

**HUMAN
RIGHTS
CENTER**
UNIVERSITY
OF
CALIFORNIA
BERKELEY

ANNUAL REPORT 2009

INVESTIGATING WAR CRIMES
PURSUING JUSTICE
PREPARING TOMORROW'S ADVOCATES

**PROMOTING ACCOUNTABILITY
FOR 15 YEARS**



IN THIS REPORT:

Survey on Justice and the Khmer Rouge Trials in Cambodia
Using Technology to Advance Human Rights

Focusing on Vulnerable Populations
Human Rights Center 15th Anniversary Retrospective

OUR MISSION

The Human Rights Center at the University of California, Berkeley is an independent research center that applies scientific methods and innovative technologies to promote human rights and international humanitarian law worldwide. Based on our research, we develop and recommend specific policy measures to protect vulnerable populations. We provide students and advocates with the skills and tools to document violations of human rights and to turn this information into effective action.

HISTORY

Founded in 1994, the Human Rights Center focuses on emerging human rights issues in the United States and other countries. Over the past 15 years the Human Rights Center has documented war crimes in Iraq, Rwanda, Congo, Uganda, Cambodia, and the former Yugoslavia; investigated human trafficking in the United States; assessed Burma's crumbling health system; used DNA technology to support reunification of Salvadoran families; and examined treatment of detainees at the U.S. detention center in Guantánamo Bay, Cuba.

Our research findings have been presented to the United Nations, the U.S. Congress, and the International Criminal Court. Our evidence-based reports have been used to prosecute war criminals, draft legislation, brief journalists, and bring human rights abuses to the attention of the public.

Human Rights Center staff members teach at UC Berkeley, mentor students through the UC Human Rights Fellowship Program, and convene conferences and panels on timely issues with leading experts and advocates.

HUMAN RIGHTS CENTER STAFF 2008-2009

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David Tuller

FROM THE DIRECTORS

This year marks the 15th anniversary of the UC Berkeley Human Rights Center. The 2009 Annual Report highlights many facets of our work in the past year and traces the Center's impact over the past 15 years. It also pays tribute to the activists, faculty, and students who have worked with us to support communities affected by war, mass atrocities, and social upheaval.

The past year has been a busy one. The Human Rights Center published several major reports including two large-scale population studies of public attitudes about justice, accountability, and social reconstruction in Cambodia and the Eastern Democratic Republic of the Congo (DRC). The DRC report, released with the International Center for Transitional Justice, helped shape international debate about peace and justice in the wake of Thomas Lubanga's arrest on war crimes charges. The Cambodia report examined public perceptions of the work of the Extraordinary Chambers in the Courts of Cambodia, which was established in 2007 to try leaders of the Khmer Rouge. With the International Human Rights Law Clinic, the Human Rights Center also published "Guantánamo and Its Aftermath: U.S. Detention and Interrogation Practices and Their Impact on Former Detainees," the first in-depth look at the capture, imprisonment, and release of 62 former detainees. The report calls on the Obama administration to establish an independent commission to investigate abuses in the U.S. "war on terror."

In April the Human Rights Center and UCB Chancellor Robert Birgeneau welcomed Liberian President Ellen Johnson Sirleaf to campus for the keynote address in the MacArthur Symposium on International Justice. President Sirleaf, the first female President in Africa, received the Berkeley Medal, the University's highest honor, and a standing ovation from more than 450 people in attendance at the International House.

The Human Rights Fellowship Program continues to offer graduate students a rare opportunity to conduct extended fieldwork, and this year 20 Fellows from five UC campuses traveled around the world. Their areas of interest include climate change and forced migration in the Maldives, access to water in Central America, threats to journalistic freedom in Mexico, gender-based asylum claims among Guatemalan women in San Francisco, and U.S. counter-terrorism strategies and resettlement policies among former Guantánamo detainees.

We offer our sincere thanks and appreciation to all of our friends and colleagues who contributed their time, expertise, and financial support to the work of the Human Rights Center. We look forward to a continued partnership as we rise up to meet the challenges of the next 15 years.



