



HUMAN RIGHTS PROGRAM

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HARVARD LAW SCHOOL

Annual Report  
2017-2018

Human Rights Program at Harvard Law School  
6 Everett Street, 3rd Floor  
Cambridge, MA 02138

[hrp@law.harvard.edu](mailto:hrp@law.harvard.edu)  
(617) 495-9362



@HarvardLawHRP

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# HRP: An Introduction

Founded in 1984 as a center for human rights scholarship, the Harvard Law School Human Rights Program (HRP) comprises the Academic Program and the International Human Rights Clinic, which together bridge theory with practice and engage with pressing human rights issues around the world. As part of the broader human rights community at Harvard, HRP works closely with other faculty, graduate students, and research centers at Harvard Law School (HLS) and the University.

HRP's varied activities enhance its expressed goals: to make international human rights an integral part of a legal education and to ensure that HLS is truly a global law school with dedicated attention to international, comparative, and human rights law.

As a center for critical thinking, HRP's Academic Program organizes conferences and other events; publishes working papers and books; offers summer and post-graduate fellowships to launch students in human rights careers; and draws advocates and scholars from around the world to conduct primary research through the Visiting Fellows Program.

"The Academic Program engages critically with human rights issues. It also thinks critically about human rights law, including its defects and the ways in which the law can be improved," said Gerald L. Neuman JD '80, Co-Director of HRP and J. Sinclair Armstrong Professor of International, Foreign, and Comparative Law.

Students are at the heart of the International Human Rights Clinic, which works to protect the human rights of clients and communities around

the world. Under the supervision of seasoned practitioners, students work in small project teams, developing lawyering and ethical skills and receiving intensive mentoring and feedback from experienced clinicians. The Clinic's cases and projects allow students to have meaningful impact on a variety of critical areas in human rights advocacy.

"Clinic students become part of a community of advocates working together to advance social justice. This becomes very apparent at the project level, where students have the opportunity to collaborate with and learn from a variety of leading organizations and dedicated activists," said Susan H. Farbstein JD '04, Co-Director of the Clinic and Clinical Professor of Law.

"The Clinic provides a safe space for students to take risks, experiment, and make mistakes while building relevant skills. In simulations, projects, and classes, students take ownership over their own learning while growing into dynamic and grounded human rights advocates," said Tyler R. Giannini, Co-Director of HRP and the Clinic and Clinical Professor of Law.

Many students engage with the HRP community as soon as they matriculate at HLS; for example, by joining HLS Advocates for Human Rights, a student practice organization open to first years during their first semester. In their second year, students can enroll in the Clinic for credit, where they have the opportunity to pursue up to six terms of clinical work. Students also gain human rights experience by participating in winter term externships and independent studies, as well as summer fellowships with host organizations around the world.

## HRP at Work: 2017-2018

HRP’s work extends globally and includes a wide range of issues and strategies, from accountability litigation and gender justice to human rights treaty bodies and civilian protection in armed conflict.

In addition to the geographically-focused work on the map below, HRP is involved in several global and comparative initiatives, including: Banning Killer Robots, Banning Nuclear Weapons, Business & Human Rights, Decriminalization & Human Rights, Family Law Reform & Advocacy in the Muslim World, Incendiary Weapons, and Human Rights Treaty Bodies.



- |   |                                      |   |                                    |
|---|--------------------------------------|---|------------------------------------|
|  | Accountability Litigation & Advocacy |  | Gender & Sexuality                 |
|  | Armed Conflict & Civilian Protection |  | Right to Privacy                   |
|  | Business & Human Rights              |  | Summer & Post Graduate Fellowships |
|  | Criminal Justice & Health            |  | Visiting Fellows' Research Areas   |
|  | Displacement & Refugees              |   |                                    |

# Human Rights in a Time of Populism

What is fueling the rise of populism throughout the world today? Why are we seeing this trend in countries with strong historical support for human rights? What is the effect of rising populism on the international human rights system, and how should the system respond—if at all?

More than 100 lawyers, political scientists, philosophers, human rights experts, and students convened at HLS in March 2018 for a two-day conference sponsored by HRP, “Human Rights in a Time of Populism,” to address these and related questions.

Organized by Professor Gerald L. Neuman, the interdisciplinary conference examined the populist trend around the world, most closely examining changes in the United States, Eastern and Western Europe, Southeast Asia, sub-Saharan Africa, and Latin America.

Neuman sought to convene an array of notable scholars to respond to the global challenge of populism. “The rise of populism leads to severe human rights problems in particular countries, each of which needs to be addressed,” he said. “But there is also an overall pattern that creates common challenges for the human rights system.”

“Everyone is contemplating the implications of President Donald Trump’s election, Brexit, and rising autocratic populism in a number of countries. This conference provided an opportunity to carefully examine these events’ impact on human rights,” said Emily Nagisa Keehn, Associate Director of the HRP Academic Program.

HLS and Harvard University faculty, including former HLS Dean Martha Minow, participated in panel discussions along with influential thinkers such as Jeremy Waldron, one of the world’s leading legal and political philosophers and current University Professor at New York University School of Law, and Michael Posner, founding executive director of Human Rights First and current Professor of Business and Society at

NYU’s Stern School of Business. Speakers discussed populist leaders, including Jarosław Kaczyński in Poland, Rodrigo Duterte in the Philippines, Recep Tayyip Erdoğan in Turkey, and Viktor Orban in Hungary. Panelists analyzed the rise of populism in the United States, Southeast Asia, Latin America, and sub-Saharan Africa; examined lessons learned for human rights regimes; and considered how to address the effects of populism.

“Interestingly, one of the things a number of us agreed on was that the human rights system should not single out populism as a category [to be made] into



HRP Co-Director Gerald Neuman (right) spoke on a panel with Laurence R. Helfer (Duke) (left) about what the human rights system can learn from the history of populist movements.



a human rights violation because the concept of populism is too fluid,” Neuman said. Rather, “it’s the particular harms that populism leads to—for example, the racist strategies that populist politicians in many countries employ—that need to be the focus of the human rights system.”

Whether the issue is xenophobia, racism, ethnic violence, or reproductive rights, all have ties to populist movements, Keehn noted. “It’s not that these are new problems that populism has triggered, but rather that populism presents a lens through which we are trying to understand some of the most serious problems we are facing.”

The conference “was a tremendous success,” said Neuman, and is leading to an edited volume to which many of the panelists will be contributing. (Video of the conference can be found on HRP’s YouTube channel.)

The conference built upon a series of discussions at HRP last year examining the future of human rights following the election of President Trump. HLS is an ideal place to examine such critical topics, Neuman said: “It’s a combination of the intellectual richness of the people in the university in different departments who are studying the problems of populism, the drawing power of Harvard as a place that people from around the world will come, and the human rights expertise within the law school.”

# Armed Conflict & Civilian Protection

In 2017, the International Human Rights Clinic served as legal advisor to the International Campaign to Abolish Nuclear Weapons (ICAN) during negotiations of a landmark treaty banning nuclear weapons. For decades, there had been little progress toward such a prohibition, but that changed when the issue was reframed to focus on humanitarian concerns. “There was suddenly progress, and [the Treaty on the Prohibition of Nuclear Weapons] was adopted by more than 120 states at the United Nations,” said Bonnie Docherty JD ’01, an internationally renowned leader in the field of humanitarian disarmament and Associate Director of Armed Conflict and Civilian Protection and Lecturer on Law at the Clinic. Docherty, along with Lecturer on Law and Clinical Instructor Anna Crowe LLM ’12, led a four-student team at the treaty negotiations at the United Nations in New York. Working closely with ICAN, a global civil society coalition, the HLS team successfully advocated for the treaty to include “positive obligations” requiring countries to assist victims and remediate the environmental damage caused by nuclear weapons.

