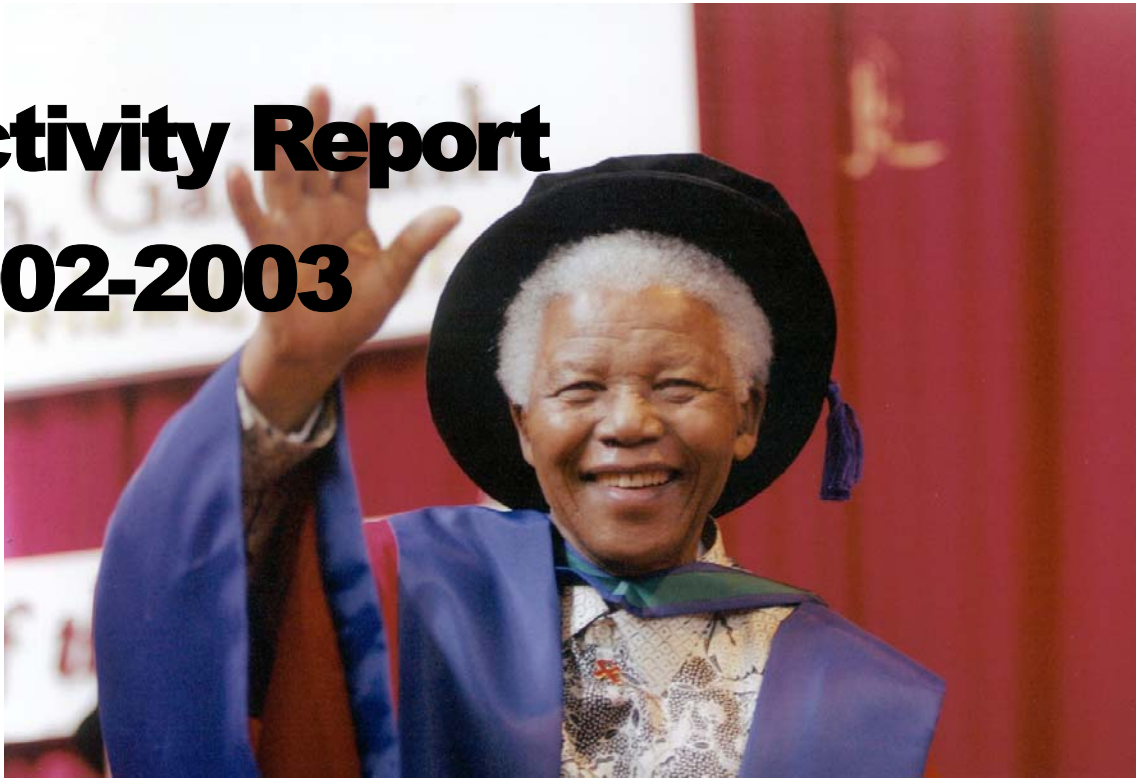


# Activity Report 2002-2003



*Nelson Mandela, on his visit to the National University of Ireland, 20 June 2003.*

The third full year of operations of the Irish Centre for Human Rights of the National University of Ireland, Galway, was marked by a dramatic expansion in its teaching and research activities. Major developments include the establishment of two new LLM programmes, association of the Centre with the Mediterranean Masters in Human Rights programme, the Centre's first major publication, lengthy visits from world-renowned academics, and continued growth in the PhD programme. In June 2003, the Centre hosted the fourth biennial conference of the International Association of Genocide Scholars.

The highlight of the academic year was the award by the University of an honorary doctorate to Nelson Mandela, in June 2003. To mark the event, the Bank of Ireland agreed to renew its highly-successful post-doctoral fellowship programme at the Centre for three additional years.

## 1

# Structure and Personnel

Officially opened in February 2000, by August 2003, the Irish Centre for Human Rights had grown to a staff of twelve full-time academic, research and support personnel, plus several part-time employees. Nationals of eight different countries – Ireland, Canada, China, United States, India, South Africa, Mexico and Ghana – are employed at the Centre.

Five academic members of the University's Faculty of Law are located at the Irish Centre for Human Rights and teach in its programmes: Professor William Schabas, Dr. Ray Murphy, Dr. Vinodh Jaichand, Dr. Kathleen Cavanaugh and Dr. Joshua Castellino. Three research fellows, Dr. Kwadwo Appiagyei-Atua (Bank of Ireland fellow), Niamh Walsh (NUI Phelen fellow) and Professor Juan-Manuel Portilla Gómez (visiting scholar) complete the roster of academic personnel. In addition, a team of professionals, Zhao Haifeng, Sinead Beacom and Nuala Ni Mhuircheartaigh, are engaged full time on the EU-China Network project. Fiona Gardiner provides administrative support services to the Centre.

Professor William A. Schabas is director of the Irish Centre for Human Rights. A specialist in the areas of international criminal accountability for human rights violations and the abolition of capital punishment, over the course of the academic year 2002-2003 Professor Schabas lectured in the Canada, the United Kingdom, the United States, China, Italy, France, Romania, Belgium, Mexico, the Netherlands,



*Professor William Schabas, standing, presiding over a session of the Sierra Leone Truth and Reconciliation Commission in Freetown, July 2003*

Switzerland and Japan. In July 2002, Professor Schabas was sworn in by the President of Sierra Leone as the only non-African member of the Sierra Leone Truth and Reconciliation Commission. He has devoted much of his time during the year to the work of the Commission, which is expected to release its final report early in 2004. During 2002-2003, Professor Schabas published several books and articles, including the third edition of his important work *The Abolition of the Death Penalty in International Law*. The second edition of his best-selling *Introduction to the International Criminal Court* (Cambridge: Cambridge University Press) was completed and will appear in early 2004.

