SUPREME COURT
OF THE
STATE OF CONNECTICUT

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S.C. 17413

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STATE OF CONNECTICUT

v.

EDUARDO SANTIAGO

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BRIEF OF AMICI CURIAE EXPERTS ON INTERNATIONAL HUMAN RIGHTS AND COMPARATIVE LAW

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Statement of Interest

This case presents a question of great public importance: whether the state may execute a death row inmate after the repeal of the death penalty. In reaching a determination under the Connecticut and U.S. Constitutions, this Court may properly look to international law and practice, which together demonstrate a global consensus against the execution of individuals after death penalty provisions have been repealed. *Amici*,[1] who have expertise on international human rights law, the comparative practice of other nations, and the domestic application of international law, respectfully write to provide relevant information regarding international law and practice.

[1] An appendix of Amici is attached as Appendix A.

Statement of Facts and Proceedings

The Amici adopt the statement of facts and proceedings set forth in the brief of the defendant, Eduardo Santiago.[2]

Summary of Argument

International treaties and the practices of nations provide strong evidence of a societal norm against post-repeal execution. As abolition of the death penalty becomes commonplace across the globe, *Amici* have been unable to locate any reported instance in which a country has carried out an execution following the repeal of the death penalty. This practice reflects the well-established international legal principle that ameliorative changes in criminal laws resulting in a decreased penalty are to be applied to those already sentenced. Given the ultimate nature of the death penalty, that principle is of special relevance. The practice of different nations and the international law that guides them, while not binding on this Court, are nonetheless well-established sources to inform this Court's analysis of the prohibitions under the Connecticut and U.S. Constitutions against cruel and unusual punishment.

Argument

I. This Court, Like the U.S. Supreme Court and Other Domestic Courts, Looks to International Law and Practice to Inform Its Decisions

Judges in the United States have long drawn from international and comparative jurisprudence for guidance in interpreting the rights and liberties protected under the U.S. and state Constitutions. While not formally binding or precedential, U.S. courts have found useful empirical knowledge and confirmatory insights by looking to the experience of foreign nations and international bodies addressing shared issues.

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[2] The authors thank Soo-Ryun Kwon and Amanda Solter for their generous and able assistance in this brief's preparation.

This Court may properly consider international law and practice in construing the rights and liberties asserted under the Connecticut and U.S. Constitutions.[3] The issue presented here has not been decided by the United States Supreme Court, and, as detailed below, that Court has regularly used non-domestic sources in considering other Eighth Amendment challenges. Moreover, "[i]t is well established that federal constitutional and statutory law establishes a minimum national standard for the exercise of individual rights and does not inhibit state governments from affording higher levels of protection for such rights." *State v. Geisler*, 222 Conn. 672, 684 (1992) (internal quotations omitted).[4] In cases raising Eighth Amendment questions under federal as well as state law, this Court has considered practices from abroad.[5] Decisions from sister jurisdictions likewise affirm

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[3] *See, e.g., Moore v. Ganim*, 233 Conn. 557, 637-38 (1995) (Peters, C.J., concurring) (discussing the "wide international agreement on at least the hortatory goals identified in" the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights as support for finding a Connecticut state constitutional right to minimal subsistence notwithstanding that the United States was not a party to the Covenant and that federal law had not identified that constitutional right); *Batista v. Batista*, No. FA 92 0059661, 1992 Conn. Super. LEXIS 1808, at *18-20 (Conn. Super Jun. 18, 1992) (Dranginis, J.) (discussing the Convention on the Rights of the Child in the context of a custody dispute).

[4] In determining whether "higher levels of protection" are appropriate, this Court has set out six factors, including "contemporary understandings of applicable economic and sociological norms, or as otherwise described, relevant public policies." *State v. Lockhart*, 298 Conn. 537, 546-47 (2010). The six *Geisler* factors are: "(1) the text of the operative constitutional provisions; (2) related Connecticut precedents; (3) persuasive relevant federal precedents; (4) persuasive precedents of other state courts; (5) historical insights into the intent of our constitutional forebearers; and (6) contemporary understandings of applicable economic and sociological norms, or as otherwise described, relevant public policies." *State v. Lockhart*, 298 Conn. 537, 546-47 (2010) (citing *State v. Michael J*., 274 Conn. 321, 349–50 (2005)).

