

SPRING 2009

GLOBAL IMPACTS OF THE WORK OF THE CENTER FOR HUMAN RIGHTS AND GLOBAL JUSTICE AT NYU SCHOOL OF LAW

The Center for Human Rights and Global Justice was established in 2002 to bring together NYU's teaching, research, clinical, internship, and publishing activities on issues of international human rights law. By proactively expanding NYU's offering of curricula, events, and publications on human rights, the Center has successfully raised the academic visibility of—and scholarship on—human rights issues at one of the world's leading law schools.

The Center's most direct and lasting impact comes through training the next generation of lawyers; our graduates have taken up positions at leading human rights organizations and in international organizations, and those in private practice have consistently engaged in *pro bono* activities in the human rights field. In addition to our core teaching and scholarly mission, the Center's endeavors aim to effect real, positive, and substantive change within the world. The Center's efforts are wide in scope, comprising six major areas:

I. Detainees and Counter-Terrorism: Since its inception, CHR&GJ has played a critically important role in identifying, denouncing, and fighting human rights abuses in the U.S. "War on Terror." The most prominent among these violations have been the practices of rendition, secret detention, and coercive interrogation, which violate human rights law binding on the United States and damage its relationships with key allies. In the past five years, the Center has focused its litigation, research, and advocacy efforts on the goal of ending and pursuing accountability for these abuses.



"Jessica Gonzales v. United States of America": Jessica Lenahan and Caroline Bettinger-López take questions from the audience.

To that end, the Center has successfully maximized options for accountability and redress, given voice to the victims, and promoted human-rights compliant national security policies. Examples of the impact of this work include:

- The Center changed the course of the debate on extraordinary rendition by defining the term and establishing plainly, as early as 2004, that the practice was unlawful as a matter of both U.S. and international law.
- By undertaking the representation of Mohamed Bashmilah and Mohammed al-Asad, two men of Yemeni nationality who are among a handful of fewer than ten known individuals who the U.S. government abducted, tortured, and held incommunicado in secret CIA "black sites" before releasing them, the Center has given voice to those who suffered some of the worst abuses of the "War on Terror." Through litigation, publication of detailed accounts of our clients' experience, and extensive

CHR&GJ Faculty and Staff



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media advocacy, we've ensured that the impact of these U.S. abuses would not remain invisible or be forgotten.

- The Center has highlighted the role of private corporations in the “War or Terror” and increased the profile of the U.S. extraordinary rendition program by joining an American Civil Liberties Union (“ACLU”) lawsuit on behalf of Mr. Bashmilah against Jeppesen Dataplan, Inc., brought under the Alien Tort Statute.
- The Center has dislodged key documents on the rendition and secret detention program by suing the CIA and other agencies under the Freedom of Information Act along with our client Amnesty International USA, and our partner organization, the Center for Constitutional Rights, thus helping to establish transparency for these secret programs.
- Working with the Polish Helsinki Committee, the Center contributed to the establishment of an official investigation by the Polish Public Prosecutor into Poland’s role in the secret detention and extraordinary rendition program.
- Through support of litigation by the Romanian Helsinki Committee, the Center helped achieve success when a trial court ordered the Romanian government to produce information about that country’s role in the secret detention program under Romania’s Freedom of Information law.
- By developing an extensive Detainee Abuse and Accountability Project documenting credible allegations of torture in Iraq, Afghanistan, and Guantánamo and tracks criminal and administrative sanctions, the Center has directly pressured the U.S. government to initiate investigations and criminal processes when detainees have been abused.
- Working with the U.N. Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Center is bringing unprecedented attention to the gendered nature of many national security and counter-terrorism techniques. The first concrete result of this collaboration will be the Special Rapporteur’s report to the General Assembly, which the Center is helping to prepare.



