

PREVENT

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CARDOZO LAW INSTITUTE

in Holocaust and Human Rights

Winter Newsletter

Dear Friends:

I hope that you are healthy and safe and are entering the new year recharged. This past fall the world and the Cardozo community were challenged in many ways.

Through our clinic, the Benjamin B. Ferencz Human Rights and Atrocity Prevention (HRAP) we worked together to support our students, partners, and larger Cardozo community to navigate these difficult times together.



The CLIHHR team, clinic students, and our partners have been hard at work ensuring that human rights are respected at home and globally. As is part of our strategic plan we focus primarily on places that do not make headlines, communities where current or past levels of identity-based violence are as great or even greater than better-known crises. We continue to work in close collaboration with our partners, walking alongside these communities in solidarity and supporting their work in protecting human rights, preventing atrocity crimes, and providing redress for victims-survivors in the wake of atrocities.

The atrocities of the Holocaust taught us that governments use the law to encourage discrimination, promote violence, and justify a range of crimes. Our work challenges those who would pursue a similar path today—including those who would intentionally discriminate against groups and commit mass atrocities and genocide in the service of extremist populism and nationalism.

As the new year begins we are pleased to welcome back Ramya Jawahar Kudekallu, former Telford Taylor Teaching Fellow as Visiting Assistant Professor. We feel fortunate to have such a supportive community and ask that you please take a moment to invest in human rights and support our critical work. As we begin the new year full of determination we hope that you will find a way to include a gift to CLIHHR to help our vision become reality.

In Solidarity,

Jocelyn Getgen Kestenbaum

Professor of Law

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

Benjamin B. Ferencz Human Rights and Atrocity Prevention Clinic



Pictured: 2023 Benjamin B. Ferencz Human Rights and Atrocity Prevention Clinic Orientation

This past fall the Benjamin B. Ferencz Human Rights and Atrocity Prevention (HRAP) Clinic welcomed 12 new students to its cohort. The students were introduced to the key areas of study and clinical research in International Human Rights Law over a two day orientation. Throughout the fall semester, clinical students received hands on training by partnering with human rights nongovernmental organizations (NGOs) and international law experts to support pending litigation before international and regional tribunals. In the process, they investigate human rights violations; draft amicus briefs on Indigenous rights, gender justice, genocide, and slavery and the slave trade; contribute to cutting-edge academic and policy scholarship; and engage in strategic advocacy before the United Nations and other international bodies. Some key areas of focus this fall included: missing and murdered Indigenous People (MMIP) in the U.S.A., slavery and slave trade amendments to the Rome Statute and Crimes Against Humanity treaty draft, post-election sexual gender based violences, urban extractivism, climate justice and Indigenous People, slavery reparations/transitional justice, and Indigenous child separation and forced removal.

Whether they pursue a career in human rights litigation and advocacy, or not our students' clinical experiences help them sharpen their lawyering skills, including complex problem-solving, client interviewing and counseling, legal research and writing, collaboration, and professionalism.

As part of our efforts to foster international collaboration and research the HRAP clinic hosted clinical colleagues from Argentina at Universidad de La Pampa who have been working with Prof. Kestenbaum on clinical structure, pedagogy and practice as their own interest in building and expanding their clinical offerings in La Pampa, Argentina. Funded by a U.S State Department grant to conduct trainings, the clinic put together a book on clinical education in Argentina (in Spanish). In conjunction with the 2023 clinic orientation, three colleagues from the Universidad de La Pampa observed our clinic student orientation in order to gain a practical understanding of the logistics and organization of clinic work.



Pictured: CLIHHR Team and delegation from the Universidad de La Pampa

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



Pictured: Clinic students conducting a team exercise during orientation.

Nargiz Adigozalova ('25) and **Matthew Petrouskie ('25)** joined the HRAP clinic this past fall. Nargiz and Matthew worked with a human rights clinic in Argentina to address the ongoing issue of urban extractivism and its effect on climate justice and Indigenous People.

