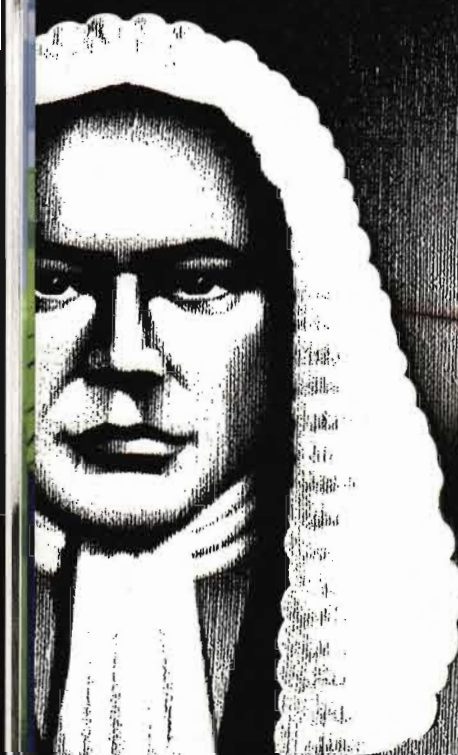


{ BALANCE OF JUSTICE }



South Texas students participating in the formal intern program at The Hague are not only learning the law, they are also exploring new ways to think about it.

“There is no such thing as a small case at the International Criminal Tribunal for the former Yugoslavia.” South Texas Professor Peter Murphy knows firsthand the cases of genocide, crimes against humanity and violations of the Geneva Convention after more than two years living and working in the Netherlands. He works alongside attorneys at The Hague from all over the globe, representing the former leaders of the balkanized Yugoslavia, including presidents, mayors and military men.

South Texas students will soon be joined by students from other U.S. law schools assisting the severely understaffed and underfunded defense teams at the ICTY through the International Criminal Process Clinic. “The work the students do is proving invaluable to the defense attorneys,” says Murphy. “There is no more challenging internship than working at the ICTY where an intern plays an important role in preparing very com-

plex cases with difficult legal issues and volumes of documents.”

Sixteen South Texas students have spent a semester at The Hague as the formal intern program with the Association of Defense Counsel developed. Beginning this academic year, and with the blessing of the administrative body of The Hague, approximately 15 students a semester from any ABA-approved law school will be accepted for internships. As administrators of the program, South Texas will screen and select students as part of the agreement with the Hague’s Registry.

“Formalizing the internship program with the Registry allows students access to The Hague on the same terms as defense counsel,” says Murphy. Students perform many of the duties of a law clerk and in specific instances, were granted access to the trial chamber during the proceedings to assist defense counsel this past spring.

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{INTERNATIONAL PIONEERS}

Paving the way and helping define the duties of the interns were a few adventurous South Texas students, willing to live, work and learn in a foreign country, most with very little knowledge of how the ICTY operates. Students are responsible for arranging their own housing, transportation and classes.

Matt Williams spent this past spring in the Netherlands attending classes at the University of Leiden and working five days a week at The Hague. "I learned so much about international law," says Williams. "Before working at the Tribunal and attending Leiden University, I didn't understand how such a thing as international law could exist. I only had a vague understanding of the principals guiding customary international law and the treaties creating international organizations such as the United Nations and the European Union."

Williams has traveled extensively throughout the developing world, describing himself as an adventurer who's worked as a forest inspector in Ecuador and a commercial fisherman in Alaska, but this was his first trip to The Hague. "Everything there takes an effort—public transportation and biking are the only means to get around—but I knew it was better than living in, say, East Africa."

"Everyone there knows passable English and you can go anywhere and do anything and communicate," says Stephen Arong '03. He describes his semester working in the Netherlands as an amazing experience where he was able to watch new law being made every day. "It taught me to keep an open mind," says Arong. "Even though most of the world thinks the Serbians are the bad guys, they are entitled to their rights and due process."

Arong has also traveled extensively, not only to his parents' homeland of the Philippines, but also to South Texas summer programs in Malta and Istanbul. "I was in classes at the University of Leiden with American exchange students from prestigious law schools and they were in awe that people from South Texas had access and were working for the ICTY," he says. "South Texas gives us this kind of opportunity and it's unbelievable."

Brian Roberts '03, who also interned this past spring, says the time spent abroad widens perspective. "When I got to The Hague, it was a very quick education because of the hybrid of the continental system and the common law system," he says. "It gives you a very good perspective on our legal system compared to other legal systems."

Roberts, a second career student, is of Serbian descent, speaks the language fluently and was acutely aware of the problems in his ancestor's homeland. Because of his ability to interpret, Roberts was allowed into the trial chamber for five days of testimony to monitor the court's translation and acting as an interpreter for the defendant and his attorney, Houston lawyer John Ackerman. "I got an up close and personal view of the process."

"Being in The Hague and being involved with the ICTY made me much more cognizant of international events," says Rebekah Placke '03. "Reading the statements, going through the documents and seeing the pictures, made the conflict in Bosnia real, not something I heard or read about in passing."

Placke spent the fall semester of 2002 with Murphy before the program was formally recognized by the ICTY. She was assigned to research an expert testifying for the prosecution to determine what he would say, and helped in the assimilation of thousands of documents. "There were no standards or rules to go by when working on the case, which was aggravating," she recalls. "Being involved with the ICTY helped me see how organized our legal system is."

