



GRUBER FOUNDATION

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FOR IMMEDIATE RELEASE

CHAMPIONS OF OPPRESSED POPULATIONS TO SHARE \$500K GRUBER FOUNDATION INTERNATIONAL JUSTICE PRIZE

Michael Kirby, John Dugard and the Indian Law Resource Center Recognized for Significantly
Advancing Human Rights Under Law for Victimized Groups

June 16, 2010, New York, NY – The Peter and Patricia Gruber Foundation today announced that it will award its 2010 Justice Prize to two individuals and an organization for championing the rights of members of historically oppressed groups through advocacy, legal reform and the development of international law as a means of safeguarding human rights.



Michael Kirby

Michael Kirby – a judge of Australia's highest court who has been active in law reform and the promotion of human rights both in his own country and internationally. As chair of the Executive Committee of the International Commission of Jurists, and later as its president, as well as through organs of the United Nations and the Commonwealth of Australia, he has promoted the cause of international human rights and come to the defense of victims of unjust regimes. He has played a prominent role in the development of international human rights law, including, in particular, law relating to privacy, data security, bioethics and HIV/AIDS.



John Dugard

John Dugard – a lawyer, writer and teacher who challenged the injustice of apartheid law in South Africa. Through his writings, he helped establish respect for human rights in South Africa. He participated in the constitutional negotiations that led to the adoption of a constitution based on human rights in post-apartheid South Africa. As a teacher, he was influential in the development of a cadre of young human rights lawyers who went on to represent victims of apartheid, challenge apartheid laws, and help assert the rule of law and respect for constitutionalism in post-apartheid South Africa.



**Indian Law
Resource Center**

Indian Law Resource Center – an organization that has used law to champion the interests of indigenous peoples. Through its work, the Center has exposed human rights violations against indigenous peoples in the Americas, among the most impoverished and vulnerable communities in the world. It has helped to develop skills within communities to enable them to know and claim their rights. In furtherance of this cause, the Center has engaged organs of the United Nations, and brought cases before the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, using international law to assert claims of indigenous communities.

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The Justice Prize will be awarded in a ceremony this fall celebrating the achievements of the recipients, who will share the \$500,000 prize.

"The way the most vulnerable people in society are treated can be a sign of our common humanity. All too often this is not the case, and the needs of vulnerable communities are ignored," says Justice Arthur Chaskalson, Gruber Justice Prize Selection Committee Chair. "The commitment of this year's Justice Prize recipients stands in stark contrast to this. It reflects the dedicated humanity of three prize recipients from different continents. Michael Kirby, John Dugard and the Indian Law Resource Center demonstrate what is possible when able, compassionate people use law on behalf of others historically denied access to the full spectrum of individual rights that many more fortunate people take for granted. Their taking principled and public stands in the name of human rights shows how powerfully this can move us towards achieving an impact on the recognition of those rights by political, legal and cultural institutions."

Born in Sydney, Australia, **Michael Kirby** was appointed to the High Court of Australia in 1996, where he became known as Australia's "Great Dissenter." Mr. Kirby attributes his differences from the majority to his attention to international law and human rights as foundations for Australian common law. His attention to human rights is evident throughout his career. In the 1970s, he chaired the OECD panel that created the guidelines that were to serve as the basis for modern privacy and data security law in the US, Europe and New Zealand, as well as in his own country. From 1988 to 1992, he served as a member of the WHO's Inaugural Global Commission on AIDS. In 2001 and 2002, he chaired a UNAIDS Expert Panel on HIV Testing of Peacekeeping Operations and served on the UNAIDS Expert Group on HIV/AIDS and Human Rights. In Cambodia, he insisted that human rights included responding to the AIDS epidemic, and, although the Cambodian government argued at first that it was a matter for health workers, Mr. Kirby's insistence helped steer Cambodia to a downward trend in HIV infections in that country. Many lives were saved. From 1995 to 2005, he served on the International Bioethics Committee of UNESCO, where he chaired the group that drafted the *Universal Declaration on Bioethics and Human Rights*. During those same years, he served on the Ethics Committee of the Human Genome Organization.