[5] In *State v. Rizzo,* 303 Conn. 71, 195-96 (2011), this Court engaged, "in essence, a partial *Geisler* test," in upholding the constitutionality of Connecticut's former death penalty statute. *Id*. at n.86. As part of that analysis, this Court examined the prevalence of the death penalty globally; unlike the *Roper* and *Graham* decisions (discussed below), this Court did not find that a sufficient international consensus had formed against the death penalty generally so as to "take precedence over a domestic legal climate in which capital punishment retains strong legislative and judicial support." *Id*. at 196 & n.96. In *State v. Allen*, 289 Conn. 550, 585 (2008), the Court considered whether a Connecticut statute, which imposed life without the possibility of parole on a juvenile offender, violated the Eighth Amendment; the Court held that the petitioner had waived his state claims. The Court observed that "we agree that the large number of juveniles serving

the relevance of international sources in interpreting federal and state law, particularly when analyzing issues that affect human dignity.[6]

As the *Rizzo* Court recognized, recourse to international law is particularly well established in the Eighth Amendment context, where what constitutes "cruel and unusual" is determined in part by "evolving standards of decency" informed by global practices and law. As recently as 2010, when discussing its ruling that sentences of life without parole for juveniles convicted of non-homicide crimes were unconstitutionally cruel and unusual, the U.S. Supreme Court reiterated its "longstanding practice in noting the global consensus against the sentencing practice in question. . . ." *Graham v. Florida*, 130 S.Ct. 2011, 2033 (2010). As the Court explained, "the opinion of the world community, while not controlling our outcome, provide[s] respected and significant confirmation for our own conclusions." *Id.* at 2033. The Court thereby affirmed that, in the Eighth Amendment context it looks "beyond our Nation's borders for support for its independent conclusion that a particular punishment is cruel and unusual." *Id.* at 2033.

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life sentences in the United States as compared to those few other countries that permit such a sentence raises deeply troubling questions," but ultimately held that the U.S. Supreme Court's precedent dictated a narrower result.

[6] *See, e.g.*, *A.Z. v. B.Z.*, 725 N.E.2d 1051 (Mass. 2000) (Massachusetts Supreme Court referred to Israeli Supreme Court case in construing privacy claims at issue in in vitro fertilization contract); *Boehm v. Superior Court,* 223 Cal. Rptr. 716 (Cal. Ct. App. 1986) (1986) (California Court of Appeals relied on Universal Declaration of Human Rights to interpret state statutory duty to provide assistance benefits to poor); *Sterling v. Cupp*, 290 Or. 611, 625 (1981) (Oregon Supreme Court referred to international instruments in construing the guarantee against "unnecessary rigor" in the state constitution); *Santa Barbara v. Adamson,* 610 P.2d 436, 439 (1980) (California Supreme Court cited international law in interpreting the right to privacy under the state constitution); *Pauley v. Kelley*, 255 S.E.2d 859 (W.Va. 1979) (West Virginia Supreme Court cited the Universal Declaration of Human Rights in holding education to be a fundamental right under the state constitution); *New Hampshire v. Robert H.,* 393 A.2d 1387, 1390 (N.H. 1978) (1978 (New Hampshire Supreme Court cited International Covenant on Civil and Political Rights and International Covenant on Economic, Social, and Cultural Rights to interpret parental rights under state constitution). *See generally*, The Honorable Margaret H. Marshall, "*Wise Parents Do Not Hesitate to Learn from Their Children": Interpreting State Constitutions in an Age of Global Jurisprudence*, 79 N.Y.U. L. REV. 1633 (2004); Anna Maria Gabrielidis, *Human Rights Begin at Home: A Policy Analysis of Litigating International Human Rights in U.S. State Courts*, 12 Buff. Hum. Rts. L. Rev. 139, 169 (2006).

