

IN MEMORIAM

Benjamin Berell Ferencz

MARCH 11, 1920 - APRIL 7, 2023



CLIHHR Mourns the Loss of Benjamin Berell Ferencz



On April 7, 2023, Benjamin B. Ferencz, the last surviving prosecutor of the Nuremberg trials passed away at age 103. Born in Transylvania to a Jewish family, his family emigrated to the U.S. to escape the persecution of Jews in Hungary. He grew up during the Great Depression, fought in World War II, and spearheaded a global recovery that promoted democracy and the rule of law. Ben was just 27-years old when he was appointed as chief prosecutor in the Einsatzgruppen trial, one of the 12 cases of the Nuremberg trials. As a Nuremberg prosecutor and a life-long champion of international justice, he rose to meet the challenges of his generation like few others. His work has profoundly shaped an understanding of atrocity prevention, the jurisprudence of international courts, and the commitment towards world peace.



Ben Ferencz devoted his life to a world that could imagine and actualize lasting peace. Recipient of Cardozo's International Advocate for Peace Award, he understood better than anyone that this task would not be easy but had witnessed enough death and destruction in conflict to know that the urgent pursuit of a peaceful world should never be a forgotten endeavor. At Cardozo Law School, we honor, cherish, and uphold everything Ben Ferencz represented through the establishment of the Benjamin B. Ferencz Human Rights and Atrocity Prevention Clinic. The Clinic's Director, Professor Jocelyn Getgen Kestenbaum

shares, "Ben reminded our faculty and students of the reasons that we all came to law school - to ensure that all people everywhere live in peace, that we work toward building societies in which all people can live without fear and with dignity. We are honored to carry the torch of Ben's life's work, pushing the rock up the hill and never giving up. His legacy will live on through the Benjamin B. Ferencz Human Rights and Atrocity Prevention Clinic's work."

CARDOZO LAW INSTITUTE

in Holocaust and Human Rights

Summer 2023 Newsletter

Dear Friends:

Summer is a time of activity, celebration, and for many of us a time to refocus on the things most important to us. After another successful but busy academic year, we at CLIHHR are reflecting upon our work to ensure the protection of human rights at home and globally, while recognizing the ongoing challenges that lie ahead.



As I write this letter, we are facing ever increasing attacks on human rights at home. Over the course of the last month the Supreme Court of the United States announced a number of consequential decisions: striking down affirmative action and delivering a blow to LGBTQ+ protections. As we monitor these and other challenges, we continue to watch in horror the LGBTQ+ rights backsliding in Uganda, as well as the deepening conflict and worsening atrocities in Ukraine as a result of Russian government aggression.

Now more than ever, CLIHHR's work is essential to protecting human rights, preventing atrocity crimes, and providing redress for victims-survivors in the wake of atrocities. I am proud to say that our partners are strong and resilient allies in this fight. Thanks to our partnership with the Global Justice Center, Emergent Justice Collective, Tallawah Justice for Women, Cardozo International and Comparative Law Journal, and UN Women; we hosted a two-day conference this past April, discussing how the ground-breaking International Criminal Court's Appeals Chamber ruling in Prosecutor v. Dominic Ongwen impacts intersectional feminist approaches to norm-setting and redressing sexual and gender-based crimes in international law.

Our [Fall 2022 newsletter](#) demonstrates CLIHHR's unwavering commitment to upholding human rights and shining a light on issues affecting the most vulnerable populations. At CLIHHR we know that we are stronger together and want to thank all of you for your continued support. We hope that you will consider investing in the clinic by [including a gift to CLIHHR](#) to ensure that Ben Ferencz's legacy and vision lives on through our critical work.