At the launch of the new book, *Human Rights Advocacy Stories*. Contributors to the book discuss their chapters. From left to right: Aziz Huq, Jayne Huckerby, Margaret Satterthwaite and Beth Stephens

II. Racial Profiling and Counter-Terrorism: The Center addresses the disparate impacts the “War on Terror” has had on particular communities, both within and outside of the United States, by addressing institutionalized policies of discriminatory profiling of individuals deemed to be terrorism “suspects” or “threats” on the basis of their race, religion, ethnicity, and/or national origin.

To that end, the Center has—through its advocacy and creative use of media—had a discernible impact on immigration and naturalization delays and changed the scholarship landscape on discrimination and counter-terrorism policies. Examples of the impact of this work include:

Center Mission

New York University School of Law has long been at the forefront of scholarly work on civil liberties and human rights. In 2002, the Center for Human Rights and Global Justice was established to bring together and expand the rich array of teaching, research, clinical, internship, and publishing activities undertaken within the Law School on issues of international human rights law. The Center aims to:

- Generate substantive, cutting-edge and sophisticated contributions to human rights research and legal scholarship on the part of faculty, staff, students, fellows and visitors; and
- Actively engage in public affairs and make original and constructive contributions to on-going policy debates relating to human rights.

It achieves these aims through:

- **Undertaking rigorous legal analysis and disseminating studies in several key Research and Project areas:** Detainees and Counter-Terrorism, Racial Profiling and Counter-Terrorism, Caste Discrimination, Economic, Social and Cultural Rights, Extrajudicial Executions, and Transitional Justice.
- **Developing a new generation of human rights scholars and advocates:** The Center uses its location at one of the world’s leading law schools to equip students with the knowledge and experience needed to play principal roles in governments, international organizations, academia, and civil society in the years to come. Through key program elements such as the International Human Rights Clinic; academic human rights courses taught by leading Faculty; a Fellowship Program that places student interns in a wide variety of key institutions; an annual Emerging Human Rights Scholarship Conference where students present original papers; and support of student organizations working on human rights issues, the Center is at the apex of one of the leading human rights programs in the world.
- **Performing a convening and collaborative function** in discussions among human rights leaders concerning the doctrinal and policy dimensions of key current issues. The Center capitalizes on its uniquely neutral position at a leading law school located in the same city as the principal international organization involved in human rights - the United Nations. The Center also collaborates with many major civil society groups based in New York to catalyze and coordinate networking among human rights organizations, litigators, regional groups, parliamentary bodies, and human rights training programs.

- The Center’s advocacy concerning racial profiling and citizenship delays contributed to a notable reduction in naturalization backlogs in 2008. Following the widespread dissemination of our “Citizenship Delays Fact Sheet and Call to Action,” we noted virtually immediate changes in immigration and naturalization delays, including:
 - The late 2008 completion of more than 1.17 million naturalization applications, up more than 50 percent from FY07.
 - A reduction in naturalization application processing times to 9-10 months, down from the 16-18 months projected after the surge of applications in late FY07.
 - A commitment from the United States Citizenship and Immigration Services (USCIS) to work closely with the FBI to effectively eliminate all name checks pending more than two years. According to the USCIS this has reduced the cases waiting for a name check final result from almost 350,000 in late FY07 to less than 37,000 by early 2009.
- The Center’s cutting-edge research project on “Anti-radicalization and



Gender and Counter-Terrorism Consultation: Lama Fakh, Amrita Kapur, Kabaye Liku, Martin Scheinin, Margaret Satterthwaite, Jayne Huckerby

Counter-terrorism”—launched in 2008, in collaboration with the Brennan Center for Justice—has placed it at the forefront of a virtually unexplored theme in counter-terrorism research: the legal and policy implications of law enforcement efforts based on notions of “radicalization” in Western Europe and the United States. This project is bringing unprecedented attention to the phenomenon of “anti-radicalization” policies, many of which violate basic human rights standards.

III. Caste Discrimination: The Center has worked on the much-neglected issue of caste discrimination, a system of hidden apartheid (through descent-based segregation), modern-day slavery, and exploitation that affects more than 250 million people worldwide, particularly in Southeast Asia.

