

CARDOZO LAW INSTITUTE

in Holocaust *and* Human Rights

SPRING 2020 NEWSLETTER



OPINION: HUMAN RIGHTS AND COVID-19

Ali Cain, [Europe's Failure to Uphold Refugee Rights During COVID-19](#), IntLawGrrls, 5/10/2020.

Jocelyn Getgen Kestenbaum, [Coughing into the Crowd: Bolsonaro's Botched COVID-19 Response](#), Just Security, 5/1/2020.

Faraz Sanei, [Re-centering the Religious Freedom v. Public Health Debate](#), Emory University Center for the Study of Law and Religion, 4/29/2020.

NEW RESOURCE: CONFRONTING STRUCTURAL VIOLENCE LAW TEACHING GUIDES

CLIHHR launched a set of [10 teaching guides](#) that will help professors incorporate today's legal issues into the courses they teach. The guides assist law professors in training their students to recognize and respond to structural violence and human and civil rights violations across practice areas. Areas of law that are covered are constitutional law, corporations, criminal procedure, trademarks, and international law. The guides are grounded in cases that many professors already teach and include learning objectives, questions that can be used for in-class discussion or exams, and useful background. They're available online and are open access, serving as a flexible resource professors can easily adapt for introductory survey courses or upper-level seminars to plan or update syllabi, individual lessons, exams, and more.



PROFESSOR GABOR RONA CITED BY INTERNATIONAL CRIMINAL COURT



In November 2019, Professor Gabor Rona, Director of CLIHHR's Law and Armed Conflict Project, submitted an *amicus* brief to the International Criminal Court (ICC) in connection with the Prosecutor's request to commence an investigation into international crimes arising out of Afghanistan. The Pre-Trial Chamber (PTC) had rejected the Prosecutor's request to investigate CIA war crimes that involved secret detention and torture of detainees at "black sites" in Poland, a State Party to the Rome Statute (ICC Treaty). The PTC held that those events lacked sufficient nexus to the armed conflict in Afghanistan. Professor Rona's brief, suggesting a reversal of the Pre-Trial Court's determination that conduct occurring beyond the boundaries of Afghanistan are beyond the scope of the Rome Statute's war crimes provisions, was cited by the ICC in its decision on March 5, 2020. The PTC's decision is now reversed and an investigation into the situation in Afghanistan is authorized. [Read the ICC decision and Professor Rona's brief.](#)

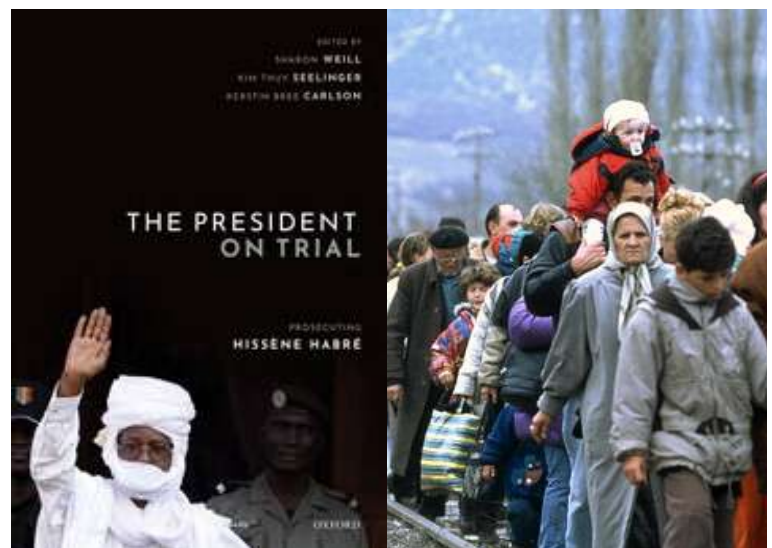
RECENT PUBLICATIONS

Jocelyn Getgen Kestenbaum, *Missing in Action: The International Crime of the Slave Trade*, J. Int'l Crim. Just. (forthcoming with Patricia Viseur Sellers, Spring 2020).

Jocelyn Getgen Kestenbaum, "*Sexualized Slavery*" and *Customary International Law*, in *Prosecuting the President: The Trial of Hissène Habré* (with Patricia Viseur Sellers) (Sharon Weill et al. eds., forthcoming May 28, 2020).

