

Fall 2016 Newsletter

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Prof. Arimond and CIHR students meet with partners in Bogota

Righting Wrongs on Behalf of the LGBTI Community, Children Incarcerated for Status Offenses, and Colombian Campesinos sent to Eradicate Coca in Areas Contaminated by Landmines

Within recent months the CIHR and Northwestern students have vigorously championed before international human rights fora the entitlement of the LGBTI community to the rights guaranteed in international human rights treaties, the rights of Jamaican children incarcerated without due process for being deemed “beyond parental control,” and the rights of Colombian campesinos, victimized by a

government coca eradication program, to life, personal security, and reparations.

Led by CIHR Clinical Professor Bridget Arimond, students participating in her international Human Rights Advocacy Clinic pursued advocacy efforts on behalf of the LGBTI community before human rights treaty bodies charged with promoting and monitoring compliance with international human right treaties, with a particular focus on the countries of Ghana, Kazakhstan, the Dominican Republic, Sri Lanka and Jamaica. Working with local NGO partners in these countries, CIHR prepared reports that carefully documented human rights violations based on sexual orientation and gender identity and submitted these reports to international human rights bodies.

The reports on Ghana and Kazakhstan were submitted to the UN Human Rights Committee in anticipation of its June 2016 review of countries’ compliance with the International Covenant on Civil and Political Rights. One of the Clinic students who worked on these reports, Alessia Cipiti, was able to attend the Committee meetings in Geneva, where she worked closely with the CIHR’S NGO partner, a leading Ghanaian NGO. In this latter regard, Alessia assisted the Ghanaian NGO representative in drafting his oral statement to the Committee, and joined him in attending the formal and informal NGO briefing sessions held by the Committee. The reports submitted regarding Ghana (and Kazakhstan), the long hours’ attendance at Committee meetings and the interactions with other NGOs made a valued contribution to the proceedings, as evidenced by praise from the representative of the Ghana NGO who wrote of his belief that the work of Alessia and her NU colleagues offered “vital support to thousands of people...who could not come out to defend themselves” and that it “will make a positive

impact in the LGBT history of Ghana.” Alessia summed up her experience by observing that the opportunity to play a first-hand role in an international legal setting to address an injustice to members of the LGBT community was “a truly formative and rewarding experience.”

On another front, at the end of August, 2016, CIHR Clinic reports, prepared under the direction of Professor Arimond, on the Dominican Republic and Sri Lanka were filed with the UN Committee on Economic, Social and Cultural Rights. Each of these reports documented extensive violations of economic, social and cultural rights based on sexual orientation and gender identity. Professor Arimond joined the Executive Director of CIHR’s Sri Lankan NGO partner in attending the Committee’s October session in Geneva, where they presented their report and briefed the Committee on the situation in Sri Lanka.

Finally, in anticipation of the UN Human Rights Committee’s October 2016 review of Jamaica and Colombia, Prof. Arimond and her students filed two reports on Jamaica (one addressing human rights violations based on sexual orientation and gender identity and the other concerning the incarceration, without due process, of children deemed “beyond parental control”) and one on Colombia. Our Colombia report, prepared in collaboration with the Colombian affiliate of the International Campaign to Ban Landmines, challenged Colombia’s use of civilians to manually eradicate coca plants in remote areas of the country where illegal armed groups protect the illicit crops with landmines and armed attacks, resulting in horrific loss of life and grave physical injury to hundreds of innocent persons living and working in the affected areas. Our investigation disclosed that Colombia compounded its rights violations by failing to provide adequate health care to the injured and adequate compensation or pensions to the injured and the widows and children of those who had been killed while working in this program. To obtain information for this report, Prof. Arimond, CIHR Clinic alumnus Juan Pablo Calderon Meza, and Clinic students Montserrat Peniche Hijuelos, Flavio Aurelio Wandeck Filho, and Ana Sophia Merlo traveled to various cities in Colombia to meet with victims in February 2016. This October, Prof. Arimond and her Fall Semester Clinic students (Tomisha Stanford, Yewande Gilbert, Marissa Fenn

and Samanta Suheen) traveled to Geneva to participate in the Human Rights Committee’s reviews of Jamaica and Colombia.

Fighting International Corruption

Public corruption is a major impediment to the enjoyment of the benefits promised under international legal instruments to freely pursue political, economic and social development. The CIHR is assuming a leadership role in eradicating this pervasive global trend.