In Solidarity,

Jocelyn Getgen Kestenbaum

Full Professor of Law

Director of CLIHHR and Benjamin B. Ferencz Human Rights and Atrocity Prevention Clinic

Cardozo Students Win Big at the Clara Barton International Humanitarian Law Competition



Cardozo Student Team from left to right: Jillian Leavey, Brett Jones, Talia Heller, John Dellamore



Award for "best application" at the Clara Barton International Humanitarian Law Competition

This past March a team of Cardozo Law students, John Dellamore, Brett Jones (CLIHHR Legal Fellow), Jillian Leavey (CLIHHR Clinic Student), and Talia Heller (IntLawGrrls Student Editor), advised by Professor Gabor Rona, traveled to Washington DC to compete in this year's Clara Barton International Humanitarian Law competition, sponsored by the American Red Cross. We are extremely proud to announce that the Cardozo team won the award for "best application". We spoke with team member and CLIHHR Legal Fellow, Brett Jones ('23), to get his perspective on the competition and his team's experience.

Mx. Brett Jones ('23):

In March 2023, I was privileged to participate on behalf of Cardozo Law in the Clara Barton International Humanitarian Law Competition along with Talia Heller ('23), John Dellamore ('23) and Jillian Leavey ('24). The competition was hosted by the American Red Cross at the National Headquarters in Washington, DC. This is the first time Cardozo Law has competed in the Clara Barton IHL Competition. This year, the competitors consisted of sixteen teams—three military academies, three international law schools, and ten teams from domestic law schools. This competition tests the competitors' knowledge of international humanitarian law (also known as the law of armed conflict) and their ability to advocate on behalf of military operations, civil society organizations, and detainees. Competitors role-play as various types of advocates in six rounds of a simulated and escalating armed conflict, culminating in a mock trial before the ICC between the top two teams. Ultimately, the Cardozo Law team walked away with the trophy for the Best Application Brief.

Cardozo Students Win Big at the Clara Barton International Humanitarian Law Competition



This was an incredible experience for us. From a practical advocacy perspective, this competition gave us the opportunity to apply the legal knowledge we developed in class to varied, real-world conflict situations. These situations included acting as JAG officers briefing a commanding officer about the IHL implications of an attack and the use of new weaponry, acting as International Committee of the Red Cross (ICRC) delegates to a detention facility by

a non-state armed group, acting as representatives of a party to the armed conflict before a UN Special Commission, and acting as pundits on a cable news program. The CBC judges were experts in their fields ranging from ICRC delegates and NGO policy advisors to the Chief Justice of the US Army Court of Criminal Appeals, Brigadier General Ronald D. Sullivan.

As I reflect personally on my experience, I'm moved by the community I found at this competition. The organizers—particularly CBC Fellow, Carolina Celnik, and Senior Legal Advisor in IHL, Thomas Harper—created an environment where students felt empowered to mingle and network with the expert practitioners. Those of us who care about IHL do so because we



understand the devastating impact of armed conflict on the innocent victims of warfare, and we are prepared to use every legal mechanism possible to limit the destruction of armed conflict to those actions necessary to resolve the armed conflict. Often times, IHL is framed as who you can or cannot target to meet the military objectives, but it is more than that. It is an understanding that although armed conflict is a reality of the human experience, those who engage in armed conflict have an obligation to preserve the humanity, dignity, and sanctity of human life. Having the opportunity to be surrounded by 100+ people who have dedicated their lives to upholding those values was inspirational and will be a defining moment in my career as an international law practitioner.

Benjamin B. Ferencz Human Rights and Atrocity Prevention Clinic Student Successes



Pictured left to right: Cecilia Gebruers, Aideen Byrne, Jocelyn Kestenbaum, Paula Sagel, Jillian Leavey, and Ahren Lahvis

This past March, CLIHHR Director and Professor Jocelyn Kestenbaum led two clinic students, Jillian Leavey ('24) and Ahren Lahvis ('24), alongside CLIHHR Visiting Research Scholar, Aideen Byrne to Argentina for a week long fact-finding mission. The CLIHHR team held stakeholder meetings and framework development with their project partners, Cecilia Gebruers (Cardozo and clinic alum '20) from Universidad Torcuato di Tella and Paula Sagel (Cardozo alum '18) from Universidad de Buenos Aires. Their trip focused on urban extractivism, the effect on Indigenous peoples, and the environment in Buenos Aires.



While in Santa Rosa at the University of La Pampa, Visiting Research Scholar, Aideen Byrne presented on the panel "Comparative Perspective: Networks in legal clinics in the US and the United Kingdom" during 'Workshop II: Networks and Alliances as a Strategy to strengthen legal clinics through Comparative Experiences,' as well as participated in a series of closed meetings on strengthening clinical legal education.

