

INDIANA LAWYER

Returning to the U.N.: Student group presents report on Panama's human rights issues

(*Indiana Lawyer*, 30 April 2008, Sec. 1, p. 3) (By Rebecca Berfanger rberfanger@ibj.com)

A group of Indiana University School of Law - Indianapolis students have been making a name for themselves among some pretty high power international rights experts at the United Nations. Similar to a March 2007 trip to the United Nations in New York, a group of law school students again went to the U.N. this March to present their findings on human rights violations. Last year the group focused on rights of lesbian, bisexual, gay, and transgendered people in Chile; this year the group wrote about indigenous people in Panama.

A few students from last year returned to New York, including team co-managers Monica C. Magnusson and David A. Rothenberg, and Boyet Caparas, who is now on the staff of the school's Program in International Human Rights Law. Those who were new for this year's trip were 2L Megan Alvarez, 3L Eva F. Wailes, and LL.B., LL.M. candidate Nelson Taku.



Students (from left) David Rothenberg, Eva Wailes, Monica Magnusson, Megan Alvarez, and Nelson Taku visit New York City to meet with U.N. Human Rights Committee experts.

"This year, a big difference was we were able to work with NGOs (non-governmental organizations) on the ground and made contact with indigenous leaders," Magnusson said.

One of their teammates, Jhon Sanchez, who participated in last year's trip but couldn't attend this year, went to Panama during winter break to do research.

"Because of the relationships we formed, we were able to include affidavits, which made for a stronger, more tangible report," Magnusson said.

"The affidavits were key," Rothenberg agreed.

One affidavit, from Elmer Cabezón, a regional Wounaan Congress Indian chief and representative, describes how the indigenous people are not included in decisions by Panama's government. Other affidavits describe violations of rules meant to protect the land of the indigenous people from ecological damage and sales, scarcity of medicines, and examples of indigenous people being taken advantage of.

The last affidavit is from a former Peace Corps volunteer who is American; she expressed, based on her personal experiences in Panama, what she witnessed as far as conflicts between indigenous people and others.

But because of their work with getting the research from people in the country, they also had to be aware of the time it would take to get responses, considering people from other countries are not on their e-mail 24 hours a day like Americans.

Other NGOs who presented shadow reports discussed women's rights, prison issues, and general human rights concerns.

Unlike last year, the group members had a distinct advantage as some of the experts were aware of the group's work from 2007. The experts who represent the U.N.'s Human Rights Committee remained impressed with the group's level of professionalism. The students also knew who to target this year instead of contacting everyone.

"They remembered us because we left a good impression last year," Rothenberg said."

Alvarez was also impressed with Magnusson and Rothenberg's work while in New York. Alvarez will also be the manager of the shadow reports for a group starting during the 2008-09 school year.

Knowing the language also helped - most of the students on the Panama report speak Spanish, including Magnusson, who's from Belize. Taku, from Cameroon, spoke French with representatives on the committee who also spoke French to make that connection.

Magnusson added that the 2007 experience helped them to realize it was "OK to be aggressive without feeling like you're just bothering them," she said. Last year, Sanchez was the aggressive one, so the others had to be aggressive this year.

The group this year also had a chance to meet with other non-governmental organizations presenting shadow reports, including a group of students from Harvard who received course credit for their efforts and also have more time to work on their report than the IU students, Rothenberg said.

Yet even with less time and less money, the students were pleased with their work.

"All the volunteers did a great job," Magnusson said, while comparing the IU law school's work with that of the other NGOs. She added that each of the volunteers who was still on the report as of March had contributed at least 100 hours each, something that volunteers who started but didn't finish with the group weren't all able or willing to give.

The hours are also significant, the students said, because they're not getting class credit for the work, although there is an independent study option their faculty advisor, George Edwards, director of the school's Program in International Human Rights Law, said is sometimes available.

The students also paid their own way for the U.N. trip. The original hearing dates for Panama were rescheduled to not fall on the students' spring break as they planned. So instead of having a whole week, they were only in New York from March 23 to 25.

While the students researched and wrote the report, Edwards reviewed their work, made suggestions for editing, and signed off on it.

**"They
remembered
us because
we left a
good
impression
last year."**

David Rothenberg
3L, team co-manager

While the class hasn't been officially submitted to count for course credit, Edwards said he is pleased with the work and reputation they've made for themselves.

"Very positive feedback has come in the form of the various U.N. committees incorporating our shadow report recommendations into the committees' final reports (called concluding observations) that inform states of their human rights deficiencies and recommend steps for the states to take to comply with their international human rights law obligations," Edwards wrote in an e-mail while promoting the law school in the Middle East and Southeast Asia.

"Most recently, the Human Rights Committee expressly recognized the importance of the shadow reports and oral presentations made by non-governmental groups, like our team and the other human rights groups," he said.

The shadow reports also help further the goals of the Program in International Human Rights Law because they "teach students through practical, hands-on exposure to the law as interpreted and applied in the UN international human rights law system; are a form of legal scholarship - research, analysis, and publication in the area of international human rights law; provide assistance to governmental (the State in question),

inter-governmental (the U.N.), and NGOs (with whom we work in producing shadow reports)," Edwards said.

"Because of the relationships we formed, we were able to include affidavits, which made for a stronger, more tangible report."

Monica Magnuson,
LL.M. team co-manager

He added that last year, two of the program's overseas human rights interns in Zambia traveled to the U.N. to present a shadow report about freedom of expression in Zambia. This year, Alvarez will intern at a human rights NGO in Panama, an opportunity made possible when Alvarez and Caparas met the Panamanian No's director.

The shadow reports are also used as a marketing tool for the program.

"I think that prospective students - LL.M. and J.D. - would tend to find the shadow reporting project to be interesting and appealing as a vehicle for their possibly getting involved with the United Nations, getting solid international human rights law work experience, and contributing to the promotion and protection of human rights," Edwards said.

Prospective LL.M. students also seem to be particularly inspired when Edwards tells them they do not need to be enrolled in the human rights LL.M. track to participate in the shadow reports, he said, adding LL.M. students from all tracks can also participate as international human rights law interns.

Edwards said the program has other opportunities to work with international human rights concerns, including work on the defense side of the U.S. Military Commissions at Guantanamo Bay, Cuba, and the defense case of Slobodan Milosevic, the former president of Yugoslavia, who they represented until his death.

The students on the 2008 trip said they hope that future groups of students continue doing shadow reports, and Alvarez said she is already gearing up for managing the team for next school year.

(http://nl.newsbank.com/nl-search/we/Archives?p_action=doc&p_docid=12062B752A1909E0&p_docnum=2)
(© 2008, IBJ Corp. All rights reserved. Reproduced with the permission IBJ Corp. by NewsBank, Inc.)