Ali Cain, *Why the EU Should Reconsider Renegotiating the 2016 EU-Turkey Migration Deal*, Columbia University RightsView Blog, 4/17/2020.

Ali Cain, *A Fresh Start in EU Migration Policy: Re-examining the Dublin Regulation*, Columbia University RightsView Blog, 2/28/2020.

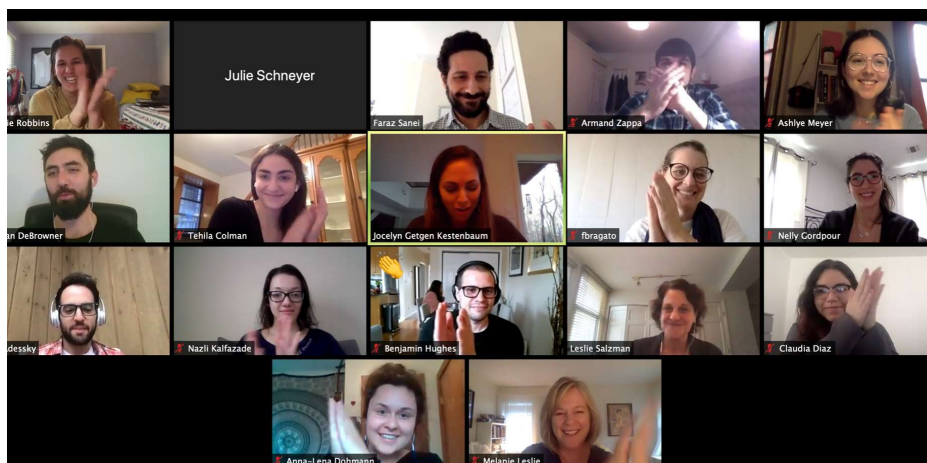


BENJAMIN B. FERENCZ HUMAN RIGHTS AND ATROCITY PREVENTION CLINIC STUDENTS SUBMIT AMICUS BRIEF ON BEHALF OF WAIMIRI-ATROARI



The Clinic, in partnership with the Human Rights Centre at UNISINOS in Porto Alegre, Brazil, submitted an amicus brief in support of the Waimiri-Atroari Genocide Reparations Case. In the late 1960s, the Brazilian Army built highway BR-174 through Waimiri territory and used napalm gas, machine guns, and air raids to repress and nearly decimate the Waimiri population. The Brazilian Truth Commission Report, published in 2014 and referencing crimes committed during Brazil's military dictatorship, described these harms against the Waimiri as genocide. Brazil's Federal Prosecutors Office (MPF) sued the Brazilian state on behalf of the Waimiri-Atroari community for reparations. The Clinic's amicus brief outlines the definition and elements of genocide under international law and relies on previous genocide cases around the world to argue that the Waimiri-Atroari did experience genocide perpetrated by the Brazilian state.

CLINIC STUDENTS WIN CLEA OUTSTANDING CLINIC TEAM AWARD



Nelly Gordpour ('21) and Nolan DeBrowner ('20) received the CLEA Outstanding Clinic Team Award for their work with Federal Prosecutors of Brazil's Task Force on Social Environmental Conflicts. The team designed and implemented a two-day training session in Manaus, Brazil after identifying the need for media communications skills for strategic human rights advocacy and litigation. Communication is essential to the long-term success of the Task Force in combating climate change, violence against indigenous communities, illegal mining, logging and land grabbing. By working with the Federal Prosecutors, Nelly and Nolan helped to strengthen the capacity of the frontline prosecutors protecting the Amazon Rainforest and Indigenous Peoples living on protected lands.

PROFESSOR RICHARD WEISBERG VISITS UNIVERSITY OF PITTSBURGH SCHOOL OF LAW

CLIHHR founding Director Professor Richard Weisberg was the Distinguished Visiting Professor of English Literature and Law at the University of Pittsburgh School of Law for the Spring 2020 semester. He taught a "Holocaust Legal Systems" course, which covers the grim reality of "legal" behavior in Vichy France, the Third Reich, and the British Channel Islands. The course also covered attempts in U.S. federal courts to gain a measure of justice for survivors or their heirs. During an on-campus lecture in February 2020, Professor Weisberg spoke about how French lawyers mishandled anti-Semitic laws during the Vichy regime and gave an account of two current restitution cases against Hungary for Holocaust wrongdoing, one of which he helped to argue as co-counsel.