Mr. Kirby chaired the Executive Committee of the International Commission of Jurists and, from 1995 to 1998, served as that organization's president. In 1992 and 1993, as part of an International Labor Organization mission, he delivered a report on South Africa's labor laws, later implemented by the government of Nelson Mandela. He also served as Special Representative of the Secretary-General of the United Nations for Human Rights in Cambodia and Independent Chairman of the Constitutional Conference of Malawi. He is currently rapporteur of the International Group on Judicial Integrity, whose international guidelines on judicial integrity were endorsed by ECOSOC in 2006. Mr. Kirby holds undergraduate and post-graduate degrees from Sydney University and honorary degrees from numerous universities, including National Law School University of India, Buckingham University and the Australian National University. In 1991 he received the Australian Human Rights Medal. Mr. Kirby was the first judge of any final national court in the world who was open about his homosexuality. He has lived in Sydney, Australia, for 41 years with his partner, Johan van Vloten. He views the oppression and imprisonment of men and women in developing countries due to sexual orientation or gender identity as a human rights issue about which lawyers and citizens must speak up with honesty and courage. (A complete biography is available at <http://www.gruberprizes.org>.)

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Starting his legal career in South Africa during the apartheid era, **John Dugard** bravely confronted the apartheid state from within South Africa. The values that were taught and modeled by his parents and in school informed his lifelong belief that everyone, regardless of race, deserved respect. Through his writings and lectures, and as an advocate in the courts, he challenged the injustice of apartheid law. The holder of degrees in law from Stellenbosch University and Cambridge University, Professor Dugard served from 1978 to 1990 as director of the University of Witwatersrand's Centre for Applied Legal Studies, which seeks to promote human rights in South Africa. He has remained active in the field of human rights since the collapse of apartheid, becoming a member of the UN's International Law Commission in 1997 and serving as its Special Rapporteur on Diplomatic Protection from 2000 to 2006. He also served as Judge ad hoc in the International Court of Justice (2002-8) and Special Rapporteur of the Human Rights Council on Human Rights in the Palestinian Territories (2001-8). Throughout his career, he has championed the development of international law, including international human rights law, and is widely respected around the world. And, although he recognizes the magnitude of the human rights challenges now facing us around the world, Professor Dugard recalls a time when many thought that only a civil war would bring about reconciliation in South Africa. Yet, a constitutional framework and strong, committed leadership made reconciliation possible without war.

John Dugard is also an academic and a writer. He was Chair of Public International Law at the University of Leiden from 1998 to 2006 and is currently a Professor of Law in the Centre for Human Rights of the University of Pretoria. He was Dean and Professor of Law at the University of Witwatersrand and has held visiting faculty positions in Australia and England and at several universities in the United States, including Princeton, Duke, UC Berkeley and the University of Pennsylvania. Professor Dugard also holds several honorary doctorates of law from schools such as University of Cape Town, University of Pretoria, Nelson Mandela Metropolitan University and University of Witwatersrand. He has written several books on apartheid, human rights and international law, and has coauthored textbooks on criminal law and procedure and international law.

(A complete biography is available at <http://www.gruberprizes.org>.)

For over thirty years the **Indian Law Resource Center** has used law to champion the interests of indigenous peoples in the US and Latin America. A nonprofit law and advocacy organization established and directed by American Indians, the Center was a leading participant in a long and difficult but ultimately successful struggle to secure the adoption of the United Nations Declaration on the Rights of Indigenous Peoples. The Center argued that racial discrimination and the violation of human rights was leading to the disappearance of whole societies and cultures. The Declaration provides a framework for the protection and advancement of collective and individual rights of indigenous peoples, including their languages, religious and cultural rights, rights to land and natural resources, and protection against forced assimilation and forced population transfer, which has benefited indigenous people throughout the world.

The Indian Law Resource Center seeks to overcome the problems facing Native peoples by advancing the rule of law, establishing national and international legal standards to preserve their human rights and dignity, and challenging governments to accord justice and equality before the law to all indigenous peoples of the Americas. The Center provides legal assistance to Indian and Alaska Native nations that seek to protect their lands, resources, human rights, environment and cultural heritage. Each problem facing Native peoples may itself be the cause of additional problems, making the Center's work that much more critical.

