

Documents Received

*Madeleine Sann**

LATIN AMERICA

Lack of Accountability for Grave Violations of Human Rights

Impunity: An Ethical Perspective (1996), edited by Charles Harper for the World Council of Churches, examines "the means by which persons accused of crimes against humanity [and similarly grave human rights violations] escape being charged, tried and punished for criminal acts committed with official sanction in time of war or dictatorial rule." There are several typical ways in which impunity is secured: "amnesty laws passed or decreed by governments under whose authority the crimes were committed or by a successive government"; presidential pardons of convicted criminals; or "default—the deliberate lack of any action at all." The setting for this inquiry includes Peru, Uruguay, Argentina, Chile, Bolivia, El Salvador, and Ecuador, which share a history of brutal repression, ranging from censorship, intimidation, harassment, detention without trial, and exile to beatings, torture, rape, political killings, massacres, and forced disappearances of persons. The contributors—lawyers, journalists, religious workers, physicians, and educators—examine efforts by human rights organizations and religious groups to combat impunity as an ethical imperative.

* Director of Publication, *Criminal Law Forum: An International Journal*; B.A., University of Pennsylvania 1971; J.D., Rutgers University 1987.

To order: World Council of Churches, 150 route de Ferney, 1211 Geneva 2, Switzerland.

NETHERLANDS

Delinquency among Ethnic Minorities

Criminaliteit en etnische minderheden (1997; in Dutch, with French and English summaries), by E. Leuw, is a criminological analysis of serious juvenile offending (theft and violence) on the part of ethnic minorities in the Netherlands. The study attempts to understand why these populations are overrepresented among delinquents, with minority youth committing 1.5–3 times more criminal acts than nonminority youth of the same socioeconomic status. The author also examines different patterns of offending across ethnic groups.

Leuw explains overrepresentation generally in terms of structural social deprivations that preclude successful participation in mainstream society: poor education, high unemployment, and lack of access to legitimate forms of self-expression and leisure activity. The same factors probably explain why native Dutch youth from poorer families commit more crimes than their middle-class peers. According to the report, "social position and cultural factors are strongly related. Regardless of ethnicity . . . poorly educated and unemployed youths are demoralized" and "have little faith" in the future. This situation contributes to a loosening of inhibitions against antisocial behavior.

At the same time, Leuw identifies particular cultural factors specific to certain ethnic groups that may underlie interethnic variations in offending. The most recent immigrants (of Mediterranean background)

often come from a cultural background that is very different from the predominantly secular, individualized, post-modern Dutch society. To a certain extent this implies the existence of culture conflict, which on the one hand often leads to discrimination and exclusion of ethnic minority groups. On the other hand it stimulates a tendency within [minorities] to withdraw within their own national–religious circles. In such a situation

informal social control is predominantly exerted to prevent behavior which disturbs the traditional (moral) order in [one's] own family and ethnic group. [Such groups] often remain strongly oriented to their native country. Normative transgressions in the "outside" world (i.e., "Dutch society") are easier to excuse or to justify by both parents and delinquent juveniles themselves. Especially in the second generation . . . there is strong obscurity and ambiguity of values. More than in other ethnic minority groups Moroccan youths [who have the highest rates of offending among immigrants] are often reported as alienated from both Dutch society and their own traditional family background.

The "definitive" solution, according to Leuw, is successful integration of ethnic minorities into Dutch society. Whether the government should set up programs specifically to ameliorate the social problems of immigrants that contribute to juvenile offending is an open question. Moreover, Leuw cautions, remedial policy and legal measures will largely be unable to influence attitudes of minorities and native Dutch toward each other or to overcome cultural stumbling blocks to integration (such as a heavy orientation toward the home country rather than the Netherlands). For the present Leuw recommends that existing counterdelinquency programs shift their individualized approach to a multifaceted community approach.

To order: WODC, Ministerie van Justitie, Postbus 20301, 2500 EH The Hague, Netherlands; fax 70-3-707948.

