

Fall 2022



Dear friends and alums,

We are so excited to share our clinic news at the end of this year of renewal. More clinic teams are traveling to conduct fact investigations, take declarations from witnesses and victims, support our partners, organize communities impacted by human rights violations to claim their rights, and engage in advocacy at the United Nations. Through clinic projects, our students are fighting alongside clients and partners against government harassment, illegal surveillance, and arbitrary arrest of advocates. Each day, the clinic renews its commitment to equity and justice.

We invite you to read about our work and to share our sense of hope and inspiration in the dedication and struggle of human rights activists. In the midst of daunting challenges, we find community and with that, assurance that our work is part of and sustains the global human rights movement.

Your support for the clinic makes all of what we do possible. Please consider making a [gift to the International Human Rights Law Clinic](#) as part of your year-end giving.

We wish you every joy during this holiday season,

Laurel and Roxanna
Clinic Co-Directors

P.S. More than 300 students enrolled in clinics last year and took advantage of the unparalleled opportunities to use the conservative institution of the law in radical and innovative ways. Please take a look at [the Clinical Program's annual report](#) to learn more



about how clinics stand with threatened individuals and communities in pursuit of transformative justice.

Clinic News

Accountability for killings by border agents



Co-Director Roxanna Altholz, Alliance San Diego Executive Director Andrea Guerrero, Maria Puga, and Rafael Barriga, a former Mexican border officer who witnessed the attack on Anastasio Hernandez Rojas, during the Nov. 4 hearing of the Inter-American Commission on Human Rights.

On November 4, 2022, the Inter-American Commission on Human Rights heard [arguments and testimony](#) in a landmark case about systemic abuse and impunity in the nation's largest law enforcement agency, U.S. Customs and Border Protection (CBP). [Family Members of Anastasio Hernandez Rojas vs. United States](#) is the first case involving an extrajudicial killing by U.S. law enforcement to be examined by an international human rights body.

Co-Director Roxanna Altholz and Andrea Guerrero, executive director of [Alliance San Diego](#), represent the family members of Anastasio Hernandez Rojas, who U.S. border agents brutally beat and Tased in 2010 [while in custody, hog-tied, and lying on the ground](#), before the commission. Although Anastasio's death was ruled a homicide, U.S. federal prosecutors closed the investigation in 2015 without pursuing criminal charges.

At the hearing, we detailed overwhelming evidence that U.S. border agents tortured Anastasio and then orchestrated a cover-up. An eyewitness testified that agents kicked and Tased Anastasio while he was handcuffed on the ground, posed no threat to their safety, and did not resist. Maria Puga, Anastasio's widow, delivered powerful testimony about the devastating impacts of her husband's death on her family. She called on the United States to reopen the criminal investigation, ensure its laws and policies on use of

force adhere to international standards, and apologize to the family.

The hearing comes at a time when the United States faces [increasing scrutiny](#) for the widespread cover-up of killings and other misconduct by border agents. The case and hearing received intense media coverage, including from [Berkeley Law](#), [Al Jazeera's Fault Lines](#), [San Diego Tribune](#), and [CBS](#). We are grateful to Dean Erwin Chemerinsky, Professor David Oppenheimer, and Case Western Dean William Aceves for authoring [amicus briefs](#) in support of the victims. Please visit the clinic's [web page on the case](#) for more information.

Advocating to recognize death by incarceration

A clinic team supervised by former Teaching Fellow Astha Sharma Pokharel contributed to an [international complaint](#) seeking to outlaw excessive prison sentences in the United States as a form of torture and discrimination. A national coalition of advocacy and legal groups argues that life without parole sentences constitute condemnation to “Death by Incarceration” (DBI). Emerging from a growing movement led by incarcerated people and their families, the complaint includes testimony from some of the more than 200,000 people imprisoned in the United States under DBI sentences, which include life without parole (LWOP), life with parole, and “virtual life” sentences: sentences that exceed life expectancy. Students provided technical and legal support to the coalition. The complaint was filed with several United Nations independent experts. Responses by the UN to previous complaints have influenced U.S. policy.

