Rooted in the Law School’s values and tradition of social justice, academic freedom, personal integrity and professional ethics, the overarching mission of the International Human Rights Clinic at Loyola Law School, Los Angeles (IHRC or Clinic) is to contribute to the attainment of the fullest exercise of human rights by all human beings throughout the world. In carrying out this mission, the IHRC aims to maximize the use of global and regional legal and political institutions through litigation, advocacy, and capacity-building.

As an educational institution, the Clinic transforms its mission and goals into a unique practical experience for its students, providing opportunities to gain vital knowledge and skills for effective and successful legal advocacy on behalf of victims of human rights abuses. At the same time, through the strategic use of international and regional mechanisms for the protection of human rights, the Clinic provides exceptional pro bono legal assistance and empowers victims of human rights violations, and the organizations representing them, to utilize international and regional mechanisms.

While students work on all stages of an individual case or engage in advocacy efforts on particular thematic issues, they learn how to conceptualize and strategize diverse approaches and grapple with practical, ethical, methodological and theoretical challenges involved. Through the clinic, Loyola’s students have the opportunity to expand their perspectives and reach the world from Los Angeles.
The IHRC was created by Loyola Law School Professor Cesare Romano, an internationally renowned author on international courts and tribunals. As of the summer of 2013, Veronica Aragón, an alumna of Loyola Law School, Los Angeles, joined the clinic as deputy director.

After the initial test phase (spring 2012), the clinic was officially launched in the fall semester of the 2012-13 academic year. During the test phase, the clinic was staffed by four students. Since then it has continued to grow, increasing to five students in the 2012-13 academic year, and nine in 2013-14.

Students sign on for two terms, obtaining a total of four pass/fail units (two units per term). They meet as a team with Professors Romano and Aragón once a week for one hour to discuss the cases, assignments and review Clinic work. Besides these fixed contact hours, Professors Romano and Aragón meet with the students, individually or in groups, several times during the week as needed.

ON-GOING AND PAST ACTIVITIES OF THE IHRC

During the first year of activity (2011-2012), the Clinic presented four amici curiae briefs: two for cases pending before the Inter-American Court of Human Rights, one for a petition pending before the Inter-American Commission on Human Rights and two for cases pending before a court in Ecuador. Details of the first year of operation of the clinic and its cases and projects can be found here.

CURRENT ACTIVITIES - FALL 2013

The Clinic is continuing to focus on Ecuador and Jamaica. In the case of Ecuador, the students are preparing two separate communications under the human rights procedures of the Convention on the Elimination of All Forms of Discrimination Against Women and the Convention on the Rights of Persons with Disabilities. In both cases, the victims are refugees from Colombia; the former a woman who suffered years of domestic violence and persecution by her abusive husband, and the latter a family of six, whose father and mother suffer from mental disabilities that were not taken into account when evaluating the renewal of their refugee status. Moreover, in 2014, the clinic plans to submit a shadow report, focusing on selected issues affecting the refugee population in Ecuador, for the periodic review of Ecuador under the Convention on the Elimination of All Forms of Discrimination Against Women for the fall of 2014.

In the case of Jamaica, the focus remains on extra-judicial killings, police excessive use of force and general failure of the Jamaican judicial system to investigate and prosecute. Besides the five cases submitted to the Inter-American Commission on Human Rights in the spring of 2013, the Clinic submitted four more cases in the fall of 2013 and will submit four more in the spring of 2014. Each batch focuses on a different bottleneck in the Jamaican judicial system. The Clinic also plans to submit a shadow report on these issues for the Universal Periodic Review of Jamaica, scheduled for the fall of 2014.

As of the spring of 2014, the team will start working on cases of human rights violations in the Dominican Republic and the United States, for submission to available human rights bodies and procedures, in cooperation with local and international non-governmental organizations.

“The IHRC was an amazing experience that taught me valuable skills on case selection, task organization, and communication, while giving me a chance to work on critical human rights issues and assist victims and their families”.

~ Dafna Gozani ’13, IHRC 2012-13
During the second year of operation (academic year 2012-2013), the Clinic filed one petition with the United Nations (UN) Human Rights Committee, five petitions and one amicus curiae brief before the Inter-American Commission on Human Rights and released one position paper to facilitate an ongoing discussion between NGOs, the United Nations High Commissioner for Refugees and the Ecuadorian government on refugees’ rights.