ERIC STOVER
Faculty Director



CAMILLE CRITTENDEN
Executive Director

HUMAN RIGHTS CENTER

UNIVERSITY OF CALIFORNIA, BERKELEY

PROMOTING ACCOUNTABILITY FOR 15 YEARS

“The HRC’s engagement in defense of human rights is imaginative, fearless, and relevant, harnessing the academic and journalistic disciplines to maximum effect as they cast a strong light into the blackest holes of the earth. They do definitive work, and I marvel at how they accomplish so much with so few people.”

— ROY GUTMAN, FOREIGN EDITOR, McCLATCHY NEWSPAPERS

The Human Rights Center was founded in 1994 with generous support from The Sandler Family Supporting Foundation. Then and now, the Human Rights Center uses the knowledge and skills of the law, public health, public policy, humanities, journalism, and the sciences to support the work of human rights defenders worldwide.

Originally a project of the Doreen B. Townsend Center for the Humanities at UC Berkeley, the Human Rights Center was eventually housed in the Institute for International Studies and later as a research unit in International and Area Studies. Faculty Director Eric Stover was recruited from Physicians for Human Rights to lead the Center in 1995 and has shaped its programs ever since.

At HRC’s founding, few could have predicted the changes in technology, warfare, population migration, the environment, and global economy happening today and their effects on populations across the globe, for good and bad. We have seen prejudice and fear, aided by disinformation and propaganda, fuel horrific violations of human rights. Genocide,

crimes against humanity, and war crimes continue unabated as the International Criminal Court tries to bring those responsible for these atrocities to justice. Meanwhile, the credibility of the United States as a champion of human rights and the rule of law has been severely undermined by torture and other coercive tactics in our own “war on terror.”

Establishing a clear record of war crimes and their effect on post-war communities, often many years later, is a daunting task. Successfully prosecuting even the most notorious war criminals has proved challenging. But efforts to combat impunity and promote accountability have gained considerable ground in the past 15 years. More people today are learning about the norms of international humanitarian law and helping to expose abuses worldwide. Even in countries with severely repressive regimes, journalists, activists, and aid workers have developed creative ways to advance human rights, often at great personal risk. This report examines and honors some of these initiatives.

“There’s no better example of Berkeley’s mission, values and excellence coming together to tackle the most difficult and pressing problems facing humankind. Being involved in the work of the Human Rights Center—or simply learning about it—is profoundly inspiring to faculty and students alike. The Law School is involved not only for reasons of substance and passion, but also because we want to share the bragging rights.”

—CHRISTOPHER EDLEY, DEAN, UC BERKELEY, SCHOOL OF LAW

FOCUSING ON VULNERABLE POPULATIONS

“An epidemiological framework helps human rights investigators examine patterns of abuse in large populations over time and offer solid evidence of violations of international humanitarian law.”

—HARVEY WEINSTEIN, SENIOR RESEARCH FELLOW, HUMAN RIGHTS CENTER,
CO-EDITOR, INTERNATIONAL JOURNAL OF TRANSITIONAL JUSTICE



Human Rights Center staff, from left: Phuong Pham, Patrick Vink, Eric Stover and Camille Crittenden.

Over the past 15 years, the Human Rights Center has applied a wide array of quantitative and qualitative methods and procedures to document war crimes and serious violations of human rights and assess their impact on affected communities. Our research captures the complexities of mass violence and attempts to influence policymakers and inform the public so effective measures can be taken to protect vulnerable communities. We believe evidence-based data, compelling human stories, and vivid imagery are needed to engage the world and end human rights violations.

The Human Rights Center has forged many significant partnerships in its history (too many to list here) but we note four long-standing ones that have been central to our work:

- The International Human Rights Law Clinic at Berkeley Law School, headed by Laurel Fletcher, has helped research, manage, and co-author several major studies including those on labor issues post-Katrina, human trafficking, and Guantánamo. Clinic students have been involved in HRC’s work for many years.