State violence against migrants in Mexico



Co-Director Roxanna Altholz (top left) recently visited Ana Lorena Delgadillo and her colleagues at the Fundación para la Justicia in Mexico City to discuss their work to investigate the mass abductions and killings of migrants.

Hundreds of thousands of migrants pass through Mexico each year en route to the United States, with tens of thousands victimized by organized crime groups, migration authorities, and security forces. Tamaulipas, which shares a 230-mile stretch of the U.S.-Mexico border with Texas, has long been a focal point for violence against migrants. In fall 2022, students traveled with Clinic Co-Director Roxanna Altholz to Mexico City to support

investigations by attorneys and investigators with the [Fundación para la Justicia](#) of the 2010 massacre of 72 migrants in San Fernando, Tamaulipas, as well as other high-profile crimes in the same areas.

Fighting illegal state surveillance of human rights defenders

In May, on behalf of Article 19, Electronic Frontier Foundation, Fundación Karisma, and Privacy International, Co-Director Roxanna Altholz and former Teaching Fellow Astha Sharma Pokharel worked with students to file an [amicus curiae brief in English](#) and [Spanish](#) before the Inter-American Court on Human Rights in a case challenging the Colombian government's use of highly intrusive surveillance technologies. It is the first case involving digital surveillance to reach the court and presents an unprecedented opportunity to establish limits on government spying in the digital world. The brief urges the court to establish robust human rights protections addressing communication technologies. The clinic also helped the Fundación para la Justicia, which represents the families of migrants and others killed or disappeared, [file a criminal complaint](#) against the Mexican attorney general's office for illegal surveillance.

Accountability for murdered Brazilian labor organizer

With the assistance of clinic students, Co-Director Laurel E. Fletcher submitted an expert affidavit on collective reparations in [Gabriel Pimenta v. Brazil](#), a case before the Inter-American Court of Human Rights seeking accountability for the State's failure to investigate the murder of a rural labor organizer during the military dictatorship. Evidence pointed to a local landowner, brother of the state's governor, as responsible. Last month, the court issued a sweeping judgment and ordered measures to strengthen protection of human rights defenders including the creation of a working group to address structural impunity against defenders; a protocol for the investigation of crimes committed against human rights defenders; and a national program to collect data on violence against human rights defenders.

Fighting for jailed human rights defenders in Vietnam



Earlier this fall, clinic Co-Director Laurel E. Fletcher (far right) and a student team (from left) Amanda Colding '24 and Anthony Ghaly '23, met with Quynh-Vi Tran and Will Nguyen from Legal Initiatives for Vietnam to conduct briefings at the United Nations. (Student team members not pictured: Sabreen

The Vietnam government is intensifying its repression of human rights advocates, jailing journalists, environmental activists, and leaders of religious groups. Advocates in the country cannot safely publicize abuses. In this context, international allies are critical to spotlighting government violations of fundamental rights. A student team supported international human rights groups to issue an [open letter urging States to keep Vietnam off the UN Human Rights Council](#), the UN body that sets international human rights policy. In advance of council elections, students traveled with Co-Director Laurel E. Fletcher to New York to work with U.S.-based advocates and conducted a series of in-person briefings with State representatives. Although Vietnam secured a council seat, the meetings laid the foundation for ongoing pressure on the government to improve human rights conditions.

Clinic supports UN human rights mechanisms

For the past year, Co-Director Laurel E. Fletcher and clinic students have provided technical assistance to the [UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism](#), an independent human rights expert appointed by the UN Human Rights Council. There are dozens of such experts who play a critical role in the UN human rights system. Currently, [45 thematic mandates](#) and [13 country mandates](#) comprise this unique mechanism designed to strengthen international norms and promote State compliance with international human rights obligations. Students provide in-depth legal research and analysis on the human rights impacts of counterterrorism laws and policies in hot spots around the globe.

Two students receive Human Rights Center fellowships

Clinic students **Anthony Ghaly '23** and **Francis Santos '23** were selected by Berkeley Law's [Human Rights Center as 2022 fellows](#), a program for students who want to work with human rights organizations worldwide. The 12 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.

[DONATE TO THE INTERNATIONAL HUMAN RIGHTS LAW CLINIC](#)



