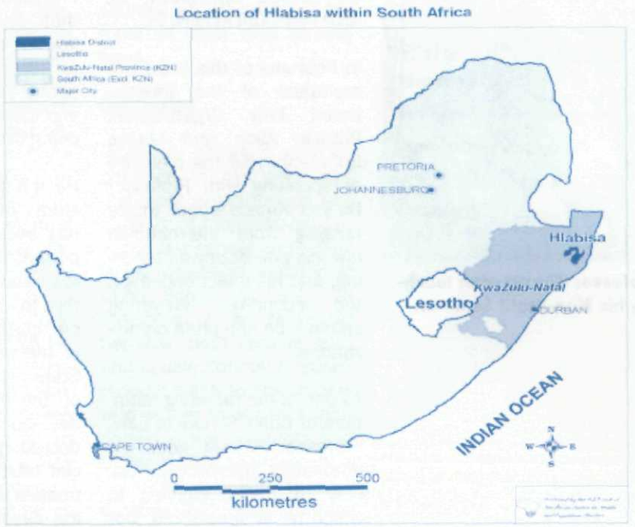

Location of Hlabisa within South Africa

"The soccer facility, the *first of its kind to cater to* females in the area in such a manner, will host *a soccer team for girls* ages 9-14."

A Conversation with Professor Dinesh Khosla

Professor Khosla after teaching his Non-Profit Seminar.

BY LOUISE BOHMANN, 2L AND PATRICIA ALLEN, 2L

In February of this year, two members of the International Law Organization, Patricia Allen and Louise Bohmann, had the pleasure of speaking with Professor Dinesh Khosla about topics ranging from international law, his philosophy on teaching, and his latest endeavor, the second-year lawyering seminar on non-profit organizations.

As one of the founding members of CUNY School of Law, Professor Khosla adds an interesting perspective, not only to the disciplines in which he is specialized, but also to the pedagogy of the school. Professor Khosla is well-known throughout the CUNY community; what is lesser known about him is his background in social activism and his vast experience in establishing and leading non-profits in the United States and abroad.

"One of the concepts in law that most interested him was the idea of distributive justice."

The Role of International Law in the Law School Curriculum

Professor Khosla's passion for international law is rooted in a true belief that the interconnectedness between global systems of jurisprudence demands that the practice of studying foreign systems of law should be a crucial part of the core law school curriculum and be heavily integrated into the law school classroom early on in a student's legal education.

Professor Khosla believes that studying comparative law not only builds tolerance to foreign ways, but also opens the mind up to new and (perhaps) better ways of doing things.

He is a firm believer that the study of international law has become even more important than when he was a law student. He attributes this to the growing reliance on international precedent in the courts of the United States and the globalization of the marketplace. This development he sees reflected in the increased judicial citation to international treaties and law in determining cases involving international trade and even domestic issues. Professor Khosla cites as one reason for this among many the United States ratification of the United Nations Convention on Contracts for the International Sale of Goods (CISG).

The CISG governs the law of contract formation and the rights and duties of the parties involved in international trade. At least forty-five countries, including France, Germany, Mexico, and China, have ratified the CISG.

The Perspective of Distributive Justice

When Professor Khosla was pursuing his law degree in India, he studied the major legal systems of the world as part of his core curriculum. One of the concepts in law that most interested him was the idea of "distributive justice."

Models of distributive justice are founded on central elements of jurisprudence found everywhere; namely principles of "equality," "equity" and "need." Distributive justice thus deals with the just allocation of scarce resources in accordance with the philosophy that everyone receives their "fair share."

Professor Khosla, since his introduction to the law, has passionately attempted to bridge the gap between legal theory and the execution of law in the service of human needs. He sees non-profit organizations as a vehicle for the re-distribution of resources to achieve social justice.

Professor Khosla emphasizes the importance of not studying law in isolation, but bringing an understanding of economics and sociology to the discipline so as to achieve the law's maximum potential of achieving positive incremental change.

Non-Profit Seminar

This is the first semester Professor Khosla is teaching the Non-Profit Seminar for second-year students. He credits the idea of starting the seminar to Maureen McCafferty, his assistant for many years. He was tackled with the idea of leading a seminar, but was unsure as to what area of law he would cover. It was Maureen who

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Professor Dinesh Khosla

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presented the idea to him and encouraged him to persevere in its creation.

The seminar has two objectives. First, through learning the nuts and bolts of non-profits, students will appreciate the value of grassroot activism by discovering the methods of realizing what resources are available and how to use them. Second, through studying Professor Khosla's method, students will learn to use law in a more non-traditional sense as a tool to effect social change, an objective which ties into his commitment to distributive justice.

Professor Khosla believes a student can approach the non-profit seminar in one of two ways. One angle may be that a student simply studies the creation, formulation, and dissolution of non-profits with the purpose of aiding in the creation of one in the future. Or, a student may direct his or her motivation to effect social change into the creation of a non-profit and dedicate him or herself completely to the endeavor. He encourages students to take the second route. He is a firm believer that social change can be achieved if non-profits are used as an instrument by which to effect change and re-distribute resources, fiscal or others.

He has created a multitude of non-profits throughout his lifetime addressing a wide variety of issues from calming tense relations between Tibetan refugees and Indian residents in a small Indian village to saving elderly tenants from being evicted in upstate New York.

Professor Khosla's method is not to simply save the needy from their situations, but to teach them the skills necessary to sustain themselves. He has spearheaded more than twenty projects both domestically and in India in which he has taught people how to pool their resources and thus make the most of what they already have.

Conclusion

Professor Khosla's vast experience in his work with non-profit organizations and support of international law in the law school curriculum is an invaluable addition to CUNY School of Law. As members of the Non-Profit Seminar, both Patricia Allen and Louise Bohmann recommend it highly to any student who wishes to pursue a legal career in the non-profit sector or realize their potential in social activism through establishing and running their own organization. Professor Khosla's teaching is an inspiration to those who desire to pursue careers in the international or non-profit arenas and epitomizes the spirit of CUNY and the social commitment and activism of CUNY students.

"Students will learn to use law in the more non-traditional sense, as a tool to effect social change."

Turkey's Barriers to Entry to the European Union

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key's process of attaining membership. This "accession agreement" comprises a range of assessment mechanisms relating to the adequacy with which Turkey has fulfilled the social and political objectives of the "Copenhagen Criteria." The Copenhagen Criteria are the EU's formal criteria that must be met in order for a state to be considered for membership in the Union. The Copenhagen Criteria require that the state wishing to join the EU has a sustainable (free) market economy and has achieved "stability of institutions guaranteeing democracy, the rule of law, human rights, as well as respect for and protection of minorities." Based on a close examination of the country's economic, social, legal, and political systems, the EU draws up an aquis which specifies in detail the reforms that the petitioning state must implement in order to meet the goals of the Criteria.

The aquis drafted for Turkey required extensive political, administrative and judicial reform, as well as improvement in the public administrative capacity of the country. Early reports evi-

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Turkey's Barriers to Entry to the European Union

"... persistent cases of torture, disappearances and extra-judicial executions not- withstanding repeated official statements of the government's commitment to ending such practices."

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denced extensive human rights abuses committed at the hands of the government, corruption both in the judicial and political system, and a military dominance of public affairs. The EU's first assessment report on Turkey's internal governance stated that the European Commission had found "persistent cases of torture, disappearances, and extra-judicial executions, notwithstanding repeated official statements of the government's commitment to ending such practices." Each subsequent report has expressed similar concerns, identifying only minimal improvements in the area of human rights.

Despite Turkey's discrepant domestic human rights record, the country has signed and ratified all major instruments of international law in the area of human rights. Turkey ratified the European Convention on Human Rights (ECHR) in 1954, but only subjected itself to the jurisdiction of the European Court of Human Rights, the enforcement mechanism of the convention, in 1990. Turkey did not permit individual petitions to the court until 1997. Since then, more complaints have been filed to the European Court of Human Rights by Turkish citizens against Turkey than any other European nation. The bulk of these complaints rest on allegations of torture, illegal detentions, extra-judicial killings or disappearances, destruction of evidence, disproportional penalties to the crime committed and institutionalized practices of non-enforcement of reforms in the area of freedom of speech and freedom of assembly. Since October 2003, the court has received 2,934 petitions from Turkish citizens alleging some form of violation of the ECHR, the vast majority of which were found against Turkey. In a recent report on torture in Turkey's prisons, Human Rights Watch furthermore reported that 692 complaints of incidents of torture and ill-treatment were submitted to the Turkish Parliamentary Human Rights Commission in the first six months of 2004 alone.

Evidentiary Challenges

Because of the domestic challenges of receiving a fair trial, the European Court of Human Rights plays a significant role in ensuring that Turkish citizens are getting judicial redress for harms suffered at the hands of their own government. However, the evidentiary challenges that face the court are vast.

Conventionally, the biggest challenge facing petitioners before the European Court of Human Rights is the lack of documentary evidence available to prove their claims. In the majority of cases involving allegations of torture and ill-treatment, Turkey has denied the charges against it, but more significantly, often refuted the existence of any records to corroborate the applicants' allegations. In the face of such denials, the burden on the applicant is amplified because the government has an inherent responsibility to maintain documents such as arrest records and other documentation that will increase the accountability of officials acting on behalf of the government. In the absence of such records, proceedings are reduced to the applicant's word against that of the government.

In response to these difficulties, the European Court of Human Rights has adopted evidentiary standards that take into account such discrepancies and give the court the required discretion to permit a finding of violations where there is a lack of documentary evidence or where such evidence runs contrary to other more credible evidence. In cases involving allegations of torture or governmental mistreatment of detainees in police custody, the court shifts the burden of proof to the government if the court concludes that an arrest took place, even where the arrest is uncorroborated by the government.

Although the court in these criminal trials universally applies the "beyond a reasonable doubt" standard, once the burden has shifted, the court will hold the government liable for the violations alleged "absent a plausible explanation" for the

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Turkey's Barriers to Entry to the European Union

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injuries suffered by the applicant. In adopting this standard, the court has gained sufficient latitude to sustain findings of human rights abuses despite limited evidentiary underpinnings.

The standards adopted by the court have been instrumental in the documentation of human rights violations directly attributable to the Turkish government. In addition, it provided the EU with a comprehensive judicial check on Turkey and a framework within which to evaluate human rights conditions and to pursue further adjustments in areas that fall below the ECHR standards. The EU, for example, has benefited from the court's repeated attack on Turkey's undue delays and general prosecutorial misconduct under Article 13 of the convention, enabling the EU to mount pressure on Turkey to more effectively implement and enforce the judicial reforms prescribed in the aquis.

Tellingly, the EU has chosen to continue to monitor Turkey's compliance with the ECHR and decisions handed down by the European Court of Human Rights after having made the determination in October of 2004 that Turkey had sufficiently met its obligation under the Copenhagen Criteria to progress to the second stage of the accession process.

The Rugged Path

Despite the EU's vote of confidence in Turkey, the European Commission has ruled out that accession can take place before 2015 "to avoid endangering fifty years of European integration." Turkey has in the past accused the EU of stalling the process of Turkish accession, not on human rights grounds, but because it, as a member of the EU, would become the single largest country in the EU with over 70 million people, and the only country with a predominantly Muslim population. The EU has staunchly denied such allegations, but has thus far had sufficient grounds for keeping Turkey out of the Union on the basis of its appalling human rights record, its well-documented institutionalized violence targeted at the ethnic Kurds, and its part-occupation of Cyprus. It remains to be seen whether the reforms set out in the aquis will be implemented sufficiently so as to calm the nerves of the EU.

Turkey stands to gain significantly by joining the EU, especially economically. Turkey's standard of living is currently one-quarter of any EU country. Becoming a member of the EU would permit Turkey to take advantage of the free trade agreements within the Union, the common currency, and central funding appropriation, particularly in the area of agriculture and fishery.

Since 2003, Turkey has adopted nine reform packages mandated by the EU as part of the aquis, including abolishing the death penalty and adopting a zero-tolerance policy towards torture in police custody.