Similarly, international law and practice played a role in both of the Court's recent decisions to limit application of the death penalty. In *Atkins v. Virginia*, the Court looked to the overwhelming disapproval of the "world community" to sentencing mentally retarded offenders to death. *Atkins v. Virginia,* 536 U.S. 304, 316 n. 21 (2002). The Court explained: "Although these factors are by no means dispositive, their consistency with the legislative evidence lends further support to our conclusion that there is a consensus among those who have addressed the issue." *Id.* In *Roper v. Simmons*, 543 U.S. 551 (2005), the Supreme Court also made a point of referencing the international treatment of juvenile offenders: "It is proper that we acknowledge the overwhelming weight of international opinion against the juvenile death penalty." *Id.* at 578; see also *Coker v. Georgia*, 433 U.S. 584, 596 n.10 (1977) (in holding death sentence for rape conviction to be Eighth Amendment violation, stating that "[it] is not irrelevant that out of 60 major nations in the world surveyed in 1965, only 3 retained the death penalty for rape where death did not ensue."); *Enmund v. Florida*, 458 U.S. 782, 796 n.22 (1982) (as to felony murder, stating that "the climate of international opinion concerning the acceptability of a particular punishment" is an additional consideration that is "not irrelevant").

In Mr. Santiago's case, international law and practice confirm an emerging global consensus against post-repeal executions consistent with evolving standards within the United States and Connecticut. Just as Mr. Santiago's execution would make Connecticut the first state in the country to carry out an execution after the death penalty has been repealed,[7] *Amici* can locate no reported instance in which a country has carried out a death sentence under a prior law that has been repealed. *Amici* believe that international legal principles and practice, while not binding, properly inform the Court's consideration of the propriety, under Connecticut law, of proceeding with a penalty phase proceeding and possible execution of Mr. Santiago in the face of the State's repeal of the death penalty.

[7] Def.'s Br. at 15-16.

II. International Law and Practice Weigh Strongly Against Post-Repeal Executions

A. Amici Can Identity No Reported Instance in which a Nation Has Executed an Individual Following Repeal of the Death Penalty

In the wake of repeals of the death penalty, which have become common across the globe, executions have ended. Since 1975, the United Nations has issued reports every five years on global developments in the law and practice of the death penalty.[8] According to the 2010 report, more than two-thirds of the countries of the world have abolished the death penalty.[9] Ninety-five countries have abolished the death penalty for all crimes while eight have abolished it for ordinary crimes. *Id.* Thirty-five additional countries have abolished the death penalty in practice. *Id.*

In the course of monitoring, the United Nations has surveyed state practices and identified both the date of repeal and last date of executions.[10] For 81 of the 95 countries that have completely abolished the death penalty, the U.N. has data available for the last date of execution. These countries abolished the death penalty through legislation, court mandate, or executive decision. According to these U.N. reports, among the 81 nations for which data were available, none reported executing individuals following repeal of death penalty provisions.[11]

Examples from other jurisdictions explain what the U.N. data provide in the aggregate. South Africa's Constitutional Court (the country's highest court) heard the case of a man sentenced to death prior to the implementation of the Interim Constitution of 1993, which newly prohibited "cruel, inhuman, or degrading treatment." *The State v. T. Makwanyane and M. Mchunu*, Constitutional Ct. of South Africa, Case No. CCT/3/94,

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[8] Report of the Secretary-General, Capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, E/2010/10 (18 Dec. 2009), at 5.

[9] *Id*. at 7 [hereinafter ECOSOC Report].

[10] *Id.* at 5.

[11] *Id*. at Table. 2, "Status of Capital Punishment as of December 2008: Fully Abolitionist States and Territories". These data are confirmed by Amnesty International, which also tracks executions worldwide. Amnesty International, *Abolitionist and Retentionist Countries*, *available at* http://www.amnesty.org/en/death-penalty/abolitionist-and-retentionist-countries (visited Dec. 27, 2012).

(1995). The South Africa Constitutional Court found the death penalty to violate that new constitution and ordered the death sentences of all prisoners on death row (300-400) to be commuted. *Id.* Other nations have achieved similar results either through legislation[12] or practice. Another example comes from Lithuania, which abolished the death penalty in 1998 and then passed legislation commuting the sentences for the nine individuals remaining on death row to life sentences.[13]

B. *The International Law Principle of* Lex Mitior *Has Special Importance in the Context of the Death Penalty.*

The global practice not to execute individuals after a jurisdiction repeals the death penalty is in accord with the accepted international legal principle that lesser criminal penalties should apply to those already sentenced. This principle is codified in national constitutions and international human rights treaties. It has been interpreted to have special significance in the context of the death penalty.

