 SHR Brings Together Social Scientists Working on Transitional Justice and Trauma Issues in Divided Societies

Victoria Baxter, Senior Program Associate
AAAS Science & Human Rights Program

On 27-29 March 2004, the AAAS Science and Human Rights Program organized a conference at the Airline Conference Center in Warrenton, Virginia. The conference, sponsored by the United States Institute of Peace (USIP), brought together social scientists, psychologists and transitional justice practitioners to share their knowledge and research on how divided societies deal with societal trauma and seek justice and reconciliation. Forty-five social scientists, psychologists, and transitional justice practitioners and researchers from different disciplinary perspectives attended the conference.

The impetus for the conference began from the observation that, with respect to issues of common concern, the mental health, social science and legal communities often use different concepts, language and analytic frameworks, and have different research and intervention priorities. As a result, the knowledge, methodologies and insights of each discipline are often not readily accessible to scholars and practitioners in other fields. The goal of the conference was to start a dialogue among researchers and practitioners in diverse disciplines that can lead to improved practical interventions in divided societies and an enhanced research agenda on transitional justice issues.

In his welcoming marks, USIP President Richard Solomon observed that "dealing with wounded societies is a difficult task...[but] if there is no political support, the peace will not stick." He continued to explain that work in this area requires good interdisciplinary coordination.

The conference began with the North American premiere of the documentary film In Rwanda we say...The family that does not speak dies. The film is the second documentary about Rwanda directed by Anne Agathon. The film explored the reaction of a small community in Rwanda to the traditional legal process of gacaca and the struggles for reconciliation and just-

Science and Intellectual Property in Seattle and Beyond

Stephen Hansen, Project Director
Science and Intellectual Property in the Public Interest

The Science & Intellectual Property in the Public Interest project (SIPPI) participated in several events focusing on science and intellectual property during the AAAS Annual Meeting in Seattle, which included two symposia and an open discussion forum. Speakers for the symposia featured members of SIPPI project advisory committee and as well as project staff.

The first symposium “Intellectual Property Resources for International Development in Agriculture and Health,” co-organized by SIPPI advisory committee member Alan Bennett (U.C. Davis) and SIPPI project manager Stephen Hansen, focused on some of the successes of public/private partnerships to remove many obstacles to food production and health care in the developing world caused by the present intellectual property system.

Since the early 1980s, agricultural researchers have increasingly obtained intellectual property rights to their inventions, and licensed or transferred ownership of these rights to commercial interests. This has had many benefits, but the practice of granting exclusive licenses, combined with the increased concentration of IP in a limited number of firms, is also encumbering and ultimately

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limiting research opportunities to develop novel subsistence crops for the developing world, an activity primarily undertaken within by the public sector. Public research institutions are finding that in many cases, they have to negotiate agreements with multiple IP owners, a process that is time consuming, expensive, and uncertain. As a result, potentially useful research tools and products are not as widely shared and disseminated as in the past.

Interestingly, the situation in agricultural research and development is paralleled in the development of so-called "orphan" drugs that have little commercial market in the developed world but have the potential to dramatically improve health care in the developing world. As with subsistence crops in developing countries, a need exists, but the market that these orphan drugs represent does not justify commercial exploitation by industry while the public sector is not equipped with IP clearances to undertake the necessary research and development. Over the last two years a number of creative partnerships have been developed to resolve intellectual property "logjams" that have impeded research and development targeted to international development in agriculture and health care. Some of these partnerships are entirely within the private sector; others are entirely within the public sector and others are beginning to reflect true private/public partnerships. A central theme, however, has been a move towards collective action to overcome intellectual property barriers for clearly articulated humanitarian goals.

Panel presentations were "The IP Landscape and Public Sector Research" (Stephen Hansen, AAAS), "Public Sector Intellectual Property Resources for Agriculture" (Allan Bennett, UC Davis), "Innovative IP for novel and affordable TB Drugs" (Gerald Siuta, The Global Alliance for Tuberculosis Drug Development), "Global Sustainability through the Development of Food and Health Care Systems" (David Zilberman, University of California, Berkeley) "Intellectual Property and Malaria Vaccines: Help or Hindrance?" (Melinda Morree, Malaria Vaccine Initiative), and "Private Sector Support for Agricultural Development: The African Agricultural Technology Foundation" (David Fischoff, Monsanto Company).