During the academic year, college lecturer Ray Murphy was a featured lecturer at an international

training course on peacekeeping operations, delivered by the Pearson Peacekeeping Centre in Sofia, Bulgaria, to participants from Bulgaria, Romania, Macedonia, Bosnia-Herzegovina, Croatia, Albania, India and Canada. Dr. Murphy also directed the successful launch of the LLM in peace support studies. In Spring 2003, Dr. Murphy lectured on International Criminal Law and International Humanitarian Law at the University of Leiden, the Hague as part of the Institute for International Criminal Investigations training courses; and at the International Human Rights Academy, Ghent University, Belgium, July 2003

Dr Vinodh Jaichand joined the Centre as College Lecturer in January 2003. Dr Jaichand has a PhD in human rights law from Notre Dame University in the United States, and a distinguished career in his native South Africa, both in academic life and in the NGO sector. Opening of the position he holds at the Centre was authorised by the University in order to keep pace with the dramatic expansion in student enrolment. In addition to assuming a full complement of teaching and research responsibilities, Dr. Jaichand represented the Centre at meetings in Italy and Malta, and lectured in Brazil.



**Dr. Vinodh Jaichand**

The activities of Dr Kathleen Cavanaugh, lecturer, included a lengthy research mission to Iraq, in May 2003, as a representative of Amnesty International. Dr. Cavanaugh and her team studied the human rights situation in post-war Iraq, collecting testimony from civilians and military personnel. Research centred on occupying power obligations/limitations under international humanitarian law, and was primarily focussed on questions related to treatment of prisoners of war, detainees and internees (including revision of judicial and penal code systems), as well as issues arising from security and policing. Research entailed fieldwork in Basra, Al-Amara, Nassiriya and Baghdad. During the year, Dr. Cavanaugh also lectured on human rights to practitioners in Egypt and Sudan, as part of a joint programme run by the Law Society of England and Wales and the Arab Lawyers Union. She was also engaged in training of Government of Ireland legal staff on the European Convention on Human Rights.

Dr Joshua Castellino, lecturer, published *International Law and Title to Territory in International Law* with co-author Steve Allen of Brunel University in the United Kingdom. Reviewing the book, Professor David Wippman of Cornell University said that it 'offers a compelling critique of the use and misuse of the doctrine of *uti possidetis* in modern international law and the inequities sometime perpetuated by the continuing of the application of the principle in earlier periods'. In the course of the academic year, Dr. Castellino worked on an edited volume he is preparing, together with NUI Phelen fellow Niamh Walsh, entitled *Indigenous Peoples and Human Rights Law*. It is to be published by the Raoul Wallenberg Institute and Martinus Nijhoff Publishers in the course of 2004. Dr. Castellino also took the lead in organisation of the minority rights summer course offered by the Centre in June 2003.



**Dr. Kwadwo Appiagyei-Atua**

The research work of Bank of Ireland fellow Dr. Kwadwo Appiagyei-Atua focused on examining the human rights reforms introduced in the New Economic Partnership for Africa's Development (NEPAD) in contributing to a human rights-centred approach to holistic sustainable development in Africa. In the course of the academic year, Dr Appiagyei-Atua was active in a range of teaching, lecturing, publishing and research activities. He represented the Irish Centre for Human Rights at sessions of the European Master's in Human Rights, in Venice.

# 2

## Premises and Equipment

The Centre is located in a detached two-story building on Earl's Island, facing the Galway Cathedral, and in between the bridges linking the town of Galway with the University Campus. The building was constructed in 1820 as the Galway Fever Hospital. It was purchased by the University early in the twentieth century and was used for many years as a sports facility. The building was entirely renovated in 1999 to a very high standard. It now consists of thirteen individual offices, a seminar room, a documentation centre and a dedicated workroom for doctoral students.



*PhD work room now has twelve units available for researchers.*

In the first years of activity of the Centre, the building was partially used by the University for other purposes. Since 2002, the entire building is devoted to activities of the Irish Centre for Human Rights.

In the course of 2002-2003, growth in the Centre meant that it required the entire building for its activities. During the year, a major refitting of the documentation centre within the building created twelve new work spaces for PhD students. Each work space is equipped with a computer and internet access. A specialised library is in the course of being created for the work room.

# 3

## Post-Graduate Education

The second full year of the LLM in international human rights was completed in August 2003. Of the forty-three students who registered in the programme in September 2002, thirty-four graduated in December 2003:

Airey, Siobhán	Hughes, Edel	Plog, Max Johannes
Aly Saad, Aly Mokhtar	Kelly Keane, Nora Veronica Theresa	Rae, Isabella
Ball, Whitney Susan	Kuti-Oaniyi, Folasade 'Bola	Rosenfeld, Robert
Banis, Enrico	Maguire, Maria Theresa	Ruddy, Mary Bernadette
Bridger, Tim	Martel, Antoine	Ryan, Aideen Margaret Christine
Carpenter, Megan	Modlmayr, Maria-Antonia Johanna	Stepanova, Ekaterina
Coakley, Kathryn	Mostyn, Mary Teresa Anne	Sweeney, Gareth Michael
Cousins, Helen Elizabeth	Mueller, Dominik	Turcotte, Kim
Daly, Aoife Cairtriona	Mullan, Elizabeth Grace	Warner, Rosemary
Dupont, Sophie	O'Donovan, John Martin	Xiaoyu, Yu
Goggin, Seán	O'Connell, Laoise	
Hally, Johanna Geraldine	Paquier, Anne	

Of the seven students who registered in the LLM in international Peace Support Operations programme in September 2002, five graduated in December 2002:

Aherne, Gerald	Delaney, Paul Raymond	Kilbride, John Martin
Caulfield, Eamon	Fairlie, Megan Aileen	

The remainder are completing the LLM degree on a part-time basis. Students in the 2002-2003 cohort came from throughout the world, including Germany, Canada, the United States of America, Ireland, the United Kingdom, Pakistan, France, Nigeria and Libya. It is a diverse group in terms of gender and age, and includes several older students with rich field experience in justice, development and human rights.

