

CARDOZO LAW INSTITUTE

in Holocaust and Human Rights

Summer 2024 Newsletter

Dear Friends:

I hope this finds you well. As we wind down after another busy academic year, we at CLIHHR are taking the time to reflect upon our work, recognizing the challenges that still lie ahead.

As I write this letter, human rights violations and atrocities are escalating globally. Over the course of the year, for example, we have borne witness to the continued conflict in Ukraine, the horrific attacks on October 7th in Israel



Pictured: The Benjamin B. Ferencz Human Rights and Atrocity Prevention
2023- 2024 Clinic Class

and their aftermath in the Occupied Palestinian Territories, and the ongoing humanitarian crisis in Sudan. Many other atrocities are raging in Yemen, Syria, Myanmar, DRC, Mali, Burkina Faso, and Ethiopia to name just a few. Through our Benjamin B. Ferencz Human Rights and Atrocity Prevention (HRAP) clinic we continue to work together to support our students, partners, and larger Cardozo community to navigate these difficult times together.

We at CLIHHR acknowledge that it has been a little over a year since the passing of the namesake of our Human Rights Clinic, Benjamin B. Ferencz. As the last surviving Nuremberg prosecutor, Ben devoted his life to a world that could imagine and actualize lasting peace. Ben used to say that “it takes courage not to be discouraged.” At Cardozo Law School, we honor, cherish, and uphold everything Ben Ferencz represented through the Benjamin B. Ferencz Human Rights and Atrocity Prevention Clinic. We continue with the courage to strive every day to carry on Ben’s life’s work, “pushing the rock up the hill” and “never giving up” toward a world without war and the atrocities that inevitably follow.

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

Professor of Law

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

Benjamin B. Ferencz Human Rights and Atrocity Prevention Clinic Students Spotlight



Pictured from left: Matima Leekitwattana and Sophia Ramcharitar at the United Nations

Matima Leekitwattana ('25) and **Sophia Ramcharitar ('25)** joined the HRAP clinic last fall and have spent the last academic year working with partners to amend the Rome Statute and influence the draft Crimes Against Humanity Treaty.

What was your specific project work in the clinic this Fall?

Our work focused on advocacy for the inclusion of slavery and the slave trade in the Rome Statute and draft Crimes Against Humanity Treaty. We conducted research on different countries' domestic legislation and state practice on slavery and the slave trade; initiated a database based on the gathered information to be shared with civil society organizations, legal advisers and other stakeholders; and supported our clients' advocacy with other civil society organizations and legal advisers to both ASP and non-ASP states.

With whom did you collaborate?

We collaborated with leading experts on slavery crimes and other civil society organizations. By identifying patterns in countries' codification of prohibitions on slavery crimes and analyzing the States' interventions at the CAH resumed sessions and written comments, we supported our partners' abilities to galvanize support among countries who already recognize slavery and the slave trade as *jus cogens* norms. We observed a noticeable shift in attention paid to our advocacy points at the UN Sixth Committee's resumed session in April.

Benjamin B. Ferencz Human Rights and Atrocity Prevention Clinic Students Spotlight

What skills did you learn throughout the year? What will you take with you as you begin your legal career?

Throughout the year, we sharpened our skills in project management, adaptability, and flexibility. We learned how to set goals, both large and small, to complete deliverables for our partners. Additionally, we learned how to incorporate feedback from multiple perspectives in our work product. We also experienced a significant learning curve in analyzing States' position on proposals from their interventions and written comments and gain insights on the information legal advisers need to consider amendment proposals.



Would you recommend the Clinic experience to others?

We have thoroughly enjoyed our time in the Clinic this year. Although the work can be challenging, our clinical experience has immersed us in the world of international human rights law and international criminal law. We know that these experiences will serve us in our public interest career goals. We would recommend the Clinic for anyone who is interested in international law and wants to gain exposure to the process of treaty negotiation and amendment.

CLIHHR Charles E. Scheidt Human Rights Clinical Teaching Fellow Spotlight



Tell me about yourself.