A second symposium "Intellectual Property and the Research Exemption: Its Impact on Science," organized by SIPPI codirector Audrey Chapman, focused on the research or experimental use exemption and how it may be affected by the recent Maday v. Duke court decision. Until very recently, it had been unquestioned that an experimental use exemption exists for purely scientific research to study and understand a patented invention, including its limited use to make new innovations that may or may not be outside the scope of the original patent. In recent decision, Maday v. Duke, the Court of Appeals for the Federal Circuit, with exclusive jurisdiction over appeals in patent cases, effectively eliminated any practical application of an experimental use defense to patent infringement by both commercial and nonprofit entities. In June 2003, the Supreme Court decided not to review the case. The scientific and academic communities are very concerned about the chilling effect this ruling may have on their ability to perform research. This symposium considered the implications for conducting scientific research in the shadow of the recent Maday v. Duke ruling and explored potential models to establish and codify a research exemption in this country.

The symposium addressed the following issues and questions: what is the public interest related to the status of the research exemption in this country; what are the implications of the Maday v. Duke decision for scientific research in the public and private sectors; what are the key complexities and problems in defining the scope of an experimental research exception; what are the hurdles in establishing a more secure research exemption, and; what is the relevance of the models and experiences of other countries?

Panel presentations included "Maday v. Duke: Implications for the Research Exemption" (Reid Adler, The Center for the Advancement of Genomics), "Complexities of Designing a Research Exemption" (Arti K. Rai, Duke Law School and SIPPI advisory committee member), "Corporate Perspective: Pharmaceuticals" (Stephen Caltrider, Lilly), "The Research Exemption: Is There a University Perspective?" (Alan Bennett, UC Davis), and "Research Exemption: Public Interest Dimensions" (Anthony So, Duke University and SIPPI advisory committee member).

The open forum "Intellectual Property Issues and the Contemporary Scientist" provided an opportunity for annual meeting participants to share their experiences and concerns about the effects of intellectual property on their work and to suggest issues appropriate for AAAS to pursue.

Further Work on the Research Exemption

SIPPI will continue work on the research exemption. The project is currently conducting a study of the effects of the Maday v. Duke decision on university research. In addition, it will be convening a working group to explore developing a humanitarian use exemption, which would allow researchers in developing countries free access to patented technologies for food production and essential health care.

New Issues Tracking System

In order to provide timely news and updates on intellectual property issues to the public, SIPPI has launched a new feature on the project's web site entitled "Science & IP News." This site tracks domestic and international policy, current U.S. IP legislation and litigation that affect the scientific community and the general public. In addition, it features news items, meetings and events (including Congressional hearings), and a list of organizations working in IP. Science & IP News can be accessed at: http://sippi.aaas.org/ipissues.
Scientific Society Profile: The Committee on Human Rights of the National Academies

The Committee on Human Rights was created in 1976 in response to concern by members of the National Academy of Sciences (NAS) about widespread abuses of human rights, particularly those of their scientific colleagues. In 1994, the National Academy of Engineering (NAE) and the Institute of Medicine (IOM) joined the National Academies as full sponsors of the committee. The committee is composed of members drawn from the membership of the three institutions.

The committee uses the influence and prestige of the institutions it represents in behalf of scientists, engineers, and health professionals anywhere in the world who are unjustly detained or imprisoned for exercising their fundamental human rights. Each case is carefully investigated, using a variety of sources, before being taken up by the committee. Such individuals cannot have been known to use or advocate violence. The committee also intervenes in behalf of non-violent colleagues who are the recipients of death threats, and it works to promote just prosecution in cases of individuals who have been killed for political reasons. The international work of the committee is grounded in principles set forth in the Universal Declaration of Human Rights. The committee does not support or oppose any government or political system; it holds governments responsible for conforming to international standards for the protection of human rights and accountable when they do not.