Currently, Turkey's primary barrier to entry to the EU is therefore not the implementation of reform, but the lack of enforcement of these reforms, which is evidenced by the continuous stream of complaints directed at the European level to the European Court of Human Rights and domestically at the Turkish Parliamentary Human Rights Commission. Most recent reports, however, show that the EU is pleased with Turkey's progress, but wishes to keep a close eye on Turkey in order to keep on track for the proposed accession in 2015 and the final round of the accession negotiations set to take place in October 2005.

Despite this optimism, Turkey keeps sending mixed signals to the EU, with the most recent scandal to hit the news citing police brutality against women protestors with the use of teargas and officials kicking the women in their faces just as EU officials arrived in Ankara on March 7, 2005 to continue talks with Turkey over its EU bid. At these talks, it furthermore emerged that Turkey has failed to honor the pledges to 387,000 Kurds displaced as a result of Turkish security forces expelling them from their homes in Southern Turkey over the past decade.

In light of such developments, the question remains whether Turkey is in fact able to live up to the more

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"Becoming a member of the EU would permit Turkey to take advantage of the free trade agreements within the Union, the common currency, and central funding appropriation."

Turkey's Barriers to Entry to the European Union

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concrete demands placed upon it to attain EU membership. Currently, Turkey appears to be jeopardizing its position and must start accepting responsibility for its actions and bring violations of human rights perpetrated under the color of government to an immediate halt. If not, then it may eventually have to opt out of such international engagements when other nations are no longer willing to overlook Turkey's obvious disregard for its international and European treaty obligations.

OPEN CALL FOR SUBMISSIONS

If you would like to write for the International Law and Foreign Affairs Digest email us at ilo@mail.law.cuny.edu!

Internships in International Law

Increasingly, U.S. organizations and judges, recognizing the growing impact of international human rights law on the home front, look for students with a background in international human rights.

In light of the growing application of international law, on November 22, 2004, the International Law Organization was pleased to welcome Professor Rhonda Copelon at our *Summer Internships in International Human Rights Law* event at CUNY School of Law. The following is a summary of what Professor Copelon presented.

The Path

The path to a career in international human rights is not a straight line; there are many ways to enter the field. It is not always advisable to enter the field having only experience in human rights advocacy. Students should consider first building a skills foundation in litigation. This way, skills in knowing how to deal with an adversary, presentation of facts, and strategy are strengthened.

In addition to opportunities to engage in rights advocacy abroad, it is worthwhile for students to seriously consider human rights work in the United States. Professor Copelon suggests that students interested in interning abroad should split their summers so that they intern six weeks abroad and six weeks domestically.

Deciding what kind of internship to do the summer after your first year, versus the summer after your second year, involves thinking about what you have to offer to the internship and when you will get the most out of an experience. If you want the summer internship to involve more sophisticated work (constitutional/civil rights litigation) it is recommended you go after your second year. That way, you would have already taken the key substantive law classes, such as Constitutional Structures. The summer after your first year might be a better time to get client experience and familiarity with issues. A good way to keep on top of issues before you start your internship is through the United States Human Rights Network at http://www.ushrnetwork.org.

As for grades, Professor Copelon stresses that internships in international law are highly competitive. Good grades help.

Financing

Most international human rights internships abroad are not funded and you will have to cover your own airfare and living expenses. Keep in mind, depending on what part of the world you are in, living expenses may not be so high. Good sources for funding are a PILA grant, CUNY Fellowship, and scholarships from the Irish Law Students Association and the International Law Organization.

Where Are the Internships?

Professor Copelon has maintained relationships with colleagues worldwide who look for interns and encourages students to explore their options with her. Email your resume to copelon@mail.law.cuny.edu and type "SUMMER INTERNSHIP" in caps in the subject heading. She will also need a reference from a professor who knows you well.

Professor Andrews also arranges internships abroad for students. She is currently on sabbatical, but may be reached at andrews@mail.law.cuny.edu.

Professor Copelon also suggests interning at CUNY's International Women's Rights Clinic over the summer. She is happy to take students but also encourages them to branch out and gain from experience and networking with other organizations.

The following is a list of recommended organizations, internship resources and programs that operate within the field of international law.

Organizations

ACLU

American Friends Service Committee

Amnesty International USA

Arnold Mireles Human Rights Project

Audre Lord Project

Brennan Center for Justice

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"Increasingly, U.S. organizations look for students with a background in international human rights."

Internships in International Law

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at NYU School of Law

CAAAV: Organizing Asian Communities

Center for Constitutional Rights

Center for Economic and Social Rights

Coalition for Humane Immigrant Rights of Los Angeles

Columbia University Law School

Columbia University School of Public Health

Community Legal Services

Deaf and Deaf-Blind Committee on Human Rights

Ella Baker Center for Human Rights

Ho-Chunk Nation Court System

Human Rights Watch

Incite! Women of Color Against Violence

Indian Law Resource Center

Jobs with Justice

Kemba N. Smith Youth Foundation

Kensington Welfare Rights Union

Mental Disabilities Rights International

Mississippi Workers Center for Human Rights

NAACP Legal Defense Education Fund

National Center for Human Rights Education

National Coalition to Abolish the Death Penalty

National Network for Immigrant and Refugee Rights

Sentencing Project

SisterLove, Inc

SW Alliance to Resist Militarization

Texas Coalition to Abolish the Death Penalty

United Food and Commercial Workers, Local 1529

Urban Justice Center

Western Shoshone Defense Project

WILD for Human Rights

Women's Economic Agenda Project

Women's Rights Network

Internship Resources

Center for Human Rights and Global Justice Links: http://www.nyuhr.org/links.html

Institute for International Law and Justice

Castan Centre for Human Rights Law

ASIL Career Guide

Law Student Division of the ABA

NYU International Law and Human Rights Student Fellows Program (may be limited to NYU students but see list of organizations)

Internship Programs

Center for Constitutional Rights

Ella Baker/Millspaugh Catlin International Human Rights Summer Internship: http://www.ccr-ny.org

International Criminal Tribunal for the Former Yugoslavia: http://www.un.org/icty/jobs/internship.html

The American Non-governmental Organizations Coalition for the International Criminal Court: http://www.amicc.org/internships.html

Interights: www.interights.org/about/Intern.asp

Human Rights Watch: http://www.hrw.org/internships/graduates/graduates.html

Human Rights First: http://www.humanrightsfirst.org/about_us/jobs/interns.htm

Amnesty International: http://www.amnestyusa.org/activism/volunteer.do

Rights International: www.rightsinternational.org/intern.html

United Nations Programme: http://www.un.org/Depts/OHRM/examin/internsh/intern.htm.

What Did You Do Last Summer?

The ILO Newsletter asked several CUNY School of Law students to answer a few questions about their internships in international law. We were very pleased to get their responses.

Lara Rabiee, Class of 2006

Where was your internship?
The Women's Legal Centre, Capetown, South Africa.

How did you obtain it?
Through Penny Andrews.

How did you fund it?
Some savings plus the Shanara Gilbert Fellowship (applied for through CUNY Fellowship Program.)

How long was it?
Two months.

How many lawyers did you work with?
Four.

In what area of law?
Constitutional law, gender equality, and family law.

What did you learn from the experience?
The South African legal system, its constitution, a comparative perspective to legal issues such as freedom of speech versus hate speech prohibition, abortion rights, and laws protecting maintenance after divorce.

What did you like about the experience?
Learning about South African history and law. Meeting and getting to know South Africans. The challenge of being in a new place and learning to adapt.

What did you not like about the experience?
The process of adapting takes some time and so there is somewhat less energy and time to focus on the actual internship. I also got pneumonia while I was there!

Cynthia Pierce, Class of 2006

Where was your internship?
High Court of Botswana in Lobatse,

How did you obtain it?
Through Penny Andrews.

How did you fund it?
PILA grant.

How long was it?
Two months.

How many lawyers did you work with?
One judge.

What did you learn from the experience?
A lot about dual legal systems (with customary and civil courts)

What did you like about the experience?
I got to go on safari

What did you not like about the experience?
Lobatse is a small town and pretty isolated.

Farwah Raza, Class of 2006

How did you obtain your internship?
I obtained the internship through the NYU job fair.

How did you fund it?
I did not get any grants, so I funded it myself. That pretty much means a little savings, but mostly parents, in my case.

Where was it?
It was with the Louisiana Crisis Assistance Center in New Orleans. They work on death penalty cases mostly. Apparently, back in the day when no one wanted to touch GITMO cases, death penalty lawyers, like Clive Stafford Smith, the lawyer I worked with, were the only ones taking them on. I did not do much work with the office though, I only worked with Clive.

How long was it?
It was two months. The city is pretty, not too crazy because everyone leaves. The summers are awful, it's too humid and hot to be outside at all.

In what area of law did you intern?
Ironically, GITMO (Guantanamo Bay) issues cut across a wide range. The issues include capital litigation, criminal law, constitutional law, human rights, and humanitarian law. I ended up tackling criminal procedure research more then anything else.

What did you learn from the experience?
I learned a lot about Guantanamo Bay issues. I also learned criminal procedure and built my Westlaw research skills. Most importantly though, since this was

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Lara Rabiee and Pooja Galliara at the Cape of Good Hope.

"I learned a lot about Guantanamo Bay issues. I also learned criminal procedure and built my Westlaw research skills."

Chobe National Park, Botswana.

What Did You Do Last Summer?

Elephants on the move in Chobe, Botswana.

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my first internship, first time doing real legal work, it was enlightening in that you realize the actual work is not all that glamorous. The end results certainly are, but you do not get to research the kind of law you want to, you do not get to go to conventions, read interesting cases, or even hear interesting stories from your clients necessarily. You sometimes are thrown into researching a subject that you do not know about too much and that can be frustrating and dry, and you do not really even know if at the end what it will do. You realize you are just a small piece of this big issue, and you do not get to fix the world tomorrow.

Pooja Galliara gets to play with cub friend.

What did you like about the experience?
I liked being part of something like that, being around people who I think are amazing, and have made incredible difference in this world!

What did you not *like about the experience?*
I kind of felt a little inadequate, and directionless . . . but it's not a class, it's a job so you do what you can, and hope for the best.

Pooja Galliara, Class of 2006

Where was your internship?
I interned at the University of the Western Cape, Legal Aid Clinic in Cape Town, South Africa. In addition to land and housing law, the clinic provided assistance to indigents in the areas of family and criminal law.

How did you obtain it?
I was placed with the Legal Aid Clinic by Professor Penny Andrews.

How long was it?
I had a wonderful seven week experience.

How many lawyers did you work with?
I worked with three attorneys, two "candidate" attorneys, and two paralegals.

What did you learn from the experience?
I learned many things from my experience at the Legal Aid Clinic. Because clinics in the educational setting is are a new concept at South African Universities, I learned a lot about our clinics at CUNY in the process of helping the University of the Western Cape set up clinics in their legal education curriculum. I also learned a lot about the South African legal system and the areas of land and housing law.

The internship gave me the opportunity to learn about another country's legal system; a system that is very different from our own. I was also exposed to an area of law that I had never been exposed to before, namely, land and housing law.

What did you like about the experience?
I found the internship both challenging and rewarding. It was an exciting experience and I was glad I could be of assistance. The internship was challenging not only because of the dissimilar legal system but also because many of the clients spoke only Afrikaans and I spoke none.

What did you not like about the experience?
The only downfalls were that I did not speak Afrikaans and the attorneys were often too busy to find work for me. Therefore, the projects were often self-motivated.

Trial By Error: Evaluating the Appropriate Treatment Warranted for HIV Vaccine Trial Volunteers

BY VALMIKI REYES, 1L

Footnotes on page 33.

[The following article was published in *From the Lawyer's Collective*, a Lawyer's Collective publication in Delhi, India, June 2004.]