Reintegration of Prisoners

ERA Norgerhaven (1997; in Dutch, with French and English summaries), by L.W. Blees, R. Aidala, and B.S.J. Warna, presents preliminary results from a pilot study designed to help long-term prisoners with behavioral or personality disorders make a successful transition to community life. Such prisoners are excluded from other prerelease programs. The pilot project, begun in 1994, combines interventions focused on work, education, social and family responsibilities and interactions, money management, other practical skills, and self-destructive behaviors like addiction in a "half-open" residential complex associated with a high-

security prison. Participants spend the last five to nine months of their sentence in this program, during which time leave may be granted in recognition of satisfactory progress. On release detainees may elect to be supervised by a probation officer.

The Ministry of Justice has examined the impact of the program on the first forty or so prisoners to enter it. Researchers interviewed participants and staff and studied police records to determine reoffending rates. Results were mixed. Over a third of prisoners left the program prematurely. Half the participants completed the program with "moderately favourable prospects," although the incidence of reoffending for the entire group was quite high: 60 percent had committed a crime within an average of ten months following release from prison. The program was most successful in terms of preventing participants from ending up homeless. Behavioral interventions were only modestly successful. However, as the researchers point out, the "participants in this programme form a very difficult group. Based on their criminal and especially on their psychological backgrounds their chances of succeeding in social integration are generally very small." The researchers caution that even the reoffending rates must be reevaluated against the performance of prisoners who did not take part in the project. Drug addicts and career criminals are perhaps the hardest population to reach, and limiting their participation in the program may improve its effectiveness. Further design changes are recommended: lengthening the period of participation, changing the content of some areas of instruction, and improving coordination of postrelease care. Finally, the authors recommend better supervision to support inexperienced staff and greater specialization of responsibilities to increase their expertise.

To order: WODC, Ministerie van Justitie, Postbus 20301, 2500 EH The Hague, Netherlands; fax 70-3-707948.

NORTHERN IRELAND

Human Rights and Peace

The Lawyers Committee for Human Rights carried out a factfinding mission to Northern Ireland in mid-1995, to follow up a similar effort several years earlier. *At the Crossroads: Human Rights and the Northern*

Ireland Peace Process (1996) reports on a set of interrelated issues: whether continued reliance on emergency legislation by both the United Kingdom and the Republic of Ireland is justified under international law; what is the role of Northern Ireland's judiciary in implementing the current emergency framework and in facilitating the transition to the rule of ordinary law; and what evidence supports allegations of harassment (and even murder) of defense lawyers by the security forces. The factfinding mission interviewed lawyers, former detainees, government and police officials, politicians, and human rights activists.

The Lawyers Committee rejects the conventional view that respect for human rights "will only come after larger political issues have been resolved":

We believe the opposite to be true. Human rights are not mere side issues to be addressed when constitutional structures have been agreed and negotiated. The denial of human rights has been at the heart of the conflict. By the same token, it is only by reasserting the centrality of rights that peace can be achieved. By addressing long-standing human rights concerns such as the repeal of emergency legislation, the authorities in Northern Ireland can build confidence on both sides. By taking concrete measures to build an independent legal system, and by strengthening the rule of law, both Protestants and Catholics will see tangible benefits associated with the peace process. By addressing issues such as more humane and just treatment of detainees, both sides will be able to achieve mutually desired objectives.

In this report we call on the government of the United Kingdom to repeal emergency legislation, and to begin building a permanent legal structure predicated on the resolution of Northern Ireland's long-standing political divisions. . . .

We are particularly concerned that the UK government did nothing to repeal or modify the legal structure which supports the use of emergency powers while the ceasefires lasted between late 1994 and February 1996. . . . During the period of the ceasefires . . . the UK was in violation of its international human rights obligations, particularly in respect of its derogation from the European Convention for the Protection of Human

Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights. We are also concerned that the independent review of emergency laws initiated during the ceasefire period seemed to envision the perpetual retention of emergency powers by absorbing them into the ordinary law.

To order: Lawyers Committee for Human Rights, 330 Seventh Avenue, 10th Floor, New York NY 10001, USA; fax 212-967-0916; email comm@lchr.org.us.

