



Deena Hurwitz, *Associate Professor of Law, Clinic Director*

CLINIC PROJECTS

Spring 2010

Guatemala right of indigenous communities to education

In collaboration with members of the Council of Ethnic Communities Runujel Junam (Comunidades Etnicas Runujel Junam, CERJ), the Clinic examined a World Bank loan to the Guatemalan government for a major education program (Mi Familia Progresá) aimed at the country's most vulnerable communities.

Human Rights First (New York)

Revised and updated amicus brief previously drafted by the Clinic (Spring 2007) to be submitted with the Human Rights Defender Program of Human Rights First to the Inter-American Commission on Human Rights. The brief supports a case filed by the Colectivo de Abogados José Alvear Restrepo (Colombia) and the Center for Justice in International Law (CEJIL) concerning the state's duty to protect human rights defenders.

Institute for International Law and Human Rights (Washington D.C. and Baghdad)

Legislative analysis and comparative legal research support to Iraqi parliamentarians working on rights respecting legal reform, notably, on minority education and curriculum reform incorporating minority rights.

Redress (London)

Litigation-oriented research on reparations for family members of victims of human rights violations in the jurisprudence before the Inter-American Court of Human Rights.

UN Special Rapporteur on Violence Against Women

Examined a methodology of state accountability and analyzed the due diligence standard in the context of U.S. law and policy.

Fall 2009

Burke O'Neil, LLC (Charlottesville and Washington D.C.)

Research for plaintiffs attorneys in consolidated cases known as *In re Xe (Blackwater) Alien Tort Claims Act Litigation* (E.D.Va), brought by survivors and family members of those killed when Blackwater personnel opened fire on Iraqi civilians in Baghdad (Al Watahba Square on September 9, 2007 and in Nisoor Square on September 16 2007).

Center for Constitutional Rights (New York)

Litigation-oriented research focused on the legality of state-sanctioned torture under the principle of universal jurisdiction.

Center for Justice and Accountability (San Francisco, CA)

Consulted with Senate staffers on *amicus curiae* brief for the Supreme Court in *Yousef v. Samantar*, regarding Congressional intent as to whether the Foreign Sovereign Immunities Act should be a bar to remedies under the Torture Victim Protection Act.

Institute for International Law and Human Rights (Washington D.C. and Baghdad)

Legislative analysis and comparative legal research support to Iraqi parliamentarians working on rights respecting legal reform, notably, comparative state practice on legislative continuity

UVA INTERNATIONAL HUMAN RIGHTS LAW CLINIC PROJECTS

Machik (Washington D.C.)

Designed a sustainable environmental and community development program for Tibetan communities, to provide them with legal and educational tools necessary for self-sufficiency and empowering them to proactively address encroachments on their environmental and land rights.

UN Special Rapporteur on Violence Against Women

Preparation for a roundtable involving U.S. gender and human rights advocates and a background paper for the roundtable on areas of concern in the United States under the SR VAW's mandate. The roundtable was held at UVA Law School in February 2010, while the SR VAW's was a visiting distinguished professor in residence here.

Spring 2009

Burke O'Neil, LLC (Charlottesville and Washington D.C.)

Research related to torture claims and in preparation for oral argument in *Saleh v. CACI* (private military contractor that provided interrogators at Abu Ghraib and other detention facilities) in the D.C. Circuit Court of Appeals.

Institute for International Law and Human Rights (Washington D.C. and Baghdad)

Legislative analysis and research support to Iraqi parliamentarians working on rights respecting legal reform, notably, the Law on a National Human Rights Commission and interpreting the practical implications of a constitutional provision on electoral terms.

Fall 2008

American Civil Liberties Union National Security Project (New York)

Drafting summaries of documents received through a FOIA request for ACLU's online Torture Database.