What happens when a HIV vaccine fails during a trial? What kind of treatment and care should participants infected with HIV during a trial receive? To date, trial sponsors like the NY-based nonprofit International AIDS Vaccine Initiative ("IAVI") are not mandated by global conventions to provide any treatment when a vaccine proves ineffectual. Nonetheless, there are enormous and valid ethical arguments as to why care and support should be provided to trial volunteers. In developing countries like Uganda, South Africa, Thailand, and Trinidad the question of what kind of treatment to provide is still a thorny ethical matter. The debate rages between the "best proven" treatments in the world (i.e., Highly Active Antiretroviral Therapy ("HAART")), or the "highest attainable" in the country itself, which may have scant, if any medical resources.

Under the revised Declaration of Helsinki, subjects in a Phase III[1] preventive vaccine trial are not accorded the same access to treatment during and after a trial. Continuation of treatment only applies to subjects in medical research of therapeutic medicines; thus, since preventive vaccine participants are healthy at the outset, they do not receive medical care during a trial.[2] Likewise, under the 2002 Council for International Organizations of Medical Science ("CIOMS") Guidelines, serconversion (the change in a person's antibody status from negative to positive) during a trial due to high-risk sex or injection drug use does not constitute accidental injury where compensation would be due. However, it stipulates that treatment for contracted infectious diseases during vaccine trials is not required, but is "morally praiseworthy."[3]

Due to the lax obligations on the international medical community, within the developing world there is no harmony on what kind of treatment to provide volunteers that seroconvert due to their own activities during the course of a vaccine trial. At the 1998 UNAIDS sponsored regional discussion on HIV vaccine research, Latin America stood apart from Asia and Africa on the terms of standard of care to be provided. Led by Brazil, a developing country that issues government-funded, triple combination antiretroviral ("ARV") therapy, Latin American nations voiced that provision of HAART was an ethical prerequisite just as much as preventive risk behavior counseling. Asian and African countries dissented citing that in a limited-resource setting, offering HAART as the mandatory care provides undue incentive to participate in a trial.[4] The problem of exclusion alluded to by the African and Asian countries is that only those in a clinical trial would be eligible to receive ARV's. With this schism in mind, the UNAIDS-published Ethical Consideration in HIV Preventive Vaccine Research left broad and lenient guidelines on the level of care and treatment to be prescribed. Guidance point sixteen stipulates, "Sponsors should seek, at a minimum, to ensure access to a level of care and treatment that approaches the best proven care and treatment that are attainable in a potential host country."[5] Thus, the standard of care is based on local standards of care, which vary from country to country.

Certain shrewd ethicists would say that the maximum amount of care to be provided by trial sponsors should be limited to prevention care. This would include extensive pre- and post-counseling, male and female condoms, STI treatment to reduce the risk of transmission of HIV, and needle exchange where permissible by law. Actual medical treatment beyond this should be the responsibility of the host country government. This is how VaxGen's AIDSVax Phase III trial in Thailand that ended in December of 2003 operated. The Bangkok Metropolitan Authority, a public health service, provided TB drugs, Bactrim, and dual nucleoside analog therapy for participants whose CD4 cell count drops under 500 cells/mm^3, a signal of the progression of HIV infec-

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"Treatment for contracted infectious diseases during vaccine trials is not required, but is morally praiseworthy."

HIV Vaccine Trial Volunteers

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tion and AIDS. Some AIDS health care practitioners in Africa like Peter Mugyenyi of the Joint Clinical Research Center ("JCRC") in Uganda criticize this approach. He believes the treatment of opportunistic infections with such medications is done because it is inexpensive and produced generically. This allows international groups to appear genuinely committed to fighting the epidemic while discouraging developing countries from pursuing access to actual antiretroviral treatment.[6]

IAVI representatives in Thailand tend to follow the line that providing the best-proven care constitutes an unethical attempt to recruit research subjects. Doing so would give undue incentive to HIV+ people, who cannot participate in a study testing a preventive vaccine, to volunteer in order to receive HAART. But the basic fact to consider why HAART would not be preferred for volunteers who become infected during the course of the trial is the inability to trace the "natural progression" of the vaccine's effects. HAART would blur the line between any protections the vaccine exhibited and those given by HAART. A preventive vaccine that slows the development of HIV can be considered successful if it can help the body control the virus, even though it does not prevent infection. So a failed preventive vaccine could still become a potential therapeutic vaccine if it enhances immunity after exposure.

"Excessive protections for potential trial participants would diminish the incentive for researchers to fund, propose, and conduct vaccine trials."

This strict emphasis on observing scientific effects perpetuates the dichotomy of favoring research over the welfare of subjects. According to Harvard scientist Bruce Walker, infection with HIV could potentially serve as a booster to the initial jab for vaccine volunteers. His research efforts also suggest that starting HAART treatment soon after infection offers crucial aid in producing effectual immune results against HIV, contravening international norms of commencing ARV therapy only when CD4 counts drop below 225. However, the efficacy of the vaccine is the primary concern for sponsors and host country representatives. Thus, the immediate and mass availability of HAART poses a problem. Seth Berkley, head of IAVI, commented, "If it turns out that the standard of care becomes immediate treatment, we may have a situation where the only way to do a trial is to go somewhere where HAART is not available."[7]

What is the value cherished in this instance? In terms of HIV vaccine trials it certainly seems economical rather than humanitarian. By scientifically validating a candidate vaccine, the donors, scientists, and pharmaceutical companies can maximize their returns on money, time, and resources invested. We have not come very far in substantiating the implementation of the rights of human research subjects but continue to reinforce emphatically and unscrupulously the trial-by-error nature of scientific discovery. Excessive protections for potential trial participants would diminish the incentive for researchers to fund, propose, and conduct vaccine trials.

Currently in India there are no explicit national guidelines for trials and the present guidelines for access under the government's antiretroviral therapy rollout plan do not include care and treatment for vaccine trial volunteers who become infected with HIV. This does not suggest that the government plan offering only the first line of treatment fulfills either the current definitions of best-proven treatment worldwide or highest attainable in India. Regardless of this ambiguity, a separate protocol should be drafted and reviewed addressing the needs and concerns of trial participants. It is a fact that HIV vaccine trials prefer to recruit highly vulnerable and discriminated groups specifically for their greater risk of exposure to contracting the disease. Any relevant and appropriate treatment guidelines for trial candidates should take into consideration the social context of the volunteers and the tactics used to enroll them.

The vaccine trials have started in India; they were to commence in 2004 but have officially begun on February 7, 2005. It is a partnership between the Indian Council of Medical Research

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The Nuremberg Principles

BY CHRISTOPHER BYCK, 2L

[The following is an excerpt from a 20 page paper on the topic submitted in December of 2004 for Professor Dinesh Khosla's International Law class.]

Few events in history have dramatically impacted the internal ordering of sovereign nations as the Second World War (WWII). A major innovation in international law stemming from the Second World War are the Nuremberg Principles. The Nuremberg Principles were unprecedented and untenable a generation prior to WWII. These principles were the first internationally imposed limitations on the internal conduct of sovereign nation states.

Since the Treaty of Westphalia in 1648, the foundational treaty establishing European nation states, the international community considered the domestic affairs of sovereign nations beyond the scope of regulation by the international community. International law mirrored domestic relations law; what Germany, or any other sovereign nation chose to do within her borders was its business. The international community could condemn disagreeable action only in the court of international opinion, but could not impose a higher law onto an independent nation. Individual nation states were accountable only to themselves and their domestic law.

Nearly sixty years after the formulation of the Nuremberg Principles, they are considered so rudimentary that it is difficult to imagine an international legal arena without them. These Principles have become so fundamental to the international legal landscape that it is hard to imagine a normative structure that was not, at least in part, based on them. The Principles have become self evident because they have provided individual accountability, they are premised on natural law, and they strongly favor morality over blind obedience.

The Nuremberg Principles are premised on the individual's moral obligation to defy any command or law in which the end, or the means employed in reaching the end, is unjust. This theory presupposes that individuals should be able to exert a degree of independent judgment when dealing with situations that merit them to act as moral agents. If the individual is ordered to commit an act that she or he determines will result in an unjust outcome, the individual is charged with the obligation to act justly and disobey. Requiring a duty for the individual to disobey, strongly present in the Nuremberg Principles, advances natural law, the preservation of life and liberty, which ideally should be the end sought by all laws. The Nuremberg Principles eliminate the borders of the nation state and charge the individual with the duty of acting righteously when faced with an unjust, or immoral, order. Individuals must choose justly because they will be held accountable for their actions.

The Principles do not simply create either lofty notions or an untenable idealistic approach to international law, but instead paint a realistic guideline for nation states to adhere to and follow. The international community could easily have discarded the Nuremberg Principles as an unobtainable ideal. This has not been the case, as nation states have accepted the underlying premises that were used to orchestrate the Principles, as well as the Principles themselves.

Defendants at the Nuremberg Trials claimed they were following the orders of their superiors and therefore could not be held individually accountable. The defendants asserted that their actions during the war were permissible because they were following their superiors, who were following German law. This defense may have worked since the dawn of international law, however, the Nuremberg Trials broke this dogmatic custom.

The Nuremberg Principles, notwithstanding a barrage of controversy, have withstood nearly sixty years of criticism. Although immensely idealistic and unprecedented, the Principles have become practically incorporated and widely adopted into international law. These qualities have elevated the

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"Defendants at the Nuremberg Trials claimed they were following the orders of their superiors and therefore could not be held individually accountable."

The Nuremberg Principles

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Principles above mere jurisprudential rhetoric. The Principles are an international norm, a norm which few sovereigns stray from obeying. There is something magnanimous about these Principles that are seeded in such an idealistic concept and have still managed to maintain their practicality. An unique interplay of idealism and realism has enabled the Nuremberg Principles to become the foremost authority in the foundation of modern international law.

From Terror to Terrorism

BY MARINA MEYEROVICH, 2L

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[The following is an excerpt from a 48 page paper titled *From Terror to Terrorism and Back* submitted in December of 2004 for Professor Dinesh Khosla's International Law class.]

The Soviet Union was a country with diverse ethnic groups living together. For years, communist leaders maintained relative peace and exclusive power through ruthless and efficient organs of social control such as Ve-Cheka (Emergency Commission), GPU (Government Regulatory/Control Commission), and KGB (Committee on Government Defense). Terror prevailed as the glue of international communism almost expired. However, scholars note that one of the greatest tragedies of the Soviet Union was that its Republics were largely, but not completely, organized along ethnic lines.[1] Over 25% of the Soviet Union's population, about 70 million people, now live outside its ethnic homeland; one Russian in six does not inhabit Russia and 20% of Ukrainians live outside the Ukraine.[2] The current evolving trend among the ethnic groups has been their automatic turn to nationalism. The prognosis in 1996 was that in the coming decade, ethnic tensions and violence would increase in the area of the former Soviet Union—especially in Georgia, Tajikistan, and Chechnya.[3]

"Unfortunately, as predicted, ethnic terrorism has plagued a country with deeply entrenched roots fed by Soviet Terror."

Today, Russia is home for 81.5% Russian people, 3.8% Tatar, 3% Ukrainian, 1.2% Chuvash, .9% Bashkir, .8% Byelorussian, .7% Maldovan, and 8.1% other.[4] Unfortunately, as predicted, ethnic terrorism has plagued a country with deeply entrenched roots fed by Soviet terror. As reported on September 24, by Radio Free Europe/Radio Liberty, in 2004 about 625 Russian citizens have been killed and more than 1,500 injured in terrorist incidents.[5] "Komsomolskaya Pravda" reported on September 13, an estimated 9,000 federal troops have been killed since the beginning of the 1999 counter terrorism operation in Chechnya.[6]

Over the last several years, Russia has experienced a noted change in terrorist activity. Some sources point to the new dimension and pattern that reflect a similarity with the international stage. The terrorists in Russia use practices such as female suicide bombers and school targeting, which have been used by terrorists in India, Sri Lanka, and Israel.[7] Russia has also experienced a range of terrorist attacks that includes political assassinations, mass guerilla raids, the downing of civilian aircraft, suicide bombings, and the Beslan hostage taking.