Benjamin B. Ferencz Human Rights and Atrocity Prevention Clinic Student Successes



Pictured left to right Arifa Abraham and Samantha Velez

Following a very short break after Argentina, CLIHHR Director and Professor Jocelyn Kestenbaum embarked on another journey, this time to India with two clinic students - Arifa Abraham ('24) and Samantha Velez ('24). Their clinic project, **Developing and Implementing an International Human Rights Workshop Incorporating Sex Worker Rights**, alongside their partner organization, Sadhana Mahila Sangha, led them to Bangalore, India. Sadhana is a community-based organization led by sex workers that demands socio-economic rights such as health, safety, education, and the end of violence and harassment inflicted upon sex workers, primarily by state authorities. In April 2023, they traveled to Bangalore to implement the International Human Rights Workshop, which consisted of three modules: (I) What are Human Rights; (II) The Status of Global Sex Work; and (III) Community Sharing Collage.



Signature Event Spring 2023: Ongwen Conference

On April 20-21, 2023, CLIHHR, the Cardozo International and Comparative Law Journal, the Emergent Justice Collective, the Global Justice Center and Tallawah Justice for Women, co-hosted a two-day conference to discuss the ground-breaking impact of the Appeals Chamber ruling in the case of *Prosecutor v. Dominic Ongwen* on intersectional feminist approaches to norm-setting and redressing sexual and gender-based crimes in international law. **Catalyzing Change: Ongwen, Sexual and Gender-Based Crimes, and Intersectional Feminist Practice in International Criminal Justice** brought together a diverse group of feminist scholars, legal practitioners, and survivors.



Day 1: Opening Conversation

Pictured left to right: Sarah Kihika Kasande, Victoria Nyanyjura, and Patricia Viseur Sellers

Day one of the conference kicked off with an opening conversation with the incomparable Patricia Viseur Sellers (Special Advisor on Slavery Crimes to the Office of the Prosecutor and Visiting Fellow, Kellogg College, University of Oxford), Victoria Nyanyjura (War survivor and founder of Women in Action for Women), and Sarah Kihika Kasande (Ugandan Transitional Justice Expert and International Center for Transitional Justice Head of Office, Uganda) who

helped set the context of the case of *Prosecutor v. Dominic Ongwen* and the significance of the ICC's ruling. Following the opening conversation, panel one chaired by Priya Narayanan, explored the Appeals Chamber decision through feminist and intersectional lenses. CLIHHR Director Jocelyn Kestenbaum, Alix Vuillemin (Advocacy Director, Women's Initiatives for Gender Justice), Valerie Oosterveld Associate Director, Centre for Transitional Justice and Post-Conflict Reconstruction), and Adejoké Babington-Ashaye (International Law Specialist) reflected on the process and substantive impact of the amici submissions in shaping the jurisprudence of the ICC on sexual and gender-based crimes.



Panel 1

Pictured left to right: Adejoké Babington-Ashaye, Jocelyn Kestenbaum, Valerie Oosterveld, Alix Vuillemin, Priya Narayanan

We wrapped up the first day with panel two discussing the impact on feminist processes in international justice. Chaired by Lorraine Smith van Lin (Founder, Executive Director of Tallawah Justice for Women), the panel unpacked the systemic, structural and other barriers that precluded full and meaningful participation of relevant actors including lawyers, activists, survivors, and transitional justice experts from Uganda. Alexandra Lily Kather (Co-Founder, Emergent Justice Collective), Angela Mudukuti (International Criminal Lawyer), Angela Atim Lakor (War survivor, Co-Founder, Watye Ki Gen (We Have Hope), and Margaret Ajok (Ugandan

Signature Event Spring 2023: Ongwen Conference



Panel 2

Pictured left to right: Margaret Ajok, Lily Kather, Angela Mudukuti, Angela Lakor, Lorraine Smith van Lin

On day two we resumed with an amazing keynote from Ambassador Beth van Schaak, the U.S. Ambassador-at-large for global criminal justice. Ambassador van Schaak discussed ongoing reparations for sexual and gender based crimes and emphasized the need for all of us to work collectively toward survivor centered and trauma informed transitional justice.

