St. John's Law Review

Volume 67
Issue 3 *Volume 67, Summer 1993, Number 3*

Article 6

April 2012

# Concluding Remarks: Human Rights, Domestic Courts, and Effective Remedies

Edward D. Re

# CONCLUDING REMARKS

## HUMAN RIGHTS, DOMESTIC COURTS, AND EFFECTIVE REMEDIES

JUDGE EDWARD D. RE*

It was entirely to be expected that in any discussion of human rights one would have heard references to the American Declaration of Independence. It contains words that hold great significance to all of us: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness."[1] Our philosophy of government is expressed by the next sentence: "That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed."[2] The Declaration is truly a great document, and we, as Americans, can be justifiably proud.

Throughout our symposium we heard references to the Declaration of Independence and the Constitution of the United States. Countless references could have been made to the Universal Declaration of Human Rights.[3] That Universal Declaration is an-

* Chief Judge Emeritus of the United States Court of International Trade and Distinguished Professor of Law, St. John's University School of Law. Judge Re was Chairman of the Foreign Claims Settlement Commission of the United States and Assistant Secretary of State for Educational and Cultural Affairs. He served as Chair for the American Bar Association's Section of International and Comparative Law, as President of the American Society of Comparative Law and is a Member Emeritus of the Board of Higher Education of the City of New York. Having served in World War II and during the Korean conflict, Judge Re is a Colonel in the Judge Advocate General's Department of the United States Air Force (Retired).

1 THE DECLARATION OF INDEPENDENCE para. 2 (U.S. 1776).

2 *Id.*

3 *Universal Declaration of Human Rights*, G.A. Res. 217A (III), 3 U.N. GAOR Supp. No. 16, U.N. Doc. A/810 (1948).

other great pronouncement of rights and ideals. I believe that it is destined to be the forerunner of a modern Magna Carta for human beings everywhere.

The Universal Declaration was the first concrete step designed to fulfill the pledge enshrined throughout the Charter of the United Nations:[4] to promote universal respect for, and observance of, human rights and fundamental freedoms for all. Of course, having referred to the Declaration of Independence and the Universal Declaration of Human Rights, we must be reminded that we are speaking of *declarations*, and statements of goals. Those statements of ideals and lofty principles are merely aspirational. Further action is required to give them the legal status and binding force of law.

As for the Universal Declaration of Human Rights, and the subject that brings us together, the experience of the United Nations may be said to parallel that of the United States. Our nation, too, first proclaimed lofty goals and ideals in a Declaration. May I add parenthetically, that I regard the Declaration of Independence to be the crowning achievement of eighteenth century philosophy. Since that historic day in 1776, it has been the solemn responsibility of all Americans to give life and meaning to the self-evident truths or ideals set forth in that Declaration. The question is: What remains to be done to give life to that document and have it breathe as living law? The drafting of the Constitution followed, and slowly, painfully, but inevitably, laws were passed, and still are currently being enacted, to make the ideals of that Declaration the living law of the United States. The goal has been to have our laws reflect, and be the embodiment and fulfillment of what may be called the pledge or promise of 1776.

Just as we have made admirable progress domestically in achieving those stated ideals for the largest number of Americans, we also have a moral and legal commitment to help fulfill those ideals set forth in the Universal Declaration for all people everywhere. How else can we say to the rest of the world that we are striving to foster human rights and fundamental freedoms, which is the promise of the Charter? Although as Americans we are

---

[4] *See, e.g.*, U.N. CHARTER art. 1, para. 3 (stating purpose of "encouraging respect for human rights and for fundamental freedoms for all"), art. 13, para. 1(b) (mandating studies aimed at "the realization of human rights and fundamental freedoms for all"), art. 68 (directing establishment of commissions "for the promotion of human rights").

closer to an era of fulfillment, in many parts of the world it is still an era of despair, of an awakening, and of expectation.

On the international scene, more ought to be done to fulfill our responsibility in supporting covenants on human rights. The Universal Declaration of Human Rights was a great step forward. It was only a first step, however, and surely we cannot rest upon that achievement alone. The task now before us is to embody those ideals, so beautifully set forth in the Universal Declaration, in the form of covenants that have the status of law.

Our topic today was somewhat more limited than the international protection of human rights. Our subject was designed to explore the extent to which the cause of human rights can be properly and legally promoted and fostered before the domestic courts. Hence, the title of our symposium: "Human Rights Before Domestic Courts."