CLINIC ALUMNI SPOTLIGHT: ARI BROCHIN (JD '10)



Ari Brochin first became involved with CLIHHR during his 1L year when he participated in a winter break trip to Rwanda and Tanzania led by former CLIHHR Director Sheri Rosenberg. The purpose of the trip was to examine legal responses to the Rwandan genocide and the prosecutions through the International Criminal Tribunal for Rwanda (ICTR). He then participated in the Clinic in Spring 2009 and worked on *Sejdic and Finci v. Bosnia and Herzegovina* before the European Court of Human Rights (ECtHR). While a student in the Clinic, Ari also worked to support the UN Independent Expert on Minority Issues on a report on Kazakhstan. After graduating from Cardozo, he interned for the Open Society Justice Initiative, where he worked on issues of international criminal law and national criminal justice reform. Afterward, he worked overseas for the Karen Human Rights Group, a Thailand-based, refugee-run human rights reporting, training and advocacy organization active in Southeast Myanmar. Since 2015, he's worked for the United Nations High Commissioner on Refugees (UNHCR) as a caseworker in both Uganda and Israel. Ari credits the Clinic with developing his familiarity with the UN organizations and mechanisms. His trip to Africa with the Clinic gave him a background on the complex history and politics of the African Great Lakes Region that has assisted him greatly in his work.

CLIHHR GRADUATE STUDENT SPOTLIGHT

CECILIA GEBRUERS-HANYA (LLM '17; JSD '20)

Cecilia Gebruers-Hanya is an Argentinean human rights lawyer. She graduated from the University of Buenos Aires School of Law, has an LL.M. in Comparative Legal Thought and is currently completing the last year of her doctorate in Law (JSD) at the Benjamin N. Cardozo School of Law through a Fulbright Scholarship. While at Cardozo, Cecilia participated in the HRAP Clinic during 2016-2017 and worked on a project concerning land rights and corporate accountability. She has also interned at the Global Legal Program of the Center for Reproductive Rights, and at the Human Rights Legal Advocacy Team at MADRE in New York. Since 2017, Cecilia has been working on a thesis titled "(un)Settling Intersectionality in human rights law and legal theory through the case of indigenous women affected by land conflicts in La Pampa, Argentina." Her research goal is to contribute to the field of critical legal theory and human rights law by applying an innovative methodological approach to intersectional studies, which combines theoretical as well as empirical work in order to build upon a grounded theory of intersectionality. The focus of the empirical phase of the investigation is to address these intersections through the experience of indigenous women's relationships to land and rights in western La Pampa, Argentina.



SEYED MOHSEN ROWHANI (JSD 21')

Seyed Mohsen Rowhani is an LLM student from Iran. Being from the Middle East has shaped Seyed's interests as his thesis work focuses on the humanitarian consequences of economic sanctions and the larger question of how human rights can be protected by international bodies. He's currently analyzing the consequences of unilateral economic sanctions against targeted countries and the relevancy between international human rights and economic sanctions through the lense of previous UN imposed sanctions. CLIHHR Director Professor Jocelyn Getgen Kestenbaum has advised Seyed on his work.



CLIHHR TEAM



Ali Cain  (@AliCain10), CLIHHR Program Coordinator



Eric Freedman, European Advisor and Visiting Professor of Law




Jocelyn Getgen Kestenbaum  (@JocelynGetgen), Assistant Clinical Professor of Law and Director of CLIHHR and the Benjamin B. Ferencz Human Rights & Atrocity Prevention Clinic




Casey Pearlman, CLIHHR 2019-2020 Student Fellow



Gabor Rona  (@GaborRona1), Professor of Practice and Director of the Law and Armed Conflict Project



Faraz Sanei  (@FarazSanei), Visiting Instructor of Clinical Law and Telford Taylor Teaching Fellow for the Benjamin B. Ferencz Human Rights and Atrocity Prevention Clinic



Richard H. Weisberg, CLIHHR Founding Director and Walter Floersheimer Professor of Constitutional Law

STAY IN TOUCH



<https://cardozo.yu.edu/academics-and-clinics/centers-and-institutes/cardozo-law-institute-holocaust-and-human-rights>



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