

THE PROHIBITION OF TORTURE UNDER INTERNATIONAL LAW

PROLOGUE

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It is my pleasure to write this prologue for the American University International Law Review which, for the second consecutive year, is publishing in a special issue the winning papers of the annual Human Rights Award, sponsored by Washington College of Law's ("WCL") Academy on Human Rights and Humanitarian Law ("Academy").

Some years ago, the Academy created the Human Rights Award to encourage the production of scholarly work in the field of international human rights law. We have been very pleased by the response, as each year we receive numerous distinguished submissions from lawyers with demonstrated experience or interest in international human rights law. The Academy solicits papers in both English in Spanish and grants two Awards, one for the best article in English and one for the best article in Spanish. Each award has its own Honor Jury, comprised of scholars and professionals with a recognized expertise in international human rights law. Winners of the Award receive a full scholarship to attend the Academy, including tuition, travel and living expenses. Last year, the theme for the Human Rights Award was "Criminal Responsibility of Individuals in International Law."

The theme for the 2005 Human Rights Award was "The Prohibition of Torture Under International Law," which inspired

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dozens of articles, reflecting high caliber legal scholarship, from participants representing more than twenty countries.

The recipient of the 2005 Award in English is Louis-Philippe Rouillard of Budapest, Hungary, for his article "*Misinterpreting the Prohibition of Torture Under International Law: The Office of Legal Counsel Memorandum.*" Mr. Rouillard is currently pursuing a Ph.D. in International Law at Pázmány Péter Katolikus Egyetem in Budapest, Hungary, as well as a Ph.D. in Political Sciences at Institut de Recherche et d'Enseignement en Relations Internationales et Européennes in Paris, France.

The Academy also awarded an honorable mention in the English category to Elizabeth Vasiliades of Minsk, Belarus, for her paper "*Solitary Confinement and International Human Rights: Why the U.S. Prison System Fails Global Standards.*"

The recipient of the 2005 Award in Spanish is Xavier Andrés Flores Aguirre of Guayaquil, Ecuador, for his article "*La Prohibición de la Tortura: Un Análisis Sistemático de las Interpretaciones Jurisprudenciales de la Corte Interamericana de Derechos Humanos sobre las Violaciones al Artículo 5 de la Convención Americana sobre Derechos Humanos.*" Mr. Flores Aguirre has a degree in Political and Social Sciences, as well as a degree in Law of the Courts of the Republic. Currently, he is teaching Customs Law at the Universidad Católica de Santiago in Guayaquil and Latin American History and Sociology at the Universidad Blue Hill.

The Academy also awarded an honorable mention in the Spanish category to David Fernández Puyana of Barcelona, Spain, for his paper "*La Noción de Tortura y Otros Tratos o Penas Crueles, Inhumanos o Degradantes en el Marco del Comité de Derechos Humanos y el Comité Contra la Tortura de las Naciones Unidas.*"

I extend my enthusiastic congratulations to these individuals for their outstanding papers, and my gratitude to everyone who participated in the Academy's 2005 Human Rights Award. I would also like to recognize the contributions of the Academy's Co-directors, Claudia Martin and Diego Rodríguez-Pinzón, whose commitment and creativity have been crucial to the continuing success of the Academy. In addition, I would like to thank my fellow Honor Jury Members who are, for English submissions: Charlotte Ku, Claudia Martin, Sir Nigel Rodley, Susana SáCouto, Tanya

Terrell-Collier, Theo Van Boven, and Leo Zwaak; and for Spanish submissions: Roberto Cuellar, Ariel Dulitzky, Sergio García Ramírez, Fernando Mariño, Flávia Piovesan, Gabriela Rodríguez, and Diego Rodríguez-Pinzón.

The Academy, which sponsors the Human Rights Award, was created as a result of WCL's realization that there was a need for specialized legal training in human rights law around the world and that our institution, with a long and recognized tradition in this field, was ideally suited to helping bridge that gap. With a growing community of activists and human rights defenders and the need to address new issues of international law, the Academy offers participants an opportunity to acquire specialized knowledge on the current challenges that are shaping our world. From defending individual victims in international fora to advocating changes in domestic human rights legislation, protecting the economic and social rights of our communities, or inducing the domestic or international prosecution of those that have perpetrated international crimes, our "global village" requires practitioners to understand the scope and practical implications of the rules and mechanisms that impact people worldwide. The Academy addresses those needs by providing participants with access to leading lecturers and practitioners in international human rights law who offer both a practical and theoretical perspective of their areas of expertise.

The Academy offers courses in both English and Spanish during an intensive, three-week period in the summer, and brings together members of the judiciary, professors, civil servants, and other professionals with limited time to participate in year long courses. The distinguished faculty—composed of recognized experts from preeminent institutions, NGOs and human rights organizations around the world—provides outstanding specialized scholarly human rights training for participants.

The Academy's courses cover a wide array of topics including regional human rights approaches; the United Nations; international criminal tribunals; economic, social, and cultural rights; women's rights; terrorism and human rights; international humanitarian law; clinical methods; and many more. Interwoven into basic courses are historical and political approaches to human rights, which involve interdisciplinary concepts.

In its seventh year, the Academy welcomed more than 150 participants from twenty-three different countries and twenty-five distinguished faculty from around the world. The Academy offered sixteen courses, ten in English and six in Spanish, arranged visits to NGOs and international institutions in Washington, D.C., such as the Inter-American Commission on Human Rights, and concurrently hosted Human Rights Month, with conferences, lectures, panels, films and site visits. In 2005, conferences covered topics such on current human rights issues such as “The Role of U.N. Human Rights Mechanisms: Independent Experts and Special Rapporteurs;” “Advancing the Women’s Human Rights Agenda: Legal, Political and Social Approaches;” and “Accountability of IFIs: The Current Status of Existing Compliance and Review Mechanisms at the World Bank, IFC, & IADB.” The 2005 Human Rights Month also offered a human rights film series with Amnesty International; and the launching of the book, “*Un Mundo Sin Miedo*” (A World Without Fear), the autobiography of Judge Baltasar Garzón Real.

In May 2005, the Academy also hosted the Tenth Annual Inter-American Human Rights Moot Court Competition, the world’s only trilingual (English, Portuguese, and Spanish) competition dedicated to the Inter-American human rights system. That same month, the Academy held the First Annual Meeting on Human Rights, which brought together distinguished human rights activists and academics to discuss the promotion and protection of human rights.

The Academy is one important example of the numerous human rights activities taking place at WCL. Other impressive contributions of WCL in human rights law include the Center for Human Rights and Humanitarian Law, the International Human Rights Law Clinic, the War Crimes Tribunal Research Office, the Office of Public Interest, the *Human Rights Brief*, the Women and International Law Program, the Inter-American Human Rights Digest Project, the Israeli Civil Rights Program, and numerous externships and other opportunities open to the students each year.

All of these activities are grounded in the belief that law schools and lawyers have an important role in promoting the values of human dignity. Our institution’s ongoing commitment is realized through the ingenuity, as well as the moral and ethical conscience, of our community. The *American University International Law Review*,

which embraces the important and challenging task of publishing these outstanding contributions to international human rights law, is a shining example of WCL's commitment in action.