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

Our project focused on Indigenous peoples' human rights, specifically, their right to a healthy environment in Buenos Aires, Argentina. Throughout the semester, we focused on supporting Special Rapporteur, David Boyd's, call for input on Promoting Environmental Democracy, and highlighted how various business enterprises continuously violate urban Indigenous peoples' human rights.

With whom did you collaborate in Argentina?

Besides the Special Rapporteur, we have collaborated with the human rights clinic of Universidad Torcuato Di Tella, as well as the multiethnic, urban, Indigenous community, known as Tres Ombúes.

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

Throughout the semester, we honed our writing abilities by crafting numerous drafts for our submissions to the special rapporteur. More importantly, we sharpened our cross-cultural competencies, as we ventured beyond our individual perspectives to discern the interplay of issues impacting our Argentinian clients. Furthermore, our cross-cultural competencies grew by fostering efficient communication and collaboration within a geographically distant team, situated on the opposite side of the equator at that. This experience imparted valuable lessons in patience and the essence of participating in an intersectional team, which I hope to carry in my legal career.

Would you recommend the Clinic experience to others?

I absolutely recommend this clinic. The professors exhibit a profound expertise in the subject matter, fostering engaging and meaningful class discussions. Furthermore, the commitment of every participant in the class to actively listen to one another and embrace diverse perspectives is commendable. Additionally, the clinic work is particularly appealing, as the faculty excels in their supervisory roles while affording students a substantial degree of flexibility.

CLIHHR Boskey Fellow Spotlight



Tell me about your self, what kind of project did you work on?

My name is Jennifer Grubman and I am a second year law law student at Cardozo School of Law. This past summer, my Boskey Restorative Justice Fellowship centered on two projects. I began research for and developed the foundation of what will be a white paper released by Nichusak, the Lenape Center's working group on Missing and Murdered Indigenous Persons crisis (MMIP). The white paper aims to explore the interrelation between two crises currently impacting Indigenous communities: MMIP and the forced removal of Indigenous children. The other project I worked

on was for the National Indigenous Women's Resource Center (NIWRC) and the STTARS Indigenous Safe Housing Center (STTARS) and focused on developing a tribal housing law database. A lack of safe housing perpetuates MMIP as it leaves survivors of gender-based violence vulnerable to cycles of re-victimization. Even when accommodations are available, specific policies and practices (e.g., one-strike evictions, nuisance ordinances, and pet prohibitions) are not survivor-friendly. Once complete with housing codes from the 574 federally recognized tribes, NIWRC and STTARS plan not only to make the database available to tribes and domestic violence advocates but also to use it to develop an intersectional, survivor-centric model tribal housing code.

How do you see this experience having affected your experience as a law student, and your future as a lawyer? What is your biggest takeaway from this experience?

The Fellowship added depth to my knowledge of Indigenous issues. I learned how the jurisdictional complexities in Indian Country and restrictions on tribal sovereignty essentially allow non-Indigenous perpetrators to commit crimes on tribal lands without repercussions. I learned that the child welfare system's interference with Indigenous families is a continuation of two centuries of forced child removals. However, just as significantly, I also grew exponentially this summer as a future legal practitioner. Marginalized communities rightfully criticize white social justice activists for centering themselves over the individuals they claim to help, and I worried before starting the fellowship that I would unknowingly do the same while working with Nichusak and NIWRC. However, my supervisor, Aileen Byrne, often reminded me of the importance of "walking with" Indigenous communities toward liberation, which was invaluable in guiding me on how to work effectively with our Indigenous partners. To walk with Indigenous Peoples is to prioritize their lived experiences over ours and listen attentively to their voices. It also means taking a non-extractive and trauma-informed approach. As someone who plans to continue working with Indigenous and other marginalized communities after graduation, my summer fellowship will be instrumental in informing the approaches I will take to practicing law and effectively advocating for my clients.

How has learning about restorative justice impacted you?

