

2015

ACTIVITIES REPORT



INTERNATIONAL HUMAN RIGHTS CLINIC



MISSION

Rooted in the Law School's values and tradition of **social justice, academic freedom, personal integrity and professional ethics**, the overarching mission of the International Human Rights Clinic at Loyola Law School, Los Angeles (IHRC or clinic) is to contribute to the attainment of the fullest exercise of human rights by all human beings throughout the world. In carrying out this mission, the IHRC aims to maximize the use of global and regional legal and political institutions through litigation, advocacy and capacity-building.

As an educational institution, the clinic transforms its mission and goals into a unique practical experience for its students, providing opportunities to gain vital knowledge and skills for effective and successful legal advocacy on behalf of victims of human rights abuses. At the same time, through the strategic use of international and regional mechanisms for the protection of human rights, the clinic provides exceptional pro bono legal assistance and empowers victims of human rights violations, and the organizations representing them, to utilize international and regional mechanisms.

While students work on all stages of an individual case or engage in advocacy efforts on particular thematic issues, they learn how to conceptualize and strategize diverse approaches and grapple with practical, ethical, methodological and theoretical challenges involved. Through the clinic, **Loyola's students have the opportunity to expand their perspectives and reach the world from Los Angeles.**

CLINIC MANAGEMENT



CESARE P.R. ROMANO
Professor of Law,
W. Joseph Ford Fellow,
Director of the International Human
Rights Clinic

M.A. (Laurea) in Political Science, University of Milano
D.E.S. (Diplôme des Études Supérieures), Graduate
Institute of International Studies, University of Geneva
LLM, New York University Law School
Ph.D. (Doctorat), Graduate Institute of International
Studies, University of Geneva

Professor Cesare P.R. Romano holds degrees in three different disciplines (political science, international relations and law) from three countries (Italy, Switzerland and the United States). His scholarship and teaching reflect the variety of his background.

His expertise is in public international law, and in particular international courts and tribunals, international human rights, and international criminal and humanitarian law. He is a world-renowned authority on international courts and tribunals publishing, to date, eight books and more than 50 articles and essays. Between 1997 and 2006 he created, developed and managed the Project on International Courts and Tribunals (www.pict-pcti.org), a joint undertaking of the Center on International Cooperation, New York University and the Centre for International Courts and Tribunals at University College London.

Professor Romano teaches regularly as a visiting and adjunct professor in a number of institutions in the U.S. and Europe, and is a senior fellow of both iCourts, the University of Copenhagen Centre of Excellence for International Courts, and PluriCourts, the University of Oslo Centre on The Legitimate Roles of the Judiciary in the Global Order.



VERONICA B.Y. ARAGÓN
Adjunct Professor of Law,
Co-Deputy Director of the
International Human Rights Clinic

B.A., cum laude, New York University
J.D., cum laude, Loyola Law School, Order of the Coif

Veronica Aragón is an adjunct professor and deputy director of Loyola Law School's International Human Rights Clinic.

In August 2015 she became Lecturer in International Human Rights Litigation and Poverty Law, University of the West Indies, St. Augustine campus, in Trinidad & Tobago. She was also elected to the International Detention Coalition's Advisory Board as the Regional Advisor on the Caribbean in 2015.

Before joining the clinic, she worked in the Washington, D.C. office of the Center for Justice and International Law (CEJIL). There, she litigated violations of human rights before the Inter-American Commission and Court of Human Rights by member states of the Organization of American States, namely the Dominican Republic, Venezuela and Colombia. Fluent in Spanish and Russian, Professor Aragón has gained valuable work experience at a variety of other NGOs focusing on international criminal, human rights and humanitarian law.

Aragón has been an executive board member of the Los Angeles chapter of the National Lawyers Guild since 2008, first as a student and now as a practicing attorney. Professor Aragón graduated Order of the Coif from Loyola Law School, Los Angeles.



MARY HANSEL
Adjunct Professor of Law,
Co-Deputy Director of the
International Human Rights Clinic

B.A., Vassar College
J.D., University of Southern California School of Law
LLM, London School of Economics and Political Science.

Professor Mary Hansel is co-deputy director of the clinic. She graduated from Vassar College and USC Law School, and earned her LL.M in Public International Law at the London School of Economics. She has published widely on international human rights issues and presented her research at universities across the globe.

In addition to her scholarship, Professor Hansel brings to bear her hands-on experience with human rights work. She has gained such experience at prominent non-governmental organizations, including Human Rights Watch and the International Center for Transitional Justice.