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For example, violation of the rights of American Indians, particularly in their efforts to enforce contracts with the US government, has led, in many instances, to an untenable business climate in which third parties are hesitant to invest in the face of such unpredictability. The Center's principal goal is the preservation and wellbeing of Indian and other Native nations and tribes. Its milestones include submission of the first indigenous human rights complaint against the US to the UN Commission on Human Rights (1980); its victory in a case against Nicaragua in the Inter-American Court of Human Rights, which gave recognition to indigenous land rights in international law (2001); and its victory before the Inter-American Commission on Human Rights in a case that found Belize in violation of the Maya Indians' rights to property, equality and a fair trial (2004).

(A complete organizational description is available at <http://www.gruberprizes.org>.)

The Gruber Justice Prize is presented to individuals or organizations for contributions that have advanced the cause of justice as delivered through the legal system. The award is intended to acknowledge individual efforts, as well as to encourage further advancements in the field and progress toward bringing about a fundamentally just world.

In addition to the cash award, recipients receive a medal of honor and a citation, which reads:

The Peter and Patricia Gruber Foundation proudly presents the 2010 Justice Prize to Michael Kirby, John Dugard, and the Indian Law Resource Center, for contributions to international law and the advancement of human rights and rule of law.

Michael Kirby has defended victims of unjust regimes and promoted the cause of international human rights including, in particular, law relating to privacy, data security, bioethics, and HIV/AIDS. Active in law reform at home and abroad, his work has had an impact on the legal culture of many countries.

John Dugard, respected worldwide for his courage and scholarship, has championed the development of international human rights law. Having challenged the injustice of apartheid law from within South Africa, he participated in the constitutional negotiations leading to the adoption of their human rights-based constitution.

For over thirty years the Indian Law Resource Center has exposed human rights violations against indigenous peoples in the Americas, using international law to assert their claims. The Center was a leading participant in the adoption of the United Nations Declaration on the Rights of Indigenous Peoples.

Members of the committee that selected the 2010 Justice Prize recipients are:

Carmen Maria Argibay, Supreme Court of Argentina; **Arthur Chaskalson**, Constitutional Court of South Africa (Ret.); **Param Kumaraswamy**, Barister-at-law, Inner Temple, London and Advocate and Solicitor, Kuala Lumpur; **Bernice Donald**, U.S. District Court, Western District of Tennessee; **Robert Kushen**, European Roma Rights Centre; **Ramon Mullerat**, KPMG Abogados, S. L.

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Laureates of the Gruber Justice Prize:

- **2009: Bryan Stevenson**, advocate for marginalized inmates in the U.S. legal system, and the **European Roma Rights Centre**, proponent of Romani rights.
- **2008: Judge Thomas Buergenthal**, Inter-American Court of Human Rights and **Jerome J. Shestack** former president of the American Bar Association, advocates for racial and gender equality and human rights.
- **2007: Judge Carmen Argibay** of Argentina, **Judge Carlos Cerda** of Chile, and **Mónica Feria** of Peru, for human rights work locally and internationally.
- **2006: Aharon Barak**, retired President of the Supreme Court of Israel, renowned for championing an activist judiciary and the rule of law and democracy.
- **2005:** Malaysian attorney **Dató Param Cumaraswamy**, who, at considerable risk to himself, stood up for the independence of the judiciary.
- **2004: Chief Justice Arthur Chaskalson**, and then-**Deputy Chief Justice Pius Langa**, for helping to establish South Africa's Constitution as a model for modern democratic societies.
- **2003: Madame Justice Rosalie Silberman Abella** and **Madame Justice Bertha Wilson** of Canada's Supreme Court, for upholding the rights of women and minorities.
- **2002: Fali Sam Nariman**, Member of the Parliament of India and Senior Advocate in the Supreme Court, for helping establish the rule of law in India.
- **2001: Anthony Gubbay**, former Chief Justice of Zimbabwe, and the **Law Society of Zimbabwe**, for upholding the independence of the judiciary.

The Gruber International Prize Program honors contemporary individuals in the fields of Cosmology, Genetics, Neuroscience, Justice and Women's Rights, whose groundbreaking work provides new models that inspire and enable fundamental shifts in knowledge and culture. The Selection Advisory Boards choose individuals whose contributions in their respective fields advance our knowledge, potentially have a profound impact on our lives, and, in the case of the Justice and Women's Rights Prizes, demonstrate courage and commitment in the face of significant obstacles.

The Peter and Patricia Gruber Foundation honors and encourages educational excellence, social justice and scientific achievements that better the human condition.

For more information on the Gruber Prizes please visit www.gruberprizes.org.

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