Legislatures are tasked with delineating crimes and their corresponding penalties. As societies evolve, penal theories change. As a result, legislation may be passed that provides for a lesser punishment for a given crime than a previous legislature had mandated. Under international law, the decrease in penalty shall apply to benefit offenders already sentenced. This principle is known as *lex mitior*, or the mercy doctrine, where laws are applied *in mitius* or "mildly." This principle provides the greater context under which countries have refrained from applying the death penalty in post-repeal situations.

Human rights treaties and instruments allow an offender to benefit from a change in law that imposes a lighter penalty than the one in existence at the time the offense was committed. Article 15 of the International Covenant on Civil and Political Rights (ICCPR), to

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[12] Amnesty International, *Concerns in Europe January - June 1999*, 39, *available at* http://www.amnesty.org/en/library/info/EUR01/002/1999/en.

[13] In 1999, the Russian Constitutional Court banned judges from sentencing people to death until the jury trial system is introduced everywhere in the Russian Federation. *Id*. at 44. Subsequently, President Boris Yeltsin granted clemency to all (more than 700) prisoners on death row and commuted their death sentences to prison terms. *Id*.

which 167 states are parties (including the United States, albeit with reservations), contains a provision that prohibits criminal *ex post facto* laws; the ICCPR also requires that "[i]f, subsequent to the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby." International Covenant on Civil and Political Rights (ICCPR), Dec. 16 1966, S. Treaty Doc. No. 95-20 (1992), 999 U.N.T.S. 171, 999 U.N.T.S. 171, art. 15. While the United States is the only country that has attached a reservation to Article 15,[14] that reservation in part reflects the centrality of states to criminal law enforcement in the United States. The U.S. reservation does not dictate this Court's analysis but rather permits case-by-case analysis of the relevance of Article 15.[15]

Article 15 of the ICCPR sets the legal framework for the *lex mitior* principle. Authoritative commentary on the ICCPR establishes that, while the scope of Article 15's amelioration principle is open to judicial interpretation, at its core, the principle must apply, without limit, to irreversible penalties: "[T]he abolition of the death penalty by a subsequent law must be applied retroactively at any point up to the execution . . . ." Manfred Nowak, U.N. COVENANT ON CIVIL AND POLITICAL RIGHTS: CCPR COMMENTARY 366 (2d ed., 2006). *See also* Torkel Opsahl and Alfred de Zayas, "The Uncertain Scope of Article 15(1) and the International Covenant on Civil and Political Rights." 1983 CAN. HUM. RTS. Y.B. 287, 249-250 (1983) (stating that "even if the death penalty for an offence is abolished after only after the sentence is passed but before it is executed there may be good reasons for letting the offender benefit thereby").

The United Nations General Assembly's understanding of Article 15 of the ICCPR's instantiation of "lex mitior" can be found in resolutions supporting the the Safeguards

[14] U.N. Treaty Collection, *ICCPR Declarations and Reservations*, *available at* http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en#EndDec (stating that "because U.S. law generally applies to an offender the penalty in force at the time the offence was committed, the United States does not adhere to the third clause of paragraph 1 of article 15.").

[15] Further, for the purposes of this Court's analysis, the question is not whether Article 15 is binding, but whether it is relevant to analysis under the Connecticut and U.S. Constitutions. The wide state acceptance of Article 15, and the fact that Article 4(2) of the ICCPR lists Article 15 as non-derogable underscore the importance of the *lex mitior* principle.

Guaranteeing Protection of the Rights of those Facing the Death Penalty, promulgated in 1984 by the Economic and Social Rights Council.[16] Section 2 of the Safeguards provides that, "[c]apital punishment may be imposed only for a crime for which the death penalty is prescribed by law at the time of its commission, it being understood that if, subsequent to the commission of the crime, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby." *Safeguards Guaranteeing Protection of the Rights of those Facing the Death Penalty* (ECOSOC Res. 1984/50, May 25, 1984).