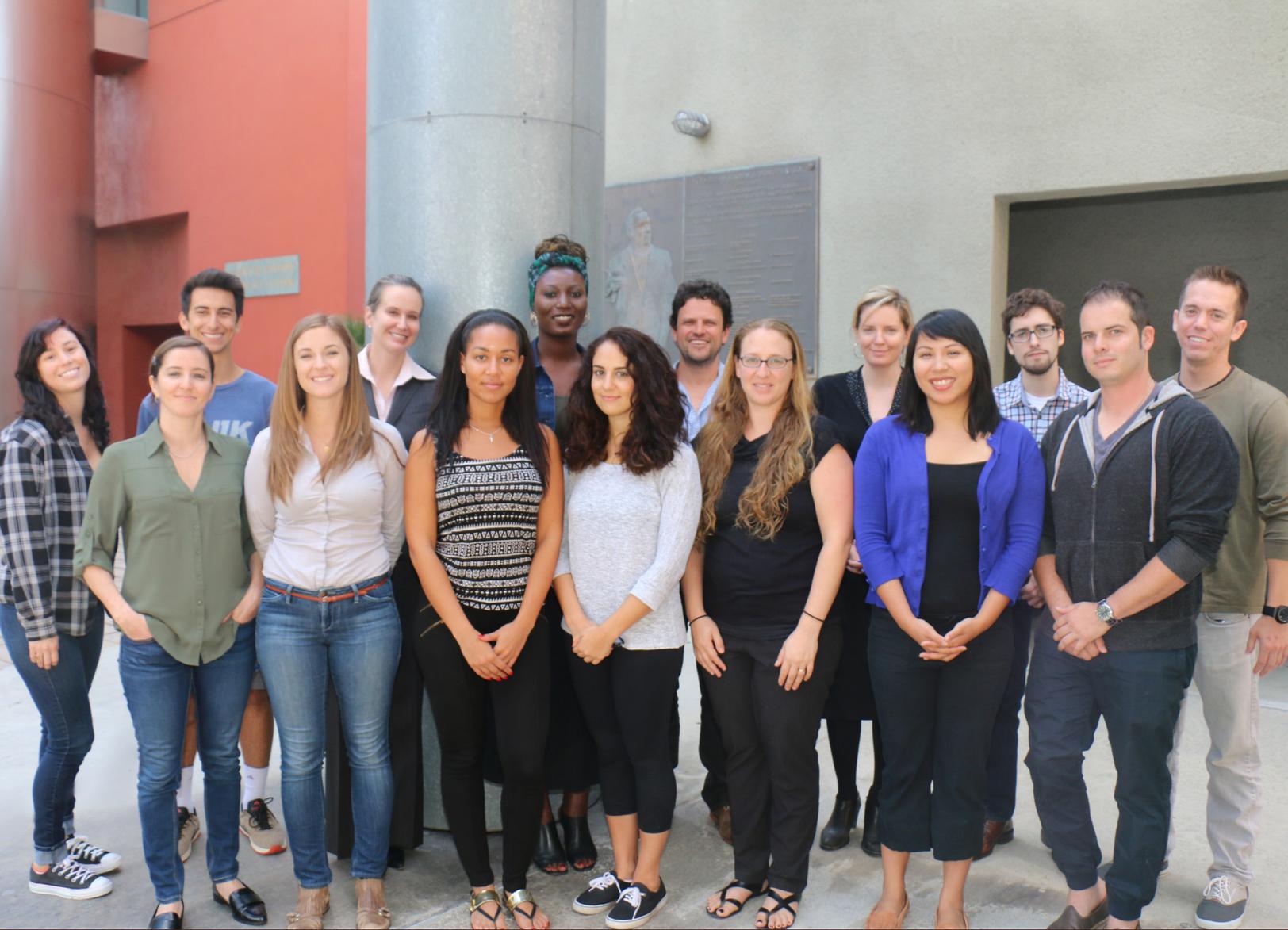
Professor Hansel also offers practical expertise from her years of litigating at top firms, including Irell & Manella and Bird, Marella, Boxer, Wolpert, Nessim, Dooks, Lincenberg & Rhow, where she is currently an attorney. She stays active in the local legal community as an Executive Committee member of the California State Bar's International Law Section; as such, she serves as Founding Chair of the Section's Public International Law Committee and has recently completed her tenure as managing editor of The California International Law Journal.