- Photojournalist Gilles Peress has taught highly-acclaimed courses on photography at the Human Rights Center and worked closely with Faculty Director Eric Stover on books and articles about war crimes.
- The Payson Center for International Development at Tulane University was our key partner in establishing the Initiative for Vulnerable Populations and facilitating collaborative work with Phuong Pham and Patrick Vinck, now with the Human Rights Center.
- The UC Berkeley War Crimes Studies Center, directed by David Cohen, has co-sponsored numerous trainings on international humanitarian law for judges, prosecutors, and defense attorneys.

The Human Rights Center uses methodologies of public health and the social sciences to understand the experiences and attitudes of vulnerable populations in war-torn countries. Our research teams conduct in-depth interviews and population-based surveys with witnesses, victims, and, in some cases, perpetrators of war crimes. In our interviews we seek to understand the nature of the violence victims have experienced and what they wish to see happen to those responsible.

For many survivors of war and genocide the idea of “justice” encompasses more than criminal trials and ex cathedra pronouncements of foreign judges in The Hague. It means returning stolen property; locating and identifying the bodies of the missing; capturing and trying all war criminals, from the garden-variety killers in their communities all the way up to the nationalist ideologues who had poisoned their neighbors with sectarian hatred; securing meaningful jobs; providing their children with good schools and teachers; and helping those traumatized by atrocities to recover.



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Villagers in Northern Uganda gather at a memorial site for relatives killed by the Lord's Resistance Army.

Through our research and advocacy, we try to help international institutions and governments understand the political, cultural, and psychological dimensions of social recovery in the wake of mass violence. Post-war social reconstruction is a slow process that occurs at multiple levels—individual, community, and state—and is heavily influenced by social identity, fear, collective memory, government policies, security and protection, and past experiences with the international community.

Our population-based studies bring the voices of those most affected by mass atrocities to policy discussions about peace, social reconstruction, and mechanisms for justice and accountability. Our surveys in Uganda, Congo, Iraq, and Cambodia

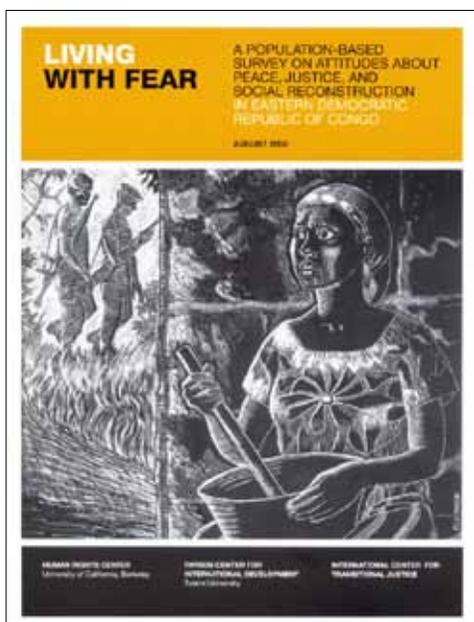
include detailed questions about the incidence of violence, forced migrations, sexual assault, access to medical care and other basic services, attitudes about justice, and responsibility for war crimes. The studies have informed aid efforts and transitional justice initiatives undertaken by the United Nations, nongovernmental organizations, humanitarian agencies, tribunals, and governments. In our earlier studies researchers used paper surveys, collected and collated by hand. But today more rapid and reliable methods are used with the aid of laptops and mobile devices. Read more about KOBO, our innovative digital data-collection project, on page 9 of this report.

Two of the most recent surveys are highlighted here.

LIVING WITH FEAR:

A POPULATION-BASED SURVEY ON ATTITUDES ABOUT PEACE, JUSTICE, AND SOCIAL RECONSTRUCTION IN THE EASTERN DEMOCRATIC REPUBLIC OF CONGO (AUGUST 2008)

“For several years the Human Rights Center has been a significant force in advancing a rigorously research-based approach. The Center advances the field of human rights by holding to principles, while grounding its work in the complex and disturbing realities of real situations. In doing so in such an effective and consistent way, it has become firmly established as one of the leading institutions working in the field.” —TIM ALLEN, PROFESSOR, LONDON SCHOOL OF ECONOMICS, UK



Nearly half of the adult population of the eastern Democratic Republic of Congo (DRC) has faced death threats, suffered beatings, or been enslaved by armed groups, according to an HRC study conducted in 2008. One third of the 2,620 people interviewed reported having been abducted for a week or more. Over 50 percent reported that one or more of their household members had disappeared.