{LESSONS LEARNED}

"The students tend to go over to The Hague with a black and white attitude, thinking they know who the good guys and bad guys are," says Assistant Dean Elizabeth Dennis '84. "But when they come back they see things aren't that clear cut, and as a teacher what more could I want?" Dennis asks.

"It all sounds very glamorous to go and live in The Hague and work with lawyers on matters they

read about in the paper," she says. "When they come back they are much more sophisticated in what the practice of law is like and in their appreciation of world affairs and the global community." Dennis administers the program here in the States and decides who qualifies for the semester internship for which the student receives academic credit.

In preparation for the internship, students must be somewhat educated on the political and military background of the Yugoslavian conflict beyond what they've read in the American media. Murphy assigns them the book, *The Death of Yugoslavia* by Laura Silber and Allan Little. After they arrive, they must study the United Nations Chapter 7 that was used to create the ad hoc tribunal, a controversial act in itself, since the ICTY doesn't have the unanimous support of the Security Council.

The students are assigned to work with lawyers from many different cultures and countries. "The lawyers treat the interns well, doling out interesting research and writing opportunities in many cases," says Murphy. "They get direct experience working on very complex cases, handling vast quantities of documents and being able to summarize difficult issues succinctly and accurately."

{INTERNATIONAL PARTNERSHIPS}

Providing an opportunity for South Texas students to work in a history-making tribunal was not Murphy's original plan. He was asked to assist Houston attorney Cynthia McMurrey Sinatra '90 with an appeal. Sinatra was the first American attorney to be appointed to represent an accused war criminal at the ICTY. With that case concluded, Murphy was appointed to represent another Bosnian Serb accused of genocide and crimes against humanity. That meant moving to The Netherlands,

"The students tend to go over to The Hague with a black and white attitude, thinking they know who the good guys and bad guys are. But when they come back they see things aren't that clear cut, and as a teacher what more could I want?"

—ASSISTANT DEAN ELIZABETH DENNIS '84

"It was with the help of then-Dean Frank T. Read that I began to develop the program for students, which became formal this year," says Murphy. Accompanying the internship at The Hague is a required classroom component for the six hours of academic credit given to the students. The students may also avail themselves of classes at the distinguished University of Leiden.

The University of Leiden is highly respected for its international studies programs, drawing students from all over the globe. Dean James J. Alfini and immediate past Dean Frank T. Read signed an academic agreement with the university this past spring that allows interns to attend law classes for credit while working at The Hague. The contract also establishes opportunities for faculty exchange programs and semester abroad student exchanges. Professor Murphy lectures regularly at the university and the South Texas students interning this past spring all attended international law classes while in the Netherlands.

{DELIBERATELY DIFFICULT}

"The position of the defense at the ICTY is that of an outsider," says Murphy. In theory the defense teams should be provided an "equality of arms" with the prosecution, but that is not reality. "The defense is left to private counsel who must have other means of support while working on these consuming, labor intensive cases," he says. "The prosecution is fully staffed with secretaries, paralegals, interpreters, and state-of-the-art equipment. Most defense attorneys work out of their private residences."

"The ICTY is grossly underfunded with defense lawyers severely limited in the number of hours for

which they will be paid to work on the case, and then often waiting months to get paid," says Murphy. Defense teams are afforded one small room at The Hague with three outdated computers and only recently gained access to the law library and cafeteria on the premises.

Add to the physical hardships the political ramifications of their work, with the U.S. President recently declaring all the accused at the ICTY, in essence, "enemies of the state." "After that order, American lawyers working ICTY could have been committing a felony by exporting services (legal work) without a license," says Murphy. But in August, the Association of Defense Counsel, with the assistance of American Judge Theodore Meron, negotiated a blanket license with the U.S. government for the lawyers working there.

"It's like there is a prejudice against the defense attorneys at The Hague," says Arong. "Even the U.N. guards treat them like they are the bad guys."

"It's the most frustrating place I've ever been," says former intern Roberts. "The accused is expected to assist with the development of the prosecution's case and the act of remaining silent and not wanting to testify in court is looked upon negatively by judges."

"When you see how difficult their research is, you are really thankful for Westlaw and Lexis here at home," adds Roberts.

"These students have to work in a situation where there is no clear law

that applies and no precedent at all," says Assistant Dean Dennis. "They are really doing the most creative practice possible because it's all brand new."

The cases and procedures being refined at the ICTY are expected to serve as lessons and precedent for the International Criminal Court recently established by the United Nations. "Students who spend time at The Hague will be able to say they were there when new international law and precedent was established," says Murphy. "The ICTY is the first attempt to build a genuinely international approach to prosecuting war crimes against humanity."

Dennis says the internships are difficult and enriching. "The students can tell future employers 'If I can go over there and navigate through this mass of conflicting rules of procedure—or no rules of procedure—I'm not going to be intimidated by anything you throw at me here.'"

For more information on the ICTY, visit their website at www.un.org/icty/ or for information on the Association of Defense Counsel see www.adcicry.com. Please contact Assistant Dean Elizabeth Dennis at 713/646-1748 for information on the International Criminal Process Clinic.

(Left to right) Immediate Past President and Dean Frank T. Read, Matt Williams, Brian Roberts, President and Dean James J. Alfini, Seth McCormick