The program covered a variety of topics. All of them were interesting, and all of them were discussed by qualified scholars. I had looked forward to hearing those speakers who dealt with the Foreign Sovereign Immunities Act ("FSIA")[5] to learn the extent to which cases that involve human rights questions can properly be heard before the domestic courts.

An important area pertains to the ability of persons who have been the victims of mistreatment or torture by a foreign country to resort to the courts of the United States for redress. International lawyers are familiar with the doctrine of sovereign immunity. Before 1952, the United States, in general terms, took the position that foreign states were absolutely immune from civil suits in the American courts.[6] Until that time injured citizens would have to depend almost entirely upon the executive branch to negotiate with foreign states in an effort to obtain redress, or some form of settlement. This diplomatic remedy, as it was called, was totally discretionary. Hence, depending upon a variety of factors, perhaps totally unrelated to the wrong sought to be redressed, the State Department would determine whether to pursue or espouse the claim.

Although it was announced in 1948 that the State Department was reconsidering the policy, it was not until 1952 that the

---

[5] Foreign Sovereign Immunities Act, 28 U.S.C. §§ 1602-1611 (West Supp. 1993).

[6] 26 DEP'T ST. BULL. 984, 985 (1952) (referring to past policy of "absolute" sovereign immunity (citing May 19, 1952 letter from Jack B. Tate, then Acting Legal Adviser for Department of State, to Acting Attorney General)).

American position changed and the "restrictive theory of sovereign immunity" was adopted.[7] Under this new theory, or policy, sovereign immunity would be granted or recognized with regard to sovereign or public acts (*jure imperii*) of a foreign state, but would not be granted as to commercial or private acts (*jure gestionis*).[8]

It is worthy of note that this newer policy of the United States brought the United States in harmony with the modern trend of international law on the subject. For example, a foreign state that engaged in a commercial activity in the United States would not be immune, and would be liable as would any other private entity for a claim or cause of action based upon that commercial activity.

The international legal community assumed that the FSIA, enacted in 1976, was enacted to depoliticize the sovereign immunity decision process, by transferring the question in particular cases from the State Department to the courts. It seemed clear that the declared purpose of the FSIA was to define the restrictive theory of foreign sovereign immunity, and to set forth the exceptions when a foreign sovereign would not be immune from suit.[9] Another purpose of the FSIA was to assure uniform treatment of foreign states before the American courts.[10] In summary, foreign sovereign immunity would apply under the FSIA unless the cause of action or case brought was embraced within one or more of the seven exceptions set forth in the Act.[11]

Several interesting and important cases have come before the courts that have required interpretation and application of the FSIA. One of these cases is *Nelson v. Saudi Arabia,*[12] which I have been asked to discuss. Because of the important issues raised, the case is presently before the Supreme Court of the United States.[13] The case has attracted some attention, and has

---

[7] *Id.*

[8] H.R. REP. No. 1487, 94th Cong., 2d Sess. 7 (1976), *reprinted in* 1976 U.S.C.C.A.N. 6604, 6605.

[9] *See* Foreign Sovereign Immunities Act, 28 U.S.C.A. § 1602 (West Supp. 1993) (declaration of purpose); *see also* H.R. REP. No. 1487, 94th Cong., 2d Sess. 7-8 (1976) and S. REP. No. 1310, 94th Cong., 2d Sess. 8-9 (1976), *reprinted in* 1976 U.S.C.C.A.N. 6604, 6605-06.

[10] H.R. REP. No. 1487, 94th Cong., 2d Sess. 7-8 (1976) and S. REP. No. 1310, 94th Cong., 2d Sess. 8-9 (1976), *reprinted in* 1976 U.S.C.C.A.N. 6604-06.

[11] The general rules of immunity are found in section 1604 of the FSIA. *See* 28 U.S.C.A. § 1604 (West Supp. 1993). The exceptions are set forth in section 1605 of the FSIA. *See* 28 U.S.C.A. § 1605 (West Supp. 1993).

[12] 923 F.2d 1528 (11th Cir. 1991), *rev'd*, 113 S.Ct. 1471 (1993).

[13] Subsequent to the remarks delivered by Judge Re on March 12, 1993, the U.S. Supreme Court reversed the Eleventh Circuit Court of Appeals's decision in *Nelson.*

been the subject of renewed legislative interest in the FSIA and human rights before American courts.