Prof. Sorensen speaks at UNCAC conference in St. Petersburg, Russia

CIHR Professor Juliet Sorensen, drawing on her experience as a federal prosecutor and her extensive academic research and study, has been a champion in the fight against ingrained corruption at all levels of government globally.

Professor Sorensen led a delegation to the Conference of States Parties to the United Nations Convention against Corruption in St. Petersburg, Russia in November 2015 where she chaired a panel on Corruption in an Era of Climate Change. CIHR students Cassandra Myers (JD '16) and Michelle Kennedy (JD '16) blogged about the conference for the American Bar Association and [FCPA Professor](#) website. In November, Professor Sorensen will be presenting on the same theme at the COP 22 in Marrakesh, Morocco and her new casebook, [Public Corruption and the Law: Cases and Materials](#), co-authored by Professor David Hoffman of the University of Chicago Law School, will be published.

Working to Curb Impunity for Atrocity Crimes

One of the scourges of modern times has been the capacity for major perpetrators of the “most serious crimes of concern to the international community as a whole” to escape full accountability for their grievous wrongdoing. The CIHR has been in the vanguard of the fight to end impunity for these major malefactors.



Sen. Dick Durbin announces atrocity crimes legislation initiative at the Law School, joined by Profs. Scheffer and Sorensen

Professor David Scheffer, in collaboration with Professor Juliet Sorensen, has played a prominent role in seeking to curb immunity for the perpetrators of atrocities. Since early 2015 he has chaired the American Bar Association Working Group on Crimes Against Humanity, the purpose of which is to advance legislation before the U.S. Congress that would incorporate crimes against humanity into the federal criminal code and help ensure that the United States is no longer a safe haven for those who have perpetrated these atrocity crimes anywhere in the world.

Professors Scheffer and Sorensen have worked closely with the ABA’s Center for Human Rights in meetings on Capitol Hill, in the Executive Branch, and with faith-based and other civil society groups in Washington to enhance understanding of the issues at stake and to explore legislative options. Northwestern Law students, including Pritzker Library Fellows, have contributed research to this CIHR project and the law firm of Kirkland & Ellis, including Northwestern Law alumni Amanda Leese

(JD ’13), has been an invaluable pro bono partner along with K&L Gates LLP in Boston.

UN Consultative Status: An Opportunity for Student Involvement

This privileged status offers NU students a unique opportunity to work directly, under the supervision of CIHR faculty, before UN entities around the world to aid that organization in advancing the rule of law and international human rights.

The CIHR, after a protracted application process, was granted by the United Nations a special consultative status with the United Nations Economic and Social Council. The status, which is administered by Clinical Associate Professor Stephen Sawyer, provides CIHR faculty and Northwestern law students with privileged access to UN entities across the entire range of UN operations worldwide. This access, which is available through no other elite law school in the United States, affords an extraordinary opportunity for CIHR faculty and students to contribute, through both oral and written statements, to the achievement of the vital work of the UN.



CIHR student observers at UN human rights meetings in Geneva

During the past academic year and in prior years, CIHR faculty have taken advantage of the status to offer students opportunities in a wide variety of UN settings in this country and abroad. This activity has extended to interactions with numerous and diverse United Nations entities, including the Human Rights Council, the Human Rights Committee of the

International Covenant on Civil and Political Rights, the Committee on the Elimination of Discrimination against Women, the Conference of States Parties to the UN Convention Against Corruption, the Open Working Group on Sustainable Development Goals, and the UN Global Compact on Business and Human Rights and to UN-related activities described elsewhere in this Newsletter.

In support of the maintenance of our ECOSOC consultative status and pursuant to UN rules, we recently prepared and submitted a quadrennial report that detailed the reach and breadth of the work of the CIHR in supporting worldwide the rule of law and human rights.

Student and Alumni Accomplishments

In the past year CIHR students and alums have distinguished themselves by their dedication to advancing human rights around the world. Among the many examples of such activity, we offer here a representative sampling.

Najd Almuhaythif (IHR LLM '15), was the 2015-16 recipient of the Michael and Mary Schuette Global Fellowship for Health and Human Rights. Najd worked in Amman, Jordan on projects of the Near



East Foundation (NEF) during her fellowship year. Her work addressed reducing refugee vulnerability, promoting women's rights and equality, and coordinating college scholarship opportunities for refugee youth.