“Living with Fear,” the first large-scale survey of exposure to violence and views on justice in the DRC, was conducted by HRC, the Payson Center for International Development at Tulane University, and the International Center for Transitional Justice.

Fewer than half the respondents surveyed felt safe sleeping, walking at night in their village, or meeting strangers. Peace and security were the main priorities of the respondents. Without sustained security, the population cannot rebuild their lives. Immediate security-sector reform is needed to protect civilians, according to the report.

Other key findings: Most (85%) believe it is important to hold those who committed war crimes accountable and that accountability is necessary for peace (81%). Most respondents wanted to see war criminals punished (70%). Few respondents supported forgiving perpetrators of war crimes (7%) or giving them amnesty (6%).

Our research confirms that all sides to the conflict have committed flagrant violations of international humanitarian law, including targeting civilians for murder, rape, and other forms of sexual violence; recruiting child soldiers; and abducting civilians. A state of near impunity exists for perpetrators with only a handful being prosecuted by the International Criminal Court or national Congolese courts.

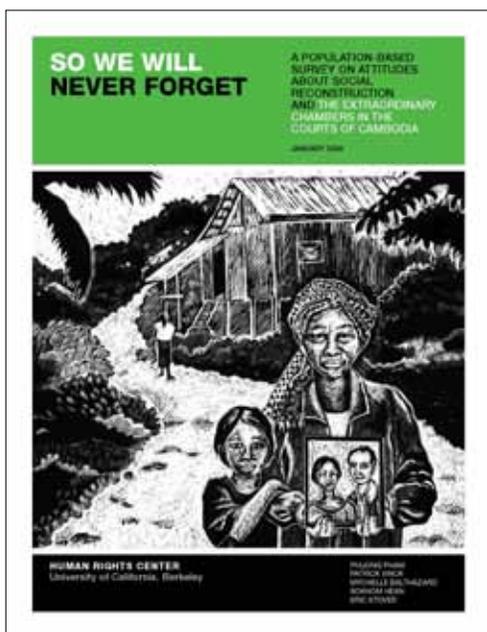
“Living with Fear” was based on interviews in villages of North and South Kivu and the Ituri district. Additional interviews were conducted in the state capital Kinshasa and the second-largest city in the country, Kisangani. Funding for the study was provided by Humanity United and the MacArthur Foundation.

SO WE WILL NEVER FORGET:

A POPULATION-BASED SURVEY OF ATTITUDES ABOUT SOCIAL RECONSTRUCTION AND THE EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA (JANUARY 2009)

“Of the several surveys of the Cambodian public on accountability for the Khmer Rouge that have been completed in the past decade this is the most scientifically planned and executed, with rigorous methodology and a wide sampling of the Cambodian population.”

—WWW.CONCURRINGOPINIONS.COM, LEGAL BLOG



Nearly thirty years after the end of the Khmer Rouge regime many Cambodians vividly recall the killings, torture, and starvation they suffered and witnessed. Ninety-three percent of older Cambodians consider themselves victims of the Khmer Rouge, according to a new national survey conducted by HRC. Nine out of ten respondents in the survey said that members of the Khmer Rouge should be held accountable for the crimes they committed.

After the survey was released in January 2009, proceedings of the Extraordinary Chambers of the Courts of Cambodia (ECCC) began in March with the first trial of Kaing Guek Eav (Duch), former head of the notorious S-21 prison and torture center in the capital of Phnom Penh. International news organizations captured some of the most dramatic testimony thus far and Duch’s apology in court, but international attention has since shifted to other breaking stories.