Teaching for the LLM programmes was delivered by the Centre's faculty. Courses offered included: Introduction to International Human Rights Law (Dr. Cavanaugh), Minority Rights (Dr. Castellino), European Convention on Human Rights (Dr. Cavanaugh), International Humanitarian Law (Dr. Murphy), International Peace Support Operations (Dr. Murphy and Dr. O'Neill) Conflict Studies (Dr. Cavanaugh), International Criminal Law (Prof. Schabas), Abolition of the Death Penalty (Prof. Schabas), Economic, Social and Cultural Rights (Dr. Jaichand), African and Inter-American System (Dr. Jaichand), International Relations and International Organisations (Dr. Castellino). In addition to the Centre's full-time faculty, Bank of Ireland fellow Kwadwo Appiagyei-Atua delivered courses on the Rights of the Child and Gender Rights. Dr. Patrick Twomey of the University of Nottingham delivered a course in refugee law. The programme is directed by Dr. Joshua Castellino.

During 2002-2003, the Centre participated actively in the European Master's Programme, offered by a consortium of universities from European Union countries. Dr. Castellino and Niamh Walsh delivered lectures in the programme during the year, and representatives of the Centre participated in a number of administrative meetings. Six students in the programme spent the second semester in Galway attending seminars and preparing their dissertations.

During the year, the Centre joined the companion programme to the European Master's which is headquartered in Malta and offered to students in non-EU Mediterranean countries. Five students enrolled in the Mediterranean Master's, from Palestine, Cyprus, Morocco and Malta, attended the second semester at the Irish Centre for Human Rights, where they participated in seminars and completed their dissertations. Dr Jaichand represented the Centre at administrative functions of the programme.

In partnership with Queen's University in Belfast, the Centre successfully launched its one-year 'cross-border' LLM in international human rights and criminal justice. Students spend the first semester at Queen's and the second semester at the Centre. Over the summer months they write their dissertation, under the supervision of faculty members in one or other of the two institutions. Two students enrolled in this first year of the programme. The numbers enrolled for the next year represent a significant increase. The programme is directed by Dr. Kathleen Cavanaugh.

In September 2002, the Centre launched its LLM degree in peace support operations. Eight students enrolled in the course, five of them on a full-time basis. This programme draws upon the resources of the LLM in international human rights, but adds specialised courses in peacekeeping-related matters. The programme is directed by Dr. Ray Murphy. Dr. Terry O'Neill assisted in the delivery of the programme. The programme provides academic credit for practical experience in the field, and several of the students enrolled had worked previously in peace support operations with the Irish Defence Forces.

Twenty-five students are now pursuing PhD studies at the Centre. In 2002, Niamh Walsh was granted the E.J. Phelan Scholarship in International Law, the first laureate of this prestigious award from the National University of Ireland. Four PhD students received bursaries from the Irish Centre for Human Rights (Nancie Prud'homme, Shane Darcy, Vivienne O'Connor, Mohammed El Zeidy); in addition to their doctoral studies, they participate part-time in research projects and other activities of the Centre. Five PhD students were in receipt of Higher Education Authority post-graduate scholarships permitting them to pursue full-time studies at the Centre (Nicolaos Strapatsas, Jérémie Gilbert, Anthony Cullen, Clémentine Olivier, Michael Kearny and David Keane).

For the second consecutive year, the Centre held an intensive one-week 'doctoral seminar' in April 2003, for students enrolled in PhD studies. Distinguished academics from around the world present seminars or lectures on their current research, and comment on research presentations by doctoral students. In 2003, the visiting faculty included: Professor Ed Broadbent (McGill University), who lectured on corporate social responsibility, Professor Raul Pangalangan (University of the Philippines), who lectured on economic and social rights; and Professor Gerard Quinn (NUI Galway), who lectured on disability law.

## 4

## Summer Schools

For the fourth year, in July 2003, the Centre organised a summer course on the International Criminal Court. The president of the Court, Judge Philippe Kirsch, presented the inaugural lecture. Other world-renowned specialists who participated included Ambassador David Scheffer, Professor Leila Sadat, John McManus, Haken Friman, Stéphane Bourgon, John Cerone and Professor William Schabas. Approximately eighty students attended the course, which is increasingly recognized as the best programme of its kind. They included post-graduate and undergraduate students, practising lawyers, diplomats and public servants, journalists and members of the judiciary. The course will be offered again in 2004.



*Pensive judges during the International Criminal Court moot, held at the Galway Courthouse in conjunction with the ICC summer course. From left: Professor Leila Sadat, Professor David Scheffer, Professor David Kretzmer.*

For the third year, in June 2003, the Centre offered a one-week summer course on minorities and international human rights law. The focus was on indigenous peoples in Africa. Organised by Dr. Castellino, the course was delivered in conjunction with the Raoul Wallenberg Institute, University of Lund, Sweden. It drew several of the world's leading specialists, as faculty, including Professor Gudmunder Alfredsson of the Raoul Wallenberg Institute of Human Rights, Lund, Sweden, and Professor Patrick Thornberry of Keele University, United Kingdom. Approximately fifty students from around the world attended the course. It will be offered again in June 2004, this time with a focus on indigenous peoples in Asia.

A consortium of four universities in the United States, led by the New England College of Law, Boston, offered a five-week summer school in international human rights at the Centre. The programme has been in existence since 2001. Courses are credited towards American Bar Association-approved law degrees in the United States. The Centre provides the venue for the school, and several of its faculty deliver courses. Approximately fifty students from United States law schools attended. The programme will be repeated in June-July 2004.

## 5

## Research

A busy year of conferences, publishing and contract research helped build the reputation of the Irish Centre for Human Rights as one of the premier institutions of its kind.

During 2002-2003 the Irish Centre for Human Rights hosted several important international conferences. The first, in September 2002, examined the inter-relationship between the two principal transitional justice mechanisms, truth commissions and international (or internationalised) criminal courts. Held in Galway, co-sponsors of the conference were the International Centre for Transitional Justice and the United States Institute of Peace. Speakers included David Crane, Prosecutor of the Special Court for Sierra Leone, and representatives of truth commissions and courts from such countries as Peru, Guatemala, Ghana, Northern Ireland and Timor Leste. Papers presented at the conference will be published in the *Criminal Law Forum*.

In June 2003, the Centre was the host of the fourth bi-annual conference of the International Society of Genocide Scholars. An interdisciplinary academic society, the IAGS brings together



*The president of the International Society of Genocide Scholars, Professor Joyce Apsel, centre, with keynote speaker Gerald Gahima, left, who is Attorney-General of Rwanda, and Professor William Schabas.*

historians, sociologists, archivists, psychologists and legal academics. Keynote speaker at the conference was Gerald Gahima, who was then Attorney-General of Rwanda and is now Vice-President of the country's Supreme Court.