HANNAH ROBINSON
Fellow of the Center for the Study of
Law and Genocide

B.A., cum laude, Colgate University
J.D., with honors Loyola Law School, Los Angeles

Hannah Robinson (J.D. 2014) recently spent a year at the Office of Human Rights for the Archbishop of Guatemala, working on the prosecution of former political and military leaders for genocide and war crimes. Robinson was in Guatemala for a two-year fellowship through Loyola Law School Los Angeles' Center for the Study of Law and Genocide. In the second year, she will supervise several students of the International Human Rights Clinic to assist the work of the Extraordinary Chambers in the Courts of Cambodia (ECCC), the mixed U.N.-Cambodia tribunal created to prosecute the surviving leaders of the Khmer Rouge.



2015-16 International Human Rights Clinic

ABOUT THE CLINIC

The IHRC was created by Loyola Law School Professor Cesare Romano. After an initial test phase (spring 2012), the clinic was officially launched in the fall semester of the 2012-13 academic year. Since its launch, the clinic has continued to grow, expanding in management and student size, widening in geographical scope and increasing in the number of victims assisted.

Students sign on for two terms, obtaining a maximum of six pass/fail units (maximum three units per term). The clinic also satisfies the pro bono requirement for graduation.

The students meet with the professors once a week for two hours. The first hour is devoted to lecture and class discussion of key pedagogical concepts and skills training. The second hour is then spent dividing into teams to work on pending projects. Outside of these fixed hours, the clinic's management meets with the students, individually or in groups, several times throughout the week on an as-needed basis.

ON-GOING AND PAST ACTIVITIES OF THE IHRC

During the first year of activity (2011-2012), the clinic presented five amici curiae briefs: two for cases pending before the Inter-American Court of Human Rights, one for a petition pending before the Inter-American Commission on Human Rights and two for cases pending before a court in Ecuador.

During the second year (2012-2013), the clinic filed one petition with the United Nations (U.N.) Human Rights Committee, five petitions and one amicus curiae brief before the Inter-American Commission on Human Rights and released one position paper to facilitate an ongoing discussion between NGOs, the United Nations High Commissioner for Refugees and the Ecuadorian government on refugees' rights.

During the third year (2013-2014), the clinic filed seven new petitions before the Inter-American Commission on Human Rights against Jamaica; a communication before the U.N. Committee on Social, Economic and Cultural Rights against Ecuador; a shadow report for the U.N. Universal Periodic Review of Jamaica and a brief in reply to Ecuador's response to our initial communication before the U.N. Human Rights Committee on a case filed in Spring of 2013.

Details of the clinic's past operations and its on-going projects can be found at www.lls.edu/intlclinic.

CURRENT ACTIVITIES - FALL 2015 & BEYOND

The clinic continues expanding its activities beyond Jamaica and Ecuador, which have been our focus of our early years, to the whole Caribbean region, United States, Italy, Guatemala, Thailand, Costa Rica, and Cambodia.

CEDAW Project: This project involves the drafting of a brief of observations on Ecuador's response to our initial communication before the U.N. Committee on the Elimination of Discrimination against Women. Our observations will detail failures to recognize domestic violence as grounds for refugee status and to implement gender-sensitive procedures in Ecuador's Refugee Status Determination framework, which have resulted in violations of our clients' rights under CEDAW. This brief is likely our final written submission to the Committee before it issues a decision in the individual case. Asylum Access Ecuador is our in-country partner.

Caribbean Mapping Report: This project involves the completion of a human rights report identifying trends in migration policies and practices across all Caribbean countries that implicate human rights violations of migrants – the first of its kind and eagerly awaited by UNHCR, IACHR and various IGOs. The students assigned to this project will conduct complex legal analyses, applying apposite international human rights law to the set of facts we have already uncovered. The report will serve as the springboard for future action in the Caribbean on these issues, with respect to international litigation, research/investigation, advocacy, capacity-building and global engagement. Our collaborations for this project are with in-country NGOs, as well as UNHCR, IOM, and the International Detention Coalition.

“The IHRC provides real world experience with cutting edge issues in human rights. Through working on projects from a variety of countries, I improved my analytical and writing skills exponentially and built relationships with students and faculty who are committed to this important work”.

~ Zora Colakovic '15, IHRC 2013-15

ICCPR Shadow Report Project: Students working on this project will prepare a shadow report detailing violations of the International Covenant on Civil and Political Rights in advance of the U.N. Human Rights Committee's periodic review of Jamaica. Our thematic focus will draw from past work in Jamaica, including impunity for extrajudicial executions and arbitrary detention in the context of migration. It will expand in scope to address broader issues of police abuse and excessive use of force, as well as conditions of detention and criminal detention of minors. Our in-country partner is Jamaicans for Justice.