The findings of the survey, “So We Will Never Forget,” were covered widely by international news organizations and Cambodian media including the *Phnom Penh Post*, *Financial Times*, *Le Monde*, *New York Times*, *Time*, *Reuters*, and others.

Researchers from the Human Rights Center and the Center for Advanced Study surveyed 1,000 adults, 18 years or older, randomly selected in 25 villages. The study noted that 85 percent of those surveyed just prior to the onset of the first trial in Cambodia reported having little or no knowledge about the ECCC, a hybrid Cambodian-international tribunal established in 2006 to try top Khmer Rouge leaders. On the eve of the ECCC’s first trial, more Cambodians should have been aware of the Court’s work, given their strong desire for justice.

“So We Will Never Forget” reveals Cambodians have mixed expectations for and knowledge of the Khmer Rouge tribunal. Respondents who were aware of the Court gave it high marks. Two-thirds believed the ECCC judges would be fair and that the trial would have a positive effect on the victims of the Khmer Rouge and their families. Still, 33 percent felt the Court was not neutral and 37 percent did not know exactly what the ECCC would accomplish.

Local human rights organizations have traveled throughout Cambodia in an effort to inform Cambodians about the workings of the Court, yet much more needs to be done. These organizations cannot bear this responsibility alone; the ECCC, Cambodian government, and the international community must play a more active role publicizing the Court’s activities.

The report, funded in part by the Open Society Institute, calls on the ECCC to deal immediately with allegations of corruption and lack of transparency and to expand significantly outreach efforts to inform Cambodians about the trials. The report also recommends that

- Public service announcements about the court be broadcast regularly on radio and television.
- Media interviews with court judges and staff be commonplace during the trials to help explain complicated legal and judicial concepts to the public.
- A weekly summary of trial proceedings—preferably in a talk show format that encourages debate—be aired on both radio and television.

- Educational materials combining historical texts and visual materials from the trials be created for use in primary and secondary schools as part of the Court’s legacy.

The ECCC exists for the Cambodian people. It is incumbent on the ECCC and the international community to ensure Cambodians are aware and engaged supporters of these trials and not merely auxiliaries to a process far removed from their daily lives. HRC hopes the findings of the survey will continue to promote efforts to make the proceedings transparent, fair, and widely understood by Cambodians and the international community.

Both reports are available to download at <http://hrc.berkeley.edu>.

FOUNDING THE PADER GIRLS ACADEMY IN UGANDA

BY ALICE ACHAN

Note: In 2005 and 2006, the Human Rights Center helped the John D. and Catherine T. MacArthur Foundation establish a Trust Fund for War-Affected Children in Northern Uganda. One of the fund’s first projects was the creation of a school for girls in Pader, a district devastated by years of conflict. Alice Achan is Director of the school.

My first contact with the Human Rights Center was through Eric Stover, who traveled on a dusty road from Kitgum to Pader in the autumn of 2005 to visit a local reception center for former child soldiers that I directed. The center had only two grass thatched huts made of mud. Eric arrived in Pader when the Lord’s Resistance Army’s activities were at its peak. At that time fighting between the rebel Lord’s Resistance Army and government troops was a daily occurrence. The fighting between the warring groups gave opportunity for some children who had been abducted to escape. When Eric visited us, more than 100 children were living at the reception center.

As usual when we had visitors, the children welcomed him and a companion from the International Center for Transitional Justice with songs and speeches. One girl stood up during their thank you remarks and boldly asked Eric and his colleague if they could help girls go back to school. Their answer was, “We will come back next year.” I was hesitant to promise the children anything more as the visitors were researchers in the field working on another project.

In 2006 Eric returned to Pader with his HRC colleague, Phuong Pham. With their help, The Trust Fund for War-Affected Children was established. The Fund later provided me with seed funding so I could establish the Pader Girls Academy to help disadvantaged girls and young women in the region. Two years later, Eric and Phuong sent a Berkeley student, Veronica Guzman, to help us with fundraising and curriculum design.

The Pader Girls Academy supports girls whose educations were interrupted as a result of having been abducted for long periods of time by the rebels. Many young girls were forced into early pregnancies, ruining their educational progress. The current population of students is up to 300 girls—all of whom receive full boarding and attend both secondary and domestic science classes. These courses include home economic management and garment design.

