

Berkeley Law International Human Rights Law Clinic

Stand for Justice

2016 Newsletter

Clinic Files Petition Claiming Human Rights Abuses by U.S. Customs and Border Protection



Berkeley Law team, co-counsel, and client. From left to right: Aaron Voit '17, Amanda Barrow '16, Andrea Guerrero '99, Bernardo Hernandez Rojas, Roxanna Altholz '99, Kelsey Quigley '17, and Jessica Oliva '16.

On March 30, 2016, the Clinic filed a petition against the United States for the death of a Mexican national by U.S. Customs and Border Protection (CBP). The complaint, filed with co-counsel Alliance San Diego before the Inter-American Commission on Human Rights (IACHR) on behalf of the victim's family, calls for further investigation and punishment of the agents responsible, reparations for the damages caused, legislative reforms, apologies to

the family members, among other remedial measures.

Anastasio Hernandez Rojas, died on May 31, 2010, a few days after border agents brutally beat the father of five who had worked and lived in San Diego for twenty-five years. More than a dozen border agents punched, kicked, dragged, tased, hogtied, and denied him medical attention while onlookers recorded the incident on their cell phones. Anastasio died after suffering a heart attack, cardiac arrest, and brain damage. His death was ruled a homicide.

Despite the evidence and eyewitness accounts of the beating, federal prosecutors closed the criminal investigation in November of 2015 without pursuing criminal charges. The Hernandez family have asked IACHR to determine whether U.S. border agents' use of force and the failure to exhaustively investigate and prosecute those responsible violate international law.

Click [here](#) to read more about the students' transformative experience working to bring justice to Hernandez family.

Colombia Case Featured in the New York Times

The Clinic's work representing Colombian victims of a drug lord extradited to the United States received front page coverage by the [New York Times](#) on Sunday, September 11th. The New York Times investigation illuminates what happened to a group of Colombian paramilitary leaders after they were extradited to the U.S. in 2008.



Bela Henríquez Chacín, left, and her sister, Nadiezdha, looking through family photographs collected by the National Center for Historical Memory. Credit Tomas Munita for The New York Times

It reveals that "[m]ost were handsomely rewarded for pleading guilty and cooperating with the American authorities; they were treated as first-time offenders despite extensive criminal histories in Colombia; and they received credit for time served there, even though the official rationale for their extradition was that they were committing crimes in Colombian jails." Some received permission to live with their families in the United States. The article quotes Associate Director

Roxanna Altholz, who said, "These individuals are the worst of the worst. They are drug lords and war criminals. Why should they be getting any benefits?"

The article also describes the courageous struggle of the family of Julio Henríquez, a Colombian anti-cocaine activist killed by extradited drug lord Hernán Giraldo Serna. Thanks to the tireless efforts of IHRLC students and Clinic co-counsel Wilson, Sonsini, Rosati and Goodrich, a federal district judge recognized the rights of the Henríquez family under the Crime Victims' Rights Act. Our clients will become the first victims and the only Colombians to speak at sentencing for an international drug conspiracy. The sentencing of Giraldo Serna is expected to take place before the end of this year.

Click [here](#) to read more.

Click [here](#) to read the New York Times piece.



Spring 2016 IHRLC Students

Subminimum Wage Violates International Human Rights Standards



On Human Rights Day 2015, IHRLC released its report, [Working Below the Line](#), detailing how the U.S. is violating international human rights standards in its treatment of tipped restaurant workers, most of whom live in abject poverty.

In the restaurant industry, tipped servers earning subminimum wages live in poverty at nearly three times the rate of the total employed U.S. population, according to the report. Women and people of color are at the bottom of the wage tier, while workers of color experience poverty at nearly twice the rate of white restaurant workers.

Clinic students worked over two semesters in partnership with the UC Berkeley Food Labor Research Center and Restaurant Opportunities Centers United (ROC-United) to produce this report.

Evelyn Rangel-Medina '16 spoke alongside Saru Jayaraman, Co-Director of ROC-United and Director of the Food Labor Research Center, and

Berkeley Law Professor Catherine Albiston at a packed law school public briefing in February. The report also received coverage in the [Washington Post](#).

Click [here](#) to read more.

Curricular Innovation: Clinic Faculty Develop New Course

Clinic Director Laurel E. Fletcher and Clinic Fellow Katrina Natale developed a course to offer Berkeley Law LLM students hands-on human rights experience combating torture. Students draft decisions on individual complaints



of torture submitted to the U.N. Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment (SRT), Professor Juan Mendez. For many victims of torture around the world, the SRT is the only international human rights mechanism to which they can appeal. The SRT renders opinions on over 200 petitions a year, which are filed with the U.N. Human Rights Council and become part of the international record. LLM students bring not only valuable language skills, but a global perspective on human rights challenges. Hands-on work is combined with lively discussion among committed advocates. We are delighted to be able to expand our human rights offerings to reach more students.

Fellowship Awarded to Natalie Schultheis '17



Thanks to the generous donations of Clinic alums, this past summer, IHRLC funded a summer fellowship for Clinic student Natalie Schultheis '17. While a student in IHRLC, Schultheis and her teammates advised the Fundación para la Justicia y el Estado Democrático

del Derecho, a network of NGOs that advocates for the human rights of migrants in Central America and investigated the procedures that families of migrants can use to search for their loved ones who have gone missing on their trek to the United States. This work directly inspired her to apply for the Fellowship to join the ACLU of Texas over the summer where she conducted extensive research on private prisons in the U.S. that are designated for non-citizens.

In the weeks following her internship, the US Department of Justice announced that the federation government will be phasing out the practice of contracting with private prisons, including the facility Schultheis visited over the summer. As she wrote, "I am incredibly grateful for the opportunity to have had some small part in the work of the ACLU of Texas to place pressure on the federal government to end these contracts. I am even more grateful for the funding from the International Human Rights Law Clinic alumni to have had the means to do this work. From the bottom of my heart, thank you."

Read more about her Fellowship experience [here](#).

Katrina Natale '15 Joins the Clinical Teaching Staff

IHRLC is delighted to introduce our clinical teaching fellow, Katrina Natale '15. Natale was a student in the Clinic during her 2L year (2009-2010), working on human rights litigation against Guatemala for enforced disappearances in the *Diario Militar* case. The following summer, she traveled to Cambodia to design and conduct research on sexualized and gender-based violence committed by the Khmer Rouge.



After publishing this research, Katrina stayed on in Cambodia for nearly 4 more years working for civil society and at the UN-sponsored criminal tribunal to secure justice for the victims of the Cambodian genocide.

Since joining IHRLC in the fall of 2015, Katrina has worked on several projects including on the impacts of unsolved murder on family member victims in Oakland, the tipped workers report (see above), and redress for victims of sexual abuse and exploitation by UN peacekeepers. Please join us in welcoming Katrina back to IHRLC!

WE NEED YOUR SUPPORT!

We are grateful for your support for our students to undertake this important work. We need your support to help us make a difference both at home and abroad. Please consider making a gift to the International Human Rights Law Clinic as part of your year-end giving. Every gift counts and allows us to continue to do this vitally important work and train the next generation of human rights advocates.

Please click [here](#) to make your online donation. If you would prefer to send a check, please make your check payable to “UC Regents/Berkeley Law International Human Rights Law Clinic,” and mail to:

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THANK YOU!

