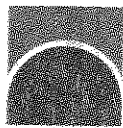


The Writ



CL. LAW . COLLEGE . DENVER . 1960
UNIVERSITY OF
DENVER

Oct. 28th, 2009 - Vol. 19 Issue 3

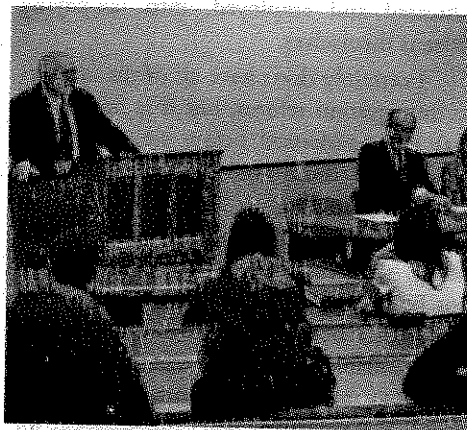
"A witness is not a bus. You can't just hop on and get where you are going. A witness is a piano. You have to play the right notes in the right order." - ACS

Sturm College of Law
UNIVERSITY OF DENVER

Paul Hoffman Receives Cox Price Human Rights Award

By Anjali Nanda

"It's not about money, it's about telling the truth."



On Thursday, Oct. 15, 2009, Paul Hoffman, one of the most successful human rights lawyers in the world, came to the DU Sturm College of Law with an important message: "It's not about money, it's about telling the truth." The Nanda Center for International Law's 2009-2010 Cox Price Human Rights Award was awarded to Mr. Hoffman for his lifetime of achievements in human rights law. The award is given to recognize exceptional contributions by an individual to the dignity and well being of humanity through the legal process.

Mr. Hoffman was invited to speak by the Nanda Center for International Law, the International Legal Studies Program, the Denver Journal of International Law and

Continued on page 7

Paul Hoffman Receives Cox Price Human Rights Award

By Anjali Nanda

Continued From Page 1

Policy, and the International Law Society. His lecture entitled "Suing Corporations for violations of human rights: a view from the frontlines" was engaging and informative.

The Alien Tort Statute (ATS), 28 U.S.C. §1350, allows United States federal courts to hear human rights cases brought by foreign citizens for conduct committed outside the U.S. The *Filartiga - Pena-Irala* case (630 F.2d 876) in 1980 was the first U.S. case to apply the ATS in order to give federal courts subject matter jurisdiction for a tort committed outside the U.S. The ATS thus provides a forum in U.S. courts for people from other countries to bring lawsuits against human rights violators, if the perpetrators are found here.

After the *Filartiga* case, Mr. Hoffman discovered a way to combine his passion for civil rights, litigation and international law. He said that whenever there was a human rights violator in the U.S. he sued him or her. During his "dictator phase," he recalled, he personally served Ferdinand Marcos in Honolulu.

In the 1980s and early 1990s he was the driving force in establishing the fundamental principles for ATS litigation. In 2004, the Supreme Court's decision in *Sosa v. Alvarez-Machain* (542 U.S. 692) held that the ATS provides a cause of action, as well as subject matter jurisdiction, for violations of the law of nations. Since then, crimes such as torture, cruel, inhuman, or degrading treatment, genocide, war crimes, crimes against humanity, summary execution, prolonged arbitrary detention, and forced disappearances have all been found to be actionable under the ATS. This was the first ATS case to reach the Supreme Court, and Mr. Hoffman argued it.

In the twenty-four years since the U.S. Supreme Court handed down the largest reward in history, two billion dollars awarded to victims of Ferdinand Marcos' regime in the Philippines, Hoffman and his team of lawyers have only collected a marginal amount (not even all of Imelda Marcos' 3,000 pairs of shoes), and the litigation to collect is still ongoing to this day. However, he says, these ATS cases are not wholly unsuccessful based on their failure to collect millions. As an example, he told a story of the Atlanta Torturer that left the room in awe and silence. A woman who was working at a hotel in Atlanta discovered that the new

in Ethiopia. Essentially, the last time she saw him she was naked and bound, hanging upside down being beaten with barbed wire and having socks full of vomit and blood shoved in her mouth. She wasn't positive that it was he who had tortured her, and so she called some friends who came by and confirmed it. At the time, Mr. Hoffman was working for the ACLU, and they took the case to trial, *Abebe-Jira v. Negewo*, 72 F.3d 844 (11th Cir. 1996). Negewo, the torturer, represented himself. This was problematic because it meant that he was the one to cross-

examine the women accusing him of torturing them rather than a lawyer, and many of those women had not talked or thought about the event in years. But they were resilient, and in all his years, Mr. Hoffman noted, it was the first time he ever saw a courtroom cry; even the judge cried. Negewo, then a U.S. citizen, was de-naturalized because of the case and deported to Ethiopia, where he is now serving a life sentence. The judgment reverberated throughout Ethiopia, and when Mr. Hoffman went there a year later to give a televised newscast to the entire country regarding the case, the people of Ethiopia were stopping him on street corners thanking him for bringing the torturer to justice. This, he says, furthers human rights.

In the arena of corporate responsibility for violations of human rights, Mr. Hoffman has been influential in holding corporations accountable in U.S. courts. In *Bowoto v. Chevron Corp*, 481 F. Supp. 2d 1010 (N. D. Cal. 2007), using the ATS and corporate complicity, Mr. Hoffman represented Nigerian villagers involved in protesting a Chevron offshore drilling platform in 1998. Chevron was charged with wrongful death, torture, assault, battery and negligence on the basis that Chevron paid soldiers who performed the torts and was therefore liable for their actions.

In September 1997, Mr. Hoffman represented thirteen Burmese villagers in a suit against Unocal and their parent company, the Union Oil Company of California, under the ATS for alleged human rights violations, including forced labor, in the construction of the Yadana gas pipeline project in Myanmar, formerly Burma. Unocal settled after a failed motion for summary judgment in the U.S. District Court for the Central District of California. Mr. Hoffman described the

decision to agree to Unocal's offer to settle as extremely difficult because of conflicting emotions. On the one hand, a U.S. Court decision in favor of the villagers would mean resolving confusion over the status of the ATS; however, the Burmese villagers chose to settle and recovered a great deal of money from which they will continue to benefit for years to come. After a visit to the village a few years later, Mr. Hoffman was moved by the improvements in the community and the fund set up by the settlement money.

A lifetime of dedication and an inspirational career do not even begin to describe the type of person Mr. Hoffman is. His resume alone goes on for many pages describing fascinating publications, awards, landmark cases argued before the Supreme Court (nine to date) and pioneering work in the field of human rights with such organizations as Amnesty International, Human Rights Watch and the Center for Justice and Accountability. On paper, he is admirable and stunning. But in person, he is even more inspiring, and the University of Denver was honored to have him share his accounts and experiences firsthand.