The Human Rights Center not only advocates for legal assistance to victims of human rights abuses but also understands the cultural marginalization of special groups like rural women. Its research reaches beyond the academy to address human needs with empathy and mitigate the impact of human right abuses. – *Thank you.*

ADVANCING THE FIELD OF HUMAN RIGHTS RESEARCH AND ADVOCACY

“The focus on scientific disciplines—statistics, forensics, information and communications technologies—makes the HRC valuable in efforts to defend beleaguered human rights activists. The Center provides them with tools to demonstrate the justice of their cause, and brings their plight to larger and larger circles of concerned opinion.”

—JUAN MENDÉZ, SCHOLAR IN RESIDENCE, FORD FOUNDATION, FORMER PRESIDENT, INTERNATIONAL CENTER FOR TRANSITIONAL JUSTICE

The work of the Human Rights Center has long been rooted in empirical research, as accurate information forms the basis of all credible, effective human rights work. Recent innovations in science and technology have provided advocates, journalists, and scientists with new tools to expose serious violations of human rights and disseminate this information in real time throughout the world. As part of a major research university in the Bay Area, the Human Rights Center is well positioned to incorporate new technologies

into its research and advocacy and share these advances with human rights organizations worldwide.

In 2009, the Human Rights Center launched a major, multi-year technology initiative, funded by the John D. and Catherine T. MacArthur Foundation. The initiative includes three parts: a major international conference, a competition for innovative applications using mobile technology for human rights research and advocacy, and a three-year project to improve digital data collection methods.

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THE SOUL OF THE NEW MACHINE: HUMAN RIGHTS, TECHNOLOGY AND NEW MEDIA



Convened in spring 2009, this international conference brought together more than 250 leading thinkers and practitioners from around the world to explore best practices for human rights investigations and advocacy and develop new strategies for incorporating technology to address human rights abuses. Many researchers and activists are eager to use mobile technologies, smartphones, and new media as powerful new tools for advancing human rights. The conference was webcast live from Berkeley, while groups joined the conversations via the Internet at viewing hubs in New York, London, Cairo, Beirut, and Colombia.

KEYNOTE ADDRESS

James Surowiecki, columnist for *The New Yorker* and author of *The Wisdom of Crowds*

PLENARY ADDRESS

Trevor Paglen, author of *Blank Spots on the Map: The Dark Geography of the Pentagon's Secret World*



Participants at *The Soul of the New Machine: Human Rights, Technology, and New Media Conference*, May 2009.

SELECTED CONFERENCE SESSION TOPICS AND WORKSHOPS

Thousands have watched these conference sessions with leading human rights researchers and technology experts on our website at <http://newmachineconference.org>.

“Eye In The Sky”: Geographic Information Systems, Satellite Imagery, Data Collection and Security

In the Field: Mobile Technologies and Forensic Investigations

Human Rights in the Spotlight: Digital Photography, Multimedia, Animation

Corporate Responsibility and Complicity

Human Rights Communications Leaders on New Media and Advocacy

Workshops on social networking, using video, data collection in the field, and grassroots networking for human rights are also available online.

NEW FRONTIERS OF DIGITAL DATA COLLECTION KOBO, A PROJECT TO ADVANCE HUMAN RIGHTS RESEARCH WITH PDAS



Researcher using a PDA for population survey in Uganda.

Our digital research team, led by Phuong Pham and Patrick Vinck, is developing an open-source application for data collection using personal digital assistants (PDA) with global positioning system (GPS), multimedia (voice and digital camera), and advanced communications functions (3G/GPRS). Kobo means “transfer” in Acholi, the language of the region in Uganda where the team first pioneered their new method.