Following her fellowship, Najd secured a job with the legal aid organization Arab Renaissance for Development and Democracy as a project manager for their Gender Justice Projects in the Middle East and North Africa.

Afridal Darmi (IHR LLM '05) has been selected by Aceh's House of Representatives as a Commissioner for the Aceh Truth and Reconciliation Commission (TRC). The TRC will work to investigate the 30 years of human rights violations that took place in the province of Aceh, Indonesia beginning in

1976. He expects that the TRC may collaborate with CIHR on their work.

Since graduating from our International Human Rights LLM program, Afridal has been practicing law with the Legal Aid Institute in Aceh.



Alice Murgier (IHR LLM '16)

Upon graduation, Alice was selected for an internship with our Cambodia Tribunal Monitor (CTM) Project in Phnom Penh. In addition to producing detailed daily reports on the testimony at the Extraordinary Chambers in the Courts of Cambodia (ECCC) for publication on the CTM website, Alice researched and wrote a report for the Documentation Center of Cambodia on theft of cultural property in Cambodia during the post-Khmer Rouge period.



Alice was also selected as the 2016-17 recipient of the Michael and Mary Schuette Global Fellowship for Health and Human Rights. She is working at UNHCR headquarters in Geneva, Switzerland, during her fellowship year.

Peter Pizano (IHR JD/LLM), **Julia Waterhous** (IHR JD/LLM), & **Montserrat Peniche Hijuelos** (IHR LLM '16)

In spring 2016, Northwestern Pritzker School of Law and CIHR fielded our first team at the Inter-American Human Rights Moot Court Competition in Washington D.C. Two of our international human rights JD/LLM joint-degree students, Peter Pizano



and Julia Waterhous, competed through two rounds of the competition while a graduating LLM joint degree student, Montserrat Peniche Hijuelos, coached the team.

Ongoing Student Opportunities

In an effort to provide employment opportunities to NU students in the field of public international law, the CIHR has endeavored to play a facilitating role.

International Externships - Directed by Professor Scheffer, the International Externship program has enabled Northwestern Law students since 2007 to spend a term with one of over 32 institutions engaged with human rights, international justice, or other international law objectives. Students typically work directly with prosecutors, defense counsel, judges, U.N. lawyers, or NGO counsel in these fields of practice.

During the spring of 2016, four Northwestern Law students were enrolled in International Externships: Amanda Koons (Center for Constitutional Rights, New York City), Kimberly-Claire Seymour and Miranda Wargo (International Criminal Tribunal for the former Yugoslavia, The Hague), and Melody Dernocoeur (Special Tribunal for Lebanon, The Hague). Koons, Seymour, and Dernocoeur graduated in May 2016 with their joint IHR-JD/LLM degrees. Wargo graduated at the same time with her JD degree. Last summer Jessica Levy (JD candidate) held an International Externship at the Codification Division of the U.N. Office of Legal Affairs in New York City. During Fall 2016 two Northwestern Law students, Sothie Keo (IHR-JD/LLM candidate) and Farzeen Tariq (JD candidate), have International Externships clerking for judges of the International Criminal Court, The Hague.

Selected Publications

Supplementing the work of the CIHR in our teaching, clinical work and other human rights advocacy, CIHR faculty have expanded understanding and knowledge in our field through the written word. Set forth below are some of the recent publications of CIHR Director David Scheffer.

In addition to his publications on business and human rights this year, Professor Scheffer published the following articles, book chapters, and filed two *amicus curiae* briefs with federal courts so far in 2016, all of which engaged many Northwestern Law students with research opportunities at CIHR:

How to Move Beyond South Africa's Notice of Withdrawal from the ICC, Just Security, Oct. 24, 2016, at <https://www.justsecurity.org/33778/move-south-africas-notice-withdrawal-icc>.

Nuremberg's lesson 70 years later: Evil isn't just immoral, it's illegal, Los Angeles Times, Sept. 30, 2016, at <http://www.latimes.com/opinion/op-ed/la-oe-scheffer-nuremberg-70-years-20160930-snap-story.html>.

The Creation of the Tribunals, 110 AM. J. INT'L L. 173 (2016) (with Michael J. Matheson).

