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## **OBITUARY: JOAN FITZPATRICK: HUMAN RIGHTS LAWYER AND ACTIVIST, SHE FOUGHT FOR REFUGEE RIGHTS\***

Irene Khan

The brilliant, eloquent, and internationally renowned American human rights advocate Professor Joan Fitzpatrick, who has died suddenly aged 52, was a practicing lawyer, academic, and campaigner. She will be remembered for her razor-sharp analysis, clear vision, and deeply principled approach to every issue she took on.

And those issues were many: they included protection of refugees, promotion of women's rights and respect for human rights during states of emergency. She also worked passionately against torture and the death penalty.

I first came to know Joan through her work on refugee law. She had the rare and remarkable ability to combine academic analysis with a deep compassion for those forced to flee their homes and a practical understanding of the problems facing refugee advocates.

Joan's commitment to Amnesty International (AI) started in the late 1980s. She played a critical role at the international council meeting in Yokohama, Japan, in 1991, where the organization sought to adjust its mandate to the new global realities in the aftermath of the cold war. Throughout the week she worked tirelessly to build consensus so that AI could start addressing new forms of government repression, and begin work to protect the human rights of gay men and lesbians.

Always known for her thoughtful, meticulous, and extremely thorough way of working, Joan helped lay the foundations for future developments. Through her leadership of AI's main policy committee, she encouraged further advances on cutting-edge issues in international human rights.

Born in El Paso, Texas, she was the daughter of a U.S. Army officer father. She gained a history degree from Rice University, Texas (1972), a law degree from Harvard Law School (1975), and a law diploma from

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Oxford University (1980). From 1975 to 1977 she was a trial attorney in the Bureau of Competition at the U.S. Federal Trade Commission, and from 1977 to 1979 an attorney in the Civil Rights Division of the U.S. Department of Justice.

She then became a professor at the University of Arkansas School of Law, from 1980 to 1984, before moving to the faculty of the University of Washington School of Law, in Seattle, where she taught for the rest of her career. She defied establishment academia by declaring herself a feminist; many students referred to her as “Saint Joan.”

One of the world’s foremost experts on legal protections during states of emergency, Joan was appalled by the impact on international human rights of President George Bush’s “war on terrorism.” She dedicated her recent efforts to articulating these concerns, her most recent piece being *Speaking Law to Power: The War on Terrorism and Human Rights*, soon to be published in the *European Journal of International Law*.

Never one to limit herself to academic debate, Joan also engaged on these issues through the judicial system. In a recent lawsuit filed by eleven Kuwaitis being detained in Guantanamo Bay by the U.S. government (the Al Odah case), she submitted an expert statement on behalf of the plaintiffs, briefing the U.S. Court of Appeals for the District of Columbia Circuit on the relevant international legal standards on incommunicado detention and prolonged detention without charge or trial. When the court ruled that it could not protect the detainees, she maintained that the opinion was utterly unsupported by law, and announced her intention to write an article on the jurisdiction with respect to territory of human rights treaties.

The deaths of two captives at an American interrogation facility at Bagram airbase in Afghanistan in December 2002 prompted her to address the use of torture by US forces in *Torture As an Impeachable Offense*, which she wrote on behalf of the San Francisco-based Center for Justice and Accountability. As a member of the legal advisory council of the center, she helped victims of torture pursue legal remedies against the perpetrators.

Her legal work included filing briefs as an *amicus curiae*, an adviser to the court, in cases before the U.S. Supreme Court addressing the imposition of the death penalty on children, the turning away of Haitian asylum seekers on the high seas by U.S. agents, and refugee protection for women fleeing violence by private individuals.

In addition to numerous articles, she wrote five books on subjects ranging from states of emergency to refugees, and a widely used

## Tributes to Professor Fitzpatrick

textbook on international human rights law which she coauthored with Professor David Weissbrodt.

She is survived by her son Devin, two brothers and a sister.

Joan Fitzpatrick, international human rights lawyer, academic, and activist; born September, 14, 1950, died May, 16, 2003.