To that end, the Center has successfully raised the visibility of the enormous obstacles faced by millions of so-called untouchables in their full attainment of civil, political, economic, social, and cultural rights and created a space for public dialogue on the issue. Examples of the impact of this work include:

- The Center’s three landmark reports on caste—widely cited throughout southeast Asia, particularly in India and Nepal—have infused the legal and policy dialogue on caste with an understanding of caste as a form of entrenched discrimination that spans across regions and cultures, and, by combating the issue within a human rights framework, has given activists concrete legal platforms for demanding legislative and policy change.
- The Center’s 2008 report and accompanying advocacy concerning caste and the constitution of Nepal is having a significant influence on the country’s constitutional drafting process and its policy debates on caste. Through its “Casting out Caste” project in Nepal, the Center has become a trusted actor locally, working simultaneously with new Constitution Assembly members, civil society, and the international community in Nepal on eliminating discriminatory laws and practices, including by

Student Highlight

From NYU to the World:

Reena Arora

JD candidate 2008



“After graduating with my J.D., I received the 2008-2009 Arthur Helton Global Human Rights Fellowship to work with the Migrant Assistance Program (MAP Foundation) in Chiang Mai, Thailand for a year. Prior to attending NYU School of Law, I worked with the MAP Foundation in Southern Thailand, assisting Burmese migrant workers after the tsunami wreaked havoc and destruction in the area. I am enormously grateful for the opportunity the fellowship has provided by allowing me to return to work for the MAP Foundation. With my newly acquired skills from law school, I now feel I can really contribute to the organization that generated my initial interest in labor migration and migrant worker rights to begin with.

As a fellow at the MAP Foundation, I primarily work with the Act against Abuse project on labor rights, as well as one known as the POSH project, which promotes occupational health and safety. Overall, I help to manage the legal casework, utilize the information from this casework for advocacy efforts, and prepare domestic and international campaigns. I also recently had a chance to interview migrants for Human Rights Watch, gathering accounts of restrictions being placed on their basic liberties by the Thai government. I also have the opportunity to conduct capacity building workshops for MAP Foundation staff and volunteers on international human rights law as well as human rights investigation and documentation.

In addition to these projects, I work with a regional organization, Mekong Migration Network, of which MAP Foundation is a member. This organization seeks to examine the issues of migrants within the Greater Mekong sub region—which consists of Thailand, Burma, Cambodia, Laos, Vietnam, and Yunnan Province of China. Through the Network, I have helped to develop the curriculum for a three-week training course on labor migration management for government officials in partnership with Mekong Institute, an academic training institute at Khon Kaen University. The Mekong Migration Network also produces an annual resource book on migration; this year’s theme is the impact of cross-border economic zones. I’ve assisted them on this book by helping them develop primary research questionnaires and secondary research to help to analyze the results of the questionnaires using the framework of international human rights law. At the MAP Foundation I am considered a full-time staff member and have already been offered an opportunity to join the staff after completion of my fellowship, which would allow me to continue my work. I am deeply grateful for the opportunities this fellowship has given me and strongly encourage other law students with a passion for human rights to pursue the fellowship.”

outlining Nepal's legal obligations according to international human rights standards.

IV. Economic, Social, and Cultural Rights: Although the Universal Declaration of Human Rights and the major human rights treaties recognize economic and social rights such as the rights to food, housing, and education alongside the rights to liberty, freedom of expression, and equal protection of the law, civil and political rights have often been favored while economic, social and cultural rights have been neglected. The Center aims to correct this imbalance by analyzing problems of implementation at the national level, examining the roles played by institutional actors within the international community, and fostering dialogue between the development and human rights communities.