Detention Monitoring Project: Students will engage in a fact-finding fieldwork mission to the Immigration Detention Center in Trinidad and Tobago in March of 2016. Work leading up to the mission will include strategizing and constructing a methodology, planning and ultimately executing the mission. The mission will be followed-up by a report identifying both areas of compliance and violations of international human rights standards on detention in the context of migration. Our in-country partner is the University of the West Indies, International Human Rights Clinic, St. Augustine.

ECCC Research Project: Under the supervision of Hannah Robinson, fellow with the Center for the Study of Law and Genocide, students will assist the Office of the Prosecutors of the Extraordinary Chambers in the Courts of Cambodia (ECCC). They will be providing research assistance for the genocide charges against Khmer Rouge officials for their treatment of Vietnamese and Cham populations in Cambodia.

Finally, we remain committed to our 18 pending cases, filing briefs in response and following up on implementation of decisions.

“The clinic was an incredible opportunity for me to see first-hand how good lawyers craft litigation strategies that both help individual victims and combat widespread injustices. I am grateful to the clinic for teaching me how to manage a complex case, helping me hone my analytical skills, and giving me the opportunity to advocate on behalf of our clients with international bodies such as the United Nations”.

~ Janna Brancolini '13, IHRC 2012-2014

ACADEMIC YEAR 2014-2015

During academic year 2014-2015, the clinic expanded its activities beyond Jamaica and Ecuador. We filed three new communications: one before the Committee on the Elimination of Discrimination against Women against Ecuador; one before the Inter-American Commission of Human Rights against the United States; and one before the Human Rights Committee (against Italy). We continued exchanging briefs with the government concerned in the cases pending; participated in the Universal Periodic Review of Jamaica; started a comprehensive mapping of the policies, practices, and key actors relating to migration detention in the Caribbean region.

1) **Inter-American Commission on Human Rights – Islamic Shura Council of Southern California et al. v. The United States of America**

On Sept. 16, 2014, the IHRC, with its in-country counterpart, the American Civil Liberties Union of Southern California, filed a petition on behalf of the Islamic Shura Council of Southern California, the Council on American Islamic Relations of California (“CAIR”), the Islamic Center of San Gabriel Valley, the Islamic Center of Hawthorne, the West Coast Islamic Center, the Human Assistance and Development International, Inc., Dr. Muzammil Siddiqi, Shakeel Syed, Hussam Ayloush, Mohammed Abdul Aleem and Rafe Husain before the Inter-American Commission on Human Rights against the United States of America, alleging violations of the right to freedom of investigation, opinion, expression and dissemination as provided for under Article IV and their right to a fair trial under Article XVIII of the American Declaration on the Rights and Duties of Man.

The basis for this petition is that, through the course of a request for information under the Freedom of Information Act (FOIA) and subsequent federal litigation, the government of the United States of America lied and misled petitioners and a United States District Court as to the content and scope of surveillance information it had gathered about petitioners, deliberately impeding petitioners’ right to access government-held information and compromising the adequacy and effectiveness of the judicial recourse petitioners sought. To this date, there exists total impunity with respect to the government’s actions in this case, and there is no simple, prompt and effective remedy under domestic law that can bring redress to individuals whose right to access to information has been violated in such a manner.

2) **Regional Mapping Report on Trends in Migration Policies and Practices across the Caribbean**

In the Fall of 2014, the clinic started a comprehensive mapping of the policies, practices and key actors relating to migration detention affecting vulnerable populations, including refugees, stateless persons, LGBTI, children and trafficking victims in all 16 sovereign states of the Caribbean region, as well as the Dutch and U.K. territories. Despite the fact that the area is a significant point of transit and trafficking from the global south to the United States, Canada and Europe, there is very little information about how these populations are treated by law and in practice in Caribbean countries.

Beginning with country-specific data collection, clinic students analyzed the data to identify regional trends, as well as outliers, in relation to international human rights standards. Ultimately, the report will be the springboard for future action in the Caribbean on these issues, with respect to future research/investigation, advocacy, capacity building and international engagement. The mapping project has been carried out by clinic students, in collaboration with NGOs in the various Caribbean states and the United Nations High Commissioner for Refugees and the and International Detention Coalition.