Center for Constitutional Rights (New York)

Drafted, in collaboration with the International Human Rights Clinic at A.U./ Washington College of Law, *amicus curiae* brief for the D.C. Circuit Court of Appeals in *Saleh v. Titan* (private military contractor at Abu Ghraib) on the development of Alien Tort Statute jurisprudence with regard to non-state actors and the right to a remedy.

Center for Reproductive Rights, International Program (New York)

Research on the intersections between violence against women and reproductive rights with an eye to the mandate of the U.N. Special Rapporteur on Violence Against Women.

Institute for International Law and Human Rights (Washington D.C. and Baghdad)

Legislative analysis and research support to Iraqi parliamentarians working on rights respecting legal reform, in particular laws on national census, civil society organizations (NGOs), education ministries, and private security contractors.

Spring 2008

American Civil Liberties Union National Security Project (New York)

Drafted complaint filed in D.C. District Court to enforce a Freedom of Information Act (FOIA) request filed in 2006 requesting the release of all records relating to deaths, suicide attempts and homicide attempts at the U.S. naval base at Guantánamo Bay since 2002.

Iraq History Project (International Human Rights Law Institute, DePaul College of Law)

Researched and drafted a literature review of material on human rights violations in Iraq from 1968-2003, for a major report to be published by the Institute in fall 2008.

UVA INTERNATIONAL HUMAN RIGHTS LAW CLINIC PROJECTS

Robert F. Kennedy Memorial Center for Human Rights (Washington D.C.)

Finalized report on *The Right to Education of Afro-Descendant and Indigenous Communities in the Americas (with Country Profiles of Colombia, Guatemala and the Dominican Republic)*, and presented to the Inter-American Commission on Human Rights with the RFK Center and Cornell Law School Human Rights Clinic in a thematic hearing.

Fall 2007

Robert F. Kennedy Memorial Center for Human Rights (Washington D.C.)

Continued participation in the preparation of a thematic hearing for the Inter-American Commission on Human Rights on “Strengthening Access to Education for Afro-Descendant Communities: Guatemala, Colombia and the Dominican Republic.” The Clinic further revised the legal framework draft, and wrote a section for the background document on the situation in Guatemala.

EarthRights International (Washington D.C.)

Research memos for *Bowoto v. Chevron*, a case brought under the Alien Tort Claims Act in the Northern District of California, alleging gross violations of human rights by Chevron and its subsidiaries engaged in oil exploitation in Nigeria’s Delta region.

Center for Justice and Accountability (San Francisco, CA)

Wrote *amicus curiae* brief for the Fourth Circuit Court of Appeals on behalf of plaintiffs in *Yousef v. Samantar*, signed by Congresswoman Sheila Jackson-Lee and law professors. Plaintiffs are persons of Somali origin now living in the U.S. who allege torture and extrajudicial killing during the Barre regime, when defendant Samantar served as Prime Minister, First Vice President and Defense Minister. The amicus brief argued that Congress did not intend the Foreign Sovereign Immunities Act to serve as a bar to remedies under the Torture Victim Protection Act.

Spring 2007

Forest Peoples Program (U.K. / Netherlands) and Association of Indigenous Village Leaders in Suriname (VIDS – Suriname)

Using the manual developed by the Clinic (in spring 2006), designing workshops for indigenous leaders in Suriname on (1) the right to education and (2) procedures for using the Inter-American Commission for Human Rights to enhance its protection.

Human Rights First (New York)

Wrote an amicus brief to be submitted with the Human Rights Defender Program of Human Rights First to the Inter-American Commission on Human Rights. The brief supports a case filed by the Colectivo de Abogados José Alvear Restrepo (Colombia) and the Center for Justice in International Law (CEJIL) concerning the state’s duty to protect human rights defenders.

Robert F. Kennedy Memorial Center for Human Rights and Center for Justice in International Law (CEJIL) (Washington D.C.)

Assisting in the preparation of a thematic hearing for the Inter-American Commission on Human Rights on “Strengthening Access to Education for Afro-Descendant Communities: Colombia and the Dominican Republic.” The Clinic is drafting a legal framework describing the applicable international human rights standards, and the obligations of states to afro-descendant peoples with respect to the right to education.