Activities of the committee include private inquiries, appeals to governments, moral support to prisoners and their families, and consciousness-raising efforts such as workshops and symposia. Periodically, it undertakes a mission of inquiry to a country. It issues public statements regarding a case or reports on the human rights situation in a country only when significant private efforts have proved unsuccessful. The committee also is a catalyst for science-related human rights issues of concern to the members of the academy complex.

The committee also serves as the secretariat for the International Human Rights Network of Academies and Scholarly Societies. The Network, created in 1993, works to address grave issues of science and human rights, particularly the unjust detention or imprisonment of colleagues, throughout the world. It also promotes and protects the independence of academies and scholarly societies worldwide. The Network seeks to promote the free exchange of ideas and opinions among scientists and scholars in all countries and, thereby, to stimulate the development of collaborative, educational research and human-rights endeavors within academies and the institutions with which they are affiliated.

**SHR: What kind of arguments do you make to the scientific, engineering, and health professional communities about why one should care about human rights?**

Our committee takes it as a given that the members of the National Academies care about the civil, political, economic, social, and cultural rights of others the world over. Thus, the question for us as a committee has been how we can most effectively and appropriately protect and promote human rights and how can we encourage our very busy and highly prominent members to actively support the committee's work? Of course, as scientists and engineers and health professionals, the rights to travel, to communicate, and to find and speak the truth are essential and directly relevant to our work. Because of the prestige accorded the national academies, the fact that they search for and speak the truth to governments, and because many of our members are very well connected around the world, we have found ourselves in a rather unique position to bring about positive change in the human rights arena. Thus, our committee decided many years ago to focus its efforts on gaining the release of unjustly imprisoned colleagues the world over—we have more than a hundred cases and take a variety of actions such as writing appeals, filing petitions with UNESCO, preparing action alerts to send to the members, undertaking missions, providing moral support to the prisoners and their families, sending observers to trials, and meeting with government officials. We also spend considerable time consciousness-raising among our members by providing them with an extensive private website, sending and posting Action Alerts, providing briefings at their annual meetings, arranging for them to meet former prisoners and/or their family members, and encouraging them to bring relevant cases to the committee's attention. During the last ten years, we have spent considerable time working to establish and strengthen the International Human Rights Network of Academies and Scholarly Societies, for which our committee serves as secretariat.

When human rights issues that are related to science, technology, or health (past examples have included Female Genital Mutilation, Detection of Anti-Personnel Land Mines, and Proposed Scientific Boycotts for Political Reasons) we sometimes refer them to the appropriate committee within the National Academies for possible action. In addition to the 12 members of our committee, more than 1,700 other members of the NAS, NAE, and IOM have signed up to be “correspondents” of our committee; they write individual letters of appeal in response to Action Alerts we send them on cases of particular concern. And 70 academies around the world are affiliated with the international network and take action on various cases and issues.

**SHR: What do you think are some of the most important human rights issues or cases for the CHR?**

Although we do not make public the vast majority of our cases, I can tell you that there are a large number of cases and several issues about which the CHR is particularly concerned or involved either as a committee or as a member of the International Human Rights Network of Academies and Scholarly Societies.

A few examples include encouraging and assisting prominent scientists around the world to co-sign private petitions on individual cases to UNESCO and elsewhere. In Guatemala, although we have

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been active in the case of Guatemalan anthropologist Myrna Mack Chang for more than a decade and are gratified that on January 20, 2004, the Guatemalan Supreme Court reversed an earlier appeals court decision and upheld the conviction of Colonel Juan Valencia Osorio for ordering Myrna Mack’s assassination, our concern about threats to other social science researchers doing similar work in the country continues. In the United States, we are increasingly concerned about unjust treatment of detainees and prisoners and the torture and denial of basic rights of U.S. held detainees imprisoned outside the United States. Through the international Network and with the support of the NAS council, we have also been involved in helping to create an Israeli-Palestinian Science Organization that will be located in Jerusalem and will, we hope, rekindle, foster, and fund scientific cooperation and scholarly endeavors between Israelis and Palestinians.