The facts of *Nelson* are quite straightforward as are the issues presented. The plaintiff, Scott Nelson, while in the United States, saw a printed advertisement recruiting employees for the King Faisal Specialist Hospital in Riyadh, Saudi Arabia.[14] The Hospital Corporation of America, under contract with the Kingdom of Saudi Arabia, conducted in the United States the recruitment of American employees for the hospital.[15]

Nelson was interviewed in Saudi Arabia for a position by two hospital officials.[16] After returning to Florida, Nelson was hired and entered into a contract of employment with the hospital as a monitoring systems engineer.[17]

In accordance with the Hospital's job description for a monitoring systems engineer, "Nelson was 'responsible for the development and expansion of electronic monitoring and control systems capabilities.' He was also responsible for recommending 'modifica-

---

The Court took a narrow view of "based on" and "commercial" acts as used in the FSIA. *See Nelson*, 113 S. Ct. at 1477-1481. Although the Court disagreed with the reading of the appellate court, it nonetheless expressly left open the possibility of reading the statute expansively, within the limit set by its holding. *See id.* at 1478 n.4 ("[W]e do not address the case where a claim consists of both commercial and sovereign elements."). The court of appeals decision in *Nelson* set in motion the legislative reaction that led to the passage of the TVPA. Justice Stevens, in his dissent, asserted that "taking [Nelson's] allegations as true . . . petitioners' contacts with the United States in this case are, in my view, plainly sufficient to subject petitioners to suit in this country on a claim arising out of its nonimmune commercial activity relating to respondent." *Id.* at 1488-89 (Stevens, J., dissenting). Justice Stevens added, in circumstances such as *Nelson* in which the foreign nation was "seek[ing] out the benefits of the private marketplace, it must, like any private party, bear the burdens and responsibilities imposed by that marketplace." *Id.* at 1489. (*Editor's note*).

14 *Nelson*, 923 F.2d at 1530.

15 *Id.*

16 *Id.*

17 *Id.* The contract of employment was executed in Miami, Florida, in November 1983. *Id.* "[T]he House Report that accompanied the Immunities Act states that the making of 'a single contract' in the United States can support jurisdiction." Santos v. Compagnie Nationale Air France, 934 F.2d 890, 893 (7th Cir. 1991) (citing H.R. REP. No. 94-1487, 94th Cong., 2d Sess. 16 (1976), *reprinted in* 1976 U.S.C.C.A.N. 6604, 6615). The House Report further stated that "a commercial activity carried on in the United States by a foreign state would *include not only* a commercial transaction performed and *executed* in its entirety in the United States . . . ." H.R. REP. No. 94-1487, 94th Cong., 2d Sess. 17 (1976), *reprinted in* 1976 U.S.C.C.A.N. 6604, 6615 (emphasis added).

tions of existing equipment and the purchase and installation of new equipment.'"[18]

Nelson was summoned to the hospital's security office after he observed, in the course of his duties, certain hazards which he reported to an investigative commission of the Saudi government.[19] He alleged that he was subsequently taken to a jail cell where he was "shackled, tortured, and beaten" by Saudi government agents.[20]

After his release and return to the United States, Nelson sued Saudi Arabia, the hospital, and the hospital's purchasing agent in the United States District Court for the Southern District of Florida, asserting that the court had subject matter jurisdiction under the FSIA.[21] The district court granted Saudi Arabia's motion for dismissal for lack of subject matter jurisdiction, concluding that the "link between the recruitment activities and the [d]efendants is not sufficient to establish 'substantial contact' with the United States"[22] within the meaning of the commercial exception of the FSIA.[23] Moreover, the district court "noted that, 'even if the court had found that . . . Saudi Arabia had carried on commercial activities having substantial contact with the United States through the indirect recruitment activities,'" there still would not be a sufficient nexus between the activities and the complaint to maintain the cause of action.[24]

On appeal, the Court of Appeals for the Eleventh Circuit reversed and remanded, finding both "substantial contact" with the United States, based on the recruitment activities, and the required nexus between the cause of action and those activities.[25]

In a discussion of the *Nelson* case, it is to be noted that Nelson's claims resulted solely from a contract of employment formed in the United States. Nelson's difficulties began when, in the performance of the duties set forth in his job description, he reported safety violations.[26]

---

18 *Nelson*, 923 F.2d at 1530 (quoting Hospital's job description for monitoring systems engineer).