Fall 2006

Adalah, The Legal Center for Minority Rights in Israel (Shefar’am, Israel)

International humanitarian and human rights law research on IDF practices in the Gaza Strip since the capture of the Israeli soldier in June 2006.

UVA INTERNATIONAL HUMAN RIGHTS LAW CLINIC PROJECTS

Global Rights (Washington D.C.)

Drafted shadow reports on lesbian, gay, bisexual, transgender and intersex (LGBTI) rights in Honduras and Bosnia-Herzegovina for submission to the UN Human Rights Committee, in advance of the Committee's consideration of the official government reports on compliance with the International Covenant on Civil and Political Rights (which met in October 2006).

Human Rights First (New York)

Research concerning fair trial norms and evidentiary matters in U.S. civilian and military courts for advocacy by the U.S. Law and Security Program.

Human Rights Watch (Middle East/ North Africa division)

Research on Israel's legal obligations with regard to land and housing rights of its indigenous population for report published in March 2008: *Off the Map, Land and Housing Rights Violations in Israel's Unrecognized Bedouin Villages*.

Spring 2006*

Case of juvenile detainee in Guantanamo, *Omar Khadr v. Bush* (in conjunction with the International Human Rights Law Clinic at American University/Washington College of Law)

Legal research for the defense in federal court case of a Canadian who was 15 when captured in Afghanistan in July 2002, and held in Guantanamo since shortly after his 16th birthday. Omar Khadr's military commission hearing began in January; this is the first such trial of an individual under the age of 18 at the time of the alleged offense in modern history.

Center for Constitutional Rights (New York)

Amicus brief of international law experts in "Agent Orange" product Liability Litigation (*The Vietnam Association for Victims of Agent Orange/Dioxin et al. v. Dow Chemical et al.*)

Coalition to Protect Public Housing (Chicago)

Strategic development for a petition or other submission to UN and/or Inter-American regional human rights bodies on violations of rights to adequate housing and to non-discrimination

Earthrights International (Washington D.C.)

Preparation of a written submission for the UN Special Representative to the Secretary General on Business and Human Rights regarding issues of accountability and complicity of corporations and other business enterprises in human rights abuses

Forest Peoples Program (U.K. / Netherlands)

With respect to the conditions of indigenous and tribal peoples (Maroon) of Suriname, drafting a manual on international law regarding the rights to non-discrimination, health and education.

Special Court for Sierra Leone, Office of the Prosecutor (Freetown, Sierra Leone)

Research and analysis on legal questions in the case briefs and proceedings (as part of Academic Consortium).

* N.B. *The Clinic was not offered during the Fall 2005 semester*

Spring 2005

Center for Justice and Accountability (San Francisco)

Participation in development of ATCA and TVPA case.

Greensboro Truth and Reconciliation Commission (North Carolina)

UVA INTERNATIONAL HUMAN RIGHTS LAW CLINIC PROJECTS

Reviewing trial documents and secondary sources in federal criminal case and federal civil case, analyzing for procedural violations under international law.

Special Court for Sierra Leone, Office of the Prosecutor (Freetown, Sierra Leone)

Research and analysis on legal questions in the case briefs and proceedings (as part of Academic Consortium).

Tebtebba Foundation (The Philippines / London)

Research collaboration with experts of the UN Working Group on Indigenous Populations leading to a legal commentary on free, prior and informed consent of indigenous peoples in relation to development affecting their lands and natural resources.

Fall 2004

Center for Constitutional Rights (CCR / New York)

Legal research for case filed in Germany under the 2002 Code of Crimes Against International Law against U.S. military and civilian leaders for command responsibility for war crimes at the Abu Ghraib prison in Iraq.

EarthRights International (ERI / Washington D.C.)

With an eye to options for Southeast Asian regional environmental and human rights promotion and protection, prepared memos outlining the domestic legal framework, applicable international law, and issues related to the rights of indigenous peoples in Vietnam, Thailand, and Cambodia.

