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In Defense of Humanity: Martha Walsh uses the law to combat genocide

Neha Sud
Colby College

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In Defense of Humanity

MARTHA WALSH USES THE LAW TO COMBAT GENOCIDE

Martha Walsh '90 lives about an hour from London in Lewes, a quaint town of charming cobbled streets and Georgian townhouses. The heart of Lewes is its magnificent 13th-century castle, often the site of picnics, town meetings and theatrical performances.

The fairy-tale existence, however, is limited to Walsh's residential life. At work her primary concern is genocide.

A criminal and immigration lawyer in England, Walsh applied for an internship with the International Criminal Tribunal for the Former Yugoslavia (ICTY). She was assigned to the Office of the Prosecutor and quickly made the transition from Lewes to The Hague to work on a response to the appeal of General Radislav Krstic, convicted of genocide for the massacre of 7,000 men at Srebrenica. Sentenced to 46 years imprisonment, Krstic appealed on the grounds that he was not responsible for "genocide."

"It's entirely an issue of definition," Walsh explained. "Genocide is the intent to destroy in whole or in part a population. Seven thousand 'Bosnian Muslim men from Srebrenica' may be too small a group to legitimately constitute a 'part.'" On the other hand, she said, "Wiping out the male population, just on a fertility basis, can end reproduction so you don't have a Muslim population in that area."

Though Walsh did not participate in the courtroom proceedings, doing legal research for the trial was an emotional ordeal. She had to read hundreds of witness statements every day. "It was harrowing," she said. "Horrorifying stuff that is difficult to imagine any human being enduring."

Asked if she found it satisfying to work for an organization that punishes perpetrators of hideous crimes, Walsh responded carefully. The International Criminal Tribunal does deal with heinous crimes, she says, but she insists that it is not solely punitive and that it functions like any other courtroom. "People have been acquitted at the ICTY, a fact that is rarely reported," she said. "Given the ICTY's profile and intended effect on national reconciliation, impartiality and the presumption of innocence must be enshrined."

Walsh's contract with the tribunal ended earlier this year, and she is back in England working with the International Bar Association to draft a code of conduct for counsel appearing before the International Criminal Court. She was to present her draft to court officials and representatives of the International Bar Association in late February. She said she has found the work at The Hague sufficiently fulfilling that she would consider pursuing the challenging role of defense counsel for the ICT.

Walsh traces her interest in global affairs to a trip to Vietnam

during her sophomore year at Colby. "I had always liked the idea of traveling," she said. "That trip gave me a focus and a springboard."

A year later she was back in Vietnam with the International Center for Development Policy. Only 20 years old, she made a lasting impression. The *Buffalo News* quoted one of her fellow delegates, Philadelphia labor lawyer Ted Lieberman: "She was just a college kid but incredibly knowledgeable, mature . . . and had an innate sense of adventure."

After Vietnam, Walsh traveled to Cambodia as part of a U.N. Development Program team that was supposed to offer expertise to local women's groups during U.N.-sponsored elections there. The only glitch was that all the delegates in the team were in their early 20s, with little to no experience. "We were basically a bunch of kids who just got out of college and were running Cambodia," she said.

Despite the linguistic barriers and the presence of the Khmer Rouge, the youthful crew managed to withstand the pressure and fulfill its task. "The most important things are listening and being completely humble and modest," she said. "With places that have been in conflict for years, people want you to take over. That's when you have to say 'no.' It has to be a mutual learning process where you explore together what solutions are appropriate."

Inspired by her experience in Cambodia, Walsh earned her master's degree in gender and development at the University of Sussex. Her research there involved working with the International Labour Organisation (ILO) to improve women's rights and employment conditions in Bosnia. The war having ended only days before, Walsh was astounded by what she saw. "I traveled by bus from Zagreb to Sarajevo and saw villages that were still smoking. The devastation and the physical destruction were overpowering," she said.

Now Walsh's professional work keeps her away from Lewes much of the time, so she appreciates the time she can spend at home with her husband, university professor Richard Black, and their springer spaniel, Millie. Returning to Lewes is a welcome break, says Walsh, who remains enchanted by her adopted hometown.

Living in the U.K., she says, is less commercial and frantic than the U.S. "There are times, though," she confessed a little sheepishly, "that I can't help but complain about the lack of appliances, lack of good quality, lack of complaining on the part of the British, hence lack of quality . . ."

She stopped mid-sentence to think. "But you know," she said, "I never thought I'd be a British barrister."

By Neha Sud '05