For its groundbreaking work, ICAN was awarded the 2017 Nobel Peace Prize. On December 10, 2017, Docherty attended the Nobel ceremony in Oslo, Norway, where ICAN was recognized for having infused “efforts to achieve a world without nuclear weapons with a new direction and new vigour.” At a legal seminar at the time of the Nobel celebrations, Docherty noted the influence of humanitarian disarmament on both the process of the treaty and its text. The Nobel experience “was made all the more meaningful because I shared it with



In March 2018, international experts gathered for “Humanitarian Disarmament: The Way Ahead,” the inaugural conference of the Armed Conflict and Civilian Protection Initiative (ACCPI) at Harvard Law School.

friends from around the world with whom I've advocated for humanitarian disarmament for more than 15 years," said Docherty.

The humanitarian approach to disarmament seeks to prevent and remediate human suffering inflicted by arms. It will be a major area of focus for HRP's new Armed Conflict and Civilian Protection Initiative (ACCPI). The ACCPI, which views civilian protection broadly, will also tackle issues as diverse as refugee rights, environmental damage, and the destruction of cultural heritage during times of war.

In armed conflicts around the globe today, civilians—not the military—bear the brunt of casualties and suffering. The intentional targeting of civilians, the prevalence of urban warfare, and the evolution of weapons technology are but some of the reasons for this shift. The Initiative aims to address such pressing humanitarian issues.

Docherty leads the new program, which is believed to be the first program of its kind at any law school. The ACCPI takes an interdisciplinary approach to reducing the harm caused by armed conflict through targeted advocacy, leadership development, and the generation of innovative solutions. It complements other programs at Harvard including the Harvard Humanitarian Initiative, based at the T.H. Chan School of Public Health, and the HLS Program on International Law and Armed Conflict, which focuses on research rather than advocacy, and the university-wide Harvard Humanitarian Initiative. "We hope to make Harvard a leader in armed conflict work," Docherty said.

The ACCPI was born of growing student interest in the field of civilian protection at a time when there is increased humanitarian need due to the number of armed conflicts around the world, said Docherty, who is also a Senior Researcher in the Arms Division of Human Rights Watch. Docherty has worked at the heart of almost every major civil society campaign to ban inhumane and indiscriminate weapons or curtail their use to minimize the impacts on civilians.

"Civilians today are increasingly caught in the crossfire of armed conflicts or are purposely targeted, with the most prominent, but not only example, being Syria," said Docherty. "This is causing countless civilian casualties, destroying infrastructure and the environment, and driving people from their homes."



Top to bottom: Allison Pytlak (Reaching Critical Will); Anna Crowe (HLS); Jasmin Nario Galace (Center for Peace Education, Philippines) and Linnet Ngayu (African Council of Religious Leaders); Doug Weir (Conflict and Environment Observatory).



The result, she added, “is a refugee crisis unparalleled in history.” At the same time, an increasingly humanitarian approach to the problems of armed conflict has shifted the focus from national security to civilian protection—and has led to some major successes, including the historic treaty to ban nuclear weapons.

The ACCPI formally launched in March 2018 with its inaugural conference, “Humanitarian Disarmament: The Way Ahead,” which convened dozens of international experts to discuss the movement’s past and future. A keynote conversation featured Beatrice Fihn, Executive Director of ICAN, and Steve Goose, Co-Founder of the International Campaign to Ban Landmines and Executive Director of Human Rights Watch’s Arms Division. Directors of other campaigns examined efforts to end the urban use of certain explosive weapons, reduce the environmental impact of armed conflict, ban killer robots, and control the unlawful arms trade. The conference was co-organized by the ACCPI, the Harvard Humanitarian Initiative, and Harvard Kennedy School’s Carr Center for Human Rights Policy.

In the years to come, the ACCPI plans to create a track for HLS students who want to pursue careers in civilian protection with specialized courses, clinical projects, and trainings. It will also facilitate career development by establishing links between students and relevant organizations, growing a network of alumni, and helping to fund internships and fellowships. While the Clinic has been working on projects in the area of civilian protection for some time, the Initiative will allow the Clinic and students to pursue the subject more intensively.

“It’s exciting that there’s now a more formal space for students who are interested in conflict and civilian protection issues, and we’re really looking forward to building a community of practice in this area in the law school,” said Crowe, who is working with Docherty to develop the ACCPI.

Through cutting-edge advocacy and the promotion of innovation, the ACCPI will ramp up existing efforts to create new international instruments that protect civilians from problematic weapons. It will also promote the development of norms in unsettled areas of law and practice. In its advocacy, it partners with a number of nongovernmental organizations, such as Article 36, Human Rights Watch, the Norwegian Refugee Council, and PAX. “We hope to reduce the suffering from armed conflict and also build the next generation of leaders in this field,” Docherty said.

# Groundbreaking Trial: *Mamani*

In April, the International Human Rights Clinic and its partners made history with a groundbreaking verdict in U.S. federal court against the former president of Bolivia, Gonzalo Sánchez de Lozada, and his former defense minister, Jose Carlos Sánchez Berzaín. Both men fled to the United States in October 2003, following military violence in Bolivia that left 58 dead and more than 400 injured. The jury found these two men liable for the extrajudicial killings of eight indigenous Aymara people during “Black October” and ordered the defendants to pay \$10 million in compensatory damages.

*Mamani, et al. v. Sánchez de Lozada and Sánchez Berzaín* filed against two of the most powerful figures in Bolivian history, marked the first time that a living former head of state has faced his accusers in a human rights case in U.S. courts. After nearly a month of trial in federal court in Fort Lauderdale, Florida, where dozens of witnesses described atrocities committed by the Bolivian military under the direction of the defendants, the ten-person jury deliberated six days before delivering a unanimous verdict on April 3 against Sánchez de Lozada and Sánchez Berzaín.

“It was the first time ever a former head of state has appeared in a U.S. court on human rights charges,” emphasized Giannini, who helped launch the case a decade ago and has served as co-counsel ever since. (The former president of the Philippines, Ferdinand Marcos, died in 1989 before his U.S. trial began; it proceeded against his estate.) “Ten people from all walks of life in the U.S. could see that what these two men did was wrong. It shows why human rights is a global movement.”

“It was a major win for our clients, who have fought so long and so hard to get justice for their loved ones,” said Farbstein, who is also co-counsel on the case. “It was not only a historic day for those who suffered in Bolivia, but the verdict advances global efforts to hold human rights abusers accountable.”

Unfortunately, the excitement came to a halt just two months later. On May 30, in an unexpected development in a case that has survived many ups and downs over a decade, the judge overturned the jury verdict, agreeing with the defense, which argued that there was insufficient evidence to support the jury’s findings.



Top: Plaintiff Teofilo Baltazar Cerro, who lost his pregnant wife, Teodocia Morales, and unborn child when they were shot inside their home.

Bottom: Susan Farbstein, Co-Director of the International Human Rights Clinic, sits outside the courthouse with Felicidad Rosa Huanca Quispe, one of the plaintiffs in the Mamani case, after she testified. Inside the cloth Huanca Quispe wears around her neck are two framed photographs of her father, Raúl Ramón Huanca Márquez, before he was killed in 2003.

The plaintiffs are appealing on several grounds, including that the judge improperly changed the standard of proof required to show a killing was unlawful. “We don’t think the judge’s decision was correct. We think he changed the legal standard and that is why we are appealing,” Giannini said.

“It is so rare for a judge to overturn a jury verdict, and we feel we have a very good chance to have this decision reversed,” said Farbstein. “Obviously it’s disheartening to have such a major win and then have it taken away, but the plaintiffs and the legal team are used to setbacks and we will keep fighting.”

The plaintiffs also believe that in granting a directed verdict, the judge ignored overwhelming evidence presented at trial. This included eyewitness testimony to the deliberate shooting of unarmed citizens, and evidence that the defense minister stated it would be necessary to kill people in order to advance government policies.