Following Ambassador van Schaak's keynote, panel three convened to discuss reparations in related to the Ongwen case and the broader impact on the transitional justice process in Uganda. The panel was chaired by Lorraine Smith van Lin and featured speakers; Angela Atim Lakor, Margaret Ajok, Victoria Nyanjura, and Pamela Angwech (Director of Gulu Women's Economic Development and Globalization (GWED-G)).

We ended the conference with our fourth and final panel, examining the way forward. Chaired by Global Justice Center president, Akila Radhakrishnan, panelists; Sarah Kihika Kasande, Pamela Angwech, Kim Thuy Seelinger (Special Advisor on Conflict-Related Sexual Violence to the Office of the Prosecutor at the International Criminal Court and Director, Center for Human Rights, Gender and Migration) and Emily Kenney (Policy Specialist, UN Women) discussed the role and responsibility of the State in ensuring timely redress and the importance of meaningful survivor engagement in the process.

transitional justice expert, currently LLM student Columbia University) reflected more broadly on what is required to engineer change in the manner in which sexual and gender-based crimes are adjudicated and redressed in international accountability mechanisms.



Panel 3

Pictured left to right: Pamela Angwech, Margaret Ajok, Victoria Nyanjura, Angela Lakor, Lorraine Smith van Lin



Panel 4

Pictured left to right: Pamela Angwech, Sarah Kihika Kasande, Kim Thuy Seelinger, Emily Kenney, Akila Radhakrishnan



Interested in learning more about the participants? Read their bios [here](#).

Weren't able to attend the conference? Watch here: [Day One I](#), [Day One II](#), [Day Two I](#), [Day Two II](#)

CLIHHR Faculty Updates

This past semester, Professor Gabor Rona, Director of CLIHHR's Law and Armed Conflict project, helped draft position papers for the UN Working Group on Mercenaries, concerning negotiations for a proposed treaty on the regulation of private military and security contractors. He provided law-of-armed-conflict advice in connection with legal challenges to the adoption of an Afghan child by a U.S. servicemember involved in military action during which the child's parents were killed. Prof. Rona has continued to his work in connection with the Russia-Ukraine conflict; consulting with international legal scholars who have been formulating proposals for a tribunal to impose criminal accountability for international law violations in the conflict, as co-Chair of the International Humanitarian Law Committee of the American Branch of the International Law Association, and has given several interviews to U.S. and foreign journalists on accountability for crimes of aggression, war crimes, crimes against humanity, and genocide.

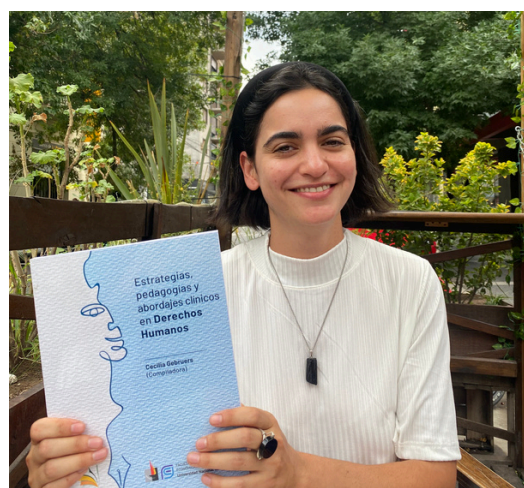


CLIHHR Director, Jocelyn Kestenbaum attended the Association of American Law Schools (AALS) Annual Meeting and spoke on a panel discussing urgent issues in human rights law and how the pandemic has changed the way clinicians teach. Prof. Kestenbaum spoke on the panel "Anti-racist and Anti-colonial Clinic practice" at the International Human Rights Clinicians Conference held at the University of Virginia Law School (UVA) and co-hosted by UVA and Duke University School of Law. She also attended the University of Richmond Law School 2023 Junior Faculty Forum.