In addition to the ICCPR and the Safeguards Guaranteeing Protection of the Rights of those Facing the Death Penalty, many international treaties recognize the right to obtain a beneficial change in criminal penalty laws. Article 9 of the American Convention on Human Rights, ratified by 23 countries belonging to the Organization of American States, contains virtually the same provision as the ICCPR: "If subsequent to the commission of the offense the law provides for the imposition of a lighter punishment, the guilty person shall benefit there from." Organization of American States, American Convention on Human Rights, Nov. 22, 1969, O.A.S.T.S. No. 36, 1144 U.N.T.S. 123, art. 9.[17] Article 49 of the Charter of Fundamental Rights of the European Union, which codifies the rights of European Union citizens, contains similar language: "If, subsequent to the commission of a criminal offence, the law provides for a lighter penalty, that penalty shall be applicable." Charter of Fundamental Rights of the European Union, art. 49, Dec. 7, 2000, C 364/1. The Rome Statute of the International Criminal Court governs the international crimes of genocide, crimes against humanity, and war crimes. One hundred and twenty of the world's nations are party to it (although not the United States). Article 24 § 2 of the Rome Statute states that "[i]n the event of a change in the law applicable to a given case prior to a final

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[16] G.A. Res. 62/149, U.N. Doc. A/RES/62/149 (Dec. 18, 2007); G.A. Res. 65/206, U.N. Doc. A/RES/65/206 (Dec. 21, 2010).

[17] The United States has signed but not ratified the convention; the convention has been ratified by 23 out of 35 countries in the region. Organization of American States, American Convention on Human Rights: General Information of the Treaty, http://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights_sign.htm (listing signatories and ratifications).

judgement, the law more favourable to the person being investigated, prosecuted or convicted shall apply." Rome Statute of the International Criminal Court, art. 24(2), 17 July 1998, A/CONF. 183/9.

In the case of *Scoppola v. Italy*, App. No. 10249/03, Eur. Ct. H.R. (2009), the European Court of Human Rights (ECtHR) established the "principle of retrospectiveness" as applied to all states parties to the European Charter of Human Rights:

> Article 7 § 1 of the Convention [Convention for the Protection of Human Rights and Fundamental Freedoms] guarantees not only the principle of non-retrospectiveness of more stringent criminal laws but also, and implicitly, the principle of retrospectiveness of the more lenient criminal law. That principle is embodied in the rule that where there are differences between the criminal law in force at the time of the commission of the offence and subsequent criminal laws enacted before a final judgment is rendered, the courts must apply the law whose provisions are most favourable to the defendant.

In the case of *Berlusconi and Others*, the Court of Justice of the European Union, held that the principle of the retrospective application of the more lenient penalty formed part of the constitutional traditions common to the member states. Court of Justice of the European Union, C-387/02, C-391/02 and C-403/02, Berlusconi and Others, 2005, E.C.R. I-03565.[18]

The Appeals Chamber of the International Criminal Tribunal for the Former Yugoslavia (ICTY) has also held that the principle of retrospectiveness of the more lenient criminal law (*lex mitior*) applied to its statute, stating that "[i]n sum, properly understood, *lex mitior* applies to the Statute of the International Tribunal. Accordingly, if ever the sentencing powers conferred by the Statute were to be amended, the International Tribunal would have to apply the less severe penalty." Dragan Nikolic, Case No. IT-94-2-A, (Int'l Crim. Trib. for the Former Yugoslavia Feb. 2005). The preceding examples demonstrate that the

[18] Defendants were charged with publishing false corporate documents; while their trials were pending, a new criminal law entered into effect. Under the former law, the penalty for publishing false documents was imprisonment for one to five years. The new law reduced the penalty to a maximum of two years imprisonment. *See also* Flaminia Tacconi, *Casenote: Berlusconi at the European Court of Justice – C-387/02*, 7 German L. J. 314 (2006).

retroactive application of ameliorative criminal penalty laws is an established principle[19] under international human rights treaties and their corresponding jurisprudence, and thus provides useful guidance in interpreting protections under the Connecticut and U.S. Constitutions.[20]

Conclusion

The issue of post-repeal executions has been addressed globally as more countries have abolished the death penalty. Following international law and their own penal codes, countries have not engaged in post-repeal executions, and, in some reported cases, have granted relief to individuals on death row in the wake of repeal. That approach comports with a general principle, relied upon in international law, that beneficial changes in criminal penal laws are applied retroactively; that principle carries special weight in the context of the death penalty. *Amici* urge this Court, in addressing here whether Mr. Santiago may be sentenced to death in the face of Connecticut's repeal of the death penalty, to take into consideration the international law and practice.

[19] Sixty-seven percent of the world's nations have incorporated some type of provision requiring retrospective implementation of a lesser penalty into their constitutions or their criminal codes (129 out of 193 surveyed). Connie de la Vega, Amanda Solter, Soo-Ryun Kwon, & Dana Marie Isaac, *Cruel and Unusual: U.S. Sentencing Practices in a Global Context*, at 69 (2012), available at http://www.usfca.edu/law/clgj/criminalsentencing/.