In June, a group of about 200 gunmen raided the Ingushetian capital of Nazran. The group allegedly took control over the city for 12 hours. This raid left 92 dead, including 63 officials of the Republican Interior Ministry and other security agencies. The raiders seized the Interior Ministry arsenal capturing 300 pistols, 322 submachine guns, and six machine guns. Duma Deputy and former Federal Security Service officer Gudkov commented, "How could army intelligence miss the deployment of so many Chechen fighters and how could electronic intelligence fail to

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Terrorism

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intercept their communications?"[8]

On August 24, two civilian airplanes exploded in midflight almost simultaneously, killing all 90 passengers and crew aboard.[9] FSB investigators have concluded that explosions on board the planes caused the disasters. Possibly, Chechen women set off explosive devices.[10] In addition, on August 31, suicide bombing outside a Moscow metro station killed nine and injured many.[11] A little-known terrorist group calling itself Islambuli Brigades, which claims to be a part of the Al-Qaeda network, claimed responsibility for both attacks.[12]

In September, the seizure of a school in Beslan, North Ossettia, by militants who took more than 1,000 children and teachers hostage was the worst incident in modern Russian history.[13] While there is some major dispute to the exact number, officially around 340 people died and more than 700 were left injured.[14] German Rivazov, a witness to the tragedy, stated, "Militants were shooting from the building, and local policemen were shooting like crazy at the direction of some trees and that's all."[15]

Furthermore, alarming news revealed by Vladislav Shurygin, Russia's Military Analyst, was that in all of the attacks, Russia's secret services proved to be "clumsy, poorly managed, and servile. This pervasive corruption creates an ideal environment for terrorists."[16] Terrorists who attacked Beslan, as pointed out by Moscow Mayor Yuri Luzhkov, "had the best Russian weapons."[17] The terrorists were equipped with sniper rifles and even the state-of-the-art Shmel flamethrower.[18] As to the motives of the terrorists, Islamuli Brigades allegedly posted a statement on the Internet saying the attacks were carried out "in support of Muslims of Chechnya."[19] However, the identities of hostage takers in Beslan and their goals remain unclear. Allegedly their modus operandi appeared similar to that of Chechen militants in the deadly Moscow theater hostage taking of October 2002.[20]

"Russia's secret services proved to be "clumsy, poorly managed, and servile. This pervasive corruption creates an ideal environment for terrorists."

International Law Moot Court: Philip C. Jessup Competition

BY JONATHAN DARCHE, 3L

I write this article to urge any of you who are interested in international law to seriously consider competing in the Philip C. Jessup International Law Moot Court Competition. Each year CUNY's International Law Organization and Moot Court co-sponsor a team. I was a member of last year's team and captain of this year's team. This year's team included second year students: Farwah Raza, Greg Jean-Denis, Altagracia Pierre, and Pooja Galliara.

This year, the problem revolved around the controversial practice of transporting nuclear material by sea. In the fact pattern, the applicant used a private company to send nuclear material through the respondent's territorial waters without notifying the respondent. After encountering a storm, the private ship contacted the respondent's anti-piracy program. The applicant then dispatched a civilian pilot to protect the ship from the pirates common to the area by keeping the ship in contact with the respondent's navy. Unfortunately, the pilot hijacked the ship, confined the crew below decks, stole the non-radioactive cargo, disabled the ship, and set the ship adrift. The ship drifted into international waters where it ran aground in an ecologically sensitive area and began leaking radioactive material into the sea. The leak killed large numbers of fish and birds and gave the crew serious radiation poisoning, resulting in the death of many crew members. After an exchange of diplomatic notes, the respondent scuttled the ship into deep waters so that the water pressure at the bottom of the sea would prevent the spread of radiation.

The applicant claimed that the respondent breached international law by scuttling the ship and failing to suppress piracy, and requested

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Jessup Competition

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compensation for the loss of life and property. The respondent claimed that the applicant breached international law by sending the material without taking the proper precautions or consulting with the respondent, and requested compensation for the losses to its economy and environment, and for the costs associated with containing the leak.

This problem forced the team members to work with the Charter of the United Nations, the Statute of the International Court of Justice, the 1968 Treaty on the Non-Proliferation of Nuclear Weapons, the 1969 Vienna Convention on the Law of Treaties, the United Nations Convention on The Law of the Sea, the 1958 Convention on the Territorial Sea and the Contiguous Zone, the 1958 Convention on the High Seas, the 1980 Convention on the Physical Protection of Nuclear Materials, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, and the London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter.

In addition to learning the intricacies of two extremely complex regulatory regimes, the team members had to determine whether the treaties applied to non-party states or whether the treaties also represented customary international law. Participating in the Jessup Competition gave me valuable experience in oral argument, research, and writing. I was not particularly interested in international law but participated two years in a row to gain this immense experience. I highly recommend competing in the Jessup Competition especially to those who have an interest in international law.

Action Through Architecture

Why soccer, and why Somkhele?

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nearly 45% of the population is affected, with young people at such a high risk, *Siyathemba* will hopefully be a welcome addition to the community.

Why soccer, and why Somkhele? Anyone can tell you that soccer is the biggest sport in South Africa, and with the World Cup taking place there in 2010, one can imagine that the hype will only increase. Yet the project serves another purpose; by bringing the sport into the girls' social sphere, the community will also benefit from the forum available to them.

AFH has learned from past competitions that as an organization seeking to effect change, you cannot simply walk in, set up a clinic, teach people a few lessons, and then walk out. The idea of fusing AIDS education with sports was something of an afterthought to supplement what AFH will already be offering: electricity, clean water, and toilets (options not readily available in the area). According to Sinclair, "We were originally just going to provide some soccer equipment, but realized there was an opportunity to create a sort of community hub. When a game is on, this becomes a non-intrusive, non-intimidating way to disseminate health education and services." The efforts need to be multi-faceted and consistent, the materials sustainable, and the overall approach culturally sensitive.

AFH continues to host projects and inspire people around the globe to fuse architecture and design with action and aid. For more information, check out

www.architectureforhumanity.org.

Op-Ed

Breastfeeding: Reflections on Practices Among American and African Women, and the Compelling Benefits for Healthy Infant Development

BY MARGO BLAIR, 1L

See footnotes on page 33.

What if there was a pill on the market proven to offer diverse and compelling advantages to infants, mothers, families, and society in the areas of health, nutrition, immunologic development, psychology, society, economy and the environment?[1] In fact, the pill is so beneficial that it will not only promote weight loss among mothers who use it, but the U.S. Surgeon General actually recommends the pill because it "lower[s] the risk of breast and ovarian cancers"[2] by forty percent. How much would you pay to get it? Such a 'drug' does exist, and it is free: Breastfeeding.

"Many state jurisdictions still hold it is the right of the state to intrude upon and discriminate against breastfeeding mothers."

Breastfeeding is available to women of all cultural, social, and economic groups without discrimination. However, there are few legal issues that have been more *hotly debated in our courts* than legislation concerning a woman's body. Our nation has seen a divisive Supreme Court hear heated arguments about abortion and contraception, which continue to receive prominent attention in current policy debates.[3]

Breastfeeding is a silent war that is waged within. Although CUNY will probably never sell chocolate breasts on sticks for Valentine's Day to encourage an inner monologue between oneself and *one's body, the way a person* feels about breastfeeding is deeply influenced by the way women and society perceive sexuality, women's responsibilities, and sense of self-worth. Breastfeeding incorporates theories including the objectification of women's anatomy, child rearing, sexuality, race, and class discrimination. Although the author would love to write at length about each of these topics, this article will be limited in scope to a comparison of the legal approach in the U.S. to breastfeeding to that of legislation surrounding breastfeeding in Africa.

Societal attitudes toward women suggested that their breasts are more important as sexual objects than for their biologically intended function, to provide nutrition and immunological benefit. In the 1800's, wealthy women felt it somehow beneath them to breastfeed, and thus commonly employed wet-nurses. In the 1900's, still embarrassed by the functionality of their bodies, women quickly and literally subscribed to formulas as a better way to feed their young. In the 1970's and 1980's, as reflected in the popularity of 'power suits' and women's neckties as acceptable work attire, women relied on formula to allow them to compete 'like men' in the workplace and ignore their unique anatomy which set them apart.

The groundbreaking case in breastfeeding legislation is *Dike v. Orange County School Board*,[4] where a school teacher brought an action under 42 U.S.C. §1983 challenging the school's refusal to permit her to breastfeed her child during her duty-free lunch period, and arguing that breastfeeding is a constitutional right. Relying on an extensive range of precedent concerning privacy and parental rights, including *Zablocki v. Redhail, Griswold v. Connecticut, Pierce v. Society of Sisters, Meyer v. Nebraska, Prince v. Massachusetts, and Roe v. Wade*,[5] the Circuit Court declared that "breastfeeding is the most elemental form of parental care. It is a communion between mother and child that, like marriage, is "intimate to the degree of being sacred. . . . In light of the spectrum of liberty interests that the Supreme Court has held specially protected, we conclude that the Constitution protects from excessive state interference a woman's decision respecting breastfeeding her child."[6]

However, at least one circuit has challenged the findings in *Dike,* and many state jurisdictions still hold it is the right of the state to intrude upon and discriminate against breastfeeding mothers, telling them when, where, and under what circumstances they can breast-

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Op-Ed

Reflections on Breastfeeding Practices

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feed.[7]

Scholars in the gender studies field opine that the paucity of progressive change in legislation concerning breastfeeding rights may relate to mothers' difficulties advocating for policy changes on the job, which ultimately perpetuates the low prevalence of U.S. breastfeeding practices. In a recent article in the *American University Journal of Gender, Social Policy and the Law*, Shana Christrup, Health Legislative Assistant for the Senate Subcommittee on Public Health declared, "[the lack of progressive legislation] may primarily be due to the ability of these mothers to negotiate within the workplace and push for policies that provide more protection and opportunities to allow the working mother to breastfeed . . . . Unfortunately, unless legislation changes to fully protect the women who breastfeed, breastfeeding rates within the U.S. will remain at discouraging rates."[8]

The mixed reception to breastfeeding in our country is not unique to the United States, but rather, it is common on the global level. Although some countries are doing very well in supporting the practice (for example, in Sweden, the percentage of infants who have been breastfed at least once since 1990 is an amazing 98%)[9] many parts of the world need extensive legislative and social support in order to realize such progress.

One such area of the world that struggles today with ambivalence regarding breastfeeding is Africa. Ironically, African women have largely remained untouched by the ugly sexual objectification of women's bodies and redefinition of women's roles that most U.S. women have experienced. Baby formula was unheard of and ridiculous in theory to many Africans: why pay money for something your body produces for free? However, once formula companies started advertising their products in Africa, promoting the image of U.S. women and distributing massive amounts of samples of formula, fewer African women breastfed. The WHO (World Health Organization) Global Data Bank estimates that 35% of infants worldwide are exclusively breastfed between the ages of 0-4 months.[10] However, the rates for exclusive breastfeeding in the African region are significantly lower, hovering between 4-5% (Central African Republic 4%, Niger 4%, Nigeria 2%, Senegal 7%).

Fortunately, breastfeeding rates among African women are increasing due to programs such as the WHO/UNICEF Baby-friendly Hospital Initiative, the goal of which is to educate and give support to new mothers deciding whether or not to breastfeed their babies. This program has met with many success stories in Africa. For example, in North West Africa, three hospitals received formal recognition for promoting breastfeeding.[11] The General Manager of a Hospital in Gelukspan claims that his patients now see the benefits of breastfeeding, since it saves lives and prevents many infections to which infants are especially vulnerable, as illustrated by the high infant mortality rate of approximately 30% in North West Africa.

One of the major reasons African women do not breastfeed is the worry about HIV/AIDS transmission. Though many government studies have questioned the link between HIV-positive mothers and transmission through breast milk, these studies conflict as to how strong the relationship is between the mother's HIV-positive status and transmission of the virus through breast milk. A medical letter to the Center for Disease Control and the Federal Drug Administration by doctors at John Hopkins University reports that a baby's risk of contracting HIV through breastfeeding is between 14-29%. However, the report continues, stating "it is not worth preventing babies from becoming infected at birth only for them to die after birth from not being breastfed."[12]

UNICEF reports that immunological studies have determined that there are factors in human milk, especially the milk of the HIV-positive mother, that will directly

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"One of the major reasons African women do not breastfeed is the worry about HIV/AIDS transmission."