3) **United Nations Human Rights Council – Universal Periodic Review (Jamaica)**

In March 2015, Jamaica appeared before the United Nations Human Rights Council (HR Council) for its “Universal Periodic Review,” a process by which the HR Council conducts a comprehensive review of the human rights records of each member of the United Nations. Members appear before the HR Council once every five years and present the measures they have taken to respect and protect human rights within their jurisdictions. In addition to the reports prepared by the

state members, groups of non-state “stakeholders” are permitted to submit “shadow reports” to provide a more comprehensive and realistic picture of the human rights situation in a given country.

As part of Jamaica’s 2015 Universal Periodic Review, the clinic and its in-country partner, Jamaicans for Justice, led a coalition of stakeholders in preparing and submitting a shadow report detailing a culture of impunity surrounding unlawful police killings and police brutality in Jamaica. Veronica Aragón traveled to Geneva to present the shadow report at the United Nations and engaged in direct advocacy before State representatives of the Human Rights Council.

4) United Nations Committee on Economic, Social and Cultural Rights - Adela Majé Barrera and Cristián Andrés Peña Majé v. Ecuador

Cristian Andrés Peña Majé is a 15-year-old Colombian boy living in the province of Orellana, Ecuador. His family fled to Ecuador as refugees in 2002. He has played soccer since he was child, both for personal growth and in hopes of someday playing professionally. In 2011, Cristian was selected to represent his province of Orellana on the under-14 “Juegos Nacionales Deportivos” team. Players, however, were required to show proof of citizenship or naturalization. As a refugee, Cristian was unable to meet this requirement, so he asked the team to reconsider. It refused. He sought a protective order from Orellana’s Judge for Children and Adolescents, but was similarly unsuccessful. His case was chosen for review by the Constitutional Court, but it stalled there for more than a year as Cristian aged out of eligibility for Ecuador’s youth teams.

In July 2014, the clinic, with its in-country counterpart, Asylum Access Ecuador, submitted a communication (complaint) before the Committee on Economic, Social and Cultural Rights alleging a violation of Cristian’s rights under the Optional Protocol to the International Covenant on Economic, Social, and Cultural Rights (ICESC). During the summer of 2015, the clinic filed its reply to the State’s observations to the clinic’s communication. A decision on the merits is expected during the 2015-2016 academic year.

5) United Nations Committee on the Elimination of Discrimination against Women - M.C.P. v. Ecuador

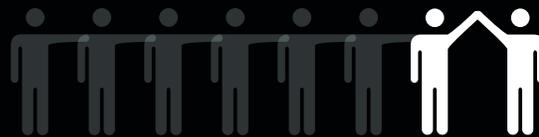
In January 2015, the clinic, in concert with Asylum Access Ecuador (AAE), submitted an initial communication (complaint) before the Committee on the Elimination of Discrimination against Women (CEDAW) on behalf of a female Colombian refugee who fled to Ecuador after suffering years of severe domestic violence at the hands of her ex-husband. Ecuador denied her refugee claim on the basis that the reasons she left her country were not envisaged in the 1951 Convention on the Status of Refugee and its 1967 Protocol as requiring international protection.

The communication to the CEDAW committee alleges that Ecuador has failed to uphold its obligations under the CEDAW Convention to protect against gender discrimination. It also alleges that Ecuador has failed to eradicate such discrimination and traditional forms of gender bias from the public sphere. It seeks to have Ecuador establish gender-sensitive procedures or to train Ecuadorian officials on the nature of domestic violence as a form of gender-based violence that may rise to the level of gender-based persecution.

6) United Nations Human Rights Committee - Mario Staderini and Michele de Lucia v. Italy

In July 2015, the clinic submitted a communication (complaint) before the United Nations’ Human Rights Committee accusing Italy of violation of the right to participate in the conduct of public affairs, specifically art. 25(a) and (b) of the Covenant on Civil and Political Rights. The communication is filed on behalf of two Italian politicians, Mr. Mario Staderini and Mr. Michele de Lucia, who were, at the time, the secretary and the treasurer of the Italian Radicals. In 2013, the Italian Radicals launched a campaign to collect 500,000 signatures, as required by the Italian Constitution, to put on the ballot six referenda, but failed to reach the quorum due to actions and inaction of authorities at all levels of government in Italy.

Although the Italian Constitution grants a right to any citizen to put referenda on the ballot, the exercise of the right to participate in the conduct of public affairs though referenda is arbitrary and unnecessarily burdensome. While most of Art. 25 communications usually considered by the Human Rights Committee regard the right of individuals and parties to participate in elections the communication is one of the few focused on the right to participate in the conduct of public affairs directly, through referenda and popular initiatives.