Maximizing Opportunities to Deter Further Atrocity Crimes, CONTEMPORARY ISSUES FACING THE INTERNATIONAL CRIMINAL COURT (RICHARD H. STEINBERG, ED.) 220 (2016).

Justice Delayed, Not Denied, in Bosnia, Project Syndicate, Mar. 25, 2016, at <https://www.project-syndicate.org/commentary/radovan-karadzic-convicted-by-david-scheffer-2016-03>.

Brief of Ambassador David J. Scheffer, Northwestern Pritzker School of Law, as Amicus Curiae in Support of the Petitioners, *Lungislie Ntsebeza v. Ford Motor Co.*, 796 F.3d 160 (2d Cir. 2015), *petition for cert. filed*, (No. 15-1020).

Reflections on Contemporary Responses to Atrocity Crimes, in 10 GENOCIDE STUDIES INTERNATIONAL 1, 105 (Spring 2016).

The Complex Crime of Aggression under the Rome Statute (Chapter 31), *The United States and the International Criminal Court* (Chapter 50), *A Review of the Experiences of the Pre-Trial and Appeals Chambers of the International Criminal Court Regarding the Disclosure of Evidence* (Chapter 58), in INTERNATIONAL CRIMINAL LAW (ANTONIO CASSESE, FLORIAN JEßBERGER, ROBERT CRYER, & URMILA DÉ, EDS.) (2016).

The United Nations Security Council and international criminal justice, in CAMBRIDGE COMPANION TO INTERNATIONAL CRIMINAL LAW (WILLIAM SCHABAS, ED.) 178 (2016).

Is violence necessary to topple a dictator? Foreign Policy, January/February 2016, 30 (with Erica Chenoweth).

Amicus Curiae Brief of Former U.S. Ambassador-At-Large for War Crimes Issues David J. Scheffer in Support of Appellants and Reversal, Doe et al. v. Cisco Systems, Inc. et al., No. 15-16909 (9th Cir., Jan. 11, 2016).

Providing Health Care Access to Vulnerable Peoples

CIHR's [Access to Health Project \(ATH\)](#), directed by Professor Juliet Sorensen, engages students in working to assist communities around the world as they seek to improve their health and access to healthcare.

In fall 2015, CIHR's Schuette Clinical Fellow in Health and Human Rights, Anna Maitland, and two students conducted a survey of health organizations in Guaymate, the Dominican Republic. This information was compiled and analyzed by Northwestern students and returned to local organizations for use in a capacity building initiative.

This year, utilizing the interdisciplinary skills of law students, medical students, and business students ATH provided consultative materials on basic health barriers to partner communities in Lagos, Nigeria. In May an interdisciplinary ATH team led by Professor Sorensen, and including 6 students, among them JD candidates Mmachukwu Afoaku, Gergana Peeva, and Farzeen Tariq, traveled to Lagos to conduct a health needs assessment. In response to that health needs assessment, which found a real need and desire for health education, ATH returned with Northwestern Infectious Disease Doctor Shannon Galvin to conduct the first Health Educator Training in October. More on the [work in Lagos](#).



Also in 2016, Northwestern LLM Student Alice Murgier ('16) accompanied the ATH interdisciplinary team to Bamako, Mali to support the ongoing work of local advocates to address female genital mutilation (FGM). After a 1-day

forum for anti-FGM advocates to come together from across Mali to discuss best practices and next steps, the first French-language newsletter for anti-FGM/C advocates in Mali was developed by a team of Malian youth advocates with the support of ATH. This regular post will be shared with a listserv of local advocates across Mali to facilitate shared best-

practices, new approaches, and successes across hard to reach areas.

In June, ATH began a weekly Global Health and the Law news update, looking at prominent trends and issues in global health as well as in specific areas or countries where ATH engages. For weekly updates, please contact [Anna Maitland](#).

ATH will continue its engagements in Mali and Nigeria this year, while expanding its reach to work with the Syrian refugee population in Lebanon in 2017.

Promoting the Rule of Law in Georgia

Professor Arimond was invited to participate as an international expert in the Constitutional Court of Georgia's 2016 Summer School on Constitutional and Human Rights Law. This competitive-entry program brought together Bachelor's and Master's students and recent law graduates from law schools throughout the Republic of Georgia for an eleven-day intensive study of Georgian Constitutional standards and international norms relating to judicial review, criminal procedure, and freedom of expression and religion. Classes were taught by Georgian experts, including Judges of the Constitutional Court of Georgia, and by international faculty from the United States and the United Kingdom.