To that end, the Center has been at the forefront of calls for corporate accountability standards and has also created a successful model for defending the rights to food and water. Examples of the impact of this work include:

- The Center's 2008 report on the right to water in Haiti—co-written with several partner organizations and providing empirical data from collaborative investigations with medical professionals, Haitian civil society, and political experts—is producing tangible policy changes and impacting national and international institutions operating in Haiti. For example, by demonstrating how the withholding of loans earmarked for water projects in Haiti negatively impacted on the human right to water, the report forced the International Development Bank (IDB) to engage in dialogue about how to move the projects forward as expeditiously as possible.
- The Center's multidisciplinary project on the right to water in Haiti has become a model for efforts to study and promote various resource-based rights, with several groups and agencies now calling on the Center for advice and using our report as a basis for their own projects.
- By co-authoring an influential amicus curiae brief, the Center contributed to the success of a landmark right to water case in 2008—*Mazibuko v. City of Johannesburg*—in South Africa, which successfully challenged the installation and functioning of pre-paid water meters in a township outside of Johannesburg.
- The Center's 2008 report on corporate accountability was met with such a high level of interest and calls for a follow-up mechanism, that the Center is now developing an independent monitoring website; the Business and Human Rights Database is expected to launch at the end of 2009.

V. Extrajudicial Executions: In 2004, Philip Alston was appointed the U.N. Special Rapporteur on extrajudicial, summary, or arbitrary executions. The Center provides him with needed support to act on allegations transmitted to him by victims and their families, engage governments in constructive dialogue, and provide early warning to the U.N. Human Rights Council of emerging patterns of unlawful violence.

To that end, since Professor Alston's appointment, the Center has significantly raised the visibility of unlawful killings globally, encouraged higher standards and major reforms in the policies of several governments, and clarified legal standards concerning extrajudicial executions.

Examples of the impact of this work include:

Center Events: Spring 2009

Emerging Human Rights Scholarship Conference (April 10, 2009)

Transnational Corporations and the Right to Food: Featuring Professor Olivier De Schutter, UN Special Rapporteur on the Right to Food (Monday April 6, 2009)

"Friends of the Center" Alumni Reunion 2009 Reception (April 3, 2009)

Seminar on the Prohibition Against Torture, featuring Sir Nigel Rodley (April 1, 2009)

The Challenges of Human Rights Fact-finding: Featuring Dr. Anna Neistat, Dr. Ben Majekodumi, Professor Philip Alston, and Professor Margaret Satterthwaite (March 31, 2009)

Gender, National Security, and Counter-Terrorism: Expert Consultation Meeting (March 20-21, 2009)

Human Rights and the International Court of Justice: A Lecture by Justice Bruno Simma (March 10, 2009)

Forensics Science for Human Rights Advocates Training (February 27-28, 2009)

Careers in Human Rights Series: In the Field with the OHCHR (February 26, 2009)

Transitional Justice Series Presents "Economic Crimes, Corruption, and Transitional Justice" (February 24, 2009)

Transitional Justice Series Presents "Does Transitional Justice Work? Challenges to Assessing the Impacts of TJ Mechanisms on Democracy and Human Rights." (February 12, 2009)

International Criminal Justice: Does It Work?: A Public Lecture by Judge Theodor Meron (February 11, 2009)

Book Launch: Human Rights Advocacy Stories (February 3, 2009)

CHRGJ's Litigating Human Rights Series Presents: "Jessica Gonzales v. United States of America" (January 27, 2009)

- The Center’s missions have had discernible impacts on the visibility of—and in some cases, the occurrence of—extrajudicial killings in countries that were visited. Following our 2007 mission to the Philippines, for example, reports of extrajudicial executions dropped notably from the pre-trip figure of 220 reported killed in 2006, to 94 just after the visit in 2007, and finally to “just” 64 in 2008.
- By carrying out rigorous fact-finding missions to countries of concern including—in the last 18 months alone—visits to Brazil, the Central African Republic, the United States, Afghanistan, and Kenya, the Center has successfully raised the visibility of unlawful killings on a global scale and dispelled the myth that certain countries or regions should consider themselves safe from scrutiny.
- Through its mission reports—which are frequently cited by governments and human rights advocates—the Center has promoted and clarified important international legal standards, ranging from the duty to investigate deaths during armed conflict to the public availability of death penalty statistics.