First, thank you for the opportunity to be featured in the CLIHHR Newsletter. My name is Brett Jones, and I'm a 2023 alum of the Cardozo School of Law. Prior to law school, I was a Teaching Artist and Conservatory Coordinator with the California Shakespeare Theater, and I also worked as a freelance costume designer and wardrobe technician. As a Teaching Artist, I spent years teaching at Title I schools in the San Francisco Bay Area, supplementing the school's basic curriculum with arts education. I found a calling in working with students to find their own voice and forms of expression, especially those students from over-policed and under-supported communities.

I also come from a line of military personnel. Both my mother and father served in the United States Air Force, and both my sister and I were born on overseas air bases. The military played an important role in shaping my sense of duty and honor. Being in proximity to the military allowed me to develop a strong code of morality and ethics that is built upon the ideals of military service but with a focus on engaging diplomacy and recognizing the collective humanity of all peoples to avoid unnecessary and devastating military conflicts.

In 2015, when my father, CMSgt William Jones, passed away unexpectedly, I took time to consider the legacy that was left to me—and the legacy I hoped to create. I knew I wanted to do more with the time I had left on Earth, and wanted to ensure a global respect for humanity, the rule of law, and ethical governance. I'm thankful to have had the opportunity to have learned from CLIHHR Professors Jocelyn Getgen Kestenbaum, Ramya Jawahar Kudekallu and Gabor Rona, and I'm thankful to have been invited as a student to work with the Benjamin B. Ferencz Human Rights and Atrocity Prevention Clinic.

As a former alum of Cardozo, what drew you to apply for the fellowship?

When I saw the opportunity to not only teach, but to teach in a program that so positively change my life, I had to apply. I also felt as though I had unfinished business with Cardozo. Any law school alum will tell you that (1) law school was one of the most intense experiences of their life and they probably don't want to do it again, but (2) there was so much more they wanted to do during their law school career. For me, the Clinic was working on incredible projects—from directly shaping international criminal treaty law to pursuing justice for survivors of sexual and gender-based crimes to ensuring that the missing and murdered Indigenous persons in the United States were not erased as a consequence of the complexity of Federal Indian Law—and there was so much more I wanted to advance these initiatives. This fellowship would allow me to combine my passions for teaching and international justice in a way that isn't possible in almost any other setting as an immediate law school graduate. And thankfully, my colleagues also thought I had more to give the program.

CLIHHR Charles E. Scheidt Human Rights Clinical Teaching Fellow Spotlight



Visiting Clinical Instructor Brett Jones attended the National Workgroup on Safe Housing for American Indian and Alaska Native Survivors of Gender-Based Violence.

How do you think your experience as a former clinic student informed your approach to teaching, if at all?

Well first, I knew from day one what this program's mission, style, procedures, and working habits are. It's rare that a faculty member has that much knowledge going in. That knowledge allowed me to enter more seamlessly into this teaching role. I also galvanized my ethical, moral, and professional character while in Clinic, and because of that I hold myself to an incredibly high standard in the hope that current students can reach out to me as a model or mentor for their own development process. And lastly, while I've always promoted the opportunity for my students to go out and create a better world, my time in Clinic proved to me that as lawyers we not only have the opportunity but a moral duty to change the world to prevent mass atrocities and violations of human rights and dignity. This last point has been the most influential factor in the way I teach now compared to how I taught prior to participating in the HRAP Clinic.



Pictured: Visiting Clinical Instructor Brett Jones advising Cardozo Students during the Clara Barton International Humanitarian Law Competition

CLIHHR Charles E. Scheidt Human Rights Clinical Teaching Fellow Spotlight

What have you learned a year into your fellowship?

Grace. As a student, it was incredibly difficult to keep up with all my obligations. That feeling is only amplified as a faculty member. I have a deeper appreciation to the work that Cardozo educators put into developing a robust and impactful learning environment.