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combat the cells which contribute to the transmission of the HIV infection. The greater transmission problems are mastitis and cracked nipples, which may serve as a vehicles through which the baby is infected. These reports also note that the risk of HIV-infection must be compared with the other dangerous risks in Africa of morbidity and mortality due to failure to breastfeed. Because breastfeeding combats so many of the diseases that can kill infants, such as diarrhea, respiratory and other infections, the benefits of breastfeeding may be worth the risks involved.

A mother's milk has just the right balance of fat, sugar, water, and protein needed for babies to digest and grow. Breast milk is filled with antibodies that combat diseases, and is always fresh and sterile. It saves time and money. It also allows emotional ties to develop between mother and child. Legislation in the United States continues to make strides to protect this sacred right to breastfeed, while globally, institutions such as the WHO and UNICEF are promoting policies to encourage breastfeeding in Africa.

In considering the issue of a woman's right to bodily autonomy within both the domestic arena and international community, the practice of breastfeeding assumes a position of paramount importance as a policy warranting increased legislative support.

Op-Ed
Darfur: A Call to Action

BY CELINA SHEVLIN, 2L

See footnotes on page 34.

We are doing it again.

"Children account for 70% of the dead."

We are sitting idly by while human beings are being systematically burned alive, forcefully displaced, tortured, raped, impregnated, starved, mangled, castrated and killed.[1] Multitudes of children are being orphaned; parents are watching helplessly as their children die of disease and malnutrition. Children account for 70% of the dead. The bonds of families and whole communities are being forever severed. The homes and farms of these subsistence farmers are being burned and then burned again to hide the fact that they ever existed.

The property laws in Sudan mandate that a person must prove she or he has cultivated the land for three years in order to prove legal possession. By burning the crops and buildings to absolute cinders, evidence of many generations of familial use disappears with the first rain. There will be no place to which these victims can return. Even if we start now to push our leaders to protect these people from extermination, many survivors will have already had their way of life forever altered. We must take responsibility for this and we must start to push our leaders to take action before even more damage is done. We must begin to inundate our leaders with voices of concern. It does not have to be a long or complicated message—just one note in a constant flurry from constituents.

I strongly suggest e-mailing the President and copying the Vice President right now, and ask every concerned person you know to do so as well. I am sure they do not read the messages personally, but they will be made aware if thousands or millions of messages come in to encourage intervention in Darfur.

The Sudanese government in Khoumani has instilled policies that are meant to rid Sudan of its non-Arab populace. Tens of thousands of non-Arab villagers have been killed since February 2003[2] and approximately a million more are susceptible to

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death by starvation and disease in Darfur. Yet it was not until seven months ago that the U.S. Congress declared that genocide was occurring in that western area of Sudan.[3] Two senators, Jon S. Corzine (D-NJ) and Sam Brownback (R-KS), co-authored a Senate resolution declaring the atrocities in Darfur to be genocide and have been pleading for action to be taken to prevent further acts of genocide in Darfur. They argued that unless the genocide is stopped, "No U.N. Security Council resolution, no act of Congress or the administration has any meaning."

From February to March, the estimate of people killed as a result of the government of Sudan's policies to obstruct aid and to back non-Black Arab Muslim militia attacks on Black Muslims[4] in the region has risen to 225,000.[5] There have been reports of killings through violence, starvation, and disease. Rape of young girls and women, resulting in pregnancies are rampant, while some are spared the stigma through death by their rapists.[6] Physicians for Human Rights reported in June of 2004 that a U.S. Government report that stated 377 villages were either totally or partially destroyed could be a very low estimate.[7]

A very disturbing interview was published on March 17, 2005.[8] Retired U.S. Marine Captain Brian Steidle, who spent six months with the African Union (AU) Mission in Sudan, told the Sudan Tribune that the Sudanese government was actually assisting the militia attacks on non-Arab villages. He reported that he witnessed the village of Labado under attack by about 2,000 Janjaweed [Arab] militia and a Sudan government helicopter gunship flying back and forth firing on the village with a population of 20,000. Steidle also reported that he spoke with a Sudanese brigadier general on the ground who told him the orders to destroy the village came directly from the Sudanese government in the capital city of Khartoum. His orders were to "clear the road from Labado all the way to Khartoum, which covers about 100 kilometers." Villages on that road were to be destroyed if there was any resistance. This meant that the people who escaped the attack on Labado were going to be attacked again in the villages where they found refuge, such as Muhajeryia. According to Steidle, the AU Mission was able to thwart any secondary attacks on Labado by the mere presence of 35 AU troops. The State Department told Steidle that 10,000 villagers were able to return to Labado, according to Steidle. If this is true, and I would like to believe it, it means that the international community would have to do very little to prevent further genocidal acts in Sudan.

On March 2, 2005, Senators Corzine and Brownback introduced the Darfur Accountability Act. The legislation, which was co-sponsored by four Democrat and two Republican Senators, provides the necessary tools to end the genocide in Darfur, Sudan. Corzine stated that the Senate has allocated $75 million to assist peacekeepers from the AU.[9] It is a rare occasion that U.S. government officials point to a crime and label it genocide before it is far too late. Unfortunately, the U.N. seems to be having a hard time using the term genocide this time.[10] So, the genocide continues.

One of the major problems in stopping the genocide in Sudan at this point is not the mens rea debate, but the international debate over jurisdiction for prosecution of the perpetrators. The Europeans would like to refer the war crimes to the International Criminal Court (ICC); the U.S. is opposed to ICC jurisdiction; the Chinese, Russian and French governments are somewhat opposed to the tough sanctions proposed by the U.S. This type of legal runaround has cost our world millions of lives in the past century. During the ratification process, a year after the U.S. Senate ratified the *Convention on the Prevention and Punishment of the Crime of Genocide*, Saddam Hussein, through his cousin, Ali Hassan, began destroying Kurdish villages and exterminating the Kurdish population of Iraq. U.S. policymakers hid behind the "intent" require-

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"It is a rare occasion that U.S. government officials point to a crime and label it genocide before it is far too late."

Op-Ed

Darfur: A Call to Action

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ment and treated the atrocities as though the atrocities were "an understandable attempt to suppress rebellion" or as if they were collateral to the Iran-Iraq war.[11] On April 28, 1994, three weeks after the systematic killings of Tutsis in Rwanda were known to have begun, U.S. State Department Spokesperson, Christine Shelly, noted that it would be a challenge to determine the "precise intentions" of the perpetrators.[12] We all know what happened in Rwanda. Thirty years after the killing fields in Cambodia, many officials are still unwilling to call the atrocities genocide because some of the victims were not within the groups enumerated and protected by the Convention. These law and policy games must stop in order for the world to rid itself of the odious scourge that is genocide.

Give up one hour of your time. Contact the leaders we blame for everything and tell them what you think needs to be done. This easy thing you do may just save a life.

President George W. Bush
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HIV Vaccine Trial Volunteers

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("ICMR"), National AIDS Control Organization ("NACO") and IAVI. Thus far it is limited to a Phase I[8] trial conducted at ICMR's National AIDS Research Institute ("NARI") in Pune, outside Mumbai. It is testing the vaccine candidate, "tgAAC09", a recombinant-adeno-associated viral vector. Targeted Genetics Corp. of Seattle and Columbus Children's Research Institute in Ohio designed the candidate vaccine in partnership with IAVI. It is modeled after subtype c of HIV, the most prevalent in South Asia and other developing countries. The study will last about 15 months and be tested on a very limited number of participants, roughly about 30 men and women in good health not currently infected with HIV.

"The plight of AIDS most devastatingly affects the developing world yet the ethical arguments that frame a medical response to the disease originate in the West."

The plight of AIDS most devastatingly affects the developing world, yet the ethical arguments that frame a medical response to the disease originate in the West. Both the rights-based approach protecting trial participants and the methodology favoring scientific expediency to gauge a vaccine's efficacy emanate from developed countries, yet find their counterparts in different regions of the global south. Robert Levine of Yale University has caused much furor by defining this debate as a duel of "ethical universalists" vs. "cultural pluralists."[9] Those in favor of best-proven care would be the universalists, whereas IAVI would fall in the pluralist camp.

The volatility of these issues necessitates local community input and extensive discourse to yield solutions acceptable and appropriate for each trial design host country. So far, IAVI has fine-tuned the process of collective community participation in discussing trial protocols, issues of informed consent, and methods for monitoring safety and transparency of a vaccine trial. But building consensus on the regulatory language of preventive vaccine research trials only addresses a portion of the inequalities within the global epidemic. Without also strengthening local capacity to conduct medical research, designing culturally and socially relevant bioethical standards, and distributing critical services and treatments, developing nations will always depend on international assistance in combating HIV/AIDS and other perils. The ultimate goal of the partnerships between international sponsors and nation-states should be to bridge the disparities in health systems around the world and not end with the development of a preventive or therapeutic vaccine.

Chilean Truth Commission

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gress in human rights trials.[5] The Chilean judicial system, however, must take a stronger stand against the military leaders who perpetrated gross violations of human rights under General Pinochet's military regime. These military officials remain powerful in the political arena despite the government's commitment to the victims of torture.

Additionally, government authorities continue to torture and mistreat Chilean citizens, and, in particular, prisoners. As Amnesty International stated in its latest report on torture cases in Chile, "Torture and ill - treatment [are not] only a matter of the past; [they are] still widespread in the country."[6] Judicial reforms must be implemented as soon as possible in order to eliminate a culture of impunity. In order for peaceful reconciliation and the protection of human rights to prevail in Chile, however, judicial reform is not enough. Truth commissions and judicial reforms alone will not fully heal the open wounds of Chilean society. "Rather, it is part of an overall institutional change that should be accompanied by political, military, and judicial change, just to name a few."[7]

Before explaining the historical and political context that gave rise to the creation of Chile's truth commission, it is important to note a truth commission's primary purposes and characteristics, and to assess the relationship between a truth commission and criminal trials.[8] This helps to clarify the relationship between Chile's truth commission and the country's judiciary, and assess whether or not a truth commission can complement criminal prosecution, despite the two processes' differing goals.[9]

A truth commission's purpose is generally: (1) to establish a historic account; (2) to provide justice for the victims; (3) to assist in the national reconciliation process; and (4) to prevent further violations and abuses.[10] As Priscilla Hayner notes[11], characteristics common to truth commissions include: (1) a focus on the past; (2) investigations of a pattern of abuses over a specific time, instead of a specific event; (3) temporary existence, typically six months to two years and publication of a final report; and (4) official sanction or authorization from the state. The latter characteristic may include consent from an armed opposition if there is a peace accord ending an armed conflict or civil war. In light of these purposes and characteristics, there is no one-size-fits-all truth commission. The full benefit of transitional justice can best be achieved by examining the specific needs of a particular political and legal situation on a case-by-case basis.

The complex interaction between truth commissions and criminal prosecutions is best illustrated by Priscilla Hayner's research, supporting the view that the work of a commission supplements criminal prosecutions.[12] Case studies in Argentina, Haiti, and El Salvador portray how crucial truth commissions are when courts prosecute members of the previous military regime.[13] In fact, most of the countries that have internationalized or hybrid tribunals also have functioning or proposed truth commissions, as seen in Bosnia[14], Sierra-Leone[15], East Timor[16], and Rwanda[17]. Hayner acknowledges that holding truth commissions and criminal prosecutions simultaneously may create problems[18], such as conflicting versions of the truth, exhausting a limited shared resource pool, and the mishandling of evidence. Hayner does not claim, however, that these problems are grounds to completely abandon the idea of establishing a commission.