The two principal emergency laws in force in Northern Ireland are the Northern Ireland (Emergency Provisions) Act 1996 and the Prevention of Terrorism (Temporary Provisions) Act 1989. For a recent government analysis of the latter, see *Statistics on the Operation of Prevention of Terrorism Legislation, Great Britain 1996*, Home Office Statistical Bulletin No. 4/97, available from Home Office, Information and Publications Group, Apollo House, Room 1308, 36 Wellesley Road, Croydon, Surrey CR9 3RR, England; email rsd.ho.apollo@gtnet.gov.uk.

UNITED KINGDOM

Mothers, Children, and Prison

Diane Caddle and Debbie Crisp, authors of *Imprisoned Women and Mothers, Home Office Research Study No. 162* (1997), report on the incidence of mothers in prisons, the effects on both mothers and children, and measures that can mitigate some of the identified problems. Data in this area are not routinely collected by the Prison Service so the authors carried out a series of prison surveys and interviews in 1994. Of nearly eight thousand women surveyed, 61 percent had children under eighteen years, slightly over two thousand children altogether, of whom nearly a third were under five. About three-quarters of these children were living with their mother (many with her alone) at the time of imprisonment and so most lost their principal caregiver (a third lost their only caregiver). To fill the gap, most mothers relied on grandparents and female relations, who often were financially stressed by the added responsibility. In general the children exhibited a range of behavioral problems associated with their mother's imprisonment. Although the

Prison Service has attempted in various ways to facilitate contact between mothers and children, visits especially were a source of frustration and foreign nationals had enormous difficulty maintaining contact through available channels—in particular, visits and telephone calls. Release also posed problems because the women expected to have to find new housing and new jobs and anticipated serious financial strains.

Noting that women prisoners, unlike men, consider themselves responsible for keeping their family together both during and after their sentence, the authors recommend that regimes in women's prisons be modified to "provide adequate opportunities for mothers to fulfill their responsibilities towards their children." Suggestions include collecting better data on the prevalence of mothers in prison, making sure that mothers with very young children receive information about special Mother and Baby Units, increasing the availability of such units to satisfy current need, and expanding visiting opportunities for children.

To order: Home Office, Information and Publications Group, Apollo House, Room 1308, 36 Wellesley Road, Croydon, Surrey CR9 3RR, England; email rsd.ho.apollo@gt.net.gov.uk.

BRIEFLY NOTED

Europe

European Journal on Criminal Policy and Research, Vol. 5, No. 1 (1997), presents a selection of papers presented at the Fifth European Colloquium on Criminal Policy and Research, organized jointly by the Max Planck Institute in Freiburg, Germany, and the Faculty of Law of the University of Ljubljana, Slovenia. Kugler Publications, P.O. Box 1498, New York NY 10009-9998, USA; fax 212-477-0181.

International

Crime & Justice International, a monthly publication from the Office of International Criminal Justice at the University of Illinois–Chicago, surveys "worldwide trends and news" in criminal justice systems from a comparative perspective. A recent issue looked at the upsurge in crime in Hungary, the spread of international crimes like drug trafficking to

South Africa, cyberterrorism, Interpol's efforts to combat drug smugglers, the dangers of plastic bullets, and mandatory sentencing in the United States. *Crime & Justice International*, Box 53, 1333 S. Wabash, Chicago IL 60605, USA.

Netherlands

Racistisch geweld in Nederland, Onderzoek en beleid no. 160 (1997; in Dutch, with French and English summaries), by M.W. Bol and E.G. Wiersma, documents, and makes recommendations on combatting, violence directed against racial minorities, categorized as thrill-seeking hate crimes, in which offenders "primarily seek the kick of violent behaviour"; reactive hate crimes, in which "offenders feel threatened . . . by a minority group"; and mission hate crimes, in which "offenders have an explicit ideology, in which fighting minorities is advocated." Gouda Quint Publishers, Postbus 1148, 6801 HK Arnhem, Netherlands.