Also in June 2003, to coincide with the visit of Nelson Mandela to the National University of Ireland, Galway, the Irish Centre for Human Rights hosted a conference on international development in Africa, entitled 'Economic Development, Human Rights and Aid, A New Partnership for Africa's Development – Ireland's

Role'. Speakers included David Begg, Secretary-General of the Irish Congress of Trade Unions, Sean Love, President of Amnesty International, Tom Arnold of Concern, John O'Shea of Goal, Justin Kilcullen of Trocaire and Kwadwo Appiagyei-Atua, Bank of Ireland Fellow at the Centre. The proceedings of the conference are in the course of being published.

During 2003-2004 the Centre is expecting to organise three major academic conferences. The first is to be held in mid-January 2004, in Paris, at the premises of the Irish Cultural Centre. It will be co-hosted by the Irish Cultural Centre and the University of Paris II. The conference will commemorate the centenary of the birth of one of Ireland's great human rights personalities, Sean Mac Bride, and will take the abolition of capital punishment as its theme. The second, to be held in Galway in May 2004, is entitled 'Human Rights and Ulysses', and will address a variety of human rights dimensions associated with the life and work of James Joyce. The occasion, of course, is the

one-hundredth anniversary of 'Bloomsday'. Co-organisers of the conference are the English Department of the National University of Ireland, Galway and Kenny's Bookshop.

In July 2004, the Centre will host an international conference entitled 'Accountability for Atrocity'. The conference is being organised jointly with the United Nations University in Tokyo. Confirmed speakers at the conference include Mary Robinson, former United Nations High Commissioner for Human Rights, Judge Theodor Meron, President of the International Criminal Tribunal for the former Yugoslavia, Lloyd Axworthy, former Minister of Foreign Affairs of Canada, and Louise Arbour, Justice of the Supreme Court of Canada and former Prosecutor of the international criminal tribunals for the former Yugoslavia and Rwanda.

Once again, the Centre co-ordinated the human rights stream of the annual Social-Legal Studies Association Conference. Held this year at the Law School of Nottingham Trent University, from 14-16 April 2003, several doctoral students and faculty members Castellino, Murphy and Appiagyeyi-Atua participated in the conference and presented papers.



*PhD students Shane Darcy, left, and Clémentine Olivier, participating in panel at the Social-Legal Studies Association Conference at Nottingham-Trent University.*

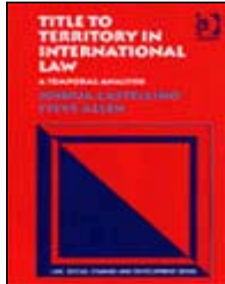
In addition The Centre also hosted a number of visiting lecturers who spoke to faculty, students and the general public: The public lectures included:

- 12 September 2002: Professor Yoram Shachar, The Interdisciplinary Center, Herzlia, 'Israel Nation-State and Diaspora – Extended Extra-Territorial Jurisdiction in Israel'.
- 23 September 2002: Dr. Faustina Pereira, Advocate, Supreme Court of Bangladesh, and Bank of Ireland Fellow 2001-2002, 'Irish Centre for Human Rights An Asia-Pacific Court of Human Rights : Utopian Vision or Compelling Reality?'.
- 30 January 2003: Professor Alan Miller, Director of McGrigor Donald Rights, Centre for the Study of Human Rights Law, University of Strathclyde, Scotland, 'Globalisation and Human Rights - some key trends and contemporary issues'.
- 29 March 2003: Judge Carmel Agius, International Criminal Tribunal for the former Yugoslavia, 'Fighting Impunity at the ICTY'.
- 4 April 2003: Professor Stephen Livingstone, Queens University Belfast, 'Human Rights Commissions - The Northern Irish Experience'.

Members of the faculty of the Irish Centre for Human Rights, as well as a growing number of students, published widely during the academic year 2002-2003. For the first time, the Centre produced its own publication, the bilingual proceedings of the conference on the abolition of the death penalty that it hosted in September 2001 (Gérard Cohen-Jonathan and William A. Schabas, eds. *La peine capitale et le droit international des droits de l'homme*, Paris: L.G.D.J. Diffuseur, 2003, 275 pp.

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## Conference Papers, Lectures

### **Dr. Kwadwo Appiagyei-Atua**

- Women's Rights and Development in Africa, Socio-Legal Studies Conference, Annual Conference, University of Nottingham Trent, United Kingdom, 14 April 2003.
- Child Slavery in Ghana and Consequences for Child Trafficking, Human Rights Society Conference, NUIG, March 2003.
- The African Union and NEPAD: The Old, the New and the Future. International Conference on Development in Honour of Mandela Visit, 20 June 2003.
- Women's Rights Issues in Africa. Seminar on Global Issues and Human Rights, Galway One World Centre, 18 April 2003.
- Workshop on Reparation in Ghana, Dodowa. Organisers: Ghana Centre for Democratic Development, 27-29 November 2003. Paper: 'Legal Framework for Reparations in Ghana.'
- Workshop on Good Governance in Africa, Accra. Organisers: United Nations Economic Commission for Africa/Centre for Democratic Development. 1-3 December 2003.
- EU-China Human Rights Project. Seminar on Minority Rights, Beijing. Paper: 'Minority Rights, Development and Political Stability.' 10-16 November, 2003.
- Comparative Research Programme on Poverty (CROP) workshop 'Law and Poverty, Abuja, Nigeria. Paper: 'A Rights-Centred Critique of Poverty-Reduction Measures in Africa.' 24-26 November 2003.
- A Human Rights Justification for Exiting Aid in Africa.' Global Trade and Implications for Human Rights Conference. Host: Human Rights for Change, Irish Centre for Human Rights. 4 October 2003.
- Papers presented at 2003 Minority Rights Summer School, Irish Centre for Human Rights: 'The African Union and Minority Rights,' 'West African States Before International Bodies,' 'Issues on Minority Rights in West Africa,' 8-14 June 2003.