The Challenges of Human Rights Fact-finding: Veerle Opgenhaffen, Dr. Anna Neistat, Dr. Ben Majekodumni, Professor Philip Alston, and Professor Margaret Satterthwaite

VI. Transitional Justice: The Center’s Transitional Justice program investigates criminal trials, truth commissions, institutional reform, and reparations programs in countries undergoing transition, ranging from East Timor and Iraq to Sierra Leone, Nepal, and the United States. We work in close partnership with the International Center for Transitional Justice, where the Center’s Director of Transitional Justice programs, Paul van Zyl, serves as Executive Vice President.

In the past two years, the Center has significantly expanded its focus on transitional justice initiatives under development in both the United States and Nepal and has raised the visibility of transitional justice as an emerging field in human rights. Examples of the impact of this work include:

- The Center has had a direct impact on the national discussion about truth and justice in the post-“War on Terror” era by engaging in wide-ranging media efforts to educate the American public about the need for both truth *and* justice. Urging President Obama to appoint a non-partisan commission to examine and provide a comprehensive report on policies and actions related to the detention, treatment, and transfer of detainees after 9/11, the Center has consistently been one of the only organizations in the United States to advocate both the creation of a commission and the use of criminal prosecutions.
- By emphasizing the issue of Caste discrimination in Nepal’s transitional justice experience, the Center has reduced the odds that the conflict in Nepal will reignite by addressing one of its root causes.

Center Press Releases: 2009

CHRGJ Calls on Administration to Stop Racial Profiling in Citizenship Process

March 31, 2009 - The Obama Administration should end the use of racial and ethnic profiling in the U.S. Citizenship and Immigration Services (USCIS) citizenship application process, said [CHRGJ] at [NYU] School of Law today. While the agency has taken important steps to clear its naturalization backlog, its ongoing reliance on the Federal Bureau of Investigation’s (FBI) ineffective National Name Check Program (NNCP) may continue to illegally delay citizenship for hundreds of thousands.

Police Killings in Kenya are “Systematic, Widespread and Carefully Planned,” says UN Independent Expert on Extrajudicial Executions:

February 25, 2009 - Today...Philip Alston, concluded his 16-25 February 2009 fact-finding mission to Kenya. The UN independent expert stated that, “Killings by police in Kenya are systematic, widespread and carefully planned. They are committed at will and with utter impunity.” He also found that death squads were set up upon the orders of senior police officials to exterminate the Mungiki.

Recasting Justice: Securing Dalit Rights in Nepal’s New Constitution

February 23, 2009 - In creating the new constitution for Nepal, the Constituent Assembly has the opportunity to crystallize the country’s peace and advance Nepal’s political, economic, and social development. It also has the opportunity to demonstrate Nepal’s commitment to the inherent dignity of all individuals....[A] Joint Statement draws on Nepal’s international human rights obligations to identify how to best achieve the rights of Dalits—a group that has faced more than 2,000 years of systematic discrimination on the basis of caste.

CHRGJ Calls on Obama to Prosecute Abuse of Detainees

February 19, 2009 - President Obama should take immediate steps to establish a non-partisan, independent commission of inquiry to investigate abuses committed as part of the U.S. “War on Terror,” the Center for Human Rights and Global Justice (CHRGJ) at NYU School of Law said today. CHRGJ is part of a group of NGOs and leading experts who joined together to issue a collective statement today calling for a commission to examine policies and actions related to the detention, treatment, and transfer of detainees after 9/11.

Rights Groups Release Documents Obtained in FOIA Case Relating to Secret Detention, Extraordinary Rendition, and Torture Program

February 12, 2009 - Documents obtained through a [FOIA] lawsuit confirm [DOD] involvement in the CIA’s ghost detention program... [Three human rights groups]... revealed that these documents confirm the existence of secret prisons at Bagram and in Iraq; affirm the DOD’s cooperation with the CIA’s ghost detention program; and show one case where the DOD sought to delay the release of Guantánamo prisoners who were scheduled to be sent home by a month and a half in order to avoid bad press.