New Zealand

Justice Matters, a biannual publication of the Ministry of Justice, surveys, in the latest issue (No. 3, 1997), recent proposals for an international criminal court, the role of community liaison social workers in making more effective the Children, Young Persons, and Their Families Act 1989, indigenous rights, public versus government attitudes on capital punishment, trends in recorded crime, and other issues relating to criminal law and justice. The Editor, *Justice Matters*, Ministry of Justice, P.O. Box 180, Wellington, New Zealand; fax 64-4-494-9701; email publications@justice.govt.nz.

United Kingdom

Three reports from the Home Office Research and Statistics Directorate look at predicted patterns in imprisonment, postrelease criminal behavior of inmates, and postsentence criminal behavior of persons serving community sentences or probation. *Projections of Long-Term Trends in the Prison Population to 2005*, Home Office Statistical Bulletin No. 7197, anticipates an overall increase from 55,300 in 1996 to 74,500 in 2005, with roughly the same rate of increase among young offenders; *Recon-*

victions of Prisoners Discharged from Prison in 1993 (England and Wales), Home Office Statistical Bulletin No. 5/97, shows a reconviction rate, within two years, on either indictable or more serious summary offenses of 47 percent for adult males, 40 percent for all females, and 75 percent for young males; *Reconvictions of Those Commencing Community Penalties in 1993 (England and Wales)*, Home Office Statistical Bulletin No. 6/97, reports that 57 percent of all offenders given community sentences in 1993 were reconvicted of an indictable or more serious summary offense within two years, as were 60 percent of all persons starting probation in 1993. Home Office, Information and Publications Group, Apollo House, Room 1308, 36 Wellesley Road, Croydon, Surrey CR9 3RR, England; email rsd.ho.apollo@gtnet.gov.uk.

United States

Human Rights Watch recently released *Human Rights Violations in the United States: Cruel and Unusual—Disproportionate Sentences for New York Drug Offenders* (March 1997). The report analyzes mandatory penalties under state law, marshalls statistics on their application, criticizes New York practice against state and federal constitutional requirements and international human rights standards, and makes a series of recommendations for achieving proportionality between offense seriousness and sentence severity. Lawyers Committee for Human Rights, 330 Seventh Avenue, 10th Floor, New York NY 10001, USA; fax 212-967-0916; email comm@lchr.org.us.

CONFERENCE ANNOUNCEMENTS**

Comparative Criminal Justice

The International Institute of Higher Studies in Criminal Sciences (ISISC) will host an international conference, December 15–20, 1997,

** While the deadline for registration or submission of papers may have passed for some conferences by the time this issue of *Criminal Law Forum* is published, readers may be interested in obtaining conference proceedings or participating in subsequent conferences sponsored by the same organizations.

in Siracusa, Italy, on the theme of "Comparative Criminal Systems: Diversity and Rapprochement." Sessions will address criminal justice policy; international and regional human rights norms in criminal cases; the role of constitutionalism and courts in the development of criminal justice systems; and criminal law and procedure in both a national and an international context. *For more information:* ISISC; tel. 39-931-35511; fax 39-931-442605.

Corruption

The Eighth International Anticorruption Conference will meet September 7-11, 1997, in Lima, Peru, at the invitation of the Peruvian government. Topics will include modernizing methods of detecting and investigating corruption, prosecuting and sentencing offenders, the role of political parties, educational institutions, and other sectors of society in the fight against corruption, and international and regional cooperation. *For more information:* IPAE, Av. La Marina Cdra. 16s/n Pueblo Libre, Lima, Peru; fax 51-1-464-6657.

Court Technology

The National Center for State Courts (NCSC) is a nonprofit organization dedicated to improving the administration of justice in state courts. Services include technical assistance and consulting, research, information services and education, and international exchange and cooperation. The NCSC holds its Fifth National Court Technology Conference September 9-12, 1997, in Detroit, Michigan. Participants will include judges, court administrators, and technology specialists from across the United States and around the globe. Sessions will cover imaging and electronic document management, the Internet and public access, videoconferencing, voice technologies, smart courthouses, courthouse security, and client-server technology. Judges will be especially interested in sessions on the electronic bench book, the use of computer animation in the courtroom, a new universal citation system, and electronic appeal transcripts. A fully networked, interactive lab will give participants the opportunity to use many of the technologies demonstrated in the educational sessions. *For more information:* NCSC; tel. toll-free 888-890-CTC5; email ctc5@ncsc.dni.us; <http://www.ncsc.dni.us>.