Also, our institute has a particular focus on studying those atrocities that fundamentally shaped and developed the field of international human rights law. Having had the time to engage with projects all over the world, I've learned just how fragile this system of protections is. The world is primed, at the moment, to repeat the horrors of past atrocities. There is a consistent and intentional degradation of the international criminal, humanitarian, and human rights legal regimes that put all peoples at risk of atrocities. It is easy to look at the past and wonder why lawyers, policy makers, and governments didn't do more to ensure a legal order to protect the targets of mass atrocities, and to shame them for their failures. It is another thing entirely to be one of those lawyers, and to be responsible for training the next generation of lawyers, policy makers, and government officials who will deal with either the continued protection of our international legal order, or the aftermath of its failure.

It has been a sobering year to work in mass atrocity prevention—to watch as conflict after conflict boils over into mass destruction, loss of innocent life, and inhumanity. I wish I had a lesson here, but there are days an atrocity prevention scholar where all I can do is to wake up, appreciate the opportunity I have to do something great for the world, and try my best to live up to that opportunity.

But I think, maybe that is the lesson. Every generation of lawyers has been faced with new and seemingly insurmountable challenges. And yet in every generation, there is a new set of lawyers prepared to take on the challenges the past generation could not resolve. For every new generation of lawyers, there is a period of uncertainty, fear, imposter syndrome, and doubt as all the methods that we learned in school prove to be insufficient to meet that challenges we face. And for every new generation there is a time where our experience, knowledge, ingenuity, and resilience allow us to develop the novel solutions to the most pressing issues. This same process happens with civil servants, government officials, policy makers, and everyone else who has accepted the duty to ensure the longevity of humankind. But this process takes time. It takes patience. It takes community. It takes dedication, and it takes an incredibly amount of grace.

I'm thankful to have had a year to learn this lesson alongside some exceptional scholars, students, and advocates—each of whom showed me first-hand why it is worth waking up, appreciating, and living up to my role as an atrocity prevention lawyer, scholar, and teacher. I'm excited to see what I get to learn in year two of this fellowship.

Cardozo Students Shine at Clara Barton International Humanitarian Law Competition



Pictured from left: Gabe Smith, Jill Leavey, Caitlin French

Congratulations to Jill Leavey ('24), Caitlin French ('25), Gabe Smith ('25), and Marina Coriale ('25) for their exceptional performance at the Clara Barton International Humanitarian Law Competition held March 23-24 in Washington, DC. The team earned the honorable mention for Best Application Legal Brief.