### **Dr. Joshua Castellino**

- Rationale for the Creation of a Special Rapporteur on Minority Rights, submission to the Department of Foreign Affairs, Government of Austria, for the United Nations Commission of Human Rights, March 2003.
- A Working Guide to the website of the High Commissioner for Human Rights, training course for judges and prosecutors, China University of Political Science & Law, Chong Qing, China, 12 March 2003,

- Minority Rights: A Workshop' training course for judges and prosecutors, China University of Political Science & Law, Chong Qing, China, 12 March 2003.
- Reconciling the Past: The Issue of Justiciability & Past Human Wrongs, Socio-Legal Studies Conference, Annual Conference, University of Nottingham Trent, United Kingdom, 15-17 April 2003.
- Using International Human Rights in a Domestic Setting, Plenary session and Workshop at Lawyers for the Millennium, Joint Programme sponsored by the European Union, hosted by the Arab Law Union, the Beirut Bar Association and the Tripoli Bar Association in conjunction with the Law Society of England & Wales Beirut, 20-25 May 2003.
- The Human Rights Agenda: Evolving Towards Inclusiveness?, Empire, Subjectivity and Political Theory Conference, Institute for International Integration Studies, Trinity College Dublin, 24-25 July 2003.
- The Freedom of Assembly and Speech in International Human Rights Law, Public Meeting Against the Passage of the Litter and Parks and Open Spaces Bye-Laws by Galway City Council, Menlo Park Hotel, Galway, 27 August 2003

### **Dr. Kathleen Cavanaugh**

- Selective Justice: The Application of International Law in the Occupied Territories, University of Ulster, 23 January 2003.
- Beyond the Rhetoric: Transitioning Conflict in Israel and the Occupied Territories, Law and Policy Seminar Series, University College Cork, 6 February 2003.
- Foreign Investment and Business Ethics, British Council, Khartoum, 27 February 2003.
- Universal Failings: the Case of Israel and the Occupied Territories, Conference on Feminist Political Perspectives on Globalisation, University College Dublin, 28 March 2003.

### **Anthony Cullen**

- Israel's Settlement Policy and International Law, Socio-Legal Studies Conference, Annual Conference, University of Nottingham Trent, United Kingdom, 15-17 April 2003.

### **Shane Darcy**

- IDF Security Measures in the Occupied Territories, Defending Human Rights in Conflicts and Emergencies Nottingham School of Law Student Conference 2003,

University of Nottingham, United Kingdom, 15 March 2003.

- The Joint Criminal Enterprise Doctrine as relied upon by the International Criminal Tribunal for the Former Yugoslavia, Socio-Legal Studies Conference, Annual Conference University of Nottingham Trent, United Kingdom, 15-17 April 2003.

### **J r mie Gilbert**

- Minority and Indigenous Peoples Rights, Centre for the Study of Global Ethics, University of Birmingham, 12 November 2002.
- Culture as a Human Rights' Centre for the Study of Global Ethics, University of Birmingham, 4 March 2003.
- Protecting Indigenous Peoples' Territorial Rights: Human Rights as a Tool to Redress Extinguishment?, Socio-Legal Studies Conference, Annual Conference, University of Nottingham Trent, United Kingdom, 15-17 April 2003.
- Mainstreaming Human Rights in Treaties/Agreements Between States and Indigenous Peoples, United Nations Expert Seminar on treaties, agreements and other constructive arrangements between States and indigenous peoples, Geneva, 15-17 December 2003

### **Dr. Vinodh Jaichand**

- Legal Aid: Models and Mechanisms, EU-China Network Seminar, Beijing, 11 March 2003.
- Human Rights Enforcement, EU-China Workshop with Prosecutors, Magistrates and Police, Chongquin, 13 March 2003.
- Some Emerging Human Rights Issues in South Africa, Southern African Documentation and Cooperation Centre, Vienna, 27 March 2003.
- Transformation in South Africa, Transformation in South(ern) Africa and the European Union Seminar, Vienna, 28 March 2003.
- Public Interest Litigation Strategies for Advancing Domestic Systems of Law' III International Human Rights Colloquium, Sao Paulo, 28 May 2003.

### **David Keane**

- International Human Rights Protection against Caste-based Discrimination - The Case of the Dalits, Socio-Legal Studies Conference, Annual Conference, University of Nottingham Trent, United Kingdom, 15-17 April 2003.

### **Michael Kearny**

- Human Rights Study and Activism,' delivered at the Irish Students for Human Rights Conference, NUI, Galway, 30 March 2003.
- Media, Peace Process and Conflict in Northern Ireland' delivered to the New England School of Law Summer School, Irish Centre for Human Rights, 18 June 2003.

### **Catherine Kenny**

- The Roles of International Human Rights Law and Institutions in Situations of Forced Migration, International Association for the Study of Forced Migration Conference, Chiang Mai, Thailand. 5-9 January 2003.
- Developments in anti-trafficking law and policy: their impact on the survivors of trafficking in persons, Conference: Women's Movement: Migrant Women Transforming Ireland, Trinity College, Dublin, 20-21 March 2003.
- Developments in Irish law and policy regarding trafficking in persons, Trafficking in Persons Conference, University of Nottingham, 27-28 June 2003.

### **Dr. Ray Murphy**

- UN Operations in Lebanon and Somalia and the use of Force, International Conference on Conflict Management, peace and Development, Krakow, Poland, 18-20 October, 2002.

- The International Criminal Court and Recent Developments, Irish Association of Law Teachers Conference, Dublin, 2 November 2002.
- Crimes and Jurisdiction: The International Criminal Court, Seminar, International Criminal Court - Implications and challenges Ahead, ELSA, University of Malta, 11 January 2003,
- The Politics and Legality of War in Iraq, Public Seminar, Labour Lawyers Group, Liberty Hall, Dublin, 27 February 2003.
- Prisoners of War and the Conflict In Afghanistan, Annual Conference, Socio Legal Studies Association, Nottingham, 16 April 2003.
- UN Forces and the Duty to Protect, Annual Meeting, Academic Council on United Nations System, UN New York, 12-14 June 2003.
- The Organisation for Security and Co-operation in Europe (OSCE) and Human Rights, International Human Rights Academy, Ghent University, Belgium, 11 July 2003.