During the indictment of General Pinochet in Chile, the truth commission and judiciary were also interrelated mechanisms. However, to reiterate, truth commissions "should not be seen as a replacement for prosecutions, nor as a second-best, weaker option when [real] justice is not possible."[19]

The beginnings of Chile's brutal police state date back to September 11, 1973, when Augusto Pinochet and the Chilean military overthrew the socialist party of Salvador Allende in a coup. Allende represented a coalition of leftist parties, known

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"Torture and ill-treatment [are not] only a matter of the past; [they are] still widespread in the country"

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"Fully backed by the CIA, Pinochet's authoritarian regime engaged in harassment, torture, disappearances, kidnappings, and exile."

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as the Popular Unity, which sought to merge the nationalized, mixed, and private sectors of the economy.[20] Allende called for profound social and economic change in Chile, and worked within traditional democratic political institutions. His policies aimed to improve conditions for the poor and diminish the role of private property and corporations, especially foreign-owned companies, in Chile's economy.[21] The supporters of radical reform and opponents of the Allende government clashed in civil unrest and violence, while the country became economically and socially unstable.

Not only was Allende a growing threat to the conservatives and ideological moderates[22], he was also a threat to the United States, who regarded Allende as equally dangerous as the Soviets, Communists, and Marxist revolutionaries. The United States sought to address this "menace" by initiating immediate action against Allende and his supporters.[23] Hence the United States engaged in a two-fold policy of involving itself in Chile's internal affairs: in October 1970 to prevent Salvador Allende from coming into power, and when that was unsuccessful, to destabilize the new government economically.[24]

The CIA covertly supported General Augusto Pinochet in overthrowing Allende in a coup d'etat. In fact, "in a number of countries that have had truth commissions, including Guatemala, El Salvador, and Chile, the United States backed or directly funded the governments and militaries responsible for the vast majority of abuses that the commissions were charged with investigating."[25] Fully backed by the CIA, Pinochet's authoritarian regime engaged in harassment, torture, disappearances, kidnappings, and exile.[26] The intelligence service DINA, or Directorate of National Intelligence (which later became the CNI, or National Center of Information) weeded out any opposition or dissatisfaction directed against Pinochet's regime.[27] Pinochet's "perfect fascist legal system" created a sense of legitimacy for his actions against the so-called enemies of the state.[28]

Within days of the coup, the military government issued a number of decrees[29] that allowed the junta to appoint General Pinochet as President of the military regime, giving him absolute authority to exercise executive powers; declare an immediate "state of time of war" (which lasted until 1988) and empower the military tribunals (Consejos de Guerra) to assert jurisdiction over civilians under the Military Justice Code; eliminate the right of appeal so that anyone tried in these military courts could not overturn the sentence; expand the use of the death penalty; abolish labor unions and dissolve all leftist and other parties; amend the 1925 constitution so as to permit the military to detain individuals incommunicado for long periods of time without charging the accused of a crime; abolish the Congress and nullify all electoral registration lists; and implement other numerous repressive measures against Chilean citizens.

Pinochet institutionalized fear, panic, and terror by subverting the Chilean judiciary, the population, and the principles of democracy. The spirit of the law was so vehemently violated that Chile's judiciary no longer served as an independent branch of the government. Instead, the judiciary became another instrument to repress the Chilean people, "sacrificing the citizens it was sworn to protect in order to appease the voracious appetite of a rogue national security state."[30] Despite the fact that Articles 80 and 86 of the Chilean constitution explicitly empower the Supreme Court to entertain its supervisory power over military tribunals,[31] the Chilean Supreme Court issued a decision shortly after the coup, stating that it was not competent to rule over the military tribunals. General Pinochet made sure that the court's submission of its powers to the military tribunals was later incorporated into the constitution.

December 1973, 1,500 civilians were killed, tortured, exiled or kidnapped after being sentenced by the military tribunals.[32] The Supreme Court ill-advisedly looked on, or rather looked

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away, exacerbating these human rights violations. Chile's truth commission reported that from the start of Pinochet's rule, the judiciary could not prevent massive human rights abuses due to "serious shortcomings in the legal system as well as to the weakness and lack of vigor on the part of many judges in fully carrying out their obligation to assure that the essential rights of persons are truly respected."[33]

The commission's statistics reveal that 2,115 victims died because of human rights violations, and 164 victims' deaths were attributable to political violence.[34] In addition to these victims, the commission still had 641 unconfirmed cases, bringing the commission's total number of cases to 2,920. Furthermore, there were 508 cases that the commission ruled out or were excluded since they did not fit within the criteria of its mandate, as outlined in Part I, Chapter II of the commission's report. 449 other names were given to the commission but excluded from its review because there was no credible evidence to initiate an investigation on behalf of this group.

The commission's painstaking investigations, exhumations, and intense devotion to the overall clarification of truth have led to several changes in Chile's judiciary. The 2,920 cases the commission examined are just a small fraction of the 200,000 victims of gross human rights violations in Chile who never told their story (as the truth commission's statistics and reporting excludes all cases of torture that did not lead to death.)

After 17 years of rule under a military junta, Chile's hopes for a brighter future finally came through in 1998, when the regime called for a plebiscite on whether or not General Pinochet should remain President.[35] General Pinochet lost the plebiscite and was consequently forced to hold elections. Patricio Aylwin of the Christian Democrats Party won the election, promised to confront the government's past abuses, and issued an official apology on behalf of the state to the victims of the former regime's crimes.[36] President Aylwin even mailed letters of apologies to the victims and their families, along with a copy of the truth commission's report.[37]

Shortly after becoming President in 1990, President Aylwin established the National Commission on Truth and Reconciliation, which had four crucial responsibilities: "(1) To provide an overview of how the repressive system worked; (2) to account for every person who died or disappeared between September 1973 and March 1990; (3) to propose measures of reparations; (4) to propose measures of prevention."[38] Although this truth commission did not publish the names of those individuals who engaged in the perpetration of the crimes,[39] the report did place historical or moral accountability on the institutions involved in carrying out gross, systematic violations during the mandated timeframe.

The truth commission relied heavily on the assistance of non-governmental organizations for suggestions of recommendations for its report. The commission affirmed that "moral and material reparation seem to be utterly essential to the transition toward a fuller democracy"[40] and proposed three categories of reparations: (1) a symbolic reparation to publicly restore the dignity of the victims; (2) legal and administrative initiatives to clear unresolved legal issues, mostly relating to issues affecting the victim's family such as inheritance, a widow's legal interest in property ownership of her deceased husband, children's school tuition, and other familial matters; (3) financial reparations, comprising social benefits, health care and psychological assistance, and financial support for education.[41]

The truth commission's report also urges Chile to work within the recognized principles and doctrines of international human rights law, and structure its legislation so as to adhere to global human rights standards. The report further calls on Chile to ratify all international hu-

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"Moral and material reparation seem to be utterly essential to the transition toward a fuller democracy."

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"Under the Aylwin government, constitutional and judicial reform was slow and limited."

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man rights treaties, and recommends that the country resort to international institutions as a preventive measure. Above all, one of the most imperative sets of recommendations in the truth commission's report deals with the promotion of human rights education: "the tasks of making reparation in the realm of education must be coordinated with the efforts to prevent human rights abuses and forge a culture respectful of human rights . . . ."[42] Of the report's urgent recommendations, the commission refers to the symbolic, legal, administrative, and social welfare matters that need immediate attention and reforming.

Significant reparations policies were introduced soon after the commission's report was released. One of the most positive measures that the government took after the truth commission completed its task was to introduce and approve a new bill in congress, Law No.19.123.[43] This bill established the "National Corporation for Reparation and Reconciliation" ("the Corporation") to follow through on the truth commission's recommendations. The Corporation ensures that the state's obligations to the disappeared and their families are fulfilled by continuing the investigation of individuals who were arrested or who disappeared, and whose bodies have yet to be discovered. The Corporation will also take up the cases that the commission could not confirm as deaths attributed to human rights violations, those cases that could not be determined at all, and any new cases that might ensue after the commission completed its work. Additionally, the Corporation, like the truth commission, refrains from naming individuals and transfers all information to the respective courts in Chile.[44]

The Corporation administered reparations for victims and their families by codifying guidelines for the eligibility of being awarded compensation. Articles 17 and 18 of Law No.19.123 state that the victims deemed as such by Chile's National Truth and Reconciliation Commission and the Corporation are entitled to financial reparation.[45] Article 20 establishes that the relatives of the victims consist of a surviving widow, mother (or father in the mother's absence), any children below the age of 25, or handicapped children of any age.[46] A monthly pension consisting of Chilean $140.00 is appropriated for the beneficiaries.[47] In order to avoid fraudulent claims or any attempts to take advantage of such an important and necessary part of giving back to the victims, the commission called for the application of equal and fair guidelines.

Despite these positive initiatives, the reparations cover only those victims who died because of human rights violations. Moreover, it remains uncertain whether and to what extent those responsible for the crimes committed during the military dictatorship will be brought to justice.

Articles 28-31 of Law No.19.123 provide health and educational benefits for victims and the government has moved at a quick pace to implement these benefits. Even before the law was endorsed at the end of 1991, the first Center of Integral Health was already built.[48] Two similar health centers were also established in order to assist relatives of the victims, as recommended by the truth commission's report. Individuals age 35 or younger, who were most likely minors under the Pinochet regime, and who are eligible for reparations are awarded scholarships for registration fees and tuition, as well as a monthly stipend for daily expenses.[49]

Under the Aylwin government, constitutional and judicial reform was slow and limited. However, these incremental changes gave way to future improvements within the judiciary. One example of positive action is the Chilean Supreme Court's 1993 decision that held the DINA was directly responsible for the disappearance of a Chilean citizen.[50] In addition, the Letelier-Moffitt murder, which was previously covered by the controversial amnesty decree,[51] was finally solved.

The landmark case that

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gave new hope to the victims of Pinochet's crimes was the indictment of General Augusto Pinochet in 1998 by Spanish judge Baltasar Garzón.[52] Although Pinochet never stood trial due to medical conditions, the indictment itself had a profound impact on international legal issues, such as sovereign immunity and universal jurisdiction. In 1999, the second chamber of Chile's Supreme Court ruled that "disappearances" were an ongoing crime and used this decision to uphold the prosecution of former hardline generals and army officers, such as General Sergio Arellano Stark.[53]

Chile's Supreme Court worked to fulfill the truth commission's recommendations to further investigate and hold accountable all the former military members and human rights violators in Pinochet's regime. The court announced in June 2001 that nine judges would be assigned to work full-time on human rights cases, while fifty-one others were to work on these cases as a priority.[54] Most importantly, it became mandatory for the judges to report every month to the court on the status of their investigations. In a matter of six months in 2003, thirty-eight separate cases dealt with charges against 120 members of the armed forces.[55] During these cases, the Chilean Supreme Court appointed two judges (*ministros en visita*) to investigate these cases exclusively. The military acknowledged that burial sites at an army base of Fort Arteaga constituted 150 of the 180 named victims given to the court. These 150 victims had been thrown from planes and into the seas, rivers, and lakes of Chile.[56]

Over the past few years, some judges, including several Chilean Supreme Court justices, have referred to international humanitarian law as a basis for decisions ordering the reopening of cases closed under the amnesty decree. In addition, President Lagos has drafted several bills supporting proposals for "measures to improve the effectiveness and speed of court investigations of past human rights violations; proposals to improve and extend symbolic and economic reparation for victims and their relatives; and institutional and legal reforms to safeguard human rights in the future."[57] This again demonstrates the Chilean government's continued commitment to carrying out the recommendation put forth by the truth commission.

The Lagos proposals also include appointing special judges to devote themselves full time to human rights cases; ensuring the ongoing cooperation of the criminal investigations police force (*Investigaciones*) with the judges; improving burial procedures by providing an external advisor to the Medical Legal Service (SML) to help identify victims' remains; giving special attention to torture victims by composing a list of their names; increasing public awareness about torture victims; and reforming the military justice system.[58]

The government must also work to ensure that those who do cooperate with the courts are not given blanket immunity from criminal prosecutions. These "leniency proposals"[59] are of increasing concern to human rights lawyers. New guidelines for cooperation would better guarantee victims and their families that individuals who were directly responsible for torture, "disappearance," or extrajudicial executions will not be afforded immunity from prosecution.

