

International Human Rights Law Clinic News



Our fall 2019 clinic team, left to right. Top row: David Maxson Harris '21, Sydney Beada '21, Ivey Dyson '21, Co-Director Laurel Fletcher, Simone Levine '21; Middle row: Mustafa Berk Bahceci '20, Malka Herman '20, Karla Maradiaga '21, Elizabeth Brilliant '21, Elise Baker '20, Clinic Teaching Fellow Tamara Morgenthau; Bottom row: Co-Director Roxanna Altholz, Carmen Lam '20, Emily Voytas '21, Edward Richter '20, Elly Leggatt '21, Vanessa Rivas-Bernardy '21, Maria Sanchez '21, Isaac Flegel-Mishlove '21.

Dear Alumni and Friends,

As the year draws to a close, we want to share our latest news from the fall semester about the inspiring work of our students and faculty. From addressing human rights close to home by filing an amicus brief at the Supreme Court to support the human rights of asylum seekers at the U.S.-Mexico border, to protecting human rights abroad by supporting advocacy on behalf of indigenous communities in Liberia, the [International Human Rights Law Clinic](#) continues to promote justice and human rights for vulnerable individuals and groups

It is a privilege to partner with frontline advocates and work shoulder to shoulder with them and our students to tackle urgent human rights situations at home and abroad. We work with shared purpose and principles to bring change through legal advocacy.

We hope you will [consider making an end-of-the-year donation](#) to the clinic. With your continued support, we can maintain the vibrancy of our program and send students to conduct fact-gathering and advocacy trips.

Have a wonderful holiday and best wishes for a year filled with peace,

Laurel Fletcher and Roxanna Altholz, Co-Directors

Clinic News

Students Interview Asylum Applicants in Ciudad Juárez for SCOTUS Brief

A team of clinic students will file an amicus brief in the

U.S. Supreme Court this month. To gather evidence, clinic students Isaac Flegel-Mishlove '21 and Elizabeth Brilliant '21 (pictured in front of a handwritten sign showing the number of asylum seekers permitted to cross the bridge to El Paso and request asylum) recently traveled to Ciudad Juárez along the U.S.-Mexico border, where they interviewed some of the more than 55,000 asylum seekers forced by a Trump administration policy to wait in Mexico while their asylum cases are decided.



As the Remain in Mexico program continues to expand—operating now across the southern borders of Texas, California, and Arizona—the students' work provides critical firsthand information of the human toll of this program. Co-Director Roxanna Altholz and the students will use these interviews to [help persuade the court to hear the case of Melida Teresa Luna-Garcia](#), who fled Guatemala with her three-year-old daughter. Shortly after crossing the U.S.-Mexico border, Luna-Garcia was detained and border agents asked her to provide an address. U.S. officials refused to send notice of her immigration hearings to the only address she had—in Guatemala—and when she did not appear at a hearing because she did not receive notice of the time and date, an immigration judge ordered her removed *in absentia*. Earlier this year, the Fifth Circuit held that U.S. immigration law does not require U.S. authorities to notify asylum applicants at foreign addresses. If left standing, the decision will have far-reaching and disastrous consequences for the tens of thousands of asylum applicants in Mexico.

The clinic has partnered with the Justice Action Center, founded by Karen Tumlin '04, to draft a stories amicus brief, which will profile the experiences of the asylum seekers the team interviewed in Ciudad Juárez. The amicus brief argues that the Fifth Circuit decision violates U.S. law and international protections.



Honoring Human Rights Activists Murdered in 2018

For the second year in a row, during the Day of the Dead, the clinic honored murdered human rights defenders. In 2018, a total of 321 activists in 27 countries were killed for defending human rights. We celebrated their courage and remembered their struggle by inviting the Berkeley Law community to read their names aloud as a group. Goldman Environmental Prize winner Alfred Brownell (see below) helped lead the ceremony with Co-Director Roxanna Altholz. Eighty percent of activists were killed in five countries: Brazil, Colombia, Guatemala, Mexico, and the Philippines, according to Front Line Defenders. Those protecting land rights, the environment, and the rights of indigenous

communities are particularly at risk: 77 percent of those killed worked in one of these areas. The event was sponsored by the clinic, the Human Rights Center, and the Berkeley Journal of International Law.



Goldman Environmental Prize Winner Visits Clinic

Alfred Brownell, environmental and human rights lawyer and [winner of the 2019 Goldman Environmental Prize for Africa](#) for his work defending and protecting the rights of communities in Liberia, visited the law school this fall where he taught classes and met with the clinic team working with him this year. Supervised by Clinical Teaching Fellow Tamara Morgenthau, the team is collaborating with Brownell and Green Advocates International in their work to support indigeneous communities in Liberia in their fight to protect their environmental and human rights against large-scale development. Brownell also shared his work at a lunchtime panel, “Protecting Land Rights in the Face of Large-Scale Development Projects,” appearing with Sarah Singh '10, communities co-director at Accountability Counsel and Katherine McDonnell, director of legal advocacy at Corporate Accountability Lab (seated left and center next to Brownell).



Advising Bay Area City Councils on Human Rights Resolutions

Earlier this year, clinic co-directors Roxanna Altholz and Laurel Fletcher helped the Southern Border Communities Coalition (SBCC), a consortium of community empowerment groups, draft [A New Border Vision](#), which calls for substantive changes to current U.S. border policies and promotes principles and standards that expand public safety, protect human rights, and welcome residents and newcomers. To help build momentum for a state and congressional resolution on border policies, the clinic is representing SBCC convenor, Alliance San Diego, to press Bay Area city councils to approve

resolutions endorsing the New Border Vision. In November, Altholz and David Maxson Harris '21, Ely Leggett '21, and Vanessa Rivas-Bernardy '21 (left to right in front of the Supreme Court) traveled to Washington, D.C., with a delegation brought together by the coalition and Alliance San Diego to promote the New Border Vision before members of Congress.

Co-Director Laurel Fletcher on the Boteros

paintings at Berkeley Law and the Torture Memos

In November, Co-Director Laurel Fletcher presented to the law school community her forthcoming article, "Let's Talk about the Boteros: Law, Memory, and the Torture Memos at Berkeley Law." The school's exhibit of paintings by Fernando Botero (pictured with one of his paintings) of prisoner abuse by U.S. soldiers at Abu Ghraib has communicated an institutional rebuke to the decision of the United States to rewrite the foundational norms of the rule of law in the pursuit of national security after 9/11. However, the school is considering removing the paintings, which raises questions of memory heuristics: why the paintings are there at all, what they communicate about the past, and whether this past is worthy of commemoration. A decision about the paintings is expected sometime next year. Fletcher's talk was organized by the Miller Institute for Global Challenges and the Law and the Berkeley Journal of International Law, which will publish the article this spring.



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