Before this past summer, I had no idea that something like restorative justice existed. However, what I learned through the fellowship's restorative justice reading groups was transformative. I learned that effective alternatives to the adversarial system exist. I learned that the distinction between a "victim" and a "perpetrator" is not as black-and-white as our current criminal justice system makes it seem. What restorative justice taught me about nuance and finding solutions to issues that heal not only individuals but also communities I will take with me into my legal career.

Fall 2023 Events



Pictured left to right: Professor Jocelyn Getgen Kestenbaum, Author Eric Muller and Professor Jessica Roth

Book Talk: Lawyer, Jailer, Ally, Foe

On October 19, 2023, CLIHHR co-hosted a book talk with the Jacob Burns Center for Ethics in the Practice of Law. CLIHHR Director Jocelyn Getgen Kestenbaum and Jacob Burns Center Director Jessica Roth welcomed Eric L. Muller, author of the newly released book *Lawyer, Jailer, Ally, Foe: Complicity and Conscience in America's World War II Concentration Camps*.

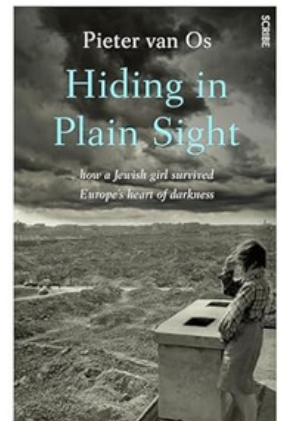
Lawyer, Jailer, Ally, Foe, brings to life the stories of three white lawyers, with contradictory instructions—provide legal counsel to the prisoners, but keep the place running— illuminating a

shameful episode of American history through imaginative narrative deeply grounded in archival evidence.

Book Launch: Hiding in Plain Sight: How a Jewish Girl Survived Europe's Heart of Darkness

Mala Rivka Kizel was born into a large Orthodox Jewish family in Warsaw, Poland, in 1926. Thirteen years later as World War II began, Mala escaped the Warsaw ghetto by using her charm, intelligence, blonde hair, and blue eyes to assume a Catholic identity. She was the only member of her family to survive the war.

In conversation with Dutch journalist and author Pieter van Os and CLIHHR Director Jocelyn Getgen Kestenbaum, Pieter described in great detail the process of interviewing Mala and tracing her story physically throughout Poland, Israel, and the Netherlands. The event was co-hosted by CLIHHR and the Auschwitz Institute for the Prevention of Genocide and Mass Atrocities is available to [watch here](#).



Pictured left to right: Professor Jocelyn Getgen Kestenbaum, President of the Institute for the Study of Genocide (ISG) Joyce Aspel, Lemkin Award Recipient Sabine F. Cadeau, and Executive Director of ISG Ernesto Verdeja

2023 Lemkin Award Ceremony

On October 26 2023, CLIHHR and the Institute for the Study of Genocide (ISG) co-hosted the biennial Lemkin Award, which honors Raphael Lemkin, the originator of the term "genocide" and exponent of the UN Genocide Convention. The award recognizes the best non-fiction work focusing on genocide, crimes against humanity and other gross human rights violations, and on strategies of prevention.

The 2023 Lemkin award winner was Sabine F. Cadeau, for her work, *More Than a Massacre: Racial Violence and Citizenship in the Haitian-Dominican Borderlands*. In a conversation with ISG Executive Director Ernesto Verdeja, Sabine discussed her book which traces a successively worsening campaign of explicitly racialized anti-Haitian repression. *More than a Massacre* reframes the 1937 Haitian Massacre as a genocide and demonstrates the importance of this event for understanding statelessness and citizenship in the twentieth century.

CLIHHR Out & About



Pictured: Prof. Kestenbaum speaking at Georgetown University Law Center

CLIHHR Director Jocelyn Getgen Kestenbaum participated in the “Colloquium: Global Health Law & Policy – Ensuring Justice for a Globalizing World” at Georgetown University Law Center. In a conversation with Lawrence Gostin and Benjamin Mason Meier on their new seminal book, *Global Health Law & Policy: Ensuring Justice for a Globalizing World*, Professor Kestenbaum discussed her chapter in the book, “Health in Conflict: International Humanitarian Law as Global Health Policy.”