1) United Nations Human Rights Committee: Karamo Fofana v. the Republic of Ecuador

The Clinic submitted its first case before the United Nations (UN) Human Rights Committee on behalf of Mr. Karamo Fofana, a refugee who was wrongfully detained and subsequently denied full redress by the Republic of Ecuador.

Mr. Fofana escaped his birth country, Guinea, where his family was executed in a large massacre of political dissidents. With authorities looking for him as well, Mr. Fofana fled the country using a false passport. Upon arrival in Ecuador in January of 2010, Mr. Fofana was detained for travelling on a false passport, not withstanding the fact that the 1951 Refugee Convention to which Ecuador is a State party provides that penalties cannot be imposed on refugees who enter a country by illegal means if they come from a territory where their life or freedom was threatened. He was charged, convicted and subsequently incarcerated for using a false passport. Mr. Fofana’s refugee status was finally recognized in October of 2010 and in November 2010 he was released from prison. Mr. Fofana’s claim for compensation for his unlawful detention has been denied and all subsequent reviewing courts in Ecuador have affirmed the lower court’s decision, including the Supreme Court.

The Clinic’s communication to the UN Human Rights Committee alleges violations of Article 9 (right to personal liberty) of the International Covenant on Civil and Political Rights, to which Ecuador has been a signatory since 1989. More specifically, the communication alleges wrongful and arbitrary detention, failure to provide adequate and effective remedies and violation of the right to compensation for such detention. The case uniquely examines the intersection of international refugee and international Human Rights law and how these standards affect the human rights obligations of States towards refugee populations within their jurisdiction.

The Communication, submitted in February 2012 in English, is currently pending before the UN Human Rights Committee, and is awaiting a response from the Ecuadorian State.

2) IA Commission: The cases of Mickey Hill, Anthony Nelson, Javaghour Robinson, Lance Zab and Paul Wallace v. Jamaica

The Clinic has filed five separate petitions against the State of Jamaica before the Inter-American Commission on Human Rights on behalf of the family members of victims of police executions. The petitions allege violations of the victims and family members’ rights protected by the American Convention on Human Rights, namely the Right to Life (Article 4), Right to Personal Integrity (Article 5), Right to a Fair Trial (Article 8), Rights of the Child (Article 19) and Right to Judicial Protection (Article 25), in relation to Jamaica’s general obligations under Articles 1 and 2 of the Convention.

The circumstances of each of the five cases are:

On August 28, 2007 14-year-old Lance Zab was beaten, shot and killed by police officers from behind a wall in an open lot. The police then drove away with the body, returning half an hour later to light a fire where the body had been removed. The matter was submitted to the DPP on April 14, 2009 for a ruling, which is still pending.

On January 7, 2009, Anthony Nelson and his cousin were sitting at a construction site when they were approached from behind by three police officers who shouted, “On move.” One officer grabbed Mr. Nelson, shoved him and shot him several times, killing him. The matter was submitted to the DPP on September 30, 2009 for a ruling, which is still pending.

On September 19, 2009 42-year-old Pastor Wallace was approached from behind by a police officer while on a property cutting wood. The officer called out to Pastor Wallace and shot him several times from behind. The matter was referred to the DPP in December 2009 for a ruling, which is still pending.

The petition, submitted in June of 2013, is currently in the admissibility phase of the proceedings before the Inter-American Commission and is available here.

3) IA Commission: amicus curiae in the Case of Valera (alias) v. Ecuador

At the request of Ms. Valera’s representative, Asylum Access Ecuador, the Clinic submitted an amicus curiae brief before the Inter-American Commission during the merits stage of the proceedings.

The brief, in support of the petitioner, aimed to show how Colombia repeatedly and systematically fails to provide access to justice for victims of sexual violence. It also showed how failure to provide access to justice for victims of sexual violence is unfortunately a very common phenomenon, beyond Colombia. To prepare our brief, we relied on a wide range of reputable international sources, producing one of the most detailed and comprehensive studies on the matter to date.