### **Vivienne O'Connor**

- No Man is an Island: The Influence of International Human Rights Law on Domestic Human Rights Adjudication, Irish Association of Law Teachers Conference, Galway, 27 April 2003.

### **Cl mentine Olivier**

- Soft law as a mean to stimulate the development of international criminal law; the example of the general comment 29 of the Human Rights Committee: a missed chance?, Socio-Legal Studies Conference, Annual Conference University of Nottingham Trent, United Kingdom, 15-17 April 2003.

### **Nancie Prud'homme**

- The Yerodia Judgment: Immunities, Annual Conference, Canadian Council of International Law, Ottawa, 26 October 2002.

### **Professor William Schabas**

- The Interrelationship between Truth Commissions and Courts: The Case of Sierra Leone, Galway, Ireland, 4 October 2002.
- The Sierra Leone Truth Commission, Department of National Defence Symposium on International Humanitarian Law, Ottawa, 25 October 2002.
- The Interrelationship between Truth Commissions and Courts: The Case of Sierra Leone, Canadian Council of International Law, Ottawa, 26 October 2002.
- Drafting of the ICC Rules of Procedure and Evidence, British Institute of International and Comparative Law, London, 6 November 2002.
- *Mens rea* and Defences at the International Criminal Tribunal for the Former Yugoslavia, New England School of Law, Boston, 9 November 2002.
- The Protection of Human Rights: Ireland and Canada Compared, University College Dublin, 13 November 2002.
- Genocide and the International Criminal Court, Training Course on the International Criminal Court, TNT Solicitors, London, 16 November 2002.
- Quo Vadis: International Criminal Law, 30<sup>th</sup> Anniversary Conference, International Institute of Higher Studies in Criminal Sciences, Siracusa, Italy, 29 November 2002.
- The Place of Victims in International Criminal Law, 30<sup>th</sup> Anniversary Conference, International Institute of Higher Studies in Criminal Sciences, Siracusa, Italy, 3 December 2002.
- Alternative Forms of Access to Justice, EU-China Network Seminar on Access to Justice, Beijing, 11 March 2003.

- United Nations Systems for the Protection of Human Rights, Southwest China University of Political Science and Law, Chongqing, 12 March 2003.
- Où en est la justice internationale?, Centre d'études et de Recherches Internationales (Sciences Po), Paris, 17 March 2003.
- The Crime of Aggression and the International Criminal Court, British Institute of International and Comparative Law, London, 26 March 2003.
- Combating Impunity in Developing Countries, University of Montreal Conference on the International Criminal Court, Montreal, 1 May 2003.
- The Truth Commission and the Special Court of Sierra Leone, Conference on The International Criminal Court: Implementation in Central and Eastern Europe, Bucharest, 11 May 2003.
- An International Perspective on Abolition of the Death Penalty, Conference on The Death Penalty from an International Perspective, A Transatlantic Dialogue, Catholic University of Leuven, Brussels, 23 May 2003.
- Implications for International Law of the ICTR and ICTY, International Association of Genocide Scholars Fifth Biennial Conference, Galway, Ireland, 8 June 2003.
- How Can Existing IHL Mechanisms and Bodies be Used in Non-International Armed Conflict, Regional Expert Meeting on Improving Compliance with International Humanitarian Law, Ministry of Foreign Affairs, Mexico and International Committee of the Red Cross, Mexico City, 16 July 2003.
- Recent Developments Concerning Abolition of the Death Penalty, Seventeenth International Conference, International Society for the Reform of Criminal Law, The Hague, 27 August 2003.

#### **Nicolaos Strapatsas**

- The Yerodia Judgment: Universal Jurisdiction, Annual Conference, Canadian Council of International Law, Ottawa, 26 October 2002.
- The Hidden Agenda of the War on Terror: Aggression by Other Means, Defending Human Rights in Conflicts and Emergencies Nottingham School of Law Student Conference 2003, University of Nottingham, United Kingdom, 15 March 2003.
- Aggression and Human Rights and International Humanitarian Law, Socio-Legal Studies Conference, Annual Conference, University of Nottingham Trent, United Kingdom, 15-17 April 2003.

#### **Niamh Walsh**

- International Law and the Death Penalty, Life Conference, Galway for Life, 30 October 2002.
- Power-sharing in Macedonia, Association for Democratic Initiatives and Minority Rights Group International, Tetovo, Macedonia, 26-29 March 2003

# 6

## Visitors

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The Centre hosted distinguished academics who visited the Centre for periods of from one week to several months. During their stay at the Centre, they delivered lectures, met with post-graduate students and pursued their individual research interests.

Professor David Kretzmer, of the Hebrew University in Jerusalem, spent several months at the Irish Centre for Human Rights over the course of the academic year. Professor Kretzmer completed his second four-year term as a member of the United Nations Human Rights Committee in December 2002. Professor Kretzmer is an expert on the law of military occupation.

Professor David Scheffer, of Georgetown University Law School in Washington, was a visitor at the Centre in July and August 2003. Professor Scheffer was previously United States Ambassador for War Crimes. He was a major participant in the drafting process of the Statute of the International Criminal Court and is an expert in the area of international justice.

Professor Juan Manuel Portilla Gómez, of the University of Mexico, joined the Centre in mid-2003 for a one-year term. Professor Portilla lectures in public international law and diplomatic law.

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## 7

## Other Projects and Activities

## EU-China Network

Since 2001, the Irish Centre for Human Rights has been the lynchpin of the EU-China Network on Human Rights, which is funded by the European Commission and supported by the Chinese Ministry of Foreign Affairs. Originally supported for the 2002-2003 period, in 2003 the European Commission agreed to fund the activity for an additional year.

