

Fall 2021



Dear friends and alums,

Greetings from IHRLC!

We hope that you and yours are healthy and safe as we enter the winter holiday season. This year has been challenging. We are ending our third full semester of teaching in a pandemic, and have learned many lessons about sustaining our community in spite of the necessary public health restrictions on teaching and travel. While the pandemic has changed how we conduct human rights advocacy, it has not changed our commitment to carry out the work. It has strengthened it. We appreciate even more keenly the need to work in solidarity with our clients who face unprecedented struggles during these challenging times.

We are delighted to share some of the highlights of this last year below. You will see reflected here our commitment to advancing human rights in the United States and abroad; our clients on the front lines fighting repression; and our students applying their talents and determination to further justice.

We know that the clinic makes a real difference in the lives of clients and our students. Your generosity helps to make that possible. Please consider making a [gift to the International Human Rights Law Clinic](#) as part of your year-end giving. Every gift counts and allows us to continue to do this vitally important work and train the next generation of

human rights advocates.

Wishing you joy and peace,

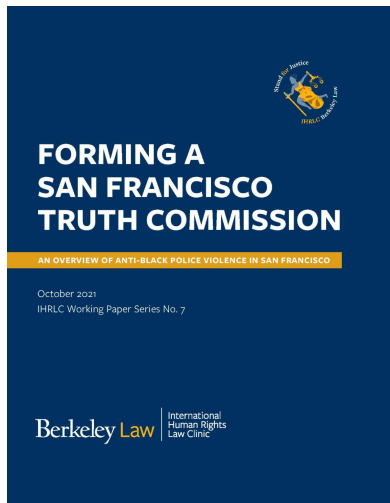
Laurel and Roxanna  
Clinic Co-Directors



P.S. It has also been a busy year in Berkeley Law's Clinical Program, which welcomed the largest class ever of incoming clinic students this fall. Please take a look at [the Clinical Program's annual report](#) to learn more about how clinics fight for the rights of the underrepresented, support groundbreaking legislation, and successfully challenge systemic discrimination.

## Clinic News

### New working paper on anti-Black police violence in San Francisco



Decades of police data compiled in the new clinic working paper, "[Forming the San Francisco Truth Commission: An Overview of Anti-Black Police Violence in San Francisco](#)," show that Black people are disproportionately more likely to be stopped, searched, arrested, convicted, and subjected to force by the San Francisco Police Department than are people of other racial groups. The paper, by students **David Maxson Harris '21**, **Sara Jaramillo '22** and **Vanessa Rivas-Bernardy '21**, working under the supervision of Co-Director Roxanna Altholz, compiles existing research showing a 40-year history of violence against Black

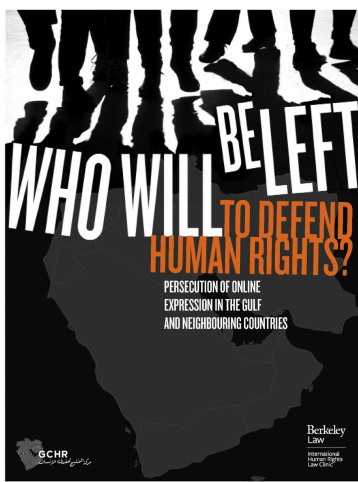
people by San Francisco police. The paper will serve as a resource for a newly formed truth and reconciliation commission announced last year by the San Francisco District Attorney's Office. [A Reuters column covers the paper here.](#)

### New report on how Gulf states persecute online expression of human rights defenders

A team of more than a dozen students supervised by Co-Director Laurel E. Fletcher and Teaching Fellow Astha Sharma Pokharel have published a 10-country study of online freedom of expression, [Who Will Be Left to Defend Human Rights? Persecution of Online Expression in the Gulf and Neighbouring Countries.](#)

Written with the Gulf Centre for Human Rights, the report documents 225 incidents between May 2018 and October 2020, showing how governments in the region





— Bahrain, Iran, Iraq, Jordan, Kuwait, Oman, Qatar, Saudi Arabia, Syria, and the United Arab Emirates — used anti-cybercrime and other laws, along with specialized law enforcement institutions, to repress human rights activism. The report offers a sober assessment of regional trends associated with criminalizing freedom of expression that include transnational abductions, arbitrary arrests, enforced disappearances, and torture.

## Amicus brief challenges Pennsylvania death by incarceration as cruel and unusual punishment

Clinic students **Forogh Bashizada '23**, **Kaylene Khosla '22**, and **Francis Santos '23** filed [an amicus brief](#) on behalf of The Sentencing Project in *Scott v. Pennsylvania Board of Parole and Probations* challenging mandatory death by incarceration (DBI), or life without parole sentences, for individuals convicted of felony-murder. The students worked under the supervision of Teaching Fellow Astha Sharma Pokharel and alongside co-counsel at Drexel Law's Andy and Gwen Stern Community Lawyering Clinic and at Faegre, Drinker Biddle & Reath LLP. Filed in the Pennsylvania Supreme Court, the brief argues that such sentences are disproportionate, contrary to international standards, inconsistent with global consensus, and serve no legitimate penological purpose. The brief supports a challenge by individuals serving DBI sentences for felony-murder who are represented by the Abolitionist Law Center, Amistad Law Project, and the Center for Constitutional Rights.