Professor Arimond and a Georgian colleague, Professor Tamar Gurchiani, Associate Professor and Human Rights Chair, Ilia State University School of Law, jointly taught six class sessions on freedom of religion and freedom of expression. "The students in



this program were exceptional,” said Prof. Arimond. “They were well prepared and very engaged throughout each of the six class sessions. As a new democracy, Georgia is in a transitional period. These students’ evident commitment to freedom of speech and religion bodes very well for the future of the country.” Professor Arimond’s July 2016 trip to Georgia was her third visit to that country as part of CIHR’s collaboration with the East-West Management Institute’s USAID-funded Promoting Rule of Law in Georgia (PROLoG) project. CIHR’s role in this five-year (2015-2019) project is to support PROLoG’s work advancing human right education for Georgian judges, lawyers and law students. During earlier trips (in September 2015 and February 2016), Prof. Arimond met with representatives of the judiciary, the organized Bar, academics, NGOs and law students, and has delivered several joint public lectures (together with Georgian professors) on various human rights topics. In September 2016, the CIHR hosted a delegation of four Georgian human rights lawyers/professors who were here to learn first-hand how human rights and related topics are taught at our law school.

Advancing Corporate Social Responsibility

Professor Scheffer co-chairs (with Dr. Caroline Kaeb, Assistant Professor of Business Law and Human Rights at the University of Connecticut School of Business) the Working Group on Business and Human Rights of the U.N.’s Principles for Responsible Management in Education (PRME), which is part of the U.N. Global Compact. There has been much activity in 2016 directed towards enhancing the instruction of human rights principles in business schools globally. Scheffer and Kaeb delivered papers at a Harvard Law School conference about “Business & Human Rights” on April 7, 2016. Separate articles by Scheffer and Kaeb were published in the [Harvard International Law Journal \(Online Symposium\)](#). (See [Corporate Liability under the Rome Statute](#), 57 Harv. Int’l L.J. (Online Symposium) 35 (2016).

Scheffer and Kaeb participated in a panel discussion and other meetings at a PRME-related conference convened by the Copenhagen Business School in May 2016. They also have been developing a major initiative with corporations to stimulate corporate interest in developing relevant business school and

law school curricula addressing corporate social responsibility issues. This includes a handbook of best practices. Scheffer co-authored with Kaeb an essay for *Opinio Juris* about contemporary corporate struggles with human rights issues. (See [The Corporate Joust with Morality](#), *Opinio Juris*, June 6, 2016.) Northwestern Law student Alessia Cipiti (IHR-LLM ‘16) provided invaluable research for the PRME project and now continues her assistance on PRME matters as an intern at the UN Global Compact offices in UN Headquarters, New York.

Assisting the Extraordinary Chambers in the Courts of Cambodia

CIHR is deeply engaged with the work of the Extraordinary Chambers in the Courts of Cambodia (ECCC), where surviving leaders of the Khmer Rouge regime are on trial for atrocity crimes allegedly committed from 1975 to 1979 in Cambodia. Founded by CIHR in 2008, the [Cambodia Tribunal Monitor](#), edited by Eben Saling of CIHR, has been covering the trials with daily blogs and relevant court documentation and media coverage, as well as expert commentaries. Many Northwestern Law students have blogged the trials over the years, including most recently Alice Murgier (LLM-IHR 2016) as the second trial of Khieu Samphan and Nuon Chea continues.

Professor Scheffer has been the U.N. Secretary-General’s Special Expert on United Nations Assistance to the Khmer Rouge Trials since January 2012. He monitors the practice and jurisprudence of the ECCC as well as its operations and reports directly to the U.N. Assistant Secretary-General for



Legal Affairs. He also is responsible for raising the millions of dollars of voluntary contributions from governments required each year to sustain the ECCC’s work, and travels to Cambodia

and globally frequently for all of these purposes. He was in Phnom Penh in September once again for a week of consultations and meetings with Court personnel, the Cambodian government, and foreign diplomats, and will be there in mid-November for the issuance of the Supreme Court Chamber judgment in the first trial of Khieu Samphan and Nuon Chea.