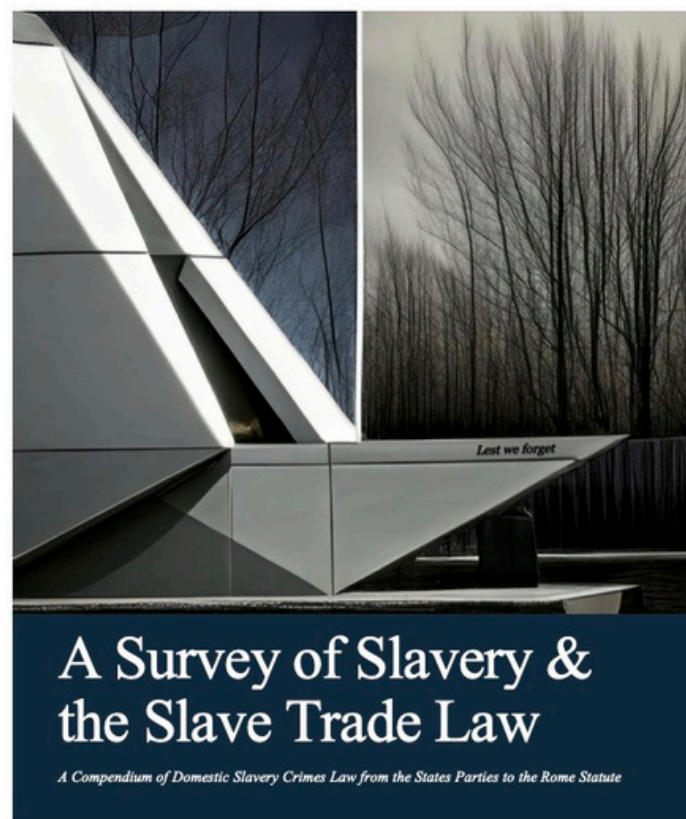


The Clara Barton Competition (CBC) requires competitors to place themselves into the role of JAG legal advisors, Prisoners of War (POW) and International Committee of the Red Cross (ICRC) delegates, among others, amid an ongoing fictional armed conflict with the objective of applying International Humanitarian Law to limit the suffering and impact of the armed conflict on civilians and persons outside of combat. CBC is an international competition open to

law schools and military academies from the Americas. This is the second year Cardozo has been invited to participate, and it is the second year that the Cardozo Team has been recognized for exceptional work on the application legal brief. Congratulations again to the team and to our very own Charles E. Scheidt Human Rights Clinical Teaching Fellow, Brett Jones for acting as advisor to the students.

Launch of Report: A Survey of Slavery and the Slave Trade Law

Over the course of four years, the Benjamin N. Cardozo School of Law's Benjamin B. Ferencz Human Rights and Atrocity Prevention (HRAP) Clinic students researched, compiled and analyzed laws related to slavery crimes. The goal of the research was to understand the extent to which Assembly of States Parties (ASP) to the Rome Statute prohibited slavery and the slave trade and other related crimes in their domestic legal systems. Toward that end, law clinic students researched and analyzed domestic laws in each of the ASP member countries that prohibit or criminalize slavery crimes—including slavery, enslavement, the slave trade, and sexual slavery—and other related crimes—including inter alia human trafficking, forced labor, and forced conscription of children.



The report was supervised by Charles E. Scheidt Teaching Fellow Brett Jones and Professor Jocelyn Getgen Kestenbaum. The Clinic thanks Alex Becker ('22), Fernanda Canessa ('22), Thomas Paddock ('24), James Stitt ('24), and especially, Matima Leekitwattana ('25), and Sophia Ramcharitar ('25) for their excellent research, writing and analysis that forms the basis of this report. The Clinic also thanks Marina Coriale ('25) and Soraya Mazarei ('26) for their editing support. Read the report [here](#).

CLIHHR Out & About



Pictured left to right: Professor Jocelyn Getgen Kestenbaum, Professor Gabor Rona, and Professor Rebecca Ingber

On March 20, 2024, CLIHHR and The Floersheimer Center for Constitutional Democracy hosted the event “International Law and the Israel/Hamas Conflict: A Focus on IHL and the ICJ Case of South Africa v. Israel”. The speakers discussed the legal implications of the International Court of Justice’s (ICJ) role in the ongoing conflict and the ICJ’s provisional measures order in the case of South Africa v. Israel. Panelists included: Rebecca Ingber, Professor of Law and Co-Director of the Floersheimer Center for Constitutional Democracy,

Jocelyn Getgen Kestenbaum, Clinical Professor of Law and Director of Cardozo Law Institute in Holocaust and Human Rights (CLIHHR) and the Benjamin B. Ferencz Atrocity Prevention Clinic and Gabor Rona, Professor of Practice and Director of the Law and Armed Conflict Project.

Throughout the spring semester Professor Gabor Rona gave a series of lectures and participated in panel discussions at Cardozo, Yale University, Boston College, Stanford University, UC Berkeley, Santa Clara University, and University of California San Francisco law schools and at the NY Bar Association on International Law and the Israel/Hamas conflict. He has been interviewed by several television and radio programs, as well as newspapers about the conflict, and in particular, about the case brought by South Africa against Israel in the International Court of Justice, accusing Israel of violating the Convention on the Prevention and Punishment of Genocide. Prof. Rona appeared on the Berkeley Law Borderlines



Visiting Assistant Prof. Kudekallu and Prof. Kestenbaum served as gender experts to inform the UN Working Group on Discrimination against Women and Girls

podcast to discuss International Law and the Israel/Hamas Conflict on April 25.