Within Europe, the Irish Centre for Human Rights coordinates a steering committee composed of the University of Essex, the University of Paris II, and the University of Milan. Its principal partner within China is the Law Institute of the Chinese Academy of Social Sciences, in Beijing. Thirty academic institutions, fifteen in Europe and fifteen in China, participate in the programme. During the course of 2004, this will be expanded to take account of the ten accession States in the European Union. Activities of the Network consist of seminars on human rights topics that bring together specialists from Europe and China, exchanges of visiting academics, training courses for Chinese practitioners and publications.

During 2002-2003, the Network organised seminars in Copenhagen and Beijing, and a training course on fair trial principles in Chongqing. The latter event provided over sixty judges, lawyers and prosecutors from western China with their first introduction to international human rights law. A major publication, in Chinese, was prepared during 2003 and is expected to appear early in 2004.



Professor Sir Nigel Rodley, of the University of Essex, and a member of the United Nations Human Rights Committee, participated in one of the 2003 EU-China network seminars.

The project produces a periodic bulletin on its activities. Renewed funding has been sought from the European Commission, and it is expected to continue throughout 2004. Information on the EU-China Human Rights Project is available at <http://www.eu-chinahumanrights.org/>.

During 2003, the Network organized a independent network seminars, one in Beijing and one in Galway. The Seminar on Access to Justice was held in Beijing during March 2003. European experts were joined by over forty Chinese academics and officials in a very open discussion including fair trial guarantees, models of legal aid, and system of 'Re-

education through Labour'. A training course on fair trial principles was organised after the seminar. The training session provided over sixty judges, lawyers and prosecutors from western China with their first introduction to international human rights law and its impact on their positions and professional responsibilities. Seven presentations from this Seminar were published by the Chinese Journal *Global Law Review* in the end of 2003.

The Seminar on Freedom of Association was held in Galway at the beginning of September. Eleven countries and sixteen human rights institutions in all were represented at this Seminar, which was characterised by exceptionally open and frank discussion. Issues including regulations restriction the set-up and operation of NGOs and trade union rights were analysed by participating experts.

Two Chinese interns, one a lecturer of the faculty of law, another a doctoral student, finished their internship of two month at the Irish Centre for Human Rights during the second half year of 2003. They carried out researches on human rights topics, attended courses and seminars in the Centre, and visited Irish judicial institutions.

## Applicable Law Project

Since 2001, the Centre has taken the lead in organising a project entitled *Applicable Law in Complex Peacekeeping Situations*. This project is a component of the United States Institute of Peace's *Project on Peacekeeping and the Administration of Justice*. It is aimed at the construction of a transitional system of criminal justice, including 'quickstart' packages to be implemented in humanitarian emergencies. The project is an outgrowth of the United Nations 'Brahimi Report' on peace support operations.

The Irish Centre for Human Rights coordinates an international team of experts drawn from the major legal systems of the world, including Professor Hans-Jorg Albrecht of the Max Planck Institute in Fribourg, Germany, Professor Diane Marie Amann of the University of California at Davis, and Professor Cherif Bassiouni of St. Paul University in Chicago. Representatives of international organisations also participate, including the Office of the High Commissioner for Human Rights and the International Committee of the Red Cross.

The draft model criminal codes, including a 'Transitional Criminal Code', a 'Transitional Code of Criminal Procedure', and a 'Transitional Detention Act', were finally presented to a broader public at an international conference held in Geneva in June 2003, organised by the Irish Centre for Human Rights in cooperation with the Office of the High Commissioner for Human Rights and the United States Institute of Peace. Close to 100 experts from around the world, most of them with rich experience in transitional justice in such places as Cambodia, Kosovo, Rwanda and Timor Leste, spent three days examining the draft codes. Bertrand Ramcharan, Acting High Commissioner for Human Rights, chaired the conference and addressed the plenary at its opening and closing sessions. Dr. Bertrand Ramcharan told participants that the draft legislation 'represents a point of departure and the creation of an essential instrument that will be of immense use in the promotion of the rule of law and respect for human rights as societies emerge from conflict'.

Currently, the various recommendations put forward in Geneva are being integrated into the model codes and work on the project is expected to continue, under the coordination of the Irish Centre for Human Rights, into 2004. A series of expert meetings will be held at the Centre, in Galway, in February 2004. The project is organised and co-ordinated by Vivienne O'Connor, who is a doctoral student at the Irish Centre for Human Rights.

## Refugee Appeals Study

During 2002-2003, two researchers at the Centre, Dr. Joshua Castellino and doctoral student Catherine Kenny, prepared a study on the refugee appeals process in Ireland, entitled 'Asylum in Ireland: The Appeal Stage. A Report on the Fairness and Sustainability of Refugee Determination at Appeal Stage'. Commissioned by the Irish Refugee Council, the report examined the asylum process in Ireland since the establishment of the Refugee Appeals Tribunal in November 2000. Among the key issues raised were the lack of transparency of the appeals process, in particular with regard to the appointment of

Members of the Refugee Appeals Tribunal, the lack of independent scrutiny and the apparent lack of consistency between the decisions of Members of the Tribunal.

The report is available from the Irish Refugee Council website:  
<[www.irishrefugeecouncil.ie/pub03/appealsreport](http://www.irishrefugeecouncil.ie/pub03/appealsreport)>.

## Refugee Law Clinic

Under the direction of Nuala Ni Mhuircheartaigh, the Irish Centre for Human Rights is in the process of establishing a Refugee Law Clinic. The Clinic will provide university students with a framework in which they can volunteer to work on refugee law with refugees and asylum seekers in the West of Ireland. A funding proposal has been submitted to support a pilot project, and activities will commence in early 2004.

## Internship Programmes

The Centre provides its students at the LLM and PhD levels with a number of opportunities to conduct internships with human rights non-governmental organisations (NGOs) throughout the world.

In September 2002, two doctoral students at the Centre, Michael Kearney and Shane Darcy, worked in Ramallah, in Palestine, with a locally-based NGO, Al-Haq, which is the West Bank Affiliate of the International Commission of Jurists. Shane Darcy worked on the issue of punitive house demolitions in the Occupied Territories. His report was published in April 2003. Michael Kearney researched the controversial security wall being built between the West Bank and Israel. His report will also be published. Another doctoral student, Anthony Cullen, went to work with Al-Haq in January 2003, researching the issue of civilian settlements in the Occupied Territories. Mariyam Cementwala, an LLM student and Mitchell Scholar from the United States, also undertook an internship in the West Bank, focussing on issues related to women and conflict. Her work centred on the specific issue of female Palestinian prisoners who had served time in Israel jails.