To mark Human Rights Day, on December 4th Prof. Kestenbaum spoke on an United Nations Academic Impact Initiative event **Making the Universal Declaration of Human Rights a Reality: The Role of Higher Education**. This event aims to underline the critical imperative of human rights in

the work of the United Nations, and to highlight what universities and colleges worldwide are doing to promote and implement the Universal Declaration of Human Rights. Speaking on the panel, “Aligning student actions and teaching and research methodologies, outputs and strategies with pressing human rights challenges”, Prof. Kestenbaum highlighted the importance that educators take a critical intersectional lens to human rights, bringing in third world approaches to international law, critical race theory, and many other intersectional lenses. A recording can be found [here](#).



Pictured: Prof. Kestenbaum speaking at an United Nations Academic Impact Initiative event

On December 14, 2024, Professor Jocelyn Getgen Kestenbaum joined clinic partner and tribal judge Caroline Bishop LaPorte in a conversation to raise awareness about the Missing and Murdered Indigenous Persons (MMIP) crisis following the play Manahatta at the Public Theatre in NYC. The discussion centered on the themes that the play brings up relating to the violent conquest and colonization of the Lenape at the hands of the Dutch and the continuation of violence and human rights violations experienced by Indigenous peoples across the United States today. The Q&A provided audience members with important information about the MMIP crisis as well as actions to take toward solutions for Indigenous women, girls, and two-spirit people.



Pictured left to right: Caroline LaPorte and Jocelyn Getgen Kestenbaum

Prof. Kestenbaum most recently appeared on the Bar Crawl Radio Podcast to discuss the 75th anniversary of the Universal Declaration of Human Rights, its historical beginnings and its relevance in today's world.

CLIHHR Out & About



Pictured: Prof. Rona delivering a talk on the on Israel/Hamas conflict

This past semester Professor Gabor Rona, Director of CLIHHR's Law and Armed Conflict project, was a consultant in several court cases challenging continued detention at Guantanamo and was an expert consultant to a UN study on the reintegration of former child soldiers.

Prof. Rona also organized and spoke at a number of events. He moderated a panel event on the Ukraine/Russia conflict at the annual International Law Weekend, sponsored by the American Branch of the International Law Association. He organized and moderated a panel event at Cardozo on the Ljubljana/ The Hague Treaty on mutual legal assistance for investigation and prosecution of international crimes. He also spoke at a number of events regarding the Israel/Hamas conflict, including on "Scholars' Circle" a nationally syndicated radio program, Yale

Law School Center for International Human Rights and in various international newspapers, including in Denmark and Japan. Most recently, he appeared on The Law Fare Podcast the application of International Humanitarian Law to the Israel/Hamas conflict and was interviewed on MSNBC. Listen to the Law Fare Podcast [here](#). Listen to the MSNBC Interview [here](#) (Passcode: MS0111).

As the former Chair of the U.N Working Group on Mercenaries, Prof. Rona regularly consults with the Working Group, with human rights advocacy organizations, with parliamentarians, and with policy think tanks on violations of human rights and the law of armed conflict by mercenaries and private military and security contractors. Most recently, he has been advising the UN Working Group on the content of a proposed international treaty to regulate the activities of private military contractors. Prof. Rona continues to advise members of the U.S. Congress on proposed legislation to prohibit U.S. companies and personnel from operating as private police forces in certain Gulf states and as mercenaries in armed conflict scenarios elsewhere. Prof. Rona has also been in consultation with members of Congress concerning the need for improved international regulation to prevent mercenary activities stemming from other countries. Rona also regularly consults with the personnel for the International Code of Conduct for Private Military and Security Providers on mechanisms to promote compliance with international law by private military and security contractors.