Also throughout the semester, he has been serving as an expert witness in Guantanamo Military Commission trials. On March 14, Prof. Rona spoke on a panel at Cardozo about the past, present, and future of the Guantanamo detention facility and the military commission trials taking place there. On March 19, he participated in a round table consultation with several experts in international humanitarian law (the law of armed conflict) at the New York headquarters of the International Committee of the Red Cross, to discuss developments in contemporary armed conflicts and challenges to enforcement of international legal obligations by and against parties to various armed conflicts, including in Sudan, Yemen, Ukraine/Russia and Israel/Palestine.

CLIHHR Out & About

Charles E. Schedit Visiting Assistant Professor, Ramya Jawahar Kudekallu, was a panelist for an event on caste and caste discrimination hosted by the City Bar's Compliance Committee this past March. On April 3rd, she was a guest speaker at Fordham University for a Crowley Program class on HR Advocacy and Ethics. Additionally three CLIHHR faculty members: Professor Jocelyn Getgen Kestenbaum, Visiting Assistant Professor, Ramya Kudekallu, and Visiting Clinical Instructor Brett Jones, attended the 2024 International Human Rights Clinicians' Conference, hosted by Harvard Law School's International Human Rights Clinic.

CLIHHR Director Jocelyn Getgen Kestenbaum participated in a series of conferences. In January her travels took her to the Hague where she spoke at the "Gender and International Criminal Law" conference at Leiden University. In April Prof. Kestenbaum attended the



118th Annual meeting of the American Society of International Law and spoke on the panel "More Than A Prosecutor: Honoring Ben Ferencz and the Interconnectedness of International Justice". She also attended the Frontiers of Prevention Conference, hosted by the Institute for Genocide and Mass Atrocity Prevention, Binghamton University. Prof. Kestenbaum spoke on the panel,



Prof. Kestenbaum at the Peace Palace, Hague

"The Genocide Convention at the International Court of Justice: Appraising The Gambia v Myanmar, Ukraine v Russia, and South Africa v Israel."

She also virtually attended and participated in the "Reproductive Violence in International Criminal Law" Conference. The conference convened legal practitioners, scholars, activists, and survivors to engage in an exploration of reproductive violence and its adjudication

within the existing ICL framework and explore the need for potential legal reform. Prof. Kestenbaum's most recent travels took her back to the Hague to honor the legacy of our namesake, Benjamin B. Ferencz, and of former ICJ Judge and Holocaust survivor Tom Buergethal. The event, which was held at the Peace Palace and organized by Ben's son, Don Ferencz, brought together distinguished members of the international law community to honor true international justice heroes. Her full remarks can be found [here](#).

CLIHHR's mission to protect human rights and secure justice for survivors in the wake of atrocity crimes continually reminds us to remember and learn from the Holocaust in order to respond to the human rights challenges of our time. In continuing that work, Prof. Kestenbaum joined an amicus in support of 9th Circuit rehearing Cassirer v. Thyssen-Bornemisza Collection Foundation, a case about choice of law under the Foreign Sovereign Immunities Act (FSIA). Cassirer is a lawsuit about the ownership of a Camille Pissarro painting, surrendered by Lilly Cassirer to the Nazis and now held by a foundation created and controlled by the Government of Spain. The case was filed in 2005 and is one of the longest-running Holocaust art restitution cases to date.

Congratulations to the Class of 2024!

Congratulations to the Cardozo graduating class of 2024! We are so proud of you and look forward to seeing you flourish. Special congratulations to our 2022-2023 Benjamin B. Ferencz Human Rights and Atrocity Prevention clinic students pictured below!



Bottom Row Left to Right: Jillian Leavey, Ariella Omar, Samantha Velez, Professor Ramya Jawahar Kudekallu; Top Row Left to Right: Arifa Abraham, Humza Mahmood, Sarah Brody, Ahren Lahvis, Samantha Luring, Thomas Paddock, James Stitt, Muna Yimam


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).

**[Make a Gift to
CLIHHR](#)**

CLIHHR Team



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