Time will tell whether these initiatives will be fully implemented, as Chile's judiciary still suffers from numerous problems.[60] For instance, the judiciary must incorporate constitutional amendments in order to explicitly prohibit the armed forces from playing an official role as guardians of the constitution. Additionally, the Chilean Supreme Court should restore the president's powers to remove the commanders-in-chief. This would ensure and prevent dictators like Pinochet from resuming power even after a democratic transition. Chile's judiciary should also work to reform the military justice code and limit the jurisdiction of military courts to mili-

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"The military acknowledged that burial sites at an army base of Fort Arteaga constituted 150 of the 180 named victims given to the court."

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tary offenses only. Military courts continue to entertain jurisdiction over civilians for a variety of offenses, including cases that involve military personnel accused of breaching human rights while on active duty.

Reforming Chile's judiciary should be a process of strengthening and reinforcing, rather than a total transformation undertaken in a social, historical, and cultural vacuum. For reforms to be successful and meaningful, they must be inclusive, comprising institutional, social, economic, and political factors, without forgetting the traditions upon which the systems were founded. Reform must not be solely focused on the judiciary, but on the individual institutions and the country's citizens.

It seems as though Chile is slowly moving positively in the political and judicial sectors, but is lagging behind in reforming the military. In addition, reparations alone will not solve the problems facing Chile's victims of mass atrocity. Full and productive reintegration into society requires that a victim's psychological trauma be addressed and diagnosed over a prolonged period of time. Finally, thousands of victims of torture who did not die and who are not related to those who died as a result of human rights violations still do not qualify as beneficiaries of reparations. They must be able to reintegrate the narrative of atrocity into their life story as well, and break the conspiracy of silence that has enmeshed Chile in a seventeen-year-long brutal nightmare.

"Reform must not be solely focused on the judiciary, but on the individual institutions and the country's citizens."

Footnotes
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[1] TEITEL, RUTI. TRANSITIONAL JUSTICE (Oxford University Press 2000).
[2] 28 U.S.C. § 1350 (1994) The Alien Tort Claims Act (ATCA) provides a federal district court with subject matter jurisdiction when an alien asserts a tort claim based on a violation of either the law of nations or a U.S. treaty.
[3] Priscilla B. Hayner, *Fifteen Truth Commissions - 1974 to 1994: A Comparative Study*, 16 HUM. RTS. Q. 600, 613 (1994). In 1982, Bolivia became the first Latin American country to establish a truth commission. President Hernan Siles Zuaro created a "National Commission of Inquiry Into Disappearances" just days after the return to democratic rule in October 1982. *Id.*
[4] The National Commission for Truth and Reconciliation (also known as the Rettig Commission) was established by Supreme Decree No. 355, on April 25, 1990, and issued its report one year later on February 9, 1991.
[5] See the following Human Rights Watch Briefing paper: *Discreet Path to Justice?: Chile, Thirty Years After the Military Coup, (Part III. Progress in Other Human Rights Trials), (September 2003), available at* http://www.hrw.org/backgrounder/americas/chile/chile0903-3.htm (last visited May 3, 2004).
[6] Press Release, Amnesty International, Chile: Concrete Action Needed to End Torture (Mar. 3, 2004) *available at* http://web.amnesty.org/library/Index/ENGAMR220032004?open&of=ENG-CHL (last visited May 4, 2004).
[7] See Michael P. Scharf, *Symposium: Justice in Cataclysm Criminal Trials in the Wake of Mass Violence: Article: The Case For a Permanent International Truth Commission*, 7 DUKE J. COMP. & INT'L L. 375 (1997). In this article, Scharf introduces a framework for a proposed International Truth Commission and presents a draft statute for such a permanent TRC as an appendix to this article.
[8] For more insight regarding the gradual development of truth commissions into "a justice-supportive machinery, designed to complement

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rather than replace national or international prosecution," see Carsten Stahn, *Current Developments, Accommodating Individual Criminal Responsibility and National Reconciliation: The UN Truth Commission for East Timor*, 95 AM. J. INT'L L. 952, 953-54 (2001).
[9] See William A. Schabas, *The Relationship Between Truth Commissions and International Courts: The Case of Sierra Leone*, 25 HUM. RTS. Q. 1035 (2003).
[10] HAYNER, PRISCILLA. UNSPEAKABLE TRUTHS: CONFRONTING STATE TERROR AND ATROCITY 379-380 (Routledge 2002).
[11] *Id.*
[12] *Id.* at 94. Hayner quotes the current chief prosecutor of the International Criminal Court, Luis Moreno Ocampo, who prosecuted former members of the military junta, as stating that the trial against these individuals would have been impossible if it was not for the work and vital information that was supplied to the court by the Argentine truth commission.
[13] *Id.* at Chapter 7.
[14] See International Center for Transitional Justice, *ICTJ Activity in Bosnia and Herzegovina, available at* http://www.ictj.org/europe/bosnia.asp (last visited on May 4, 2004); *see also* Jelena Pejic, *Legal Perspectives and Analyses: The Yugoslav Truth and Reconciliation Commission: A Shaky Start*, 25 FORDHAM INT'L L.J. 1 (2001).
[15] See Abdul Tejan-Cole, *The Complementary and Conflicting Relationship Between the Special Court for Sierra Leone and the Truth and Reconciliation Commission*, 6 Yale H.R. & Dev. L.J. 139, (2003). The Special Court for Sierra Leone was established by U.N. SCOR, U.N. Doc. S/RES/1315 (2000).
[16] See Carsten Stahn, *Accommodating Individual Criminal Responsibility and National Reconciliation: The UN Truth Commission for East Timor*, 95 A.J.I.L. 952 (October 2001); see also Commission for Reception, Truth, and Reconciliation in East Timor, *available at* http://www.easttimor-reconciliation.org/ (last visited May 5, 2004). For more information on East Timor's hybrid court, visit the Coalition for International Justice website, *available at* http://www.cij.org/index.cfm?fuseacion=viewOverview&tribunalID=3 (last visited May, 5, 2004).
[17] United States Institute of Peace, *Rwanda: Accountability for War Crimes and Genocide: Complemetary Approaches, a special report on Rwanda's truth commission, available at* http://www.usip.org/pubs/specialreports/early/rwanda3.html (last visited May 5, 2004).
[18] *See supra* note 10, at 207-08, Hayner uses this point when citing the concerns of the President and Prosecutor of the ICTY who initially rejected the establishment of a truth commission on the grounds that the tribunal was already providing the historical truth. It can be argued, however, as Hayner points out, that the descriptions of the facts of the case fail to place the atrocities in a broader context of patterns of violations committed by individuals such as the Serbian intelligencia or those that were part of Serbian academia. Truth commissions could also closely portray the prevalence of systematic and widespread abuse perpetrated by or within the judiciary, the media, education systems, and religious institutions.
[19] *Id,* at 88.
[20] See Stephen Kim Park, *Dictators in the Dock: Retroactive Justice in Consolidating Democracies: A Comparative Analysis of Chile and South Korea*, 25 Fletcher F. World Aff. 127 130-32 (Winter 2001) .
[21] See the Green Left Weekly Online edition report: *20th Anniversary of Pinochet's Coup* by Roberto Jorquera, *available at* http://www.greenleft.org.au/back/1993/115/115p24.htm (last visited May 4, 2004). According to this article, some of the reforms that Allende initiated soon after taking office were: (1) increasing the wages of lower paid workers by 66%, distributing free milk to almost 4 million school children of school and preschool age; (2) cutting unemployment rates in half during his first year of presidency; and (3) expropriating 3300 large land holding estates.
[22] *See supra* note 20.
[23] Report of the Chilean National Commission on Truth and Reconciliation, Part II, Chapter 1 (Political Context)

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Section A2: *Final Phase of Polarization and Crisis, available at* http://www.usip.org/library/tc/doc/reports/chile/chile_1993_pt2_ch1.html#A (last visited May 4, 2003).
[24] *Id.*
[25] *Supra* note 15, at 240-41.
[26] See Timothy J. Kepner, *Torture 101: The Case Against the United States for Atrocities Committed by School of Americas Alumni*, 19 DICK. J. INT'L L. 475 (Spring, 2001).
[27] See TruthCommission.org, *Background Case -The Chilean National Commission on Truth and Reconciliation, at* http://truthcommission.org/commission.php?lang=en&cid=1&case.x=49&case.y=11 (last visited May 4, 2004). This website provides detailed information on the background, political context, sponsorship, mandate, composition, resources, proceedings, amnesty, dissemination, and continuation of case studies involving the truth commissions established in the following countries: Argentina, Chile, El Salvador, Guatemala, and South Africa.
[28] Edward C. Snyder, *The Dirty Legal War: Human Rights and the Rule of Law in Chile: 1973-1974*, 2 TULSA J. COMP. & INT'L L. 253, (Spring 1995).
[29] *Id.* at 259-61. This section of the article is an insightful look into most of the decrees that went into effect in Chile as soon as he assumed power.
[30] *Id.* at 255.
[31] *Id.* at 267-68.
[32] *Id. at* 260-61.
[33] Report, *supra* note 22, Part II, Chapter IV, Paragraph C, (other actions by the courts) *at* http://www.usip.org/library/tc/doc/reports/chile/chile_1993_pt2_ch4.html (last visited May, 6, 2004).
[34] Report, *supra* note 22, Appendix II (Statistics) *at* http://www.usip.org/library/tc/doc/reports/chile/chile_1993_appendices.html (last visited May 6, 2004).
[35] Human Rights Watch, *World Report: Chile, Human Rights Developments (1990) available at* http://www.hrw.org/reports/1990/WR90/AMER.BOU-03.htm#P155_38766 (last visited May 6, 2004).
[36] *Supra* note 32.
[37] *Id.*
[38] *Id.*
[39] *Id.*
[40] Report, *supra* note 22, Part IV, Chapter I – Proposals for Reparation (Paragraph A).
[41] See Utrecht University, Cecilia Medina Quiroga, *The Experience of Chile*, 107-08. This paper is *available at* http://www.uu.nl/content/12-10.pdf (last visited May 7, 2004).
[42] *Supra* note 41.
[43] *Supra* note 41 at 109-111.
[44] *Id.*
[45] *Id.*
[46] *Id.*
[47] *Id.*,at 111.
[48] *Id,* at 112.
[49] *Id.*
[50] *Supra* note 33, at 283-84.
[51] Decree law 2191, personally drafted by Monica Madariaga, Justice Minister from April 1977 to February 1983, and known as the Amnesty Law, was published in the Diario Oficial legislative journal on April 19, 1978. It exculpates from criminal responsibility all persons who committed crimes, were accomplices in crimes, or covered up crimes, committed between the day of the military coup, September 11, 1973, and March 10, 1978, when the state of siege was lifted. The Spanish text of the law is *available at* http://www.chip.cl/derechos/dictadura_poder_4_eng.html (last visited May 9, 2004).
[52] See Amnesty International's website and news releases on the Pinochet case, *available at* http://www.amnesty.org/ailib/intcam/pinochet/ (last visited May 9, 2004).
[53] Stark was a brigade General and commander of the Santiago Combat Group. He was promoted to General of the Army II Division on December 1, 1973, by Pinochet and was known for leading the death squad in the "Caravan of Death", whereby 70 Chileans were executed. See BBC World News, "Americas Chilean ex-officers charged for executions" (June 9, 1999). *Available at* http://news.bbc.co.uk/1/hi/world/americas/364450.stm (last visited on May 9, 2004).
[54] *Supra* note 9 at Part III of the report: Progress in Other Human Rights Trials.
[55] *Id.*
[56] *Id.* The author cites the Fundacion Documentación y Archivo de la Vicaría de la Solidaridad, *Informe de Derechos Humanos del Primer Semestre de 2001 in* reference number 12 to describe the Supreme Court's increasing awareness to the human rights cause.
[57] *Id.* at Part V of the Report: The Lagos Proposals.
[58] *Id.*
[59] *Id.*
[60] *Id.*

Footnotes
HIV Vaccine Trial Volunteers (p.13)

[1] Phase III trials are intended for a more intensive assessment of safety and effectiveness in the prevention of disease involving a larger number of volunteers in a multicenter adequately controlled study.
[2] Canadian HIV/AIDS Legal Network, *Discussion Paper: Resolving legal, ethical, and human rights challenges in HIV vaccine research* (November 2000).
[3] CIOMS. International ethical guidelines for biomedical research involving human subjects (Geneva 2002).
[4] UNAIDS, Sponsored Regional Workshops to Discuss Ethical Issues in Preventive HIV Vaccine Trials (2000) *available at* http://www.unaids.org.
[5] UNAIDS, Guidance Document, *Ethical consideration in HIV preventive vaccine research* (2000) *available at* http://www.unaids.org.
[6] Bass, Emily, *Interview with Uganda's Peter Mugyenyi, available at* http://www.amfar.org/cgi-bin/iowa/td/feature/print.html?record=13.
[7] Bass, Emily, *Protecting the Volunteer when the Vaccine Fails, available at* http://www.amfar.org/cgi-bin/iowa/td/feature/print.html?record=8.
[8] Phase I refers to the first population for initial determination of its safety and biological effects, including immunogenicity. This phase may include studies of dose and route of administration, and usually involves fewer than 100 volunteers.
[9] Haire, Bridget, *Ethical Issues Complicate Vaccine Research, available at* http://www.amfar.org/cgi-bin/iowa/td/feature/print.html?record=5.