I’ve already mentioned, we have more than a hundred cases of scientific colleagues detained or imprisoned all over the world simply for peacefully expressing their opinions. The case of Nguyen Dan Que, a Vietnamese endocrinologist and one of his country’s best known and respected advocates for human rights and democracy, is a good example. Dr. Que has devoted his life to improving human rights in Vietnam, promoting civil society and a peaceful transition to democracy and freedom there, and improving the daily lives of people in Vietnam who suffer both economic and political repression. His unwavering efforts, however, have brought him great personal suffering. He has already spent more than 19 years in prison and 5 years under house arrest and today once again lies in a jail cell without any means of communicating with the outside world.

Dr. Que has been offered many opportunities to leave Vietnam and begin a new life here in the United States. But he has steadfastly refused to abandon his vision of a free and democratic country and his efforts to help achieve it. In a speech I gave on Capitol Hill last year on Vietnam Human Rights Day I compared Dr. Que and his stature to Andrei Sakharov, the famous Russian physicist and dissident. There is no question that Dr. Que is a man of tremendous courage and principle, and his plight has inspired members of our academies and many other scientists all over the world to take action to help him.

SHR: How do you measure the impact or the success of your efforts?

It has long been our philosophy that if one life is saved, one prisoner is released, our work has been worthwhile. Over the years, approximately 670 cases that we have undertaken in some 65 countries have been successfully resolved. Of course, we often do not know whether our action on a particular case was pivotal in securing an individual’s release. We do know that international pressure—from our committee as well as many other members of the international community—has many times led to the successful resolution of cases. No prisoner or family member has ever told us that our interventions have done harm. And over the years, many of the freed scientists have come to the National Academies or written the committee to express their gratitude for our efforts in providing them and their families with moral support, in gaining the amelioration of their treatment and, eventually, their freedom. When one of us receives a letter from or meets in person a former prisoner for whose case we personally intervened, our resolve to continue such efforts is strengthened, and we move onto the next case.

To read more about the SHR work on transitional justice, please visit our website at: http://shr.aaas.org/transitionaljustice/

Interview with Torsten Wiesel, chair of NAS Committee on Human Rights, conducted by Jason R. Sanders, Project Coordinator.

Next Time: The American Chemical Society
Search for Information about Missing Math Professor Continues: New Development in the case of Boris

It is almost 20 years since Olga Weisfeiler last saw her brother Boris. Boris, a naturalized U.S. citizen originally from Russia, traveled to Chile in January 1985 during his winter break from teaching math at Pennsylvania State University. An avid hiker, he set out for a solitary backpacking vacation along the Andes Mountains. He never returned.

On the 14th or 15th of January, Chilean officials reported finding his backpack near the Nuble River. It was missing his American passport and return ticket to the US. Chilean officials searched the area, conducting helicopter searches and a search of the river by Navy frogmen, and informed the Weisfeiler family that no body or further traces of Boris had been recovered. The Chilean courts concluded that there had been a “probable death by [accidental] drowning” and despite not finding a body, declared Boris Weisfeiler dead and closed the case.

But the case was definitely not closed for Olga. Something about the facts did not ring true for her and she began to contact U.S. government officials and human rights organizations to find additional information about what had happened to her brother. Her research uncovered a terrifying story. Olga learned that the area where her brother’s backpack was found is close to a German enclave called Colonia Dignidad. Colonia Dignidad (now known as Villa Bevenia) is a secretive settlement of German immigrants. Its founder and long-time leader, Paul Schaefer, is a former Nazi and Baptist Preacher who fled Germany in 1961 amidst charges of sexually abusing young boys. The colony has been linked to human rights abuses and reportedly served as a detention and torture center during the Pinochet regime. The Chilean judicial system began an investigation into the claims and heard testimonies from surviving political prisoners about the torture practices at the site. The investigation is ongoing.