Over the past decade, more than 50 clinical students have worked on the case. The case itself was initiated in 2006 when Thomas Becker JD ’08, then a student, brought the massacre to the attention of his clinical professors (see feature on Becker, page 20). Becker wondered whether the Alien Tort Statute (ATS), in which Giannini was an expert, could be a viable legal avenue. In 2004, Giannini and the organization he co-founded, EarthRights International, had successfully settled another long-shot ATS case, *Doe v. Unocal*, on behalf of Burmese villagers for human rights abuses related to a gas pipeline project. As Giannini, Farbstein, and Becker, along with James Cavallaro, former Executive Director of HRP, developed the case over the years, they sued under both the ATS and



The IHRC litigation team: (from left to right in back) Natalie Trigo Reyes JD ’19, Amy Volz JD ’18, Nicole Antoine JD ’18, Tyler Giannini, Jonathan Flores JD ’19, Julia Jonas-Day JD ’18; (left to right, front): Lisandra Novo JD ’18, Lindsay Bailey JD ’19, Elisa Quiroz JD ’19, Susan Farbstein JD ’04, and Valentina Montoya Robledo, SJD candidate.



Left: Nicole Antoine JD '18 and Julia Jonas-Day JD '18 in the trial team's "war room." Right: Amy Volz JD '18 and Judith Chomsky (Center for Constitutional Rights) review an affidavit with a witness.

the federal Torture Victim Protection Act (TVPA). The ATS claims were dismissed following an intervening Supreme Court decision, so the case proceeded to trial under the TVPA.

The Clinic worked with a team of partners on the trial, including lead trial attorney Joseph Sorkin, and Steven Schulman, who led a team of pro bono attorneys from Akin Gump Strauss Hauer & Feld LLP; Judith Chomsky and Beth Stephens, cooperating attorneys with the Center for Constitutional Rights (CCR); Paul Hoffman and John Washington of Schonbrun Seplow Harris & Hoffman LLP; Ilana Tabacinic of Akerman LLP; and Claret Vargas JD'10 of DeJusticia.

Before coming to trial, the case had survived two motions to dismiss, two appeals to the Eleventh Circuit, and one petition for certiorari to the U.S. Supreme Court. Over the years, clinical students researched and wrote briefs; combed through source documents; interviewed witnesses; and prepared for oral arguments and depositions. This year, as full members of the trial team, ten students were "instrumental," said Farbstein. "It's hard to overstate their contribution. There was such an incredible volume of work, especially during trial, that we wouldn't have been able to do it without them."

"I've said it before and I'll say it again: I don't ever want to work on a case without the students of the International Human Rights Clinic," said Chomsky.

Giannini gave Akin Gump significant credit for dedicating so many of its lawyers and other human resources to the case and said lead trial attorney Sorkin did a "phenomenal" job.

The verdict was huge news in Bolivia. Two years earlier, when the government of Bolivia requested the defendants' extradition, the U.S. government refused. In 2011, former military commanders and government officials who acted under the defendants were convicted in Bolivia for their roles in the 2003 killings. Sánchez de Lozada and Sánchez Berzaín were also indicted but could not be tried in absentia under Bolivian law.

Farbstein and Giannini agree that no matter what happens on appeal, the verdict stands as an important moment in human rights.

"The president was thought to be untouchable," said Giannini. "The fact that ten people looked at those two defendants and found them responsible, that's the power of this verdict, and that's why it means so much to Bolivia."

# Focus on Kenya's Kakuma Camp

With nearly 148,000 refugees, Kakuma refugee camp in Kenya is one of the largest refugee camps in the world, although it is often overshadowed in advocacy discussions by Kenya's larger camp, Dadaab.

In 2017-2018, the Clinic ran a year-long project with the Norwegian Refugee Council (NRC), a major humanitarian actor with which it has partnered for several years, to examine freedom of movement and work rights issues in Kakuma. Under Kenyan law, all refugees must reside in camps. Those who leave without permission risk criminal punishment, but getting permission is difficult. It is also extremely challenging for refugees to find formal work opportunities in the camp. The project explored how these policies of encampment affect the ability of Kakuma's refugees to build lives in Kenya.

In November 2017, Anna Crowe LLM '12, Clinical Instructor and Lecturer on Law, traveled with clinical students to Kakuma to better understand freedom of movement and work issues that refugees face. In January, she returned to Kakuma with a new student team, where for two weeks they held focus groups and interviewed individual refugees, government officials, police, NGO representatives, and employees of the UN's refugee agency, among others.

Resulting briefing papers discuss the importance of freedom of movement to refugees—financially, psychologically, and socially—and encourage relevant actors to identify options for reducing movement restrictions to provide refugees with greater autonomy. The papers also argue in favor of making it easier for refugees to run businesses inside Kakuma.

"I hope [the reports] will show the incremental steps that can be taken to gradually reduce restrictions on freedom of movement and to provide access to business opportunities for refugees who are trying to

earn a living outside of humanitarian assistance," said Crowe, who oversaw the work of six clinical students on the project.

Crowe's efforts in Kakuma build off of the Clinic's previous advocacy and legal work on refugees and displacement. In November 2017, NRC and the Clinic also jointly published "Recognising Nairobi's Refugees: The Challenges and Significance of Documentation Proving Identity and Status," a policy report that contained practical recommendations and stimulated discussions among local actors on how to better serve Nairobi's vulnerable refugee population. Previous work examined Syrian refugee populations.

"This project aims to highlight the injustice of encampment and the wasted potential of keeping people confined in Kakuma," Crowe explained.



Julius Mitchell JD '19 interviews refugees in Kakuma refugee camp in January 2018.

# FOCUS on Gender & Sexuality

HRP focuses on a variety of gender and sexuality-related human rights issues, with research and clinical projects that approach gender justice and LGBTQI rights from many perspectives. This area of work cuts across different regions and subject matters.

## Women's Rights and Muslim Family Laws

Under the direction of Clinical Instructor Salma M. Waheedi, five students worked to support the advocacy of Musawah, a global movement for justice and equality in the Muslim family. By partnering with Musawah, students learned how to advocate for women's rights using international human rights norms, in addition to crafting arguments based on feminist interpretations of Islamic law. The project developed student's lawyering and advocacy skills, and nurtured them to serve as the next generation of women's rights activists and leaders working with Muslim communities. Students worked closely with advocates on the ground and traveled to Geneva to support advocacy at the United Nations.

"My team's partnership with Musawah and our support for its international advocacy effort stems from our shared commitment to gender justice and women's equality and a realization that we must work within an integrated framework that is grounded both in international legal norms as well as in progressive rights-based readings of Islamic law," Waheedi said.

## Women's Rights in Myanmar

This year, Clinical Instructor Yee Mon Htun who works extensively on gender justice issues and has been involved with law reform efforts to advance human rights in Myanmar, oversaw three clinical projects in that country. One project supported a coalition of women's rights organizations in their review of the draft Prevention of Violence against Women Law in Myanmar, producing an analytical memorandum to highlight problematic sections of the draft law. The memo has been shared widely within the coalition

and with the main government actors responsible for drafting the law. Students traveled to Yangon to meet with partners and prepare an advocacy plan to strengthen the draft law, and they submitted their recommendations directly to the National League for Democracy's Women's Committee. The U.N. Special Rapporteur on Myanmar Yanghee Lee has also requested the memorandum to inform her next thematic report, which is focused on women and girls.

## Decriminalization and Human Rights

Another ongoing HRP project examines criminal laws that are used to regulate and punish diverse expressions of gender identity, sexuality, bodily autonomy, and morality; these include laws such as those that criminalize sex work, same-sex relations, abortion, and drug use. This project is currently led by Emily Nagisa Keehn, Associate Director for the Academic Program, and seeks to understand how these laws produce human rights abuses against the marginalized groups they target, and how human rights systems interpret norms to justify, or reject, their decriminalization. This is tied to Keehn's broader interest in the relationship between human rights law and the shape, content, and scope of criminal law.



In fall 2017, Emily Nagisa Keehn (HLS) organized a panel highlighting the disproportionate incarceration of LGBTQI people in U.S. prisons, as part of the conference, "Behind Bars: Ethics and Human Rights in U.S. Prisons," hosted by the Harvard Center for Bioethics, and co-sponsored by HRP. (Photo Credit: Steve Lipofsky.)