IMPACT

There are signs of progress in the countries in, and on themes on, which the clinic is actively engaged. For instance, in Jamaica, police officers accused of murder have been rarely prosecuted and routinely released on bail of a few dozen U.S. dollars. During the past two years, as a result of the efforts of the government and non-governmental organizations, arrests have become more frequent. Particularly on the issue of extra-judicial executions, 2015 has seen an unprecedented decrease in such killings, a result heavily attributed to the creation of INDECOM and the constant international attention brought to the issue through the work of JFJ and the clinic, before the Inter-American Commission, the Universal Periodic Review and the Human Rights Committee.

Loyola's International Human Rights Clinic has 12 cases pending before the Inter-American Court of Human Rights on extra-judicial killings, a shadow report before the U.N. Human Rights Council, and it continues to support the activities of Jamaica's Independent Commission of Investigation and Jamaicans for Justice.

OTHER CASE-RELATED WORK

Throughout the year, the clinic receives dozens of inquiries about possible human rights cases and provides advice to several individuals about their prospects of bringing their cases before an international human rights body. Potential new cases are carefully evaluated with an eye to impact, diversity of caseload and pedagogical value.

TRAVEL AND NETWORKING

In October 2014, Professor Aragón attended the 153th Session of the Inter-American Commission on Human Rights (IACHR) and made an oral intervention at the thematic hearing on “Migrant Detention and Alternative Measures in the Americas.” She also met with Commissioners, IACHR staff, regional NGOs and civil society groups.

In March 2015, Professor Aragón travelled to Geneva to present the shadow reports prepared by the clinic and Jamaicans for Justice before State delegations of the Human Rights Council on the occasion of Jamaica’s second Universal Periodic Review.

In June 2015, Professors Aragón and Romano participated in the 2015 Human Rights Clinicians Conference in New York City, NY.

Over the years, the clinic has developed strong working relationships with Jamaicans for Justice; Asylum Access Ecuador; Asylum Access Thailand; the ACLU of Southern California; the International Detention Coalition; the Extraordinary Chambers in the Courts of Cambodia; the Transnational Radical Party; the Associazione Luca Coscioni and the University of the West Indies, St. Augustine.

The clinic has developed strong working relationships with Jamaicans for Justice, Asylum Access Ecuador, the [ACLU of Southern California](#) and the [International Detention Coalition](#).

Jamaicans for Justice (JFJ) is a non-profit, non-partisan, non-violent citizens’ rights action organization that advocates for good governance and improvements in state accountability and transparency. JFJ primarily works with victims of unlawful search or detention, excessive use of force and extra-judicial killings. In addition to providing legal support, JFJ operates a variety of programs to promote good governance and advance the rights of all Jamaican citizens. The organization also has a library of human rights, legal, social and political literature for the public to access.

Asylum Access Ecuador (AAE) is an Ecuadorian-registered NGO and part of the Asylum Access family of organizations. AAE is a response to the critical gap in rights-based refugee assistance in Latin America. Ecuador is home to the largest population of refugees in Latin America. Most refugees in Ecuador lack legal status. As a result, many find it difficult to work, enroll their children in school, access healthcare and seek protection from further injustice. AAE provides individualized legal advice and representation to refugees, helping them navigate the refugee status determination process and access rights protected by Ecuadorian laws.

WEBSITE

More information on the clinic, including all briefs and papers, can be found here: www.lls.edu/intlclinic



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The clinic relies on funding from the community so it can continue to investigate human rights violations. Please support Loyola's International Human Rights Clinic by making a gift online at www.lls.edu/giving. Underneath "Designation" please select International Human Rights Clinic from the drop down menu.

Learn more about the International Human Rights Clinic on the web at: www.lls.edu/intlclinic

CONTACT US

CESARE P.R. ROMANO

*Director of the International Human Rights Clinic
Professor of Law and W. Joseph Ford Fellow*

Phone: 213.736.8198

Email: cesare.romano@lls.edu

VERONICA B.Y. ARAGÓN

*Deputy Director of the International Human Rights Clinic
Adjunct Professor of Law*

Phone: 213.736.8198

Email: veronica.aragon@lls.edu

LOYOLA

LAW SCHOOL | LOS ANGELES

919 Albany Street
Los Angeles, CA 90015-1211
www.lls.edu