Drug Policy

The Eleventh International Conference on Drug Policy Reform will be held October 15–18, 1997, in New Orleans, Louisiana, under the auspices of the Drug Policy Foundation. The Drug Policy Foundation "believes that the drug war does not work: it erodes individual rights, is extremely expensive, creates a new class of criminals, subsidizes a violent black market, contributes to racial disparity within the criminal justice system, and does not address the health aspects of drug use." The conference is being organized to explore "sensible alternatives to current drug policies." *For more information:* Whitney A. Taylor, Drug Policy Foundation, 4455 Connecticut Ave. NW, Suite B500, Washington, D.C. 20008-2302, USA; fax 202-537-3007.

Forensic Sciences

Havana, Cuba, will host a series of interrelated international conferences October 6–11, 1997, relating to forensic science, including the Ninth Congress of the Latin American Association of Legal Medicine and Medical Deontology and the Iberian American Association of Forensic Sciences, the Third International Workshop on Forensic Work in Disaster Situations, the Second International Colloquium on Bioethics and Medical Law, the Third International Symposium on Alcohol and Drug Problems, the First Latin American Conference on Society, Violence, and Health, and the Twentieth Cuban Meeting on Legal Medicine. *For more information:* Prof. Dr. Jorge Gonzalez Perez, Director, Instituto de Medicina Legal, Av. Independencia y Hernan Cortes, Plaza Ciudad de la Habana, Cuba CP 10600; fax 537-33-5085; email jglez@foren.sld.cu.

Victimology

The Ninth International Symposium on Victimology will be held August 25–29, 1997, in Amsterdam, the Netherlands, under the auspices of the World Society of Victimology, the Dutch Ministry of Justice, and other sponsors. The theme of the conference is "Caring for Victims: Roles of the Community and the Professions." For more than twenty years these symposia have been instrumental in exploring the practical and theoretic-

cal dimensions of victimology and victim support. The main topics of this symposium will be recent proposals for a victims' bill of rights, trends in victim support (including domestic violence and other forms of repeat victimization), and victim and witness assistance in the context of abuses of power and war crimes. Discussion will also focus on mediation, costs of crime, victimization in the workplace and the school, reconciliation efforts in new democracies, interfaces between victim support and crime prevention, and expert evidence. *For more information:* R.G.H. van Kaam, Ministry of Justice (Room L 427), P.O. Box 20301, 2500 EH the Hague, Netherlands; fax 31-70-3707905; email R.G.H.van.Kaam@best-dep.minjust.nl; World Wide Web conference site <http://www.victimology.nl>.

INTERNET***

War Crimes Resources, Including International Tribunals for Former Yugoslavia and Rwanda, and International Criminal Court

<http://www.un.org/icty/index.html>
<http://www.igc.apc.org/> *follow links icc and tribunal*
<http://www.interpac.be/rwanda/>
<http://www.asf.be/asf/>
<http://www.cij.org/cij/>
<http://www.linder.com/berserk/berserk.html>
<http://www.jura.uni-sb.de/france/JORF/rwanda1.htm>
<http://www.embassy.org/wwbosnia/wwbosnia.html>
<http://www.umn.edu/humanrts/> *follow links icty, africa, and links*
<http://www.demon.co.uk/iwpr>
<http://www.yahoo.com/text/Regional/Countries/> *follow links Rwanda and Yugoslavia_Former*
<http://www.lib.uchicago.edu/LibInfo/Law/intl.html#warcrimes>

Adapted from a list compiled by Lyonette Louis-Jacques, Foreign and International Law Librarian, School of Law, University of Chicago, Chicago, Illinois.