Co-Director Roxanna Altholz (right) looks up at a San Diego mural memorializing the life of Anastasio Hernández Rojas with her client, Rojas's partner Maria Puga (center), and co-counsel Andrea Guerrero,

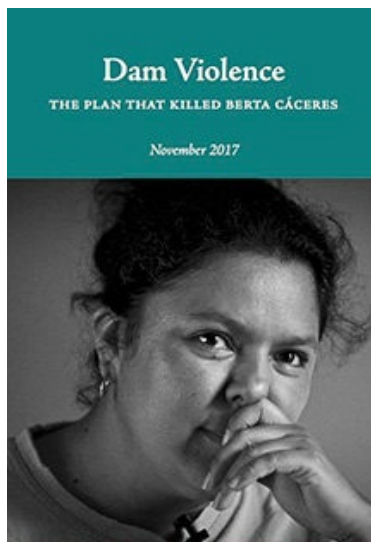
executive director of Alliance San Diego (in red). The three are being filmed for an upcoming documentary about their international suit against the United States for Rojas's beating death by U.S. border agents.

## Request for congressional oversight hearings in border killing case

This fall, clinic students **Robin Chang '23**, **Xingyi Li '23**, **Naomi Spoelman '22**, and **Nicole Waddick '23** supported efforts by the Southern Border Communities Coalition, a network of organizations in California, Arizona, New Mexico, and Texas, to [request congressional oversight hearings](#) on the dangerous overreach by the U.S. Border Patrol's unlawful Critical Investigative Teams (CIT). U.S. Border Patrol has repeatedly deployed CITs to investigate many of the most severe use-of-force incidents involving border patrol agents, including the events that led to the [death of Anastasio Hernandez Rojas](#) whose family is represented by the clinic in litigation before the Inter-American Commission on Human Rights. These [shadow police units](#) conduct investigations for Border Patrol chiefs without federal authority, without external oversight, and often without public knowledge. A CIT Unit intervened at critical stages of the criminal investigation into Hernandez's death and obstructed police from securing evidence about the death.

## Project Impact Updates

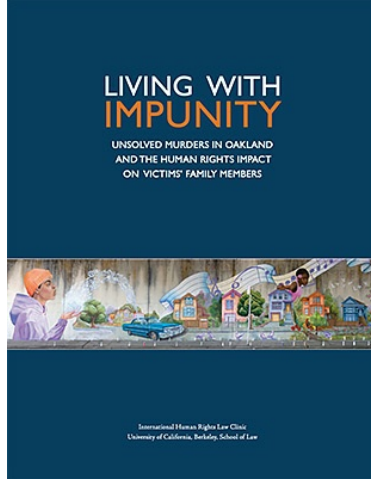
### Conviction in Cáceres case pierces shield of impunity



On July 4, 2021, David Castillo Mejía, the former head of hydroelectric company Desarrollos Energéticos, was [convicted](#) of the 2016 murder of Honduran human rights defender Berta Cáceres after a three-month trial. The Honduran court found that Castillo planned, coordinated, and paid the hitmen who killed Cáceres. The conviction was based in part on telephone records [analyzed](#) by an independent panel of experts that included clinic Co-Director Roxanna Altholz. Castillo's is a rare conviction in a country where the vast majority of threats and attacks against human rights defenders go unpunished.

### Grand jury investigates clinic's findings

In 2020, the clinic published [Living with Impunity: Unsolved Murders in Oakland and the Human Rights Impact on Victims' Family Members](#). The report found that the family members of Black murder victims in Oakland, California often face hostile and discriminatory treatment by the Oakland Police Department (OPD), devastating financial burdens, and psychological trauma with inadequate government support. Shortly after the release of the report, the [Alameda County Grand Jury launched an](#)



[investigation into OPD's discriminatory practices](#) regarding crime victims' rights and verified the report's findings. The grand jury found that the OPD and government service providers deny victims and their families access to support and services based on their race and instructed the OPD to investigate the cause of racially disparate outcomes for crime victims, comply with legal requirements related to crime victims, and conduct officer trainings in victim support.

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## Faculty News

### Open Global Rights publishes writings from Fletcher's human rights workshop

Over the last six months, prominent human rights platform Open Global Rights, in partnership with Berkeley Law's Miller Institute for Global Challenges and the Law, has facilitated the exploration, questioning, and debate of more than a dozen human rights scholars and practitioners on the future of the rights movement. The online symposium grew out of the "Human Rights at a Crossroads? A Time for Critical Reflection on the Human Rights Project," a November 2020 workshop convened by Fletcher, also co-director of the Miller Institute. Now for the first time, writings from those panelists [are available to the public on Open Global Rights](#). In these newly published pieces, the authors discuss where the movement should be headed in light of pressing challenges.

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## Student News

### Four students receive Human Rights Center fellowships

Clinic students **Forogh Bashizada '23**, **Sara Osman '22**, **Helena von Nagy '22**, and **Naomi Spoelman '22** were selected by Berkeley Law's [Human Rights Center as 2021 fellows](#), a program for students who want to work with human rights organizations worldwide. The 21 annual fellows from across the University of California system come from a wide range of disciplines, including law, anthropology, journalism, environmental science, public policy, public health, and medicine.

### Student Sara Jaramillo profiled in fall *Transcript* magazine

Heading into her 2L year, **Sara Jaramillo '22** still had doubts about becoming a lawyer. She didn't see how to link her interest in global human rights and food justice to what she'd learned as a 1L. But when Jaramillo joined the clinic, she finally found her niche. "It sharpened my focus and helped everything fall into place," says Jaramillo. "It



was my most difficult, challenging, and rewarding law school experience so far.” [Read the full profile in the fall 2021 Transcript magazine.](#)

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