19 *Id.*

20 *Id.*

21 *Id.*

22 *Id.* at 1530 (citing Nelson v. Saudi Arabia, No. 88-1791, slip op. at 5 (S.D. Fla. Aug. 11, 1989) [hereinafter *Nelson I*]).

23 *See* 28 U.S.C.A. § 1603(e) (West Supp. 1993).

24 *Nelson*, 923 F.2d at 1530 (quoting *Nelson I*, at 8).

25 *Id.* at 1536.

26 *Id.* at 1535-36.

The Report of the House Committee on the Judiciary on the FSIA, which was signed into law by President Gerald R. Ford in 1976, stated that the FSIA was enacted to provide "when and how parties can maintain a lawsuit against a foreign state or its entities in the courts of the United States and to provide when a foreign state is entitled to immunity."[27] As indicated, under the FSIA, a foreign sovereign is immune from suit in the United States unless an enumerated exception applies. In *Nelson*, for example, the foreign sovereign, Saudi Arabia, could be sued in the United States if the cause of action was based on a "commercial activity" conducted in the United States.

As a result of the *Nelson* case, attention was focused on the problem of Americans who are employed abroad and subjected to human rights violations or torture[28] in the foreign country. In *Nelson*, after the reversal of the district court's dismissal of the plaintiff's cause of action, the State Department joined in a request for a rehearing en banc.[29] When the circuit court did not grant the rehearing, the State Department joined the defendants in support of the petition urging the Supreme Court to grant certiorari.[30]

Apart from a discussion of the judicial decision of the court of appeals and the legal questions raised in its interpretation and application of the FSIA, it must be noted that there has also been a legislative response to *Nelson*. Hearings were held before the Committee on the Judiciary of the House of Representatives, which filed a report that discussed possible amendments to the FSIA.

The committee report stated at the outset that legislation is necessary to clarify and expand the circumstances in which an American, who is injured abroad by a foreign government, can bring suit in the courts of the United States against that govern-

---

[27] H.R. REP. No. 1487, 94th Cong., 2d Sess. 6 (1976), *reprinted in* 1976 U.S. C.C.A.N. 6604, 6604.

[28] It is important to note that Article 5 of the Universal Declaration of Human Rights expressly prohibits torture. *Universal Declaration of Human Rights*, G.A. Res. 217A (III), 3 U.N. GAOR Supp. (No. 16), Doc. A/810 (1948). Article 5 states: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." *Id.*

[29] Nelson v. Saudi Arabia, 113 S. Ct. 1471, 1476 (1993).

[30] *See Amending the Foreign Sovereign Immunities Act of 1976: Hearing on H.R. 2357 Before the Subcommittee on International Law, Immigration and Refugees*, 102d Cong., 2d Sess. 6 (1992) [hereinafter *Hearings*].

ment under the FSIA.[31] It would seem clear that the purpose was not to *restrict* the holding of the court of appeals in *Nelson*, but to *expand* the circumstances under which an American may be able to sue in the courts of the United States. More specifically, the proposed legislation addressed torture and extrajudicial killing.[32]

The committee report acknowledged that "[t]orture is a violation of international law and has been universally condemned by the nations of the world."[33] It observed that "[i]n recent years, several U.S. citizens have been tortured abroad and have faced difficulties in obtaining a remedy"[34] because "[j]udicial remedies are often not available in countries where torture is prevalent."[35] When it is not possible to obtain a judicial remedy, citizens enlist the help of the State Department in an effort to obtain a remedy through diplomatic channels. The report, however, indicated that "this is not always a viable alternative,"[36] and that the State Department "may have no more success than the citizen in obtaining a remedy."[37] In addition, the State Department's traditional role "of being a conciliator and maintaining foreign relations may conflict with its role of defending the rights of U.S. citizens."[38] The report recounted that "in one recent case, the State Department actually filed a brief before the Supreme Court on behalf of Saudi Arabia, asking the Court to overturn an 11th Circuit Court of Appeals decision which had allowed a U.S. citizen to sue Saudi Arabia under the FSIA."[39]

This Judiciary Committee report noted that at the subcommittee hearing on House Bill 2357, held on May 13, 1992, "administration witnesses repeatedly voiced concern that the FSIA should not be amended in any way that might offend foreign governments."[40] Specifically, they testified that "[d]omestic judicial proceedings and remedies which intrude on the sovereign conduct of a foreign state may have political significance and consequences with foreign policy ramifications."[41]

---

31 H.R. REP. No. 900, 102d Cong., 2d Sess. 3 (1992).
32 *Id.* at 3-4.
33 *Id.* at 3.
34 *Id.*
35 *Id.*
36 H.R. REP. No. 900, 102d Cong., 2d Sess. 3 (1992).
37 *Id.*
38 *Id.*
39 *Id.*
40 *Id.*
41 *Hearings*, *supra* note 30, at 52.