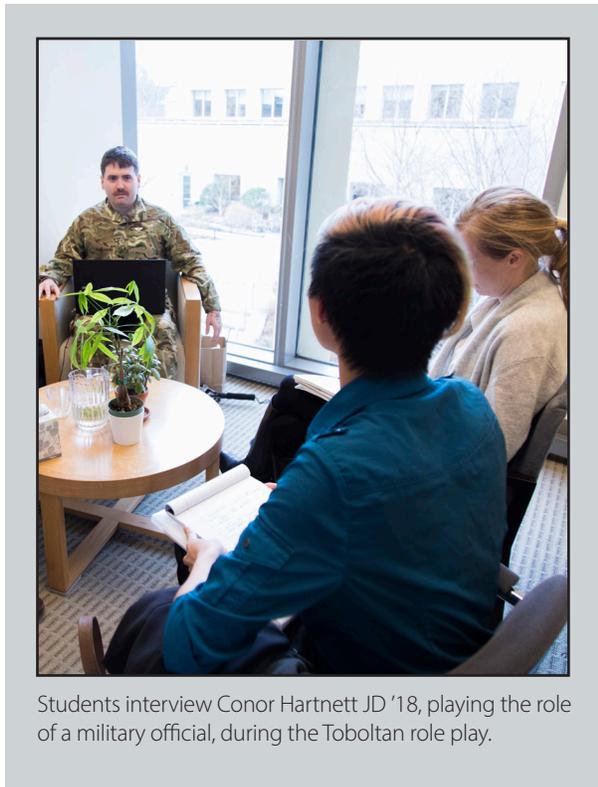
# Focus on Innovative Pedagogy

The International Human Rights Clinic, which takes a problem-solving approach to training tomorrow's leaders in human rights advocacy, is at the forefront of pedagogical innovations.

## Role Plays and Simulations

All clinical students participate in the Clinic's unique fact-finding role play each semester, a day-long, simulation-based training in which they learn to investigate and analyze human rights abuses. Small teams of students work as fact-finders and interviewers, learning critical skills such as how to interact with witnesses and make good decisions as a team in high-pressure situations. Students who have previously participated in the role play as interviewers often later serve as actors in the fictitious country of "Toboltan."

In recent years, human rights advocates from



Students interview Conor Hartnett JD '18, playing the role of a military official, during the Toboltan role play.

Zimbabwe and South Africa have visited HLS to observe the role play. In June, Giannini, Htun, and Program Assistant Dana Walters ran the Toboltan simulation with public policy students at the Open Society Internship for Rights and Governance in Budapest.

"The fact-finding role play is another aspect of the Clinic that I feel really proud of and where I think we distinguish ourselves from other clinics. It is so different from what students are usually asked to do in law school," said Farbstein. "It's a very important reminder that human rights advocacy is hard work and something you have to learn, practice, and refine."

## Advanced Skills Training in Strategic Human Rights Advocacy

Co-taught by Farbstein and Giannini, the advanced seminar, which focuses on building leadership skills necessary for a career in human rights, "is a place where we continue to push and innovate," said Farbstein. The advanced seminar builds on the introductory courses offered through the Clinic, providing a self-directed learning environment and working with students to develop their strategic thinking and leadership skills.

The seminar has long been a place for students to "experiment and take risks," said Giannini, who encourages them to shape their own pedagogical experiences. In Giannini's perspective, establishing a participatory learning community accelerates students' mastery of different advocacy approaches. And an added benefit is "that we, as faculty, are learners with them," not just imparting the knowledge as instructors.

For a final project, each student is asked to critique a portion of the Clinic's pedagogy and propose a creative revision. One project this year developed a

negotiation training curriculum focused on environmental justice. “The idea is, if a student can think about how to teach a skill or a topic, they’ll master it that much more,” said Farbstein.

Students also produce media advocacy projects, like social media campaigns or blog writing. In one instance, a student developed a method to communicate in countries where media censorship is present.

**New Cross-Clinical Course**

This year, for January term, Giannini created a new cross-clinical course, “Lawyering for Justice in the United States,” in collaboration with Esme Caramello JD ’99, Clinical Professor of Law and Faculty Director of the Harvard Legal Aid Bureau, and Michael Gregory JD ’04, Clinical Professor of Law at the HLS

Education Law Clinic of the Trauma and Learning Policy Initiative. The three-week seminar exposed second and third year students with backgrounds in clinical work and an interest in social justice to theories of change and strategic advocacy, with guest lecturers from the Immigration and Refugee Clinic, the Cyberlaw Clinic, the Criminal Justice Institute, the Health Law and Policy Clinic, and more.

As the culmination of the cross-clinical course, Giannini and Walters designed and facilitated a “hackathon,” a day-long intensive inspired by design thinking in which small groups of students and clinical faculty worked on problem-solving issues at the intersection of social justice and legal education. Its success motivated the January term students to successfully lobby the administration to offer the class to first year students for the following year.



Clockwise Left to Right: Salma Waheedi at an HLS clinical showcase; Giannini (top right) and Farbstein (bottom left) on a panel about clinical pedagogy; Lawyering for Justice student Jessica Zhang JD ’19 at a hackathon.

## ALUMNUS SPOTLIGHT: HA RYONG JUNG JD '18



As a high school student in Korea working in a facility for neglected children, Ha Ryong (Michael) Jung JD '18 started to develop an interest in the human rights of children. This passion solidified as he confronted numerous legal challenges through his post-undergraduate work experiences. After researching law schools, he chose HLS because of HRP, which was committed to developing a program of study tailored to his specialized interests.

"The biggest thing for me in choosing a law school was to be able to create my own curriculum, both academically and professionally," said Jung, a native of Korea who currently is on a year-long Public Service Venture Fund Fellowship in Cambodia to help ensure protection and justice for children. He plans to continue working in the field of children's rights around the world.

In his three years at HLS, Jung took advantage of as many human rights-related educational and experiential opportunities as possible. As a first

year, through HLS Advocates for Human Rights, a student practice organization, he worked on a project on the electoral disenfranchisement of the Rohingya people in Myanmar; he also enrolled in a reading group called, "Becoming a Human Rights Advocate," with Farbstein. In his second and third years, Jung traveled to Myanmar with student teams under the guidance of Yee Mon Htun, an expert on human rights in Myanmar. There, among other projects, he worked on efforts to address the prevalence of violence against women and girls and on law reform campaigns in support of the LGBTQI community.

"Yee was instrumental in terms of the experience I had in the Clinic," said Jung. "Her wealth of knowledge, experience, and her appreciation for the students was phenomenal. She has so many contacts, such an incredible network, and she gave me autonomy on my projects. I was given the time to really play with the ideas I have and to make sure to clear out any confusion I had in a safe space."

"When I first met Ha Ryong two years ago, he was interested in children's rights but he had not done anything specific to that on Myanmar," said Htun. "In the two years we've been together in the Clinic, I've seen him grow into someone who is now very well versed in the nuances and complexities of human rights advocacy including legislative work. The Clinic provides a really formative experience for students, and the most fulfilling part of my job is seeing students learn."

In his final year of law school, Jung's clinical project focused on the Thai-Burmese border, working with refugee camp committees to examine best practices around repatriation, especially in regards to child protection concerns. He also took the Advanced Skills Training for Strategic Human Rights Advocacy seminar,

co-taught by Farbstein and Giannini. “Professor Farbstein and Professor Giannini really push students to think outside the box and question what we are doing in clinical projects: Is this having the impact we desire? Are there negative collateral consequences? Are there other stakeholders we should be thinking about?” Jung said. “That’s invaluable in what I want to do.” The year-long seminar on Human Rights in the U.N. Treaty Bodies, taught by Neuman, added another layer of richness to Jung’s comprehension of the field, he says.

Through the International Human Rights Clinic, the Child Advocacy Clinic, and other opportunities at HLS, Jung contributed more than 2,000 pro bono hours of legal services. He and fellow Clinic student Amy Volz JD ’18 were named the 2018 recipients of the David A. Grossman Exemplary Clinical Student Award. He was also the first law student to complete the Harvard-wide Child

Protection Certificate Program administered by the Harvard François-Xavier Bagnoud Center for Health and Human Rights at the Harvard T.H. Chan School of Public Health.

“I do think I got what I wanted from law school, in terms of the rich set of skills I gained in the Clinic,” said Jung. From analyzing legal systems domestically and regionally to thinking strategically about litigation, and from capacity-building to strategic communications, “a lot of that now comes naturally to me. The Clinic really prepared me for that.”

Jung added, “I was particularly grateful to partake in the Clinic as an international student, as nationality was not a barrier to the work we did. In fact, the diversity of the program was integral to making the experience more insightful and rich. I wish I had another year or two there. I would do it all again in a heartbeat.”



Yee Mon Htun speaks with Ha Ryong Jung at the conference, “Human Rights in a Time of Populism.” Htun spent three semesters working closely with Jung in the International Human Rights Clinic.

# HRP at HLS200

Harvard Law School commemorated its bicentennial this past year, and HRP facilitated two events as part of the celebrations.

In the fall, Neuman organized a panel, “How Does International Human Rights Law Make a Difference in the World?” Five distinguished guests—Makau Mutua SJD ’87, Harold Hongju Koh JD ’80, Viviana Krsticevic LLM ’93, Kathryn Sikkink of Harvard Kennedy School, and Giannini—shared their perspectives on that question, drawing on their experiences in government, NGOs, international organizations, and academia. Among other topics, they discussed “naming and shaming” and how strong public attention from influential countries can make a positive difference in promoting human rights in nations whose record is poor, said Neuman.

“We all agreed that human rights does makes a difference, although it always takes more work to make more of a difference,” said Neuman.

In the spring, during a final series of bicentennial events focused on practice and clinics, Farbstein and Giannini organized an interactive workshop centered around another question: What is responsible, effective human rights advocacy? Drawing on their experiences in the Clinic and in their subsequent careers, five alumni guests—Thomas Becker JD ’08, Samantha Bent Weber JD ’08, Krizna Gomez LLM ’13,



Neuman (right) moderated a panel at HLS in the World with (left to right) Viviana Krsticevic (Center for Justice and International Law), Tyler Giannini (HLS), Harold Koh (Yale), Makau Mutua (SUNY Buffalo), and Kathryn Sikkink (HKS).

Chris Mburu LLM ’93, and Meghan L. Morris JD ’08—shared challenges, victories, and strategies in the human rights space, discussing how they sustain themselves and stay motivated and focused in order to advance social justice.

Some panelists reflected on the most difficult parts of their work as human rights practitioners, and others talked about challenges that the human rights movement as a whole is or should be struggling with, said Farbstein.

Farbstein and Giannini also invited audience members to help brainstorm the question by sharing their personal and movement-based experiences in human rights advocacy and other fields of law. “People spoke really honestly, reminding all of us how hard and yet how essential this work is, and how important it is to share successes,” said Farbstein. “It was an energizing and life-affirming conversation.”



From left to right: Krizna Gomez, Samantha Bent Weber, and Chris Mburu with Tyler Giannini, all speaking at HLS in the Community on a panel about responsible and effective human rights advocacy.

# HRP Events

HRP hosted dozens of events in 2017-2018, with a special series on the theme of decriminalization, examining such issues as the criminalization of HIV in the United States, criminalization of same-sex relations in Jamaica, and laws restricting freedom of expression in discussing same-sex relationships in Russia.

**Visibility is Liberty:**

**Freedom of Expression and LGBTI Equality in Jamaica**



**Tuesday, September 19**  
12pm - 1pm  
Hauser 102

Please join us for a talk by Meagan Tomlinson, Attorney and Senior Policy Advisor at the Canadian HIV/AIDS Legal Network, about his legal advocacy to challenge repression of the LGBTI community's freedom of expression in Jamaica. Tomlinson, the recipient of the David Katz Vision and Vision Award, has counsel and sometimes co-advocate to assess their challenge with gay men, senior tribunals in the Caribbean, and leads advocacy engaging U.N. agencies.

**Rights, Action, and Accountability: Tackling Gender-based Violence and HIV in Southern Africa**

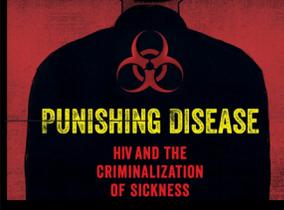
Thursday, Sept. 28  
12-1 pm  
WCC 3016



Please join us for a talk by Dean Peacock, Co-Founder and Executive Director of Soukai Gender Justice, an award winning South African NGO working against violence to prevent gender-based violence, reduce the spread and impact of HIV and AIDS, and promote human rights. Dean is a visiting scholar at the University of California, San Francisco Center for AIDS Prevention Studies and is an honorary senior fellow at University of Cape Town's School of Public Health. He is an internationally recognized expert on masculinities and direct on many advisory boards, including the Nobel Women's Initiative Campaign to Stop Rape and Domestic Violence in Conflict, and was a member of the U.N. Secretary General's Network of Men Leaders.

**PUNISHING DISEASE**

HIV AND THE CRIMINALIZATION OF SICKNESS



MONDAY, JANUARY 29TH  
12-1PM  
WCC 3007

Please join us for a talk with Trevor Hoppe, Assistant Professor of Sociology at the University at Albany, SUNY, on his book, Punishing Disease: HIV and the Criminalization of Sickness. The book examines how and why U.S. policymakers and public health agencies adopted coercive and punitive responses to stop the spread of HIV/AIDS. It also looks at how other diseases have been punished throughout history and cautions against the extension of criminalization to diseases such as hepatitis and meningitis.

**A Conversation with Dr. Yanghee Lee, U.N. Special Rapporteur on the Human Rights Situation in Myanmar**

WCC 2009  
Monday, Oct. 30  
12-1pm



Please join us for a conversation with Dr. Yanghee Lee, the U.N. Special Rapporteur on the situation of human rights in Myanmar, who will discuss the Rohingya crisis and more broadly, the country's transition to democratic rule. Dr. Lee will share her insights on challenges such as the targeting of religious and ethnic minorities, and will offer her recommendations for consolidating peace and creating a culture that values human rights in Myanmar.

**RUSSIA'S "GAY PROPAGANDA LAW" AND LGBTIQ HUMAN RIGHTS**

Thursday, February 22  
11:45 am - 12:45 pm  
WCC 1010



Please join us for a talk with Melissa Hooper, Director of Human Rights and Civil Society at Human Rights First, on Russia's global efforts to promote "traditional values" that curtail the rights of LGBTIQ people. This agenda is demonstrated in the "gay propaganda law" which penalizes those who share ideas about the equal value of same-sex relationships to children. In addition, Russia has advocated for U.N. resolutions, and supported legislatures in other countries to pass laws that favor "family values" over the human rights of LGBTIQ women, and others. This talk will also consider how U.S. actors are supporting Russia to advance these policies.

**Can the U.N. End Racism? International Responses to Racial Discrimination**

A Talk by Gay McDougall



Monday, February 5th  
12-1pm  
WCC 2012

Please join the Human Rights Program for a talk by Gay McDougall, member of the U.N. Committee on the Elimination of Racial Discrimination and distinguished scholar-in-residence at the Center for International Law and Justice at Redburn University School of Law. Prof. McDougall also served as the U.N. Independent Expert on Minority Issues and the Executive Director of Global Rights. Prior to that, she was an activist against the Apartheid regime in South Africa, where she helped secure the release of thousands of political prisoners and supported the democratic transition.

**CRIMINAL ABORTION IN THE UNITED STATES**

Thursday, March 1  
11:45 am-12:45 pm  
WCC 2004

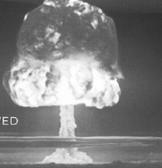


Thursday, March 1  
11:45 am-12:45 pm  
WCC 2004

The Human Rights Program invites you to a lunch talk on human rights and the criminal punishment of abortion with Carol Sanger, Austin Wakeman Scott Visiting Professor of Law at HLS and Barbara Aronstein Black Professor of Law at Columbia Law School, and Mindy Roseman, Director of International Programs and Director of the Gruber Program for Global Justice and Women's Rights at Yale Law School. Professor Sanger will discuss criminal abortion in the United States and developments under the Trump administration, and Dr. Roseman will discuss how criminal abortion is treated under international human rights law and experienced in other countries.

**HUMANIZATION OF ARMS CONTROL: PAVING THE WAY FOR A WORLD FREE OF NUCLEAR WEAPONS**

A BOOK TALK WITH DANIEL RIETIKER



Tuesday, Oct. 17  
12:1pm  
WCC 3007

Please join us for a talk with Daniel Rietiker to discuss his recent book, "Humanization of Arms Control: Paving the Way for a World Free of Nuclear Weapons." Dr. Rietiker argues for putting human beings, rather than state security, at the center of disarmament law. After laying out the history of this approach in previous treaties, he will examine how it has played out in the negotiation and text of the new Treaty on the Prohibition of Nuclear Weapons. Dr. Rietiker is a senior lawyer at the European Court of Human Rights, an adjunct professor of public international law at the University of Lausanne (Switzerland), and a member of adjunct faculty at Suffolk University Law School.

**DECRIMINALIZATION & HUMAN RIGHTS: A PANEL DISCUSSION**

Thursday, Nov. 9  
12pm-1pm  
Hauser 102



Many ongoing debates address whether certain criminal offenses should be decriminalized, from the use and possession of drugs, to homeless people sleeping in public spaces. This panel will explore how International Human Rights Law fits into the discussion. Panelists will examine the jurisprudence on decriminalization at the U.N. human rights bodies, offer legal philosophical perspectives, and consider critical issues in this arena like the criminalization of poverty.

**Film Screening: Sittwe**

A Documentary About Conflict-Affected Teenagers in Myanmar



WCC 1023  
Monday, Nov. 13  
12-1pm

Please join us for a screening of Sittwe, a short documentary film about two teenagers separated by conflict and segregation in Myanmar's Rakhine state. Produced as a tool to facilitate discussions about peace building in Myanmar, the film was due to premiere in Yangon at the Human Rights, Human Dignity Film Festival but was banned by the government. It later premiered at the Freedom Film Festival in Malaysia, where it was awarded the Best Southeast Asia Short Documentary. Following the screening, there will be a Q & A with producer Myo Win, an trainer and leader in the interfaith peace movement in Myanmar.

**Elliot Schrage Facebook, Inc.**

VP of Global Communications, Marketing, and Public Policy

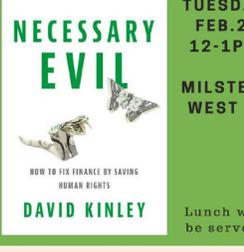


Friday, February 23  
11:45am-12:45pm  
WCC 2012

The Human Rights Program invites you to a lunch talk with Elliot Schrage, JD'86, Vice President of Global Communications, Marketing, and Public Policy at Facebook. Schrage will discuss how corporations like Facebook take human rights into account in their business practices.

**NECESSARY EVIL**

HOW TO FIX FINANCE BY SAVING HUMAN RIGHTS



TUESDAY FEB. 20  
12-1PM  
MILSTEIN WEST B

Please join us for a talk with Professor David Kinley, Chair in Human Rights Law at the University of Sydney and an Academic Expert Member of Doughty Street Chambers in London. He specializes in the global economy and human rights and has worked for more than 25 years with governments, international organizations, law firms, corporations and NGOs.

## ALUMNUS SPOTLIGHT: THOMAS BECKER JD '08

When the historic verdict in *Mamani, et al. v. Sánchez de Lozada and Sánchez Berzain* was read aloud in federal court on April 3, Thomas Becker could not believe what he heard. A decade earlier, he had first raised the idea of suing the former president and former defense minister of Bolivia.

"I literally had to turn around to Tyler and Susan and mouth, 'Did we win?'" recalls Becker, who was seated in the front of the Fort Lauderdale, Florida courtroom with the plaintiffs, Aymara people whose family members were lost during "Black October," the military violence that killed 58 and injured more than 400 in late 2003.

While Becker and many of the lawyers on the plaintiffs' team, including Giannini and Farbstein, wept with joy, the plaintiffs did not. Becker, who became close friends with the nine plaintiffs while living in Bolivia over the years, believes they had a certitude about winning that even the legal team did not share.

"They knew what happened and they knew [the defendants] were responsible," said Becker. "And there was also this pride, as indigenous peasants from Bolivia who'd taken on one of the most powerful men in the country. They were sending the world a message, that leaders can't get away with slaughtering their people."

Becker's relationship with the plaintiffs was essential to the case, said Farbstein. As the survivors relived the trauma of 2003, "he is the person who all the plaintiffs know and love and trust," she said. "He connects to people in a way that's meaningful and genuine and deep, and there's no successful litigation of this sort without that connection."

Becker first learned of Black October during the summer of 2006 while in Bolivia on an HRP summer fellowship after his first year at HLS, where he had enrolled to become a human rights lawyer.

When he returned that fall to Cambridge, Becker asked Giannini and James Cavallaro, the Executive Director of HRP at the time and the person who recruited Becker to HLS, whether there might be legal recourse against those responsible for the killings.

"Originally, people thought we were crazy to try to take down the president, who's from one of the most powerful families in Bolivia. So I was really excited and really impressed that [James] and Tyler were excited about exploring it," said Becker. "The

reason I gravitated to HLS was that they were open to trying things like that."

For the next decade, the plaintiffs' team worked to hold the two defendants accountable. While they had fled in 2003 to the United States, the U.S.



Becker hugs Carmen Basilia Mamani Aguilar, whose father was killed in Black October.

government refused to extradite them back to Bolivia, effectively making the United States a haven for human rights violators. Becker worked on various aspects of the case as a clinical student and continued this work after graduation, including with the support of an HRP Henigson Fellowship. Much of his time involved building relationships and gathering testimony from the plaintiffs and other witnesses. Numerous clinical students worked under his supervision in Bolivia, amassing evidence and taking statements and depositions.

“Thomas demonstrates how our students go through the Clinic, develop their careers, and then mentor students themselves,” said Giannini. “He’s a testament to showing that this work is multi-generational and how our Clinic supports and stays in touch with our alums.”

A successful professional musician, Becker turned down a lucrative record deal when the *Mamani* case headed into discovery. After the

landmark verdict, Becker and Giannini returned with the plaintiffs to Bolivia, where the plaintiffs and Becker gave hundreds of radio, TV, and newspaper interviews.

Despite the fact that the judge overturned the verdict two months later, it remains “a game-changer for human rights and for accountability,” said Becker, who is a Clinical Instructor at the Clinic in fall 2018. “The judge can change the verdict on a technicality but no one can change the fact that the jury, representing the American people, held the defendants liable for extrajudicial killings.” The plaintiffs are appealing.

As has been the case throughout the decade of litigation, Becker was most moved by the reaction of the plaintiffs themselves to the latest twist in the case. Plaintiff Téofilo Baltazar noted: “The jury is the voice of the American people, and the people have spoken. No court can change that. No court can change the message it sends to the world.” Then he added: “But the struggle continues.”



Becker discussing the verdict with plaintiffs Teofilo Baltazar Cerro, Eloy Rojas Mamani, Etelevina Ramos Mamani, Felicidad Rosa Huanca Quispe, and Juana Valencia De Carvajal. To Becker’s left, Lorena Perez and Gemma Canham.

# HRP Coursework 2017-2018

HRP offers a variety of human rights-related courses, seminars, reading groups, and other educational opportunities. Clinical courses accompany practical training in real-world projects related to human rights.

Students also have the opportunity to participate in two intensive tracks: the LLM Concentration in Human Rights and a Semester in Human Rights in the Clinic.

The LLM Concentration in Human Rights, offered by HLS, provides LLM students with in-depth

training in human rights from a critical perspective.

The Clinic also offers a Semester in Human Rights, a full-time program for third year students who have previously spent at least one semester in the Clinic and who are contemplating careers in human rights.

The HLS courses are taught by HRP faculty and clinical faculty. This year, Farbstein also taught a freshman seminar at Harvard College: Human Rights, Law and Advocacy.

## HRP Courses, Clinical Seminars, and Reading Groups, 2017-2018

### **Advanced Skills Training for Human Rights Advocacy**

(Clinical Seminar, Fall 2017)

### **The Promises and Challenges of Disarmament**

(Clinical Seminar, Fall 2017)

### **Human Rights Advocacy**

(Clinical Seminar, Fall 2017, Spring 2018)

### **Human Rights in the UN Treaty Bodies**

(Seminar, Fall 2017-Spring 2018)

### **Human Rights and International Law**

(Course, Spring 2018)

### **Migration and Human Rights**

(Seminar, Fall 2017)

### **Becoming a Human Rights Advocate**

(1L Reading Group, Fall 2017)

### **Business, Human Rights, and Community Lawyering**

(1L Reading Group, Spring 2017)

# HRP Fellowships

Under the direction of the Academic Program, HRP offers an array of fellowships for students interested in human rights work.

## Summer Fellowships

HRP awards summer fellowships to students who work outside the United States for at least eight weeks with nongovernmental or intergovernmental organizations concerned with human rights.

### Summer 2017 Fellows

**Allie Brudney** JD '19 worked at the Parliamentary Assembly of the Council of Europe in the Committee on Legal Affairs and Human Rights in France.

**Niku Jafarnia** JD '20 worked at the United Nations High Commissioner for Refugees in Turkey.

**Alisan Oliver-Li** JD '19 worked at the Legal Assistance Centre with the Gender Research & Advocacy Project in Namibia.

**Claudia Torres** LLM '16, SJD '20 worked at Brigada Callejera de Apoyo a la Mujer "Elisa Martinez," an NGO that advocates for low-income sex workers' human rights in Mexico.

**Thaya Uthayophas** JD '18 worked with Privacy International in England.

**Evelyn Zheng** JD '18 worked at Justice Base in Myanmar.

### Summer 2018 Fellows

**Ginger Cline** JD '20 worked at the Hebrew Immigrant Aid Society in Kenya.

**D Dangan** JD '20 worked at Lawyers for Human Rights in South Africa.

**Krista Oehlke** JD '20 worked at EarthRights International in Peru.

**Sara Oh** JD '19 worked at the United Nations High Commissioner for Refugees in Turkey.

**Delphine Rodrik** JD '20 worked at Human Rights Watch in Lebanon.

**Eun Sung Yang** JD '20 worked at Justice Base in Myanmar.



At Justice Base, Eun Sung Yang led a workshop on media empowerment in Shan State, Myanmar. She presented international human rights law and legal analysis of controversial local laws with relevant international standards.

## Winter Fellowships

HRP awards winter term fellowships for students to undertake internships or independent research projects.

### Winter 2018 Fellows

**Molly Ma** JD '18 conducted research for a judge at the International Criminal Court in the Hague.

**Mila Owen** JD '18 worked at Zimbabwe Lawyers for Human Rights in Zimbabwe.

**Elisa Quiroz** JD '19 conducted independent research on refugee rights in Chile.

**Evelyn Zheng** JD '18 worked at Justice Base in Myanmar.

## Post-Graduate Opportunities

### Satter Human Rights Fellowship

The Satter Human Rights Fellowship, funded by the Satter Foundation and named after Muneer Satter JD '87, allows post-graduates to spend a year working on the defense of human rights in response to mass atrocities or widespread and severe patterns of rights abuse occurring in countries classified as "not free" by Freedom House.

### Satter Fellows 2017-2018

**Güley Bor** LLM '17 worked at Yazda on the Yazidi Genocide Documentation Project in Iraq.

**Lisa Dicker** JD '17 worked at the Public Interest Law and Policy Group on their Syria peace negotiations project.

**Catherine Cooper** JD '14 worked at Justice Base on their Rohingya human rights projects in Myanmar.

"The Henigson Fellowship made it possible for me to come to Guyana in the first place. Without it, I would not have had the financial resources to be able to move to Guyana or work for the Forest Peoples Programme. My experiences at the Human Rights Program convinced me that I want a career in human rights. It has made me more open to new ideas about what forms human rights advocacy can take. The Program also connected me to peers who have given me support, and practitioners who have acted as mentors."

– Lan Mei JD '17



## Henigson Human Rights Fellowship

The Henigson Human Rights Fellowships are for HLS students and recent graduates with a demonstrated commitment to international human rights and an interest in working in the field. They are intended to enable students to make a valuable contribution to human rights during the year of the fellowship and to help students build human rights work into their careers. Henigson Fellows spend 12 months working with a human rights NGO in the developing world.

Henigson Fellowships are made possible by a generous gift from Robert Henigson JD '55 and Phyllis Henigson. HRP has awarded 43 Henigson Fellowships since 2001.

## Henigson Fellows 2017-2018

**Roni Druks** JD '17 worked at Yesh Din in the West Bank.

**Lan Mei** JD '17 worked at the Forest Peoples Programme in Guyana.

## HRP Visiting Fellows Program

Through the Visiting Fellows Program, HRP provides thoughtful individuals with a demonstrated commitment to human rights an opportunity to step back and conduct a serious inquiry in the human rights field. The fellows, who typically come from outside the United States, spend a semester or year in residence at the law school, where they are an integral part of the HRP community.

## Visiting Fellows 2017-2018

**Dr. Yitayew Alemayehu** (Ethiopia), Faculty at the Center for Human Rights at Addis Ababa University.

**Priyanka Chirimar** (India), Legal Officer with the International Co-Investigating Judges Office at the U.N. Assistance to the Khmer Rouge Trials in Cambodia.

**Yasser Latif Hamdani** (Pakistan), Advocate of the High Courts of Pakistan at HQM Chambers of Barristers and Advocates in Islamabad.

**Dr. Tally Kritzman-Amir** (Israel), Senior Lecturer on immigration and international law at the College of Law and Business in Israel.

**Jimena Reyes** (Colombia), Director for the Americas at the International Federation for Human Rights (FIDH).

## ELEANOR ROOSEVELT FELLOW: JIMENA REYES

For the 2017-2018 year, HRP awarded Jimena Reyes the Eleanor Roosevelt Fellowship, which provides funding to outstanding human rights scholars and practitioners who are nationals of low or middle income countries.

For the past 15 years, Jimena Reyes has been Director for the Americas at the International Federation for Human Rights (FIDH), a France-based NGO, where she's led investigations on human rights in Northern and Latin American countries, litigated before the Inter-American system of human rights, and presented communications to the International Criminal Court on Colombia, Honduras, and Mexico. At FIDH, Reyes also partnered with the International Human Rights Clinic on efforts to hold executives from Chiquita Brands International accountable in the International Criminal Court for crimes against humanity in Colombia.

While her work is deeply meaningful, it is also demanding and all-consuming, making the opportunity to spend a year doing research at HLS as HRP's Eleanor Roosevelt Fellow irresistible.

"The possibility to step back from my practice—to stop running from one battle to another and have time to think about how to do things better—is exactly what I wanted to do," said Reyes, a native of Colombia. "To have the chance to think! And read! It's been invaluable to me."

Reyes's research at HLS focused on the issue of state capture through corruption: how organized crime, corporations, elites, and other actors divert the state toward their private interests and away from the public good. She is particularly interested in how international and Inter-American human rights law can help fight that type of corruption. "The tension between private and public interests is as old as the existence of democracy," she said.



She believes that the problem of state capture through corruption is growing, adding, "Much more research should be done."

From meeting with human rights practitioners, scholars, and students from around the world to attending conferences and workshops on human rights, making presentations on her research, and availing herself of the wealth of university resources, the experience at HLS will have a direct impact on her work as she returns to FIDH, Reyes said. She audited an HLS course on international criminal law and a class on climate change at the Kennedy School, both of which were "extremely interesting and will be very useful for me," she said. "I have it in my mind very concretely how to translate this knowledge into action."

"I met so many not only very smart but very caring people, professors and students and practitioners," she said. "It gave me a lot of hope to see how much they care about the world."

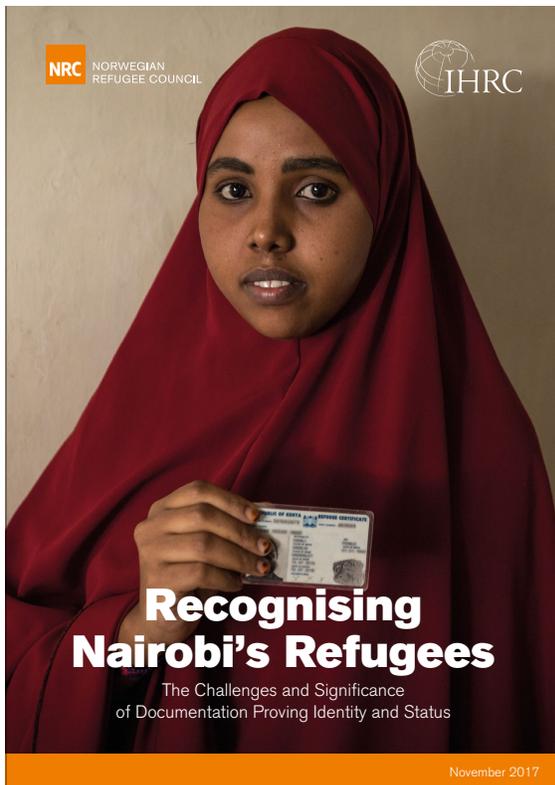
# Publications

This year, the Human Rights Program produced a range of publications, a sampling of which are below. In addition to faculty, staff, and fellows, students were integrally involved in many of the publications.

## Clinical Publications

*An Overdue Review: Addressing Incendiary Weapons in the Contemporary Context: memorandum to delegates at the Meeting of States Parties to the Convention on Conventional Weapons*, Human Rights Watch and International Human Rights Clinic (November 2017).

*Recognising Nairobi's Refugees: the challenges and significance of documentation proving identity and status*, Norwegian Refugee Council and the International Human Rights Clinic (November 2017).



*Victim Assistance under the Treaty on the Prohibition of Nuclear Weapons*, International Human Rights Clinic (April 2018).

*Environmental Remediation under the Treaty on the Prohibition of Nuclear Weapons*, International Human Rights Clinic (April 2018).

*Nuclear Umbrella Arrangements and the Treaty on the Prohibition of Nuclear Weapons*, International Human Rights Clinic (June 2018).

*The Treaty on the Prohibition of Nuclear Weapons and Its Compatibility with Sweden's Security Arrangements*, International Human Rights Clinic (June 2018).

*The Treaty on the Prohibition of Nuclear Weapons and the Compact of Free Association between the Republic of the Marshall Islands and the United States*, International Human Rights Clinic (June 2018).

*Submission to the Nitijela's Standing Committee on Foreign Affairs and Trade: Regarding Resolution 46 on the Treaty on the Prohibition of Nuclear Weapons*, International Human Rights Clinic (June 2018).

## U.S. Appellate Court Briefs

Neuman continued his longstanding advocacy on the rights of foreign nationals in U.S. law. In January 2018, Neuman led a group of habeas corpus scholars in filing an amicus curiae brief in the U.S. Sixth Circuit Court of Appeals on the power of federal courts to stay removal to Iraq. The case concerns the potential deportation of Iraqi immigrants, most of whom are Chaldean Christians, a persecuted minority in Iraq.

Brief for *Amici Curiae* Scholars of Habeas Corpus Law in Support of Petitioners-Appellees, *Hamama et al. v Homan et al.* (6th Cir. 2018) (No. 17-2171).

## HRP Research Working Papers

Yi-Li Lee, *Women's Victimization in Transitional Justice and their Fight for Democracy and Human Rights: the Story of Taiwan*, HRP Research Working Paper Series, HRP 18-001 (March 2018).

Emily Nagisa Keehn, *Decriminalization and the U.N. Human Rights Bodies*, HRP Research Working Paper Series, HRP 18-002 (March 2018).

## Harvard Human Rights Journal

HRP maintains a close association with student-edited journals, including the *Harvard Human Rights Journal* and the *Harvard International Law Journal*. Staff and fellows work regularly with the editors and writers and advise the journal on possible topics, conference ideas, and research methods. This past year, HRP supported the *Harvard Human Rights Journal* with the development of their online symposium, "Transitional Justice in Context."

## Opinion Pieces and Media Coverage

This year, HRP personnel published the following media commentary:

Emily Nagisa Keehn, "How mass incarceration harms U.S. health, in 5 charts," *The Conversation*, January 31, 2018 (with J. Wesley Boyd).

Bonnie Docherty, "We're running out of time to stop killer robot weapons," *The Guardian*, April 11, 2018.

## Journal Articles

Bonnie Docherty, *A 'Light for All Humanity': The Treaty on the Prohibition of Nuclear Weapons and the Progress of Humanitarian Disarmament*, *Global Change, Peace and Security*, April 2018.

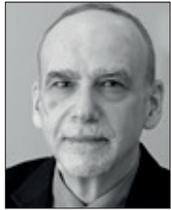
Emily Nagisa Keehn, *Health, Human Rights, and the Transformation of Punishment: South African Litigation to Address HIV and Tuberculosis in Prisons*, *Health & Human Rights Journal* 20(1), pp. 213-224, June 2018. (with Ariane Nevin).

**"Fully autonomous weapons, which would select and engage targets without meaningful human control, do not yet exist, but scientists have warned they soon could."**

- Bonnie Docherty, "We're running out of time to stop killer robots," *The Guardian*, April 11, 2018.

# Faculty and Staff 2017-2018

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**Gerald L. Neuman**  
Co-Director, Human Rights Program, and J. Sinclair Armstrong Professor of International, Foreign, and Comparative Law

Neuman specializes in international human rights law, immigration and nationality law, and U.S. Constitutional law. He was a member of the U.N. Human Rights Committee from 2011-2014.

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**Tyler Giannini**  
Co-Director, Human Rights Program, Co-Director, International Human Rights Clinic, and Clinical Professor of Law

Giannini specializes in community lawyering, accountability litigation, including under the Alien Tort Statute, business and human rights, human rights and the environment, as well as Myanmar.

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**Emily Nagisa Keehn**  
Associate Director, Academic Program

Keehn specializes in the intersection of human rights issues with criminal justice, gender, sexuality, and health, as well as South Africa.

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**Susan Farbstein**  
Co-Director, International Human Rights Clinic and Clinical Professor of Law

Farbstein specializes in South Africa, transitional justice, Alien Tort Statute litigation, community lawyering, as well as economic, social, and cultural rights.

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**Bonnie Docherty**  
Associate Director, Armed Conflict and Civilian Protection, and Lecturer on Law

Docherty specializes in arms and armed conflict issues, focusing on the protection of civilians and humanitarian disarmament. She is also a senior researcher in the Arms Division of Human Rights Watch.

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**Salma Waheedi**  
Clinical Instructor

Waheedi specializes in Islamic law, gender justice, family law, and comparative constitutional law.

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**Anna Crowe**  
Clinical Instructor and Lecturer on Law

Crowe focuses on refugee rights, as well as the right to privacy and humanitarian disarmament.



**Yee Htun**  
Clinical Instructor

Htun specializes in gender justice and refugee and migrants' rights with a focus on Myanmar.



**Cara Solomon**  
Communications Manager

Solomon specializes in storytelling and media advocacy.



**Paul Hoffman**  
Lecturer on Law

Hoffman is a leading civil rights attorney who taught Human Rights Advocacy in Fall 2017.



**Katherine Young**  
Program Manager

Young specializes in the management of clinical and academic programs and the facilitation of experiential education.



**Debbie Frempong**  
Program Assistant

Frempong supports the administration and coordination of the Clinic.



**Dana Walters**  
Program Assistant

Walters coordinates events, fellowship programs, and more.

# Acknowledgments

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