[20] For example, the Criminal Division of the French Court of Cassation took note of the European Court of Justice decision regarding the retrospective application of a more lenient penalty and found that Article 15 of the ICCPR takes precedence over French law in this regard. Cour de cassation chambre criminelle [Cass. Crim.] [highest court of ordinary jurisdiction, criminal division] Sept. 19, 2007, pourvoi n°06-85899, Bull. crim. criminel 2007, N° 215, *cited in Scoppola v. Italy (No. 2)* ¶ 39.

Respectfully submitted,

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Human Rights Advocates (HRA), a California non-profit corporation, was founded in 1978 and has national and international membership. It endeavors to advance the cause of human rights to ensure that the most basic rights are afforded to everyone. HRA has Special Consultative Status in the United Nations and has participated in meetings of its human rights bodies for almost thirty years, where it has addressed a number of criminal justice issues including those related to the death penalty. HRA has participated in amicus curiae in cases involving individual and group rights where international standards offer assistance in interpreting both state and federal law. Cases it has participated in include: *Fisher v. University of Texas*, Docket no. 11-345; *Graham v. Florida*, 560 U.S. (2010); Roper v. Simmons, 543 U.S. 551 (2005); *Grutter v. Bollinger*, 539 U.S. 306 (2003); and *Cal. Fed. Savings & Loan Ass'n v. Guerra*, 479 U.S. 272 (1987).

Mark Weston Janis is William F. Starr Professor of Law at the University of Connecticut School of Law. Professor Janis teaches Public International Law, European Human Rights Law, Constitutional Law, and Conflict of Laws. He is the author of three widely-used books: *International Law* (Aspen 5th edition 2008), *Cases and Commentary on International Law* with John Noyes (West 4th edition 2011), and *European Human Rights Law* with Richard Kay and Anthony Bradley (Oxford 3rd edition 2008). He also is the author

[******] Amici's institutional affiliations are included for identification purposes only.

of *The American Tradition of International Law: Great Expectations* (Oxford 2004), *America and the Law of Nations 1776-1939* (Oxford 2010), and of more than 60 articles concerning public and private international law. He has served as an officer of several organizations for the promotion of international law including the American Bar Association, the American Society of International Law, the American Association of Law Schools, and the International Law Association, and is a member of the Council on Foreign Relations in New York.

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The Advocates for Human Rights is a non-governmental, non-profit organization dedicated to the promotion and protection of internationally recognized human rights. Founded in 1983, today The Advocates for Human Rights engages more than 500 active volunteers annually to document human rights abuses, advocate on behalf of individual victims of human rights violations, educate on human rights issues, and provide training and technical assistance to address and prevent human rights violations. The Advocates regularly monitors human rights conditions in the United States and reports on conditions before the United Nations. It recently participated as *amicus curiae* in *Fisher v. University of Texas*, Docket no. 11-345.

The University of Minnesota Human Rights Center (HRC) is dedicated to the advancement of the fundamental rights guaranteed by national and international law. The HRC seeks to ensure that all persons receive the full panoply of rights accorded to them by national and international law regardless of nationality or immigration status. The HRC maintains one of the largest human rights document collections in the United States (http://www.umn.edu/humanrts). In addition, the Co-Director of the University of Minnesota Human Rights Center has served from 1996 – 2003 as a member of the United Nations Sub-Commission on the Promotion and Protection of Human Rights and thus has expertise in

regard to the international human rights law applicable to this matter. The HRC has previously submitted amicus curiae briefs; for example, in *Grutter v. Bollinger*, 539 U.S. 306 (2003).

The University of San Francisco (USF) Center for Law and Global Justice is a focal point for USF School of Law's commitment to international justice and legal education with a global perspective. The Center generates student externships around the globe, protects and enforces human rights through litigation and advocacy, manages and participates in international rule of law programs in developing nations, develops partnerships with world-class foreign law schools, provides a forum for student scholarship, and nurtures an environment where student-organized conferences and international speakers explore topics relating to global justice. For over five years the Center has been working on projects addressing the sentencing of juvenile offenders, and most recently has housed the Human Rights in Criminal Sentencing Project.