Most recently, Prof. Kestenbaum attended the National American Indian Housing Council Annual Convention and Tradeshow where she presented alongside Carolina LaPorte, Director of STTARS Indigenous Safe Housing Center, on "Implementing Human Rights and Indigenous Responsibilities Frameworks for GBV Survivors." We also want to congratulate Prof. Kestenbaum for her recent promotion to Professor of Law.

CLIHHR Out & About

With the support of Visiting Research Scholar, Aileen Byrne, clinic students Ariella Omar and Samantha Luring presented their research on the Freedom of Information laws across New York, New Jersey, and Connecticut at the Urban Indigenous Collective's East Coast Summit. Ariella and Sam in partnership with the Urban Indigenous Collective and the Lenape Center, have spent the last year researching the Missing and Murdered Indigenous Persons (MMIP) crisis in the US, focusing on the data gap regarding MMIP on the East Coast, especially in urban spaces.



Cecilia Gebruers, Cardozo alum and former clinic student recently published and co-edited the book, *Estrategias, pedagogías y abordajes clínicos en Derechos Humanos* (Strategies, pedagogies and clinical approaches in Human Rights). CLIHHR Director and Professor Kestenbaum authored a chapter, "Clinic Teaching of Rights." Former Cardozo students (class of 2021), Matthew Laurence Cannon and Eliana Lital Aklepi also authored a chapter, "The experiences of clinic students from the Cardozo Law School Benjamin B. Ferencz Human Rights and Atrocity Prevention Clinic."

On March 23, 2023, Visiting Research Scholar Aileen Byrne provided a guest lecture for our clinic seminar on the "Rights of the Child." Fernanda Frizzo Bragato (pictured on the right) alongside Aileen, provided a guest lecture in Prof. Kestenbaum's Indigenous Rights seminar on Free, Prior and Informed Consent (FPIC). Professor of Law at Unisinos Law School (Brazil), Fernanda's work is focused on indigenous land rights/conflicts in Brazil in the context of risk for atrocities. In 2017 she was a Fulbright Visiting Scholar at Cardozo Law School.



CLIHHR Out & About



Founding Director of the Cardozo Law Institute in Holocaust and Human Rights and Professor Emeritus of Constitutional Law Richard Weisberg and Eric Freedman continue their hands-on work with the French commission charged with restituting victims of Vichy antisemitism. Their latest meeting with The Commission for the Compensation of Victims of Spoliation Resulting from the Anti-Semitic Legislation in Force During the Occupation ("CIVS") was in Paris on May 18, 2023.

Co-sponsored Events

On May 31, 2023 CLIHHR co-sponsored a side event to the Permanent Forum on People of African Descent entitled, "In the pursuit of reparatory and racial justice: Reclaiming the codification of the international crime of the slave trade" with the Emergent Justice Collective. Panelists included: Patricia Viseur Sellers, Special Adviser on Slavery Crimes



to the Office of the Prosecutor and Visiting Fellow, Kellogg College, University of Oxford; Catherine S. Namakula, Chair Rapporteur, UN Working Group of Experts on People of African Descent; and H.E. Michael Imran Kanu, Ambassador & Deputy Permanent Representative for Legal Affairs, Permanent Mission of Sierra Leone to the United Nation.

Publications

Getgen Kestenbaum, Jocelyn, The Myth of Slavery Abolition (May 17, 2023). 75 UC Law SF Law Journal (formerly Hastings Law Journal), forthcoming, Cardozo Legal Studies Research Paper No. 709, Available at [SSRN](https://ssrn.com/abstract=4388888).


Support our Critical Work

As we have wrapped up another successful academic year and enjoy a restful summer, we hope that you will find a way to include a gift to CLIHHR to help our vision become a reality. To make a tax-deductible gift please click the link below: (If you decide to support our work, please ensure to select CLIHHR from the designation section drop down menu).


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CLIHHR

CLIHHR Team



Aideen Byrne  (@byrne_aideen), CLIHHR Visiting Research Scholar



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Brett Jones, CLIHHR Legal Fellow




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



Ramya Jawahar Kudekallu, Visiting Instructor of Clinical Law and Telford Taylor Teaching Fellow for the Benjamin B. Ferencz Human Rights and Atrocity Prevention Clinic



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