

# REPARATIONS IN INTERNATIONAL HUMAN RIGHTS LAW

## PROLOGUE

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It is my great pleasure to provide the prologue for this issue of the *American University International Law Review*, which features the winning papers of the 2007 Human Rights Award, sponsored by the Academy on Human Rights and Humanitarian Law (“Academy”) of the Washington College of Law (“WCL”).

The Academy created the annual Human Rights Award to promote the production of scholarly work in international human rights law. Year after year, the response has been extremely positive. This year’s Human Rights Award focused on “Reparations in International Law.” This issue is critical to the protection of human rights as it concerns victims’ rights to material and moral compensation as well as the need to restore the rule of law and ensure that the violations are not repeated. The topic prompted the submission of numerous thought-provoking and insightful papers from around the world, and we greatly value the outstanding contributions of the participants.

The winner of the 2007 Award in English is Lisa J. Laplante, of the United States, for her article, *The Law of Remedies and the Clean Hands Doctrine: Exclusionary Reparation Policies in Peru’s Political Transition*. Ms. Laplante holds a J.D. from the New York University School of Law, and is currently a member of the School of Social Science, Institute for Advanced Study at Princeton, as well as the Deputy Director of Praxis Institute for Social Justice.

Honorable mentions in the English category were awarded to Judith Schönsteiner, of the United Kingdom, for her article,

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*Dissuasive Measures and the "Society as a Whole": A Working Theory of Reparations in the Inter-American Court of Human Rights*, and to Fernando Felipe Basch of Argentina, for his article, *The Doctrine of the Inter-American Court of Human Rights Regarding States' Duty to Punish Human Rights Violations and Its Dangers*.

The winner of the 2007 Award in Spanish is Juan Pablo Pérez-León Acevedo, of Peru, for his article, *Las Reparaciones en el Derecho Internacional de los Derechos Humanos, Derecho Internacional Humanitario y Derecho Penal Internacional*. Mr. Pérez-León Acevedo holds a law degree (Bachiller en Derecho) from Pontificia Universidad Católica del Perú, and is currently a Legal Advisor for Amnesty International in Peru.

Honorable mentions in the Spanish category were awarded to Julio José Rojas Báez, of the Dominican Republic, for his article, *La Jurisprudencia de la Corte Interamericana de Derechos Humanos en Materia de Reparaciones y los Criterios del Proyecto de Artículos sobre Responsabilidad del Estado por Hechos Internacionalmente Ilícitos*, and to Luis A. López Zamora, of Peru, for his article, *Algunas Reflexiones Entorno a la Reparación por Satisfacción ante Violaciones de Normas de Protección de Derechos Humanos y su Relación con la Teoría General de la Responsabilidad Internacional del Estado*.

I extend my sincere congratulations to these individuals for their exceptional articles. I would also like to thank everyone who participated in the 2007 Human Rights Award, including the members of the Honor Jury: Antônio Cançado Trindade, Paolo Carozza, Helen Duffy, Claudia Martin, Juan Méndez, Naomi Roht-Arriaza, William Schabas, Dinah Shelton, and Theo van Boven (for English submissions); and Federico Andreu-Guzmán, Carlos Ayala, Francisco Eguiguren, Mónica Pinto, Pablo Saavedra, Diego Rodríguez-Pinzón, Rodrigo Uprimny, and Oscar Vieira (for Spanish submissions).

In addition to sponsoring the Human Rights Award, the Academy on Human Rights and Humanitarian Law also offers an extensive variety of courses during a three-week, intensive summer session, with the goal of bringing together members of the judiciary, practitioners, professors, civil servants, and other professionals with

limited time to participate in year-long courses. The Academy's faculty consists of distinguished scholars and activists.

Topics covered in the Academy's courses include 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; human rights and development; and many more. Interwoven into some basic courses are historical and political approaches to human rights, which involve interdisciplinary concepts.

This past session, the ninth year of the Academy, we welcomed over 170 participants from more than thirty countries, as well as from a number of American law schools. The Academy offered seventeen courses: ten in English and seven in Spanish. The program also organized a number of panels on a variety of topics, including "Reparations in International Human Rights Law: Progress and Challenges Ahead," "The International Court of Justice and the Impact of its Decisions in the Development of International Human Rights Law," and a special presentation from Luis Moreno-Ocampo, the Chief Prosecutor of the International Criminal Court, on "The Current Status of the Prosecutor's Office before the International Criminal Court."

The Academy is an example of the many important human rights activities taking place at WCL. Others include the Center for Human Rights and Humanitarian Law, the International Human Rights Law Clinic, the War Crimes Research Office, the United Nations Committee against Torture Project, 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, the annual Inter-American Human Rights Moot Court Competition, and other numerous externships and initiatives in which students, faculty, and staff participate.

Our institution firmly believes that law schools and lawyers play an important role in promoting the values of human dignity. Our contributions are realized through the dedication, knowledge, creativity, and collaboration of our community. The *American University International Law Review's* undertaking of the important and challenging task of publishing both the English and Spanish

language winning papers of the 2007 Human Rights Award is a fine example of this commitment.