Although these administration witnesses gave several negative aspects of amending the existing provisions of the FSIA,[42] the report continued:

> While sensitive to the precept that the United States should avoid unilateral actions that would impose American legal principles upon foreign governments, the Committee believes that the attitude of these witnesses reflects an abdication of the United States' moral responsibility to provide leadership in the area of human rights by undertaking efforts to extend the scope of international laws protecting those rights. In this instance, the administration's inordinate deference to real or imagined sensitivities of unnamed foreign governments is particularly disturbing because it directly affects the rights of U.S. citizens to have their day in court. The Committee believes that an action constituting a violation of settled international law—in this case torture or extrajudicial killing—is no more acceptable when committed by foreign government than by anyone else.[43]

The Committee Report on House Bill 2357 also discussed the Torture Victim Protection Act ("TVPA"), which was signed into law in 1992.[44] The TVPA provides a civil cause of action against individuals who inflict torture, but does not itself address the liability of the foreign nation.[45] Hence, the TVPA may not be available to all U.S. citizens who are tortured abroad because, in many cases, the plaintiff may not be able to obtain personal jurisdiction over the individual torturers, or may not even know their identities. The FSIA also is territorially restrictive since it currently allows U.S. citizens to sue foreign sovereigns only for torts that the foreign sovereign committed in the United States,[46] but not for torts that the foreign sovereign committed on its own soil.[47] Indeed, the practical barriers that have been experienced by some U.S. citizens in obtaining a remedy for torture suffered abroad served to highlight the need for House Bill 2357.[48] The report recognized that a foreign sovereign who practices torture or summary execution violates international law.[49] Nonetheless, under present law, an American citizen who is tortured or executed abroad

---

42 H.R. REP. No. 900, 102d Cong., 2d Sess. 3-4 (1992).
43 *Id.* at 4.
44 Pub. L. No. 102-256, 106 Stat. 73 (1992).
45 H.R. REP. No. 900, 102d Cong., 2d Sess. 4 (1992).
46 *Id.*
47 *Id.*
48 *Id.*
49 *Id.*

cannot sue the foreign sovereign in the United States courts even when the foreign country wrongly refuses to hear the citizen's case.[50] Therefore, in some instances a United States citizen who was tortured will be without a remedy. The express purpose of House Bill 2357 is to provide a remedy for those in that precise situation before the United States courts.[51] House Bill 2357 would amend the FSIA by providing American citizens who are grievously mistreated abroad with an effective remedy for damages in some tribunal, either in the country where the mistreatment occurred, or in the United States.[52] The bill, therefore, would add a new exception to the FSIA that would allow suits against foreign sovereigns that subject U.S. citizens to torture or extrajudicial killing, and do not provide adequate remedies for those harms.

An additional word about the background of this legislation may be helpful. It was introduced by Mr. Lawrence J. Smith on May 15, 1991, and was referred to the Committee on the Judiciary.[53] The statement of Representative Smith at the time of the hearings is enlightening. Mr. Smith spoke specifically of the *Nelson* case as a catalyst for the legislation.[54] It is noteworthy that the events which surrounded Scott Nelson were not limited to Scott Nelson, and that his case was not unique—other persons had been similarly mistreated. Mr. Smith summarized the *Nelson* case, and, after recounting the tribulations of Scott Nelson, both in Saudi Arabia and in the United States, quoted Nelson as having said that he was bitterly opposed by the State Department.[55] Mr. Smith stated, "[f]ortunately, the appeals court reversed and remanded this case back to the district court,"[56] and noted that the Supreme Court had asked the State Department for its comment on the case.[57] Mr. Smith also noted that the State Department's human rights report lists countries that continuously violate internationally recognized human rights as reflected by the number of documented cases of human rights abuses.[58]

---

50 H.R. REP. No. 900, 102d Cong., 2d Sess. 4 (1992).

51 *Id.* at 4-5.