In 1991, the Chilean Commission on Truth and Reconciliation, a body charged with documenting human rights violations that occurred during the Pinochet regime, issued its final report. In it, Boris Weisfeiler is listed as one of the unresolved cases of possible human rights violations. There is reason to believe that there was more information about the specifics of the case that the Commission never received from the U.S. Embassy and the Chilean military and therefore was unable to make a definitive determination about the case. In fact, in June 2000, the U.S. State Department declassified over 250 documents concerning the case of Boris Weisfeiler. The documents, Dignidad over two years later, in July 1987. According to reports, he was being kept in “animal-like conditions.”

The declassified documents also contain evidence that points to a possible cover up. The members of the army patrol, who reported arrested Boris as well as the Carabineros (Chilean civilian police) who participated in the original search party were all transferred to other posts soon after Boris’ disappearance. The local man, who originally informed the Carabineros about a stranger hiking in the area, committed suicide shortly after making his testimony. The U.S. Embassy reports his death as occurring under “mysterious circumstances”; he was found hanging on one of the posts of a cable bridge, almost in the exact location where Carabineros speculated that Boris had drowned. A declassified 1987 CIA document claimed “but could not conclusively prove” that Chilean officials misidentified Boris as a subversive and he was most likely murdered by these officials. The CIA document also states that a Chilean source told the CIA that among the officials who conducted the original search for Boris was a Chilean secret police unit responsible for “clean(ing) the area of any evidence that would indicate that Weisfeiler had been murdered.”

The declassified documents also revealed that the State Department refused to give the U.S. Embassy in Chile sufficient funds to continue an investigation into Weisfeiler’s disappearance. In 1986, the American Mathematical Society offered to raise money to assist the investigation, but the State Department never took the society up on its offer.

Since that time, Olga Weisfeiler has continued to investigate her brother’s disappearance. In 1997, a Chilean journalist told her that the U.S. Embassy received an anonymous letter stating that her brother had been tortured and killed “by the Germans” at Colonia Dignidad. This letter has not been declassified. She hired a lawyer in

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Chile to petition the courts to open a formal investigation. In January 2000, a Chilean judge ruled that an investigation was warranted. The case is in the Santiago Supreme Court with charges charged against General Augusto Pinochet, Paul Schaefer, the leader of Colonia Dignidad, and all others responsible for the disappearance of Boris Weisfeiler. The case is under investigation by the Court. There remains concern that the Chilean military has not provided the courts with all of the relevant information they may possess on either the disappearance of Boris Weisfeiler or their activities and involvement in Colonia Dignidad.

In March 2004, with the help of the U.S. Embassy in Chile, Olga began a public campaign for any information about her brother’s disappearance. Olga stated, “I’m looking for information that may lead to my brother. I still believe he may be alive.” She believes that the military has information that they are not releasing.

Olga is not alone in her struggles to make sense of disappearance of a loved one. According to Amnesty International, over a thousand men, women, and children were “disappeared” during the 17-year military dictatorship. Repressive regimes have often resorted to disappearing individuals because of the “deniability” and lack of accountability of the abuse. When an individual is disappeared, they are simply taken with no official notice, no arrest warrant, and no accountability. This official denial of the fate of detainees inflicts a particularly cruel form of uncertainty on surviving families who cannot properly grieve for their relatives.

Olga Weisfeiler recently stated, “I get chills thinking about my brother Boris being brutally tortured, being enslaved like an animal, all the while trying to stay alive and hoping to be found and freed, all the while believing in American influence and justice.” She recognizes that Boris may have died since his disappearance almost 20 years ago, but without any evidence of what has happened to him, she keeps some hope that her brother may still be alive. She is determined to continue to press both U.S. and Chilean authorities until the full story of her brother’s fate is uncovered.

Olga Weisfeiler maintains a website on her brother’s case http://www.weisfeiler.com/boris/ The site contains all the relevant documents and offers ways for you assist in the case, including making donations to the legal fees.

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Science and Human Rights Program
1200 New York Avenue, NW
Washington, DC 20005

http://shr.aaas.org

Science and Human Rights Program Staff
Program Director
Audrey R. Chapman

Senior Program Associates
Stephen Hansen
Victoria Baxter

Project Coordinators
Sarah Olmstead
Amanda Brewster

Director, Science & Policy Programs
Albert H. Teich

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