4) Position Paper: Discriminatory Effects of the Ecuadorian Refugee I.D. System

The Clinic produced a position paper that analyzes the discriminatory effects of the dual I.D. system. This system creates two distinct I.D. systems: one for refugees and asylum seekers and another for citizens and non-nationals. Given that the refugee I.D. is visually distinguishable from the non-refugee I.D. and that the number assigned to refugees is often incompatible with the national I.D. system, Ecuador’s maintenance of such a system results in the exacerbation of discrimination by private actors in the areas of housing and employment, amongst others. Furthermore, it leads to discrimination in the provision of health and other social services, education, and even makes refugees clearer targets for police brutality, harassment and creates obstacles to access to judicial remedies.

In accordance with international legal standards on discrimination, Ecuador may be held liable for violating the principle of non-discrimination based on a discriminatory impact theory, as well as direct discrimination by state officials. The position paper concludes that in order to comply with its international obligations Ecuador must reform its national I.D. system, create I.D. that are visually identical (although they can contain biometric and other data that appropriate government agencies may have access to), and institute a public relations campaign to educate the public on the rights of refugees and the principle of non-discrimination.

This paper will be signed by various civil society organizations in Ecuador and will serve as the centerpiece of civil society advocacy efforts before the Ecuadorian government in efforts to reform the national I.D. system. While the original version was prepared in English, the final version was presented to Ecuadorian civil society and the public in Spanish.
During the academic year 2012-2013 the clinic studied the possibility of preparing an amicus curiae brief in the case of Eduardo Nicolás Cruz Sánchez et al. v. Peru. The case deals with the extrajudicial execution of three members of the Túpac Amaru Revolutionary Movement during the so-called "Operation Chavín de Huántar", through which authorities regained control of the residence of the Ambassador of Japan in Peru and the rescue of 72 hostages, which had been taken by the armed group on December 17, 1996.

Finally, throughout the year, the Clinic received dozens of inquiries about possible human rights cases and provided advice to several individuals about their prospects of bringing their cases before an international human rights body.

Travel and Networking

During December 2012 and 2013, Professors Romano and Aragón travelled to Jamaica and Ecuador to meet with the victims and/or their families represented by the Clinic. They also met with the organizations representing the victims domestically.

The clinic has developed strong working relationships with Jamaicans for Justice and Asylum Access Ecuador.

Jamaicans for Justice (JFJ) is a non-profit, non-partisan, non-violent citizens’ rights action organization that advocates for good governance and improvements in state accountability and transparency. JFJ primarily works with victims whose rights have been breached by members of the security forces spanning unlawful search or detention, to excessive use of force and extra-judicial killings. The organization tries to help everyone who seeks its help.

In addition to providing legal support via giving advice and providing legal representation in the Coroners’ Courts, JFJ operates a variety of programs to promote good governance and advance the rights of all Jamaican citizens. The organization also has a library of human rights, legal, social and political literature for the public to access.

Asylum Access Ecuador (AAE) is an Ecuadorian-registered NGO and part of the Asylum Access family of organizations. Founded in 2007, AAE is a response to the critical gap in rights-based refugee assistance in Latin America.

Ecuador is home to the largest population of refugees in Latin America. Most refugees in Ecuador lack legal status. As a result, many find it difficult to work, enrol their children in school, access healthcare, and seek protection from further injustice. In addition, misinformation and fear deter many refugees from seeking status and widespread discrimination marginalizes refugees in Ecuadorian civil society. AAE provides individualized legal advice and representation to refugees, helping them navigate the refugee status determination process and access rights protected by Ecuadorian laws.

Website

During 2012-2013, the clinic developed its own web presence within Loyola Law School's website: http://lls.edu/intlclinic

Publications

The amicus curiae brief submitted in the Guayabin Massacre case (I/A Court, Nadege Dorzema (the “Guayabin Massacre”) v. Dominican Republic) was published in the fall of 2013 in a special issue of the Revue québécoise de droit international (RQDI). The RQDI is a highly respected Canadian legal journal publishing research on international law in French, English and Spanish. It collaborates with editors worldwide and is accessible through major American electronic databases (such as LexisNexis or Westlaw). The special issue includes comments from representatives of the Inter-American Court, the Inter-American Commission, the judgment rendered and the amicus curiae briefs presented.