In an effort to improve field-based data collection, we recently developed a method utilizing a PDA device with GPS and cellular phone. The tool uses satellite navigation with a fully functional smartphone all integrated into one device. With this device each survey record can be linked directly to a GPS coordinate (longitude and latitude) without manual tagging. Our initial pilot of the new navigational smartphone device in a remote area of northern Uganda showed four major benefits of using a handheld computer over paper and pencil data collection: it is discreet (it looks like any other phone and does not attract attention); it saves time (manual data entry from paper forms into a database, photocopying questionnaires, and transporting questionnaires are no longer needed); reduces error (errors can be detected on a daily basis, the form can have a skip function to guide interviewers and it minimizes skipped questions); and it is cost-effective.

With funding from MacArthur Foundation, we will continue to develop, test, and refine the technology over the next three years.

“The HRC Mobile Challenge funding provides us time and resources to translate our years of experience working within the Chinese surveillance state into best practices and effective tools for a global audience of activists, organizers and advocates.” —LHADON TETHONG, EXECUTIVE DIRECTOR, STUDENTS FOR A FREE TIBET

POTENTIAL “GAME CHANGERS”: MOBILE TECHNOLOGIES FOR RAPID HUMAN RIGHTS DOCUMENTATION AND ADVOCACY



Lhadon Tethon leading a workshop for student activists

MOBILE CHALLENGE WINNERS

First Place: **Guardian: Secure, Private, Anonymous Telephone**

Google Android’s open-source mobile telephony platform provides the foundation for a new type of phone that cloaks its user and their data, both on the device itself and as it communicates around the world.

Second Place: **Freedom Fone**

Freedom Fone is a free, open-source software tool that can be used to build a dial-up information service in any language. Its easy interface lowers the barriers to using Interactive Voice Response for outreach. It empowers non-technical organizations to build automated information services and make them available to the public 24 hours a day, 7 days a week.

Third Place: **Digital Democracy’s Handheld Human Rights**

Handheld Human Rights empowers human rights groups based around Burma’s borders to share critical information and document violations to spur international advocacy. HHR uses SMS gateways to connect people reporting abuses to a web-based hub, efficiently leveraging the work of existing projects through a central communications point.

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The UC Berkeley Human Rights Mobile Challenge helped recognize, develop, and fund innovative mobile projects that advance human rights research and advocacy. Fifty projects were submitted in a worldwide competition organized by our partners at NetSquared. The top ten were selected by online vote in April and the three finalists were chosen by a panel of experts. All finalists’ projects can be viewed on our website at <http://newmachineconference.org>.

CLASSES AT UC BERKELEY

“I have tremendous respect for the depth and quality of the work of the Human Rights Center. Besides uncovering human rights abuses, the Center’s research and careful documentation make it possible to bring about justice.”

—NADINE TANG, UC BERKELEY FOUNDATION, HRC ADVISORY BOARD MEMBER



Faculty Director Eric Stover with staff and students at the Human Rights Center



Program Director Rachel Shigekane

The Human Rights Center offers a range of courses for undergraduate and graduate students at UC Berkeley in cooperation with the Law School, School of Public Health, International and Area Studies, Department of Rhetoric, and Peace and Conflict Studies. For full descriptions of the classes listed here, please visit <http://hrc.berkeley.edu/courses>.

Justice and Accountability in Times of War, Genocide, and Terrorism Eric Stover, *Public Health/Law/Human Rights Center*, and David Cohen, *Rhetoric/War Crimes Studies Center*

This upper division undergraduate course uses an interdisciplinary lens to examine international humanitarian law and our understanding of the violence of modern conflicts and its effects on survivors and communities.

International Human Rights in Theory and Practice Rachel Shigekane, *Human Rights Center*

This course surveys the field of international human rights and provides students with an overview of the historical, theoretical, political, and legal underpinnings that have shaped and continue to shape the development of human rights.

Human Rights and Methods for Human Rights Investigations Rachel Shigekane and Phuong Pham, *Human Rights Center*

This course critically examines international human rights in the context of preparing Rotary Peace Fellows to develop, implement or study mechanisms intended to promote peace and security, secure equality, and reduce poverty and suffering.

Introduction to Research Methods for Human Rights Investigations

Patrick Vinck, *Human Rights Center*

This course is designