

HUMAN RIGHTS INSTITUTE

Columbia Law School



ANNUAL REPORT
2011-2012

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DEAR ALUMNI, COLLEAGUES AND FRIENDS OF HUMAN RIGHTS AT COLUMBIA LAW SCHOOL

Greetings from Columbia Law School's Human Rights Institute. We are proud to share our first annual report and our remarkable accomplishments from the past year.

The Human Rights Institute sits at the heart of human rights teaching, practice and scholarship at the Law School. Founded in 1998 by the late Professor Louis Henkin, the Institute draws on the Law School's deep human rights tradition to support and influence human rights practice in the United States and throughout the world. In the past several years, the Institute and the Human Rights Clinic have become increasingly integrated, enabling us to multiply our impact on the field and engage students more fully in our work.

Over the years, HRI has deepened its expertise along three primary axes: (i) Human Rights in the United States, (ii) Counterterrorism and Human Rights and (iii) Human Rights and the Global Economy. Our U.S.-oriented work builds upon Louis Henkin's commitment that human rights be honored at home, not simply abroad. Our counterterrorism work seeks to ensure that basic rule of law protections are honored in the search for domestic and global security. And our global economic work seeks to ensure that the benefits of natural resources are justly shared by all. We have developed distinct approaches to work in each area, building bridges between scholarship and activism, developing capacity within the legal community, engaging governments, and modeling new strategies for progress. Our tools vary according to circumstances, and include expert meetings, clinical projects, scholarship, teaching, expert reports, and collaborations with a wide range of individuals and advocacy groups.

The Institute is able to accomplish so much due to our dynamic and talented team, the generosity of our various funders, and our relationship to the Clinic. With project funding from foundations, we were fortunate to have had four talented lawyers working as full-time staff this past year, in addition to our executive director. Their biographies and projects are detailed within.

We have big plans for the future. These include projects clarifying humanitarian protections in contemporary armed conflicts, highlighting the problems in Muslim communities impacted by domestic counterterrorism activities, and shaping domestic human rights advocacy through the development of a new law school course book on human rights in the U.S. Alongside, are new frontiers in long standing projects in Africa and India that confront the natural resource curse and labor rights in the global economy.

Going forward, we hope to strengthen our relationship with one of the most abiding legacies of human rights at CLS: our remarkable alumni. This report features a small number of alumni to give a snapshot of the range of human rights lawyers that Columbia has produced, whether working in

academia, pro-bono practice, government, or international and nongovernmental organizations. We would love to know more about what our alumni are doing and share it broadly, and we invite alums to visit our website to fill out our alumni information sheet or send us an email.

The Institute is thankful to the funders that have enabled us to expand our work to new levels. For our work on Human Rights in the United States, the Ford Foundation has provided an anchor for many years. This has been supplemented by grants from the U.S. Human Rights Fund, a donor collaborative fund that is, sadly, ending this year. Our other work has been supported on the basis of individual projects. Our work on counterterrorism has been built up with support from the Open Society Foundation in addition to a small, and much appreciated, grant from the Bullitt Foundation. The Revenue Watch Institute has funded a number of significant projects on natural resource exploitation. This year, the Norwegian Refugee Council funded a year-long project on housing, land and property in the occupied Palestinian territories. We are also grateful to Columbia Law School for its institutional and financial support since the Institute was founded. While the Institute has developed strong relations with its funders, two of our more significant donor institutions have closed over the past few years. We are always in need of strong donor support for our challenging and important projects.

As we reflect on our accomplishments in 2011-12 and look forward to the upcoming year, we continue to mourn the passing of Louis Henkin in October 2010. Our commitment to promoting human rights protection in the United States and elsewhere pays ongoing homage to his lifelong work.

Very truly yours,



Sarah Cleveland

*Louis Henkin Professor of Human and Constitutional Rights
Faculty Co-Director, Human Rights Institute*



Peter Rosenblum

*Lieff Cabraser Clinical Professor of Human Rights
Faculty Co-Director, Human Rights Institute*



Risa Kaufman

*Executive Director, Human Rights Institute
Lecturer-in-Law*

HUMAN RIGHTS INSTITUTE INITIATIVES 2011–2012

COUNTERTERRORISM AND HUMAN RIGHTS

The Institute's Counterterrorism & Human Rights Project develops international law arguments and tools in response to U.S. counterterrorism practices that negatively impact human rights. HRI conducts research and advocacy on emerging issues, including detention and transfer of terrorism suspects, lethal targeting with drone technology and domestic counterterrorism practices. This year, the Institute launched a new project regarding legal protection in armed conflict.

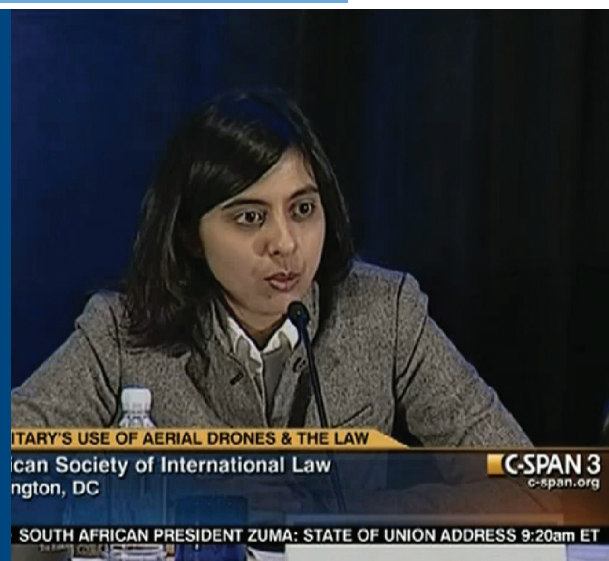
Harmonizing Standards in Armed Conflict

Since long before the adoption of the Geneva Conventions of 1949, distinct international legal regimes have governed the conduct of armed conflicts between states (international armed conflicts) and conflicts between states and non-state groups (non-international armed conflicts), with significantly more detailed legal protections applying in the former. In the past decade, states have confronted a number of significant difficulties arising from the application of this bifurcated system to conflicts of an ambiguous and evolving nature, from the 2006 Lebanon conflict, to Afghanistan, the Democratic Republic of Congo (DRC), and elsewhere. Lack of clarity in the rules governing modern conflict has

also raised significant concerns regarding legal protections for those involved in, or affected by, conflict. In 2012, the Institute launched a two-year joint U.S.-U.K. based project to address the problems associated with this bifurcated framework and to explore the possibility of adopting a uniform regime of heightened protection that would be applicable in all armed conflicts. The project is under the leadership of HRI faculty co-director Professor **Sarah Cleveland** and CLS Visiting Professor **Sir Daniel Bethlehem**, who is a Consulting Senior Fellow at the London-based International Institute of Strategic Studies and the former Legal Adviser of the U.K. Foreign & Commonwealth Office. The project is engaging experts in international humanitarian law from both inside and outside of governments in an effort to produce greater clarity and specificity regarding the legal framework governing targeting, detention, interrogation and accountability, including in counterterrorism operations that are currently classified as non-international armed conflicts. The ultimate objective is to explore the development of a legal framework that would allow states to adopt unilateral declarations committing themselves to be bound in non-international armed conflicts by rules drawn from their obligations in international armed conflicts.



Sarah Cleveland, Daniel Bethlehem and Peter Rosenblum



SOUTH AFRICAN PRESIDENT ZUMA: STATE OF UNION ADDRESS 9:20am ET



Lisa Knox, J.D. '11 and Leslie Hannay, J.D. '11



Students after their presentation on drone technology at the ASIL annual meeting in Washington, D.C.

Targeting with Drone Technology

Under the Obama administration, the United States has dramatically increased drone strikes in Pakistan, Yemen and Somalia. Mainstream policy debate has focused on the efficacy of the strikes in disrupting and dismantling militant groups, while critics have emphasized reports of civilian deaths and concerns about the application of an over-broad legal framework. Led by HRI's associate director for the Counterterrorism and Human Rights Project, **Naureen Shah, J.D. '07**, the Institute focuses on U.S. legal justifications, with particular attention to accountability for civilian harm. This work has led to several publications, major presentations, and expert meetings. In 2011, Clinic students presented a carefully parsed analysis of the Obama administration's legal justification for drone targeting, identifying gaps and ambiguities relevant to humanitarian law and the rule of law, more generally. The presentation and discussion before a packed audience at the American Society of International Law annual meeting was broadcast on CSPAN.

In June 2011, the Institute convened leading human rights litigators, advocates and scholars to discuss developments in the broader practice of targeted killings, evaluate recent research and advocacy and consider next steps. The invitation-only conference included several participants from outside the United States. Shahzad Akbar, a Pakistani lawyer who filed a case against the CIA for civilian deaths in 2010, was denied a visa to attend the conference but participated by video link, describing his clients' accounts of losing their homes and family members in drone strikes, despite their lack of connection to militant groups.

The Institute continues to urge the Administration in reports, op-eds and other fora to clarify its legal standards and develop transparent accountability mechanisms for assessing civilian harm caused by drone strikes. In the coming year, HRI will publish two reports on the subject, including a major study to be published in collaboration with the Center for Civilians in Conflict (formerly Campaign for Innocent Victims in Conflict).

Prosecutions and Profiling of U.S. Muslim Communities

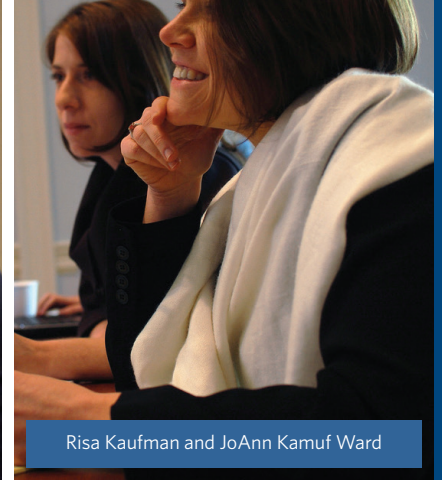
After consultation with activists and lawyers already involved in the field, HRI extended its research and advocacy on domestic counterterrorism to focus on practices affecting Muslim communities in the United States in the search for "homegrown terrorists." The Institute's work seeks to identify human rights concerns, including abusive law enforcement tactics, inadequate trial processes and inhumane conditions of confinement, and to provide support through expert consultations, reports and focused assistance to other organizations.

In the fall of 2011, led by HRI fellow **Tarek Ismail, J.D. '11**, a group of Human Rights Clinic students embarked on research on domestic terrorism prosecutions. The team looked closely at the more than 500 terrorism prosecutions since September 11, 2001, cataloging potential human rights infringements evident in each.

In the spring of 2012, the Institute convened leading advocates, attorneys and scholars for a robust discussion of strategies that link their concerns with domestic counterterrorism practices to the broader campaign to ensure



Jamil Dakwar, Cynthia Soohoo, Sarah Cleveland and Michael Posner



Risa Kaufman and JoAnn Kamuf Ward

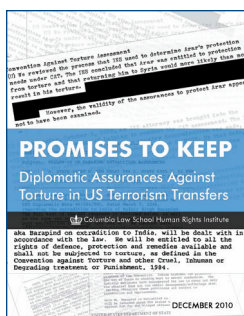
rights-respecting national security policies, including for the detainees on Guantanamo.

The Institute is currently engaged in a collaboration with Human Rights Watch to further document and seek solutions to the human rights problems that have arisen in domestic prosecutions. Our report on the issue is scheduled for release in early 2013.

Detention and Torture

HRI advocates for rights-respecting detention practices by the U.S. and other governments. Following HRI’s comprehensive report on diplomatic assurances against torture in the transfer of detainees, *Promises to Keep: Diplomatic Assurances Against Torture in U.S. Terrorism Transfers*, the Institute continues to press the Obama administration to clarify its standards and adopt safeguards to prevent abuse by its partner governments.

In January 2012, HRI held a major international conference in Istanbul, Turkey to strengthen domestic strategic advocacy against abusive detention practices in Afghanistan and Pakistan. The conference connected a range of civil society stakeholders—journalists, international legal experts, legal aid providers, human rights researchers and activists—and provided an important venue for exchange of information on secret detention, torture and abusive interrogation, government intimidation and targeting of human rights defenders, and prospects for change.



HUMAN RIGHTS IN THE UNITED STATES

HRI’s Human Rights in the United States Project builds the capacity of domestic lawyers, policy makers and advocates to incorporate a human rights framework into social justice advocacy efforts. We do this by building networks, facilitating trainings, conducting educational outreach, and promoting coordination among progressive public policy and advocacy groups. The Project also directly contributes to the development of legal theories and positive precedents based on international law through work on select litigation before U.S. courts, in international and regional fora, and through other advocacy projects. The Project engages in training and capacity building across issue areas through its BHRH Lawyers’ Network, as well as strategic advocacy and resource development, in three substantive areas: (1) implementing human rights treaty norms and obligations, including at the state and local level; (2) promoting economic, social and cultural rights; and (3) promoting and improving the United States’ participation in the Inter-American human rights system.

Building the Field of Domestic Human Rights Lawyers

A signature program of HRI’s Human Rights in the United States Project, our Bringing Human Rights Home (BHRH) Lawyers’ Network has grown to include over 500 members—drawn from domestic social justice organizations, the U.S. programs of international human rights groups and law school human rights programs—who are dedicated to using international law and human rights strat-

egies as part of domestic advocacy efforts. This year's biannual BHRH Network meetings brought members together to discuss common challenges, engage in strategic discussions and develop joint strategies and projects on issues including UN advocacy, U.S. policy initiatives, U.S. matters before the Inter-American Commission and pending cases in U.S. courts. We also convened periodic meetings of the Network's working group on economic, social and cultural (ESC) rights, and its working group on the Inter-American System. Through the latter group, HRI facilitated periodic communication and meetings among network members, the U.S. State Department and the Inter-American Commission on Human Rights.

HRI's annual Human Rights in the United States Continuing Legal Education, held in March 2012 with an at-capacity crowd of 150 participants and generously hosted by Skadden Arps, was a remarkable symposium event marking the 20th anniversary of U.S. ratification of the ICCPR. The program, entitled "The U.S. and the International Covenant on Civil and Political Rights: 20 Years After Ratification," was co-sponsored by the ACLU Foundation and University of Pennsylvania Transnational Legal Clinic. It brought together advocates, academics, UN and federal governmental officials and independent experts to examine the history and impact of U.S. ratification and engagement with the treaty body and explore possibilities for ensuring U.S. accountability for its human rights commitments. The symposium coincided with the New York meeting of the UN Human Rights Committee, and HRI and our co-sponsors organized a panel discussion and reception with Committee members the evening before at the Ford Foundation.

This spring, HRI proudly launched a new and improved version of U.S. Human Rights Online (web.law.columbia.edu/us-human-rights-online), our web-based clearinghouse for domestic human rights resources including sample briefs, pleadings and links to advocacy organizations and materials relevant to this work.

State and Local Implementation of Human Rights

Over the past several years, led by HRI's associate director for the Human Rights in the United States Project, **JoAnn Kamuf Ward**, along with HRI's executive director, **Risa Kaufman**, the Institute has advocated for greater coordination of federal, state and local efforts to promote and protect human rights within the United States. The Institute works directly with state and local actors to raise their awareness of U.S. human rights obligations and to strengthen their capacity to implement human rights locally, while encouraging federal support for such efforts. As part of this work, HRI chairs the Human Rights at Home (HuRAH) Campaign's State and Local Government Subcommittee, which brings state and local agencies and officials together with advocates to develop strategies for integrating human rights into local policy.

Building on its strong partnership with the International Association of Official Human Rights Agencies (IAOHRA), the non-profit umbrella organization of state and local human rights and human relations agencies, and on the Institute's advocacy work surrounding the United States' participation in the United Nations Universal Periodic Review (UPR) process, in August of 2011, HRI published a Toolkit for IAOHRA members. The Toolkit details



Cathy Albisa, Fernando Garcia and Erin Markman



Roundtable on state and local implementation of human rights.



Alice Henkin

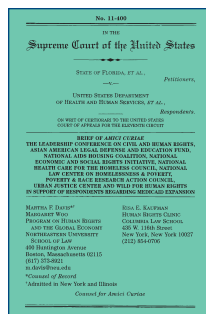
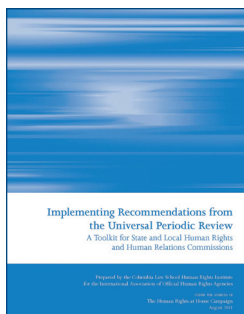


Eric Tars, JoAnn Kamuf Ward and Carly Nyst

how state and local agencies can translate into local policy and practice recommendations made to the United States during the UPR. It addresses issues of employment discrimination, housing discrimination and racial profiling by describing the applicable international standards and UPR recommendations and offering concrete strategies for addressing these issues at the local level.

In an effort to connect state and local officials committed to human rights implementation with emerging community-based human rights advocacy efforts, in April 2012, HRI joined with the National Economic and Social Rights Initiative and the Border Network for Human Rights to convene a roundtable discussion bringing these stakeholders together to explore examples of local human rights initiatives. The outcome of the discussion, along with original research being conducted by HRI, will be distilled in a forthcoming report on state and local human rights implementation.

HRI's efforts in this area are gaining traction. In December 2011, the U.S. State Department highlighted the importance of state and local agencies in its report to the UN Human Rights Committee on United States compliance with the International Covenant on Civil and Political Rights. The U.S. report specifically referenced HRI's 2009 report *State and Local Human Rights Agencies: Recommendations for Advancing Opportunity and Equality through an International Human Rights Framework*.



Promoting Economic, Social and Cultural (ESC) Rights

Spurred by BHRH Network members' growing interest in ESC rights-related issues, HRI partnered with Northeastern University School of Law's Program on Human Rights and the Global Economy, the National Economic and Social Rights Initiative and Human Rights U.S.A., to develop a two-day Institute focusing on framing economic and social rights for mobilization and advocacy. The Institute, held in November 2011 at Northeastern University School of Law, brought together advocates in the BHRH Lawyers' Network working group on ESC rights with academics engaged in sophisticated social movement analysis to think through strategies for moving an ESC rights agenda forward in the United States. In particular, the Institute focused on strategic ways for lawyers to effectively frame ESC rights for both grassroots partners and policymakers.

In an effort to develop domestic advocacy materials focused on ESC rights, this year, HRI filed two *amicus* briefs with the United States Supreme Court highlighting the human rights dimensions of ESC rights-related cases on the Court's docket. Along with Professors Martha Davis and Margaret Woo at Northeastern University School of Law, we submitted an *amicus* brief in *Florida, et al. v. U.S. Dep't of HHS et al.*, arguing in support of the constitutionality of the Medicaid expansion provision of the Patient Protection and Affordable Care Act (ACA). The brief detailed the international community's concerns about racial disparities in U.S. health care, and described the ways in which the United States government has presented the ACA internationally as a response to those concerns.

In *Fisher v. University of Texas*, challenging the University of Texas' race-conscious approach to admissions decisions, HRI, through the Human Rights Clinic, along with Professor Connie de la Vega at University of San Francisco School of Law, and Neil Popovic at Sheppard, Mullin, Richter & Hampton, filed an *amicus* brief arguing that such measures are consistent with the United States' human rights treaty obligations as well as international practice.

Jessica (Gonzales) Lenahan v. United States

In August 2011, the Institute, along with co-counsel at the ACLU women's rights project and the University of Miami Human Rights Clinic (directed by **Carrie Bettinger-Lopez, J.D. '03**), achieved a landmark victory in the Inter-American Human Rights Commission case, *Jessica (Gonzales) Lenahan v. United States*. This was the first case brought by a domestic violence survivor against the United States before an international human rights tribunal. In its decision, the Commission finds the U.S. government responsible for human rights violations for failing in its legal obligation to protect a Colorado woman and her three deceased children from domestic violence. The decision also makes comprehensive recommendations for changes in U.S. law and policy regarding domestic violence. To mark the victory, HRI co-hosted a gathering of advocates and scholars in November 2011 to discuss the ramifications of the case for advocacy on international human rights and domestic violence issues. The conversation addressed how the decision and recommendations might be used in litigation strategy, legislation and policy, organizing and mobilization, family law practice, fatality reviews, and court watches and safety audits. HRI

also honored the petitioner, Jessica Lenahan, at a reception that brought together generations of Columbia Law School students, friends, co-counsel, and others who had worked on her case in celebration of the victory. The Institute continues to urge government officials to implement the Commission's recommendations and to promote public awareness of the decision.

HUMAN RIGHTS IN THE GLOBAL ECONOMY

The Institute works on a range of issues arising out of developments in the global economy. The projects extend from the labor rights of producers in global supply chains to the impacts of large scale land acquisitions and the development of tools in the struggle to combat the "resource curse." The underlying issues include violations of traditional civil and political rights as well as efforts to implement economic and social rights, particularly the rights to food, housing and livelihood. Much of the specific work that HRI is involved in goes beyond traditional human rights advocacy to focus on the intersection of development, markets and human rights.

The Extractive Sector

Over the past decade, under the leadership of faculty co-director Professor **Peter Rosenblum**, HRI has developed a significant niche in research and advocacy aimed at ending the so-called "resource curse." Some of the work focuses on the direct human rights impacts of mining and



Jessica Lenahan and
Carrie Bettinger-Lopez, J.D. '03



Lies Caesens, LL.M. '09 (far right) and human rights clinic students making a presentation at a meeting in the Democratic Republic of Congo.

land-based petroleum development. But most focuses on the billions of dollars invested and generated by the sector in the developing world, with a view toward bolstering democratic engagement and ensuring the accountability of governments and investors.

There are two main avenues of work: one thematic and one focused on a single country. With support from the Revenue Watch Institute, HRI has engaged in multi-country studies of mining deals and their enforcement around the world. This year, Revenue Watch published *Enforcing the Rules: Government and Citizen Oversight of Mining*, the result of a year-long project directed by **Erin Foley Smith, J.D. '10**, that involved field research with Professor Rosenblum and students of the Human Rights Clinic in Peru, South Africa and Zambia. As the report demonstrates, many of the countries experiencing a resource boom are at risk of seeing it dissipate without any lasting contribution to development. The report focuses on the millions of dollars lost to development, the damage to the environment and the harm to workers that result from systematic failure to enforce a range of human rights and other obligations.

The Institute also continues to collaborate with The Carter Center on a long-term study of industrial mining in the Democratic Republic of Congo. Six generations of clinic students have traveled to the DRC to support the work, including **Elisabeth ('Lies') Caesens, LL.M. '09**, who now runs the Carter Center project based in the mining capital of Lubumbashi. This year, with the support of Clinic students, Lies will complete the first comprehensive analysis of the extraordinary ups and downs in the sector since the DRC's democratic elections in 2006.

Tea Plantations

The tea sector is the largest organized sector in India, employing about 3 million workers on plantations that date from colonial rule and have changed little since. After a crisis in producer prices at the beginning of the millennium, many companies pulled out of plantation production. One of the two largest companies, Tata Global Beverages, brought the World Bank's private investment arm, the International Finance Corporation (IFC), into a complicated scheme to spin off its plantations while it concentrated on more profitable retail marketing of brands. Despite commitments to the IFC and others, early reports suggested that flagrant violations of domestic law and basic rights were occurring on those plantations. Following wide consultation with unions and NGOs, the Institute investigated conditions at more than a dozen plantations in Assam and West Bengal, and researched the background of the stock deal supported by the IFC. In the past year, Clinic students traveled twice to the region and to Washington, D.C. with Professor **Peter Rosenblum** and Ashwini Sukthankar, an expert on transnational labor issues and adviser to the project. The Institute's involvement has led to a compliance audit by the Ombudsman of the IFC and to an extended health and safety audit by the company. HRI's case study on the company and the IFC's role will be completed early next year.



Peter Rosenblum



Zoe Hutchinson, LL.M. '12 (far right) meets with tea plantation workers during a research trip to India.



Risa Kaufman



Sami Ershied, Sayoni Maitra, J.D. '13 and Neta Patrick, LL.M. '11 on a research trip to the occupied Palestinian territories.

ADDITIONAL INITIATIVES

Access to Justice

Persons living in poverty face a multitude of barriers in accessing the legal system. These barriers compound the impact of policies that penalize poverty status and perpetuate entrenched social inequality. In an effort to better understand these barriers and develop policy recommendations to address them, HRI, through the Human Rights Clinic and under the supervision of HRI executive director **Risa Kaufman**, teamed up with the UN Special Rapporteur on extreme poverty and human rights, Magdalena Sepulveda Carmona, on a project addressing access to justice by people living in poverty.

In October 2011, the Institute, in partnership with the Special Rapporteur and the National Law Center on Homelessness and Poverty, hosted an experts' convening at the Law School focused on the topic. The convening brought together representatives of international NGOs, UN agencies and academia to brainstorm the complexities and realities which prevent people living in poverty from accessing justice. Building off of the convening, and working with Ms. Sepulveda and her researcher, Carly Nyst, a team of clinic students contributed research to the Special Rapporteur's 2012 thematic report to the UN General Assembly on the topic, providing a human rights analysis of obstacles which prevent people living in poverty from accessing justice, and recommending measures that States should consider taking to meet their human rights obligations.

Housing, Land and Property Rights in the occupied Palestinian territory (oPt)

This year, HRI embarked on a project with an international NGO and local partner organizations in the occupied Palestinian territory (oPt) targeting administrative restrictions on housing in "Area C" of the West Bank and in East Jerusalem—the most significant sites of settlement expansion. Thousands of Palestinian families in these two areas are at risk of eviction and home demolitions due to discriminatory housing, land, and property policies, which severely restrict Palestinian construction while encouraging expansion of Israeli settlement. The collaboration was directed by Institute Fellow, **Neta Patrick, LL.M. '11**, an accomplished Israeli human rights lawyer, working with Professor **Peter Rosenblum** and Human Rights Clinic students. The project sought to develop tools to assist Palestinians facing forced displacement by supporting research on the international human right to adequate housing and its application to the home demolitions in the oPt. The legal research involved complex layering of international humanitarian law, Israeli military law and the local regulations that preceded Israeli occupation. This fall, students in the Clinic traveled to the oPt to meet with NGOs and interview affected families. Based on testimonies collected during the field mission, HRI co-authored two thematic reports to the United Nations Special Rapporteur on the Right to Adequate Housing, timed to coincide with her January 2012 visit to the area. We are currently completing another submission on access to justice in administrative procedures related to housing and land in Area C of the West Bank.



Peter Rosenblum and students on research trip to the occupied Palestinian territories.

Engagement with the European Human Rights System

HRI has been increasingly reaching out to European human rights actors and institutions to promote cross-fertilization of human rights law and advocacy strategies across jurisdictions, work which began with the Institute's transatlantic convening of human rights litigators from the U.S. and European systems in October 2010. In 2010, the Institute also submitted an intervenor brief to the European Court of Human Rights in the case of *Hirsi Jamaa and Others v. Italy*, involving Italy's pushback of migrants fleeing Libya. In February 2012, the Court issued its landmark decision in an opinion that repeatedly cites and discusses the Institute's brief. The Court recognized the human rights abuses suffered by migrants from Somalia and Eritrea who were intercepted by Italian ships. HRI's brief provided Inter-American Commission case law and comparative practice, which the Court used as a benchmark for its analysis of Italy's practices.

To further promote cross-fertilization, in February HRI hosted Michael O'Boyle, the Deputy Registrar of the European Court of Human Rights, to discuss current challenges and reform issues confronting the court, as well as Derek Walton, the leading human rights attorney in the United Kingdom Legal Adviser's Office, who addressed the European Court's recent pathbreaking jurisprudence regarding the extraterritorial application of human rights obligations. Professor **Sarah Cleveland** facilitated a visit of members of the European Court of Human Rights to the U.S. Supreme Court to hear the oral argument in *Kioibel v. Royal Dutch Petroleum*, a case involving the question whether corporations may be sued in the United States for violating international human rights law. She also participated in a day-long dialogue with judges of the European Court and the U.S. Supreme Court in Washington hosted by the U.S. State Department and George Washington Law School.



Sarah Cleveland



Sir Nigel Rodley, LL.M. '65

SELECT EVENTS

Symposia and Continuing Legal Education Trainings

Engaging with UN Human Rights Mechanisms June 4, 2011, New York

This day-long program, co-sponsored by Human Rights Watch, the ACLU, the American Society of International Law, and the United Nations Association of the U.S.A., and hosted by Skadden Arps, explored strategies for U.S. lawyers to effectively engage with UN human rights mechanisms to further domestic social justice advocacy efforts. 150 participants received training in the international human rights system and mechanisms and explored strategies for engagement with civil society and government, and challenges of local implementation and follow-up. The program included a roundtable discussion of the United States' first comprehensive review of its human rights record through the UN Universal Periodic Review Process. Speakers included Gay McDougall, Ted Piccone, Suzanne Nossel, Joey Mogul, and other experts on the UN system and the role of civil society.

International Justice in Practice: Challenges in the Search for Accountability September 26, 2011, New York

Co-sponsored by the Center for Constitutional Rights, this program began with an overview of international human rights and the humanitarian law framework. Speakers included Raji Sourani, Michael Ratner, Peter Weiss, Reed

Brody, Daniel Bethlehem and other experts in the application of international and humanitarian law. Through a series of case studies from Latin America, Africa, the U.S., and Israel, the panelists illustrated the challenges and successes encountered when applying this framework to mass atrocities or serious violations of international law. The program drew an audience of over 120 participants.

The U.S. & The International Covenant on Civil and Political Rights: 20 Years After Ratification March 16, 2012, New York

This symposium, co-sponsored by the ACLU Foundation and the University of Pennsylvania's Transnational Legal Clinic, and hosted by Skadden Arps, marked the 20th anniversary of the United States' ratification of the International Covenant on Civil and Political Rights. As the U.S. government and civil society prepare for the fourth periodic review of the United States' compliance with its obligations under the covenant, this program examined the history and impact of U.S. ratification and engagement with the UN Human Rights Committee, which monitors state compliance with the covenant. Speakers also looked ahead at the possibilities for ensuring greater U.S. compliance with its human rights commitments. Speakers included Michael O'Flaherty, Sir Nigel Rodley, Michael Posner, Philip Alston, Elissa Massimino, Evelyn Aswad, Andrea Ritchie, Jim Ross, Cynthia Soohoo, and other experts on U.S. engagement with the UN Human Rights Committee.



Gay McDougall



Philip Alston and Cynthia Soohoo



Conferences and Workshops

Targeted Killings by the United States: Exploring Strategies for Litigation, Advocacy & Research

June 16–17, 2011, New York

HRI held a closed meeting of human rights litigators, advocates and scholars from the U.S. and abroad to discuss developments in the broader practice of targeted killings with drones, to evaluate recent research and advocacy and to consider next steps.

Experts' Meeting: Identifying the Obstacles to Access to Justice

October 27, 2012, New York

In partnership with the UN Special Rapporteur on Extreme Poverty Magdalena Sepulveda Carmona and the National Law Center on Homelessness and Poverty, HRI hosted an experts' meeting bringing together twenty representatives of international NGOs, UN agencies and academia to brainstorm the complexities and realities which prevent people living in poverty from accessing justice. The discussion contributed to a report that the Special Rapporteur will submit to the UN General Assembly this Fall, outlining the obstacles and steps states should take to meet their human rights obligations.

Framing Economic, Social and Cultural Rights for Advocacy and Mobilization: Towards a Strategic Agenda in the United States

November 3–4, 2011, Boston

This collaborative effort of the ESC rights working group of the BHRH Lawyers' Network, Northeastern University School of Law's Program on Human Rights and the Global Economy, and the National Economic and Social Rights Initiative, brought together the legal advocates in the working group and academics engaged in sophisticated social movement analysis to think through strategies for moving an ESC rights agenda forward in the United States. In particular, the Institute focused on strategic ways for lawyers to effectively frame ESC issues for both grassroots partners and policymakers.

Jessica Lenahan (Gonzales) v. United States: Implementation, Litigation and Mobilization Strategies

November 18, 2011, New York

In August 2011, the Inter-American Commission released its decision in the case of *Jessica Gonzales v. United States*. This meeting was an opportunity for advocates and scholars to discuss the ramifications of the decision for advocacy on international human rights and domestic violence issues, including discussion of implementation strategies and next steps.



Paola Garcia Rey, LL.M. '10, Tiffany Gardner, LL.M. '06, Peter Rosenblum, Chris Albin-Lackey, J.D. '04 and Ramzi Kassem, J.D. '03

Human Rights Alumni Panel & Reception November 18, 2011, New York

A panel of recent alumni discussed their work in the field of human rights and what role the Institute and Clinic played in shaping their careers. Alice Henkin delivered welcome remarks. Following the panel, HRI hosted a reception honoring Jessica Lenahan (Gonzales) and the generations of clinic students who worked on her case over the years (*Gonzales v. United States*).

National Security Detentions in Afghanistan & Pakistan: Advancing Rights & Accountability January 26–28, 2012, Istanbul

This winter, HRI hosted a meeting on security detention in Afghanistan and Pakistan. The participants included a select group of leading lawyers, human rights advocates, journalists, and scholars from Pakistan, Afghanistan, and the international community. During the three-day meeting, participants shared experiences and discussed ways to advance strategies for reliable documentation and effective advocacy in their respective countries, as well as internationally.

Workshop on “Lincoln’s Code: United States and the Law of Armed Conflict” February 21, 2012, New York

In conjunction with the CLS Legal History Workshop, HRI hosted a workshop which brought together legal historians, advocates and academic experts on international humanitarian law to discuss the United States’ historical engagement with the law of armed conflict and contemporary implications.

National Security Prosecutions & Administrative Detention March 9, 2012, New York

This conference brought together more than 30 litigators, scholars and advocates to focus on the interplay between the issues of military commissions and administrative detention, on the one hand, and “homegrown terrorism,” on the other. A uniquely field-wide convening, the conference connected litigators and advocates who work on Guantanamo litigation with those working against unfair prosecutions and law enforcement tactics in U.S. Muslim communities. During the conference, participants considered ways that networks, resources and messaging narratives can support work across the issues.

Roundtable on Implementing Human Rights at the State and Local Level April 27, 2012, New York

HRI, along with the National Economic and Social Rights Initiative and the Border Network for Human Rights, hosted a roundtable with state and local officials and advocates from El Paso, Texas, Seattle, Washington, Eugene, Oregon, Vermont, NYC and elsewhere, to explore examples of local human rights implementation and identify opportunities for collaboration to support existing and new approaches.



Group photo from November reception honoring Jessica Lenahan (center).



Students visit during human rights alumni event.

Teaching Business and Human Rights Workshop

May 4, 2012, New York

The second of two workshops hosted by HRI and the Institute for the Study of Human Rights at Columbia's School of International and Public Affairs, this meeting brought together U.S. and foreign faculty to discuss the emerging field of teaching business and human rights. In this day-long workshop, participants shared teaching strategies, compared regional and inter-disciplinary approaches, and discussed ways that the forum could support faculty in their teaching.

Project on Harmonizing Standards of Armed Conflict Steering Committee Meeting

June 18, 2012, London

This steering committee meeting, organized by HRI, together with the Institute of International and Strategic Studies in London, brought together experts in international humanitarian law (IHL) at Arondel House in London as a first step towards mapping out the Project on Harmonizing Standards of Armed Conflict, including methodology and outcomes. The Steering Committee members will continue to serve as experts and advisors to the Project as it unfolds.

Human Rights Law in Practice: A Joint Summer Program with the University of New South Wales

June 26 - July 5, 2012, New York

The Institute hosted 36 Australian law students as part of a two-week intensive program with the University of New South Wales examining the operation of human rights law in practice in international, regional, and domestic U.S. and Australian contexts. Leading U.S. and international human rights lawyers provided case studies from U.S. courts, regional human rights commissions and the UN system. Students were encouraged to critically reflect on the efficacy of key institutions, actors and strategies to promote and protect human rights at home and abroad.

Rights-Based Collaborations & National Security Prosecutions

July 9-10, 2012, New York

This meeting brought together advocates who work on issues relating to national security prosecutions and administrative detention in the U.S. from a variety of perspectives to identify and map overlapping interests and discuss areas of potential collaboration.



Students Barbara Bijelic, J.D. '12 and Amanda Barnett, J.D. '12 (left) visit a tea plantation in India.



Bringing Human Rights Home Lawyers' Network panel discussion.

BHRH Lawyers' Network Meetings

Our bi-annual **Bringing Human Rights Home Lawyers' Network meetings** each brought approximately 50 Network members together to discuss common challenges, engage in strategic conversation and develop collaborative approaches to issues including UN advocacy, U.S. policy initiatives, U.S. matters before the Inter-American Commission on Human Rights, and pending cases in U.S. courts. In conjunction with our **October 6, 2011, Network meeting**, HRI hosted a roundtable entitled **A Decade of Post-9/11 Litigation & Advocacy**. Participants

included Steven Shapiro, Joanne Mariner and Ramzi Kassem among other lawyers and advocates involved in post-9/11 litigation and advocacy. Participants discussed strategy and framing utilized in work related to detention, targeted killings, torture and law enforcement's focus on Muslim, South Asian and Arab Americans. Prior to the **May 31, 2012, Network meeting**, HRI hosted a small convening to examine anti-human rights initiatives emerging around the country at the state and local level and discuss strategies to counter them.



Risa Kaufman and Sarah Cleveland



Naureen Shah, J.D. '07 and Tarek Ismail, J.D. '11



Djemila Carron, LL.M. '11 and Amanda Bell, J.D. '12

SPEAKER SERIES

September 28, 2011: **"Human Rights & the Rule of Law in China,"** Thomas Kellogg, Advisor to the President and Program Director, Open Society Foundations

October 3, 2011: **"Shifting from Civil Rights to Human Rights in the United States,"** Jamil Dakwar, Director, Human Rights Program, American Civil Liberties Union

October 6, 2011: **"Human Rights and Conflict in Kashmir,"** Meenakshi Ganguly, South Asia Director, Human Rights Watch

October 11, 2011: **"Non Refoulement and Border Controls of Sea Migrants' Flows: Old Problems, New Challenges,"** Andrea Saccucci, leading counsel in Italy for cases before the European Court of Human Rights

October 10, 2011: Daryl Mundis, Chief of Prosecutions at the Special Tribunal for Lebanon and former Senior Trial Attorney at the International Criminal Tribunal for the former Yugoslavia

October 13, 2011: Boris Dittrich, Advocacy Director, LGBTQ Program, Human Rights Watch

October 19, 2011: Rawia Aburabia, Bedouin Rights Program Director, Association for Civil Rights in Israel

October 17, 2011: Suliman Baldo, Director of Africa Program, International Center for Transitional Justice

October 24, 2011: **"Law, Development, and the Extractive Industries,"** Patrick Heller, Legal Advisor, Revenue Watch Institute

October 27, 2011: Magdalena Sepulveda Carmona, U.N. Special Rapporteur on Human Rights and Extreme Poverty

October 27, 2011: **"Struggling for Legal, Civil, and Human Rights: Bedouin Citizens of Israel in the Negev/Naqab,"** featured panelists: Rawia Aburabia, Dr. Thabet Abu Ras, Hanan Alsaneh, and Michael Rotem

November 9, 2011: **"Riding a Tiger: Mugabe & the Control of the Zimbabwean State in 2012,"** Tawanda Mutasah, Director of Programs, Open Society Foundations

November 16, 2011: James Goldston, Executive Director, Open Society Justice Initiative

November 17, 2011: **"The Chicago Police Torture Cases,"** Joey Mogul, Partner, People's Law Office in Chicago

November 21, 2011: **"Access to Justice for Global Migrants,"** Cathleen Caron, Executive Director, Global Workers Justice Alliance

November 30, 2011: **"Occupying Law: Occupy Wall Street, the First Amendment, and the Politics of Speech,"** featured panelists: Donna Lieberman, Nathan Schneider, Jeremy Kessler, Alicia White, and Bill Dobbs

December 1, 2011: **"Occupy Wall Street: The Next Human Rights Movement?"** featured panelists: Jeffrey Sachs, Peter Rosenblum, Elazar Barkan, Bruce Kogut, Dorian Warren, Alicia White, Yesenia Barragan

February 13, 2012: **"Doing Human Rights in Israel and the oPt,"** Bill Van Esveld, Middle East & North Africa Division, Human Rights Watch

February 27, 2012: **"The European Court of Human Rights: Achievements and Future Challenges,"** Michael O'Boyle, Deputy Registrar, European Court of Human Rights

February 29, 2012: **"Labor, Tea and Fair Trade in India,"** Sarah Besky, Ph.D. Candidate, University of Wisconsin-Madison

March 27, 2012: **"Making International Law Under Occupation,"** Emily Schaeffer, Yesh Din

April 3, 2012: **"Budrus" Film Screening** followed by Q&A with director Julie Bacha

PUBLICATIONS



Human Rights Institute, Columbia Law School, “Implementing Recommendations from the Universal Periodic Review: A Toolkit for State and Local Human Rights and Human Relations Commissions” (August 2011).

Risa E. Kaufman and JoAnn Kamuf Ward, *Using Human Rights Mechanisms of the United Nations to Advance Economic Justice*, 45 Clearinghouse Rev. 249 (September–October 2011).

Peter Rosenblum and Olivier de Schutter, *Large Scale Investments in Farm Land: The Regulatory Challenge*, in *The Yearbook on Investment Law and Policy* (Oxford, 2011).

Sarah H. Cleveland, *In Memoriam: Tribute to Louis Henkin*, 49 Colum. J. Transnat’l L. 13 (2011).

Erin Smith and Peter Rosenblum, Revenue Watch Institute, “Enforcing the Rules: Government and Citizen Oversight of Mining” (November 2011).

Sarah H. Cleveland, *A Response to Milanovic*, *Opinio Juris* (December 5, 2011).

University of Miami Human Rights Clinic, Centro de Derechos Humanos de la Universidad Diego Portales, The Center for Reproductive Rights, and Human Rights Institute, Columbia Law School, “Gender Justice in the Americas: A Transnational Dialogue on Violence, Sexuality, Reproduction, and Human Rights: A Post-Conference Report” (January 2012).

Human Rights Institute, Columbia Law School and Leadership Conference on Civil and Human Rights, “The Road to Rights: Establishing a Domestic Human Rights Institution in the United States: a Post-Conference Report from the Global Convening on National Human Rights Commissions” (April 2012).

Martha F. Davis and Risa E. Kaufman, *A Human Rights Lens on the Affordable Care Act*, *Huffington Post* (March 28, 2012).

Peter Rosenblum, *Tainted Origins and Uncertain Outcomes: Evaluating NHRIs*, in *Human Rights, State Compliance, and Social Change: Assessing National Human Rights Institutions* (Ryan Goodman and Thomas Pegrum, eds.) (Cambridge 2012).

Naureen Shah, *Drone Attacks and the Brennan Doctrine*, *The Guardian* (May 2, 2012).

Naureen Shah, *The CIA’s Unchecked Quasi-Military Role*, *Politico* (May 11, 2012).

Risa E. Kaufman, “By Some Other Means”: *Considering the Executive’s Role in Fostering Subnational Human Rights Treaty Compliance*, 33 *Cardozo L. Rev.* 1971 (2012).

Sarah Cleveland, Online Kiobel Symposium: *The Alien Tort Statute and the foreign relations fallacy*, *SCOTUSblog* (July 13, 2012).

Sarah Cleveland, Response: *Plain text, stare decisis, and déjà vu all over again*, *SCOTUSblog*, (July 24, 2012).

Louis Henkin, Sarah H. Cleveland, Laurence R. Helfer, Gerald L. Neuman, & Diane F. Orentlicher, *Human Rights*, 2nd ed. 2009, (August 2012 supplement).

SPOTLIGHT ON ALUMNI

Columbia Law School's human rights alumni are active throughout the human rights movement, both in traditional fields and at the cutting edge. A recent survey identifies alumni at all the major human rights organizations, as well as many smaller, path breaking groups. They are also found in domestic rights activism, academia, government and intergovernmental organizations, and in private sector jobs, where many have been leaders in pro-bono activities.

The nurturing ground for much of this talent has been the Human Rights Clinic, where student work has broken new ground, for example, in connection with combating the resource curse and searching for accountability in the U.S. government's use of drone technology. We know this, in part, from the ways that others cite their work. **Dinah PoKempner, J.D. '89** was struck by a paper on drones, supervised by **Naureen Shah, J.D.'07** and presented by Clinic students to the American Society of International Law. As Dinah said, "The project on U.S. policy on drones was a uniquely valuable contribution to human rights policy on one of the most important issues of the time, pushing the administration to repeatedly clarify the legal basis for controversial actions."

The same holds true for student work on the "resource curse," faced by developing countries in the current resource boom. At a recent expert meeting on natural resource contracts, the Chairman of the National Investment Commission of Liberia called on participants to remember the work of one Columbia student, **Stephen Seymour, J.D. '06**, from six years before that served as the basis for the first successful post-transition renegotiation. Over the past decade, more than a half dozen alumni have built on their work in the Clinic to launch careers combining human rights with issues in the natural resource sector. They are found at the U.S. State Department's new Bureau of Energy Resources, Global Witness, the Vale-Columbia Center on Sustainable International Investment, the Office of the President of Liberia, Human

Rights Watch, The Carter Center and EG Justice. Two of those are among the alumni featured below.



Tutu Alicante, LL.M. '05, came to Columbia after working for several years as a migrant rights lawyer in Tennessee. He was born in Equatorial Guinea, a country whose colonial legacy—it is the only former Spanish colony in sub-Saharan

Africa—and location led to isolation and poverty for most of its history. The discovery of oil by U.S. companies in the 1990s has made it the richest country per capita on the continent today, but the political elite have benefited disproportionately. Massive oil reserves enabled the president of Equatorial Guinea to strengthen his grip on power by suppressing the opposition and misappropriating fortunes for himself and his family. Tutu came to Columbia to learn how to confront the challenges posed by corruption, human rights abuses, and disregard for the rule of law in his home country. After consulting with international human rights and anticorruption organizations, Tutu obtained a prestigious Echoing Green Fellowship in 2007 to launch EG Justice—a nonprofit organization exclusively devoted to pressing for reforms in Equatorial Guinea. The organization has flourished, effectively partnering with established international organizations and local partners to advance justice, human dignity, and respect for the rule of law.



Elisabeth ('Lies') Caesens, LL.M. '09, runs the mining governance project for The Carter Center based in Democratic Republic of Congo—a project that she developed out of work at the Clinic.