52 *Id.*

53 *Id.* at 5.

54 *Hearings*, *supra* note 30, at 5-7 (statement of Fla. Rep. Lawrence J. Smith).

55 *Id.* at 6.

56 *Id.*

57 *Id.*

58 *Id.*

Mr. Smith made his views quite clear. He stated that American citizens hired by a foreign state and injured by officials of that state should be allowed to sue a foreign government in this country, particularly since the foreign country had been allowed to recruit those employees within the United States.[59]

> Injured Americans deserve their day in an American court which embraces our judicial framework and our laws. Let the facts decide the case. If a foreign state avails itself of the benefits of doing business here, then that government should be prepared to put itself before the fairest legal system in the world.[60]

Mr. Smith remarked that he "introduced this bill because some Americans were being refused help from their own Government and because our courts are uncertain about their ability to hear these cases."[61]

This proposal would not affect the underlying tort law. The proposal would address only the issue of jurisdiction, specifically conferring it in certain circumstances where the current law is vague.[62] Representative Smith added:

> [This bill would not] help Scott Nelson, Jim Smrkovski, Luben Ivanhoff, Colete Powers or John Keene, who are those Americans who were tortured who came here to Washington last spring [to testify], but it could provide a small bit of relief for any American who receives similar appalling treatment in the future. And, Mr. Chairman, we shouldn't believe that that won't happen. If you read this year's human rights report filed according to statute by the State Department, you will see numerous countries listed where numerous cases of torture are documented. So it does happen and it could happen to Americans.[63]

I will read only one more sentence from the statement of Mr. Smith before the House Judiciary Committee: "We should not leave the rights of Americans to the vagaries of foreign policy."[64]

I congratulate Mr. Smith and his colleagues on the Judiciary Committee and conclude my remarks on *Nelson* by noting that the courts cannot isolate themselves from the great moral issues of the day. In the application of law, courts, as other organs of government, must also think of the consequences of their decisions

---

59 *Hearings*, *supra* note 30, at 7 (statement of Fla. Rep. Lawrence J. Smith).
60 *Id.*
61 *Id.*
62 *Id.*
63 *Id.*
64 *Hearings*, *supra* note 30, at 7 (statement of Fla. Rep. Lawrence J. Smith).

and of their effect on human rights. In the application of law, courts cannot risk the fate of becoming irrelevant in their crucial role of applying the law as an instrument of justice. In a symposium on human rights it is also appropriate to recall that statutes, unless a contrary intention is clearly expressed, may be construed in accordance with international legal norms. In an ABA Committee Report on Judicial Education on International Law, it is noted that the applicability of international legal norms in particular cases may be limited by considerations of jurisdiction, equity, and due process that apply in all proceedings before the U.S. courts. It is hoped, however, that those "considerations not be invoked merely to disguise an unwillingness to accord international legal norms their rightful place in our legal system."[65] By a reasonable interpretation of the commercial activity exception of the FSIA, the Eleventh Circuit's decision permitted Nelson to prove the truth of his allegations, and afforded the defendants their day in court. A reversal would relegate Nelson to the plight in which individuals similarly situated found themselves before the enactment of FSIA.

Human Rights Before Domestic Courts has been the subject matter of our symposium. It has dealt with human rights, but not merely as ideals, or goals. We mean human rights to be realized, and to be vindicated by an effective remedy. Hence, the question should no longer be whether there is a right not to be tortured. The question today is: How can the victim obtain an effective remedy?

In this symposium we have attempted, and I believe we have succeeded, in casting light on the initial question posed: To what extent can the domestic courts be utilized to give a remedy in those cases when people have suffered human rights violations, and wish effective redress or remedy? We have had eminently qualified speakers, and know that our symposium has taught us a great deal that will help us achieve, in the words of Dean Pound, "effective legal action."[66]

---

[65] *Judicial Education on International Law Committee of the Section of International Law of the American Bar Association: Final Report*, 24 INT'L LAW. 903, 915 (1990).

[66] Roscoe Pound, The Limits of Effective Legal Action, An Address Before the Pennsylvania Bar Association (June 27, 1916) *in* 3 A.B.A. J. 55, *and in* THE LAWYER'S TREASURY 223 (Eugene C. Gerhart ed., 1956).