Footnotes
From Terror to Terrorism (p.16)

[1] 4 TULSA J. COMP. & INT'L L. 117, 120 (1996).
[2] *Id.*
[3] *Id.* Chechnya is a small republic situated in south of the European part of Russia, composed of 5 cities and 20 districts where law, order, and economy have been in peril with vital need for Russia's oil pipeline, to which there are conflicting claims.
[4] See NCSJ.org *at* http://www.ncsj.org/Russia.shml
[5] Victor Yasmann, *Analysis: Russia—Between Terror and Corruption* (September 26, 2004) *available at* http://www.rferl.org/featuresarticle/2004/9/3CAB44EC-DA1D-4A9A-9366-D66C2381C27C.html.
[6] *Id.*
[7] *Id.*
[8] *See* Gazeta.ru *at* http://Gazeta.ru (June 24, 2004).
[9] *See* RFERL.org *at* http://www.rferl.org/featuresarticle-print/2004/09/3cab44ec; please note discrepancy in that rfe/rl archive indicates that 89 died.
[10] *Id.* at http://www.rferl.org/featuresarticle-print/2004/09/3cab44ec.
[11] *Id.* at http://www.rferl.org/featuresarticle/2004/8/A83C7C3E-9788-4AE4-9760-44A6BCF42172.html.
[12] *Id.*
[13] *Id.*
[14] Valentinas Mite, *Russia: Rumors, Theories Still Swirl Around Beslan Tragedy* (October 26. 2004) *available at* www.rferl.org/feuturesarticle-print/2004/10/cbe42f93-; please note other data in the article: no less than 1,000 people died according to "Versiya".
[15] *Id.*
[16] RFERL.org, *supra* note 10.
[17] *Id.*
[18] *Id.*
[19] RFERL.org, *available at http://www.rferl.org/specials/russia-terror/.*
[20] *Id.*

Footnotes
Breastfeeding (p.20)

[1] L. M. Gartner, et al., *Breastfeeding and the Use of Human Milk*, 115 PEDIATRICS 496 (2005).
[2] U.S. Department of Health and Human Services, Office on Women's Health, National Women's Health Information Center, *HHH Blueprint for Action on Breastfeeding* (June 2004) *at* http://www.4women.gov/breastfeeding.
[3] See, e.g., *Roe v. Wade*, 410 U.S. 113 (1973); *Griswold v. Connecticut*, 381 U. S. 479 (1965).
[4] 650 F.2d 783 (5th Cir. 1981).
[5] *Zablocki v. Redhail*, 434 U. S. 374 (1978); *Griswold v. Connecticut*, 381 U.S. 479 (1965); *Pierce v. Society of Sisters*, 268 U.S. 510 (1925); *Meyer v. Nebraska*, 262 U.S. 390 (1923); *Roe v. Wade*, 410 U.S. 113 (1973).
[6] 650 F.2d at 787.
[7] See, e.g., *Ploski v. Feder* 1999 WL 111898 (N.D.Cal Mar. 1, 1999), *Shahar v. Bowers*, 114 F.3d 1097 (1997).
[8] Shana M. Christrup, *Breastfeeding in the American Workplace,* 9 AM. U.J. GENDER SOC. POL'Y & L. 471 (2001).
[9] WHO, *available at* http://www.who.int/nut/db_bfd.htm.
[10] *Id.*
[11] Lazarus Mbasa, "Hospital Gets Baby Friendly Status" (March 2, 2005) *at* http://allafrica.com.
[12] DCD-FDA, Medical Letter on the DCD & FDA, *In Uganda, poverty is affecting AZT use among mothers Disease Transmission (*March 13, 2005) at http://newsrx.com.

Footnotes
Darfur: A Call to Action (p.22)

[1] See Note Verbale dated 8 March 2005 from the Permanent Mission of the Republic of the Sudan to the United Nations Office and Other International Organizations in Geneva addressed to the Office of the High Commissioner for Human Rights, *available at* http://daccessdds.un.org/doc/UNDOC/GEN/G05/128/87/PDF/G0512887.pdf?OpenElement.

[2] Scotsman.com, *PA NEWS at* http://news.scotsman.com/latest.cfm?id=3981005 (Jan. 10, 2005).

[3] *See* Jon S. Corzine and Sam Brownback, *Stop the Genocide available at* http://www.washingtonpost.com/wp-dyn/articles/A64425-2005Jan10.htm.

[4] 2005 Africa News Service *at* http://web2.westlaw.com/result/documenttext.aspx?rltdb=CLID_DB5711203&vr+2.0&fel.

[5] *See* Jon S. Corzine website *at* http://corzine.senate.gov/press_office/record.cfm?id+232683.

[6] Kristof, Nicholas D., *The Secret Genocide Archive* N.Y. TIMES, Feb. 23, 2005.

[7] Physicians for Human Rights, *Act Now to Save Lives in Sudan, available at* http://www.phrusa.org/research/sudan/.

[8] Sudan Tribune, *Anatomy of a Genocide: Interview with Brian Steidle, available at* ttp://www.sudantribune.com/article.php3?id_article=8582.

[9] *See* Corzine *supra* note 5.

[10] *See* Note Verbale *supra* note 1; *see also* Economic and Social Council, *Report of the Independent Expert on the Situation of Human Rights in Sudan, available at* http://daccessdds.un.org/doc/UNDOC/GEN/G05/113/72/PDF/G0511372.pdf?OpenElement.

[11] *See* SAMANTHA POWER, A PROBLEM FROM HELL: AMERICA AND THE AGE OF GENOCIDE 172 (Harper Collins 2003).

[12] *Id.* at 360.

LAST WORD: Report to ILO on International Human Rights from the Canadian Prairies

BY PROFESSOR PENNY ANDREWS

[Professor Penny Andrews is away on sabbatical and ILO wishes her well. The following article is an update on her activities.]

Some of you may be aware that this year (2005) I have accepted a visiting position as the Ariel F. Sallows Professor of Human Rights Law at the University of Saskatchewan in Canada. It is a research chair which requires that I teach in the Fall semester, but that I use the Spring and Summer semesters to work on my book on women's human rights. Part of my obligation as the Sallows Chair is to organize a conference on international human rights.

The description of the conference is as follows. It is entitled: *Reflections on Rights Enforcement: Comparative Perspectives*.

Fifty-six years ago the United Nations adopted the Universal Declaration of Human Rights (UDHR). The UDHR, an optimistic exhortation to the global community in the wake of the human devastation of fascism, had the potential to change the relationship between government and its citizens. Embracing a panoply of rights, the UDHR was supposed to serve notice on those who wished to hide behind the principle of state sovereignty, especially when they egregiously violated the rights of their citizenry, that this was no longer to be the case and that some measure of accountability towards citizens was now applicable.

Despite some dissension amongst the leading countries of the world about the adoption of such a sweeping universal document on rights, the importance of the UDHR, and its progeny, the International Covenant of Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights is now unassailable. Indeed, a cursory glance at the proliferation of human rights instruments emanating from the United Nations will confirm the significance of human rights as essential to good governance.

In addition to the voluminous activity at the international level, many established and newly-emerging democracies have adopted international human rights principles in their constitutional or legal frameworks. This is particularly the case in countries that have emerged from authoritarian or repressive histories, and for whom the new legal and constitutional arrangements have to be transformative in their potential for rights enforcement.

In these countries the rights project takes on enormous significance, both substantively and symbolically. This has, for example, been the case in Argentina and Uganda, after many decades of brutal military dictatorship: both the Argentinean and Ugandan Constitutions incorporate an array of international human rights principles in their Constitutions. South Africa provides another interesting case in point: the Constitution adopted there includes both in spirit and in substance the major tenets of international human rights law. The Constitution is extremely broad in its generous protection of not only civil and political rights, but also economic and social rights.

Canada too has been part of this "rights revolution". The Canadian Charter of Rights and Freedoms has been acclaimed as incorporating human rights as an "intrinsic and irrevocable part of Canadian identity". In addition, the Charter of Fundamental Rights of the European Union has generated a rights jurisprudence protecting the rights of citizens in a host of areas. Australia and New Zealand have in the past decade grappled with the incorporation of rights in their Constitutions.

It is fair to say therefore that the range of constitutional frameworks adopted in democracies reflect the "global growth in human rights consciousness." Upendra Baxi, the Indian legal scholar, refers to the discourse of human rights seeking to "supplant all other ethical languages."

In response to this past half century of constitutional "rights talk", the University of Saskatchewan College of Law will host a conference in September 2005 to explore the issue of constitutionalism and rights in comparative perspective. The conference will provide a forum within which the major themes of rights discourse will be employed. These include, but are not limited to, rights and equality; rights and the criminal justice system; labor; rights, security and citizenship; federalism; judicial review; group or minority rights; poverty; rights and reparations; and rights enforcement.

Participants will include judges, legal and policy scholars, legal practitioners and human rights advocates. The University of Saskatchewan Law Review will publish the proceedings of the conference.

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International Law Students Association

Mission

The International Law Organization at CUNY School of Law is part of the International Law Students Association (ILSA). ILSA is a non-profit association of students and young lawyers dedicated to the study and promotion of international law. Generally, legal education in the U.S. and elsewhere focuses upon domestic or local law.

ILSA's mission is to promote awareness, study, and understanding of international law and related issues. ILSA seeks to encourage communication and cooperation among law students and other interested individuals internationally; increase opportunities to learn about other cultures and legal systems worldwide; and publicize career opportunities in international law. The success of this dual mission – education and communication – is vital to future world peace and commerce.

History

ILSA has existed, in various forms, for over forty years. Its history is closely linked with its largest and best-known enterprise, the Philip C. Jessup International Law Moot Court Competition. Now in its 45th year, the Jessup Competition today involves law students from over 500 law schools in over 80 countries. But a quick look at where it all began is instructive.

In 1959, a small group of U.S. and foreign students at Harvard Law School organized and administered an intramural "international law moot" competition. Later re-named in honor of H.E. Philip C. Jessup, justice of the International Court of Justice, this competition expanded over the next three years to include students from nearly a dozen U.S. law schools.

Scope

Comprising law students and lawyers around the world, ILSA serves as an umbrella organization for its individual members and chapters at universities worldwide. ILSA has chapters at nearly 100 universities and colleges throughout the world and, through its various activities, touches students at over 500 law schools in over 100 countries. ILSA also maintains relations with regional law-student associations throughout the world, including the Young Lawyers Section of the American Bar Association, the European Law Students Association, COLADIC (the Latin American reginoal association of law students) and the ASEAN Law Students Association.

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