The Centre has also established an internship exchange with the South-Asia Human Rights Documentation Centre, a New Delhi based NGOs. In 2002, Audrey Guichon and Jérémie Gilbert worked on different issues including a report on human rights violations in Kashmir from 1999 to 2002. In 2003, Sophie Dupont and Gareth Sweeny also undertook an internship in New Delhi.

## Human Rights Society

Students in the LLM and PhD programmes at the Irish Centre for Human Rights took the initiative to organise the NUI, Galway Human Rights Society, which was founded in the spring of 2002 with the mission 'to raise awareness and to promote activism on issues arising from, or related to, the non-recognition of fundamental human rights'. Under the leadership of students from the Irish Centre for Human Rights, notably Mariyam Cementwala, Seena Perumal and Anthony Cullen, in March 2003 the Society held its first annual *Irish Students for Human Rights Convention*, entitled 'Awareness, Advocacy, and Activism'. Over 120 people attended the convention.

Some of the distinguished panel of speakers included H.E. Carmel Agius, Judge at the International Criminal Tribunal for the former Yugoslavia, Professor Tom Hadden, member of the Northern Ireland Human Rights Commission, Patrick Yu, Director of the Northern Ireland Council for Ethnic Minorities and Martin Collins, Assistant Director of Pavee Point. Michael D. Higgins T.D. delivered the convention's opening address. Former United Nations High Commissioner for Human Rights Mary Robinson provided a special video presentation for the Saturday evening banquet. In April the Human Rights Society was awarded the Best New Society Award by the Board of Irish College Societies.

# 8

## Community Outreach, NGO Activity

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The Irish Centre for Human Rights is involved with a number of Irish and international non-governmental organisations (NGOs) engaged in the promotion of human rights.

First and foremost among them is Amnesty International. Faculty member Dr Kathleen Cavanaugh sits on the board of Amnesty International Ireland. She has been regularly called upon as an investigator by the International Secretariat of Amnesty International, and in May 2003 was part of the organisation's research team in Iraq. The Centre is currently organising one-week training courses for Amnesty International members and others interested in learning about human rights. It is expected that these courses will be delivered in Dublin and in Galway in February and March 2004. Additionally, Dr. Cavanaugh continues to work and liaise with local based human rights organisation in Northern Ireland, and to work in consultancy with the Northern Ireland Human Rights Commission (NIHRC). Her most recent collaboration with NIHRC was to investigate issues related to victims' rights as part of the Commission's ongoing Bill of Rights work.

Doctoral student Jérémie Gilbert represented the Irish Centre for Human Rights as an NGO delegate to the 21<sup>st</sup> session of the United Nations Working Group on Indigenous Populations, in July 2003. He also attended the 59<sup>th</sup> session of the Commission on Human Rights, in Geneva, as an associate with the South Asia Human Rights Documentation Centre. He was part of the editorial team of *Human Rights Features*, which appears regularly during the sessions of the Commission.

Bank of Ireland Scholar, Dr. Kwadwo Appiagyei-Atua was involved with NGO activity with the Galway One World Centre. He was instrumental in designing an adult education course on Human Values and taught the maiden session on the evolution of human rights and the relationship between development assistance and human rights. Dr. Appiagyei-Atua also operated, for the second year running, a radio show devoted to development education with special focus on human rights on the local university FM station. Under his direction, the radio station was awarded a grant from Ireland Aid to organise a special community outreach programme. The issues involved HIV/AIDS, female genital mutilation and nomadism.

Dr. Appiagyei-Atua was also active in programmes involving the Black community in Galway. Among others, he responded to a paper on Religious and Political Corruption in Nigeria at a conference organised as part of activities marking Africa Week in Galway in May 2003.

Reacting to racist statements by two Irish judges, and to what it felt was an inadequate response from Irish media and civil society organisations, the Irish Centre for Human Rights issued a public statement. The Centre condemned the judges' remarks and challenged the sincerity of their 'apologies', noting that in other countries this type of thing would be grounds for professional sanction and, ultimately, dismissal. The Centre called for training and sensitisation of Irish judges to issues of racism and xenophobia.

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## Media Coverage

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In the course of 2002-2003, the Irish Centre for Human Rights was regularly in both the national and international media with respect to activities undertaken at the Centre and by its faculty. Here is a sampling of some of the coverage:

Truth Commissions Conference, interview with Prof. William Schabas, Prime Time - RTE 14 October 2002

Truth Commissions Conference, interview with Prof. William Schabas, Pat Kenny Show-RTE 14 October 2002

Amnesty calls for arrest of Israelis for war crimes – Kathleen Cavanaugh, interview, The Guardian, 4 November 2002.

Panel discussion on potential war with Iraq, Interview with Prof. William A. Schabas on importance of adhering to UN Instruments in relation to dealing with Saddam Hussein, Saturday View, RTE Radio 1, 18 January, 2003.

BPW candle lighting ceremony – Prof. William A. Schabas as guestspeaker, short news item, Galway Advertiser, 13 February 2003.

Detainees complain of abuses by occupation forces – Kathleen Cavanaugh, interview, New York Times News Service, Basra, Iraq, 18 May 2003.

Prof. William A. Schabas on Summer Course on the International Criminal Court, interview, Today with Leo Enright – RTE Radio 1, 21 July 2003.

Philip Kirsch, President of the International Criminal Court, who lectured at the Summer Course on the ICC, organised by the Irish Centre for Human Rights, interview, Today with Leo Enright – RTE Radio 1, 22 July 2003.

Is a Truth Commission or Special Court in Liberia's Future?, interview with Prof. William A. Schabas and international broadcasting media, CBC Radio 1, 21 August 2003.

Is a Truth Commission or Special Court in Liberia's Future?, interview with Prof. William A. Schabas and international broadcasting media, Voice of America News, 21 August 2003.

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