When the DRC emerged from years of war, mineral resources provided the single largest source of potential revenue for rebuilding the country. The Human Rights Clinic and Institute teamed up with The Carter Center after elections in 2006 to scrutinize mining contracts, reaching out to both government and civil society. Lies, who is Belgian and came to Columbia Law School

with a desire to pursue the project, took up the work as a student and helped to advance it to new levels. She pursued it after graduation, until funding made it possible for her to re-locate to Lubumbashi, the mining capital. The project seeks to provide local activists with the tools to understand the underlying dynamics of the resource curse in their country and to identify areas where they can advocate for better governance in the sector. With a network of Congolese activists and subsequent teams of Clinic students, Lies has made the project into the most respected source on industrial mining outside of the industry. The website that she has created and reports that she is overseeing set a new level for sophisticated access to information. Eventually, the aim is to mitigate harmful impacts of mining at the local level and increase its contribution to both the local communities and the national treasury.



While in law school, **Suzannah Phillips, J.D. '08**, seemed to double as a full time, international public interest lawyer. She was editor-in-chief of the Spanish version of the Jail House Lawyers Manual and traveled for the Clinic to Africa and

Latin America for projects as diverse as the Clinic offered. As a teaching assistant in her third year, she provided an anchor for the Clinic's work on behalf of Dominicans of Haitian origin and litigation on behalf of Jessica (Gonzalez) Lenahan before the Inter-American Commission. Suzannah came to school with a passion for women's rights and built that into a two-year fellowship upon graduation. The fellowship linked a year in Chile, where she worked at Viva Positivo on discrimination against women with HIV, to a second year with the Center for Reproductive Rights (CRR) in New York. She stayed on at CRR to work on international advocacy at the UN and other fora. This year, Suzannah begins a two-year fellowship at the International Women's Human Rights Clinic at CUNY Law School, where she will work with Cynthia Soohoo, the former director of HRI's earlier Bringing Human Rights Home Project.



Priyanka Motaparthy, J.D. '09, participated in the Human Rights Clinic during her second year, and was a teaching assistant during her third. She started at Human Rights Watch in September 2009 as a Leonard H. Sandler fellow in

the Women's Rights and Middle East divisions. Priyanka spent her fellowship year researching the conditions of migrant domestic workers in Kuwait, as well as freedom of expression issues and violations of stateless peoples' rights in the country. She then continued research on migrant workers' rights, interviewing migrant construction workers on Saadiyat Island, in the United Arab Emirates and in various labor camps and construction sites in Qatar, which will recruit huge numbers of additional workers prior to hosting the 2022 World Cup. Priyanka traveled throughout the Middle East to cover human rights abuses linked to the Arab Spring as protests broke out across the region. Since February 2011, she has been in Egypt, where she documented the military's arrest and torture of dozens of protestors, and spotlighted how the military sentenced children before unjust military courts. She investigated widespread arrests and torture of children in Syria, spurring international observers to recognize and condemn this practice. In Yemen, she investigated armed groups' occupation and use of schools, and succeeded in getting both government and opposition commanders to remove their troops from elementary and high schools in Sana'a. Priyanka is currently the Children's Rights Division Middle East researcher and is based between Cairo and New York.

FACULTY AND STAFF



Professor Sarah Cleveland, the Louis Henkin Professor of Human and Constitutional Rights, and faculty co-director of the Institute, returned to Columbia in the fall of 2011 after spending two years as Counselor on International Law to

the Legal Adviser at the U.S. Department of State, where she helped to supervise the State Department's human rights, law of war, and international justice work. She continues to pursue her interests in the domestic application of human rights law and the intersection of human rights, constitutional law, and international humanitarian law. In the spring of 2012, she launched HRI's Project on Harmonizing Standards in Armed Conflict with Sir Daniel Bethlehem, former Legal Adviser to the UK Foreign & Commonwealth Office.

Professor Cleveland is the U.S. Observer Member to the Venice Commission of the Council of Europe, the Council of Europe's expert advisory group on fundamental rights compliance, which provides expert advice on law reform to countries in Europe, North Africa, and Latin America, among others. She was appointed in the fall of 2011 to the Secretary of State's Advisory Committee on International Law, and she is serving as co-chair of the American Law Institute's Project on the Restatement (Third) of the Foreign Relations Law of the United States.

During the spring of 2012, she served as a Scholar in Residence at the European University Institute in Florence, Italy, and she was invited to participate as an expert member of the U.S. delegation in the U.S.-China Legal Experts Dialogue in Beijing, China, a dialogue among members of the U.S. and Chinese governments and prominent members of both legal communities on pressing rule of law questions facing both countries. She presented at the dialogue on the subject of counterterrorism and human rights. She also once again served as an instructor on international human rights law at a three-day seminar for state judges hosted by the Aspen Institute.

In the spring of 2012, Cleveland was invited by the UK Parliament's Joint Committee on Human Rights to submit expert written evidence regarding the U.S. state secrets doctrine for consideration by Parliament in evaluating proposed reforms to the UK system for adjudicating classified information in civil cases. See House of Lords House of Commons Joint Committee on Human Rights, *Report on The Justice and Security Green Paper*, HL Paper 286 HC 1777 (24th Report of Session 2010-12) List of Written Evidence, JS-29 (April 2012). She presented a paper on "Here and There: Extraterritorial Protection of Rights" at a closed conversation on "Judicial Process and the Protection of Rights" between judges of the European Court of Human Rights and justices of the U.S. Supreme Court, co-hosted in Washington, D.C. by the U.S. Department of State and George Washington Law School. In 2011 she was an invited participant in an *Opinio Juris* symposium on extraterritorial application of human rights treaties, and in 2012 she was an invited participant in a SCOTUSblog symposium on the human rights case of *Kiobel v. Royal Dutch Petroleum*, currently pending before the U.S. Supreme Court. She also published *In Memoriam: Tribute to Louis Henkin*, 49 Colum. J. Transnat'l L. 13 (2011). She participated in numerous other programs relating to, *inter alia*, U.S. national security practices and international human rights compliance.



Professor Peter Rosenblum, Lief Cabraser Clinical Professor in Human Rights and faculty co-director for the Institute, pursued longstanding interests related to the evolution of the human rights movement and particular projects

on human rights in the global economy, specifically issues of natural resource extraction and large scale agriculture. He published chapters on national human rights institutions and large scale investments in land: *Tainted Origins and Uncertain Outcomes: Evaluating NHRIs*, in *Human Rights, State Compliance, and Social Change: Assessing National*

Human Rights Institutions (Ryan Goodman and Thomas Pogram, eds.) (Cambridge 2012); and *Large Scale Investments in Farm Land: The Regulatory Challenge*, in *The Yearbook on Investment Law and Policy* (Oxford, 2011) (with Olivier De Schutter). Professor Rosenblum delivered a keynote address on “Rethinking Human Rights through Competing Historical Narratives,” at a human rights conference at Franklin College, Lugano, Switzerland and a Tedx talk on Combating the Resource Curse at the University of Toronto. He spoke at the inauguration of the Tamar Golan Center for African Studies at Ben Gurion University in Israel.

In connection with his work on natural resources, Professor Rosenblum participated on a launch panel for the report *Enforcing the Rules: Government and Citizen Oversight of Mining*, and served as one of two international experts at an inaugural workshop for the Committee tasked to review and renegotiate mining contracts in the Republic of Guinea (Conakry). In connection with projects of the Human Rights Clinic and Institute, he led field research and advocacy teams to India to research conditions on tea plantations, to the occupied Palestinian territory in connection with housing rights, and to South Africa and Peru, for research on accountability in the mining sector.

Professor Rosenblum continues to serve as a member of the Africa Advisory Committee for Human Rights Watch and a board member of EG Justice, an NGO founded by Law School alum, Tutu Alicante, to challenge the repressive, oil rich government of Equatorial Guinea. He has been a member of Columbia University’s Advisory Committee on Socially Responsible Investment and is a non-resident fellow of the Enough Project of the Center for American Progress. Next year, he will be teaching at Bard College as Professor of International Law and Human Rights.