Gender Public Advocacy Coalition (GenderPAC, Washington D.C.)

Legal research on protections for gender expression and identity for a long term strategy developing a staff presentation guide on the use of international human rights in the organization's advocacy efforts.

Global Rights/ Partners for Justice (Washington D.C.)

Prepared a guide to strategic impact litigation and a human rights analysis of Mongolian land laws, which was translated and used in a workshop on strategic human rights lawyering and activism held in Mongolia (conducted by a Clinic alumna after graduating).

International Center for Transitional Justice (ICTJ / New York)

Compiled an analysis of laws and regulations governing the preservation of documentation from 15 truth commissions, including best practices and recommendations, for a project aimed at developing a user-friendly handbook for existing and future truth commissions.

Law Office of Moore & Goodman (New York)

Legal research on viability of claims arising under the Alien Tort Claims Act post *Sosa v. Alvarez Machain* for class action suit filed in the Eastern District of New York by Vietnamese victims of Agent Orange, against manufacturers of the poison.

Special Court for Sierra Leone, Office of the Prosecutor (Freetown, Sierra Leone)

Research and analysis on legal questions in the case briefs and proceedings (as part of Academic Consortium).

Spring 2004

American Bar Association/Central & Eastern Europe Law Initiative (ABA-CEELI)

Drafting a resource manual (bench book) for handling domestic war crimes cases in Bosnia-Herzegovina.

Adalah: The Legal Center for Arab Minority Rights in Israel (Shefar'am, Israel)

A comparative analysis of the law and policies of prisoners' and detainees' access to counsel.

UVA INTERNATIONAL HUMAN RIGHTS LAW CLINIC PROJECTS

Amicus curiae brief of International Human Rights Organizations and Faith-Based Organizations to the Supreme Court on behalf of Respondant in *Sosa v. Alvarez-Machain*

Substantial research and assistance in writing of amicus brief, Clinic joined as amicus

Bureau des Avocats Internationaux (Port-au-Prince, Haiti)

Analysis of Haitian and international law concerning violence against women, and proposals for reform.

Center for Justice in International Law (CEJIL, Washington D.C.)

Drafting arguments for brief to be submitted to Inter-American human rights system on rights of people living with HIV/AIDS to antiretroviral medications and integral treatment.

EarthRights International (Washington D.C.)

Analysis of human rights policies and practices of the current Bush Administration, which were.

Human Rights Watch / International Justice Program

Researched the role of victims at the International Criminal Court.

Solidarity Center (Washington D.C.)

Researched and wrote *Justice for All, The Struggle for Worker Rights in Jordan*, report on core international labor standards in Jordan; students also traveled to Jordan to obtain first-hand testimonies for the report.

Special Court for Sierra Leone, Office of the Prosecutor (Freetown, Sierra Leone)

Research and analysis on legal questions in the case briefs and proceedings (as part of Academic Consortium).

Fall 2003 (Inaugural semester)

EarthRights International (ERI)

Participation and meaningful consent by indigenous communities as a precondition to the funding of development projects by multinational development banks in the Amazon countries.

Center for Justice in International Law (CEJIL)

Requesting an Advisory Opinion from the Inter-American Court of Human Rights on the scope of economic, social and cultural rights protection in the Inter-American system.

International Human Rights Law Group

Defense of freedom of expression in the Afghan Human Rights Commission – the case of the Kabul *Aftab Weekly* editor, Mir Hussein Mahdawi, and writer Ali Reza Payam.

Human Rights Watch, International Justice Program

Assessing the Iraqi justice system and international fair trial standards.

Human Rights First (Washington D.C.)

Analysing the impact of the US-Canada Border Agreement on asylum seekers.

Special Court for Sierra Leone, Office of the Prosecutor (Freetown, Sierra Leone)

Research and analysis on legal questions in the case briefs and proceedings (as part of Academic Consortium).