Pictured: Samantha Luring, CICLR Symposium Editor and former HRAP Clinical Student

Visiting Clinical Instructor Brett Jones, moderated a panel the Cardozo International & Comparative Law Review (CICLR) Gender Violence and Indigenous Rights Under International Law symposium. The panel looked at the historical and contemporary factors that exacerbate the Missing and Murdered Indigenous Persons (MMIP) Crisis. The panelists—which included attorney-playwright Mary Kathryn Nagel, Dr. Aura

Cumes, and Dr. Rosemary Nagy—illuminated the use of gender-based violence in times of conflict, the effects of categorical condemnations of substance users and sex workers, and the legal structures that prevent Indigenous women from reporting and receiving justice for crimes committed against them. The symposium was developed by CICLR Symposium Editor, Samantha Luring, a former Human Rights and Atrocity Prevention Clinical student who worked on MMIP issues. More information about the symposium and panelists can be [found here](#).

CLIHHR Upcoming

Cardozo Students Selected to Participate in the 2024 Clara Barton IHL Competition

The Cardozo International Humanitarian Law (“IHL”) Competition Team was selected to participate in the 2024 Clara Barton IHL Competition in Washington, DC. The team—which includes **Jill Leavey** (’24), **Caitlin French** (’25), **Gabriel Smith** (’25) and **Marina Coriale** (’25; alternate)—will compete as one of 16 teams in a simulation-based moot court competition, testing not only the students’ knowledge of International Humanitarian Law (Law of Armed Conflict), but also the students’ ability to embody critical conflict-related professional roles in the midst of a fictional armed conflict. Participating Teams are selected from law schools and military academies from across the Western Hemisphere based on a written application brief.



Pictured: 2023 Cardozo
International Humanitarian Law
Team Won Best Application

This is the second year that Cardozo has participated in the competition. In Spring 2023, Cardozo competed in the Clara Barton IHL Competition for the first time and earned the award for Best Application Brief. Brett Jones, Charles E. Scheidt Human Rights Clinical Teaching Fellow and 2023 Cardozo IHL Team captain, will coach the team this spring to prepare them for competition. More information about the Clara Barton Competition can be [found here](#).

Publications

- Jocelyn Getgen Kestenbaum, Patricia Viseur Sellers, and Alexandra Lily Kather. “[Time to Enumerate the Slave Trade as a Distinct Provision in the Crimes against Humanity Treaty.](#)” *Just Security*, 17 Dec. 2023.
- Jocelyn Getgen Kestenbaum, “[All Roads Lead to Rome: Combating Impunity for Perpetration of Slave Trade and Slavery Crimes.](#)” *Journal of Human Trafficking, Enslavement and Conflict-Related Sexual Violence*, 6 Nov. 2023.
- Jocelyn Getgen Kestenbaum and Caroline Bishop Laporte. “[Unsettling Human Rights Clinical Pedagogy and Practice in Settler Colonial Contexts.](#)” *Digital Commons @ American University Washington College of Law, Journal of Gender, Social Policy & the Law*, 7 Oct. 2023.


Support our Critical Work

As we begin the new year and embark onto the spring semester, 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



Aideen Byrne  (@byrne_aideen), Visiting Clinical Instructor and Environmental Justice and Indigenous Rights Fellow



Bruna Celic  (@BrunaCelic), CLIHHR Program Coordinator



Brett Jones, Visiting Clinical Instructor and Charles E. Scheidt Human Rights Clinical Teaching Fellow for the Benjamin B. Ferencz Human Rights and Atrocity Prevention Clinic




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, Charles E. Schedit Visiting Assistant Professor



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



Richard H. Weisberg, CLIHHR Founding Director



Muna Yimam, CLIHHR Legal Fellow

BENJAMIN N. CARDOZO SCHOOL OF LAW
55 FIFTH AVENUE
NEW YORK, NEW YORK 10003

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Email: cardozo.clihhr@yu.edu
Twitter: @CardozoCLIHHR