Risa E. Kaufman, executive director of the Human Rights Institute and a lecturer-in-law, deepened the Institute’s work on state and local human rights implementation and economic, social and cultural (ESC) rights. Her publications this

year on these issues include “*By Some Other Means*”: *Considering the Executive’s Role in Fostering Subnational Human Rights Treaty Compliance*, 33 *Cardozo L. Rev.* 1971 (2012), which explores the appropriate role of the federal government, and particularly the role of the Executive branch, in facilitating and supporting state and local human rights implementation; *Framing Economic, Social and Cultural Rights at the U.N.*, 4 *Northeastern U. L. J.* (forthcoming 2012), discussing U.S. advocates’ use of UN mechanisms to push forward an economic, social and cultural (ESC) rights agenda, notwithstanding the U.S.’s failure to ratify core ESC related treaties; and *Engaging U.N. Mechanisms to Advance Economic Justice Advocacy*, 44 *Clearinghouse Rev.* (Sept.-Oct. 2011) (with JoAnn Kamuf Ward).

With Professors Martha F. Davis and Margaret Woo at Northeastern University School of Law, she submitted an *amicus* brief to the U.S. Supreme Court in *Florida, et al. v. U.S. Dep’t of HHS et al.*, arguing in support of the constitutionality of the Medicaid expansion provision of the Patient Protection and Affordable Care Act and co-authored an *amicus* brief in *Fisher v. University of Texas*, with Connie de la Vega at University of San Francisco School of Law, urging the Court to consider the University of Texas’ race conscious admissions program in light of the United States’ international human rights commitments.

As part of HRI’s work on state and local human rights implementation, Risa frequently presented on the ways in which state and local human rights and human relations commissions and other state and local officials can incorporate an international human rights framework to advance human rights accountability at the local level. She co-led workshops at the U.S. Human Rights Network’s 2011 national conference and membership meeting and U.S. Human Rights Fund’s 2011 Convening, and spoke at a plenary session of the 2011 annual conference of the International Association of Official Human Rights Agencies (IAOHRA), in Austin, Texas. She also facilitated the opening plenary session of the Bringing Human Rights Home (BHRH) Lawyers’ Network’s Institute on framing economic, social and cultural rights.

Risa continued to lead the Institute's ever-growing Bringing Human Rights Home Lawyers' Network and this year supervised a team of Human Rights Clinic students working with the UN Special Rapporteur on extreme poverty and human rights, Magdalena Sepulveda Carmona, to address the topic of access to justice for persons living in poverty. She serves on the steering committee of the Human Rights at Home (HuRAH) Campaign and the advisory board of American University, Washington College of Law's Center for Human Rights and Humanitarian Law's Local Human Rights Lawyering Project.



Naureen Shah, associate director of the Institute's Counterterrorism and Human Rights Project and a lecturer-in-law, continues to investigate and report on developments regarding detention, lethal targeting with drone technology and related issues. In January 2012, Naureen met with lawyers and activists in Kabul to collect information about patterns of arbitrary detention and torture in U.S. and Afghan detention. In Istanbul, Naureen led a three-day international conference on detention, torture and disappearances in Afghanistan and Pakistan. The conference, which included approximately forty leading lawyers, human rights experts, activists and journalists, promoted strategic planning for effective litigation and reporting on human rights abuses arising from detention on national security grounds.

Naureen continued research on U.S. policy regarding drone strikes. In December 2012, she and several students traveled to the Naval War College in Newport, Rhode Island. They met with military scholars and serving officers recently returned from Afghanistan and Iraq, and discussed U.S. targeting processes and steps to reduce civilian harm.

As a co-producer on the radio program Asia Pacific Forum on WBAI 99.5 FM New York, Naureen regularly interviews guests and reports on U.S. foreign policy, war and political developments in several Asian countries and cultural representations of Asia and Asian American identity. This year, Naureen also published op-eds on U.S. counterter-

rorism policy in Politico (*The CIA's Unchecked Quasi-Military Role*, May 11, 2012) and The Guardian (*Drone Attacks and the Brennan Doctrine*, May 2, 1012).



JoAnn Kamuf Ward, associate director of the Institute's Human Rights in the United States Project and a lecturer-in-law, plays a leadership role in the Human Rights at Home Campaign's efforts to build human rights into the way government operates, working to build the capacity of state and local agencies and officials to use human rights. With NESRI and the Border Network for Human Rights, she coordinated and participated in a roundtable bringing together advocates and government representatives from across the United States to explore the benefits and challenges of integrating human rights into local governance. JoAnn also facilitated a training on state and local level human rights implementation at the annual Urban Justice Center's Human Rights Institute in March and presented on local human rights implementation at the 2012 annual IAOHRA conference in New Orleans, Louisiana.

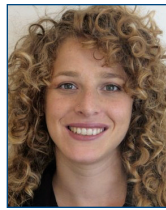
JoAnn continues to undertake comparative research to inform recommendations for human rights implementation within the United States. Her research on the role of national human rights institutions culminated in the publication this year of *The Road to Rights: Establishing a Domestic Human Rights Institution in the United States*. Published jointly by HRI and the Leadership Conference on Civil and Human Rights, the report builds off of HRI's 2010 global convening on national human rights institutions (NHRIs) and serves as a roadmap for creating a NHRI in the U.S. She also published *Engaging U.N. Mechanisms to Advance Economic Justice Advocacy*, 44 Clearinghouse Rev. (Sept.-Oct. 2011) (with Risa Kaufman).

As part of HRI's ongoing efforts to facilitate engagement with regional mechanisms, JoAnn co-coordinates the Bringing Human Rights Home Lawyers' Network Inter-American Working Group, which held its third annual meetings with both the State Department and the Inter-American Commission (IACHR) in November,

focusing on ways to improve the efficacy and impact of U.S. engagement with the Inter-American System. On behalf of the Institute, JoAnn serves as co-counsel with the ACLU and the ACLU's Juvenile Life Without Parole Initiative in a case before the Inter-American Commission on Human Rights challenging the sentence of Juvenile Life Without Parole, which is proceeding to the merits state this year. She also works to implement the Commission's decision in the Jessica Lenahan (Gonzalez) case, to ensure that the right to be free from domestic violence is fulfilled by federal, state and local authorities in the United States.



Tarek Z. Ismail, HRI's Counterterrorism & Human Rights Fellow, focuses on documenting civil and human rights abuses in domestic counterterrorism prosecutions. This past year, he supervised a clinic project aimed at systematically cataloguing abuses in such cases since September 11, 2001. Tarek recently partnered with Human Rights Watch to produce a full-length report on these issues, to be published in early 2013. With the support of the Open Society Foundations, Tarek also organized and convened strategic meetings of leading litigators, advocates, and community leaders concerned with rights abuses in counterterrorism prosecutions.



Neta Patrick, HRI Fellow, focused her work this past year on housing, land and property rights under international law. Leading a project that dealt with forced evictions and displacement in the occupied Palestinian territory (oPt), Neta

approached the issue from both a human rights and a humanitarian law perspective. Together with a team of Human Rights Clinic students, Neta engaged in a research mission to the oPt and met with stakeholders and local partners. Following the mission, two thematic reports were submitted to the United Nations Special Procedures based on testimonies collected on the ground. Neta also wrote a report on the issue of Access to Justice in the context of administrative military tribunals that deal with land rights in the oPt.



Greta Moseson, the Institute's program coordinator, assisted with the planning of the Institute's three symposia, numerous conferences and workshops, and a robust speaker series of human rights practitioners for Columbia students. This

spring, Greta oversaw a re-launch of U.S. Human Rights Online, an online library of sample litigation and non-litigation advocacy materials on the domestic application of human rights law which serves as a resource for the BHRH Lawyers' Network. Greta continued to serve as the main point of contact and communications for the Institute as well as provide support to Institute faculty and staff.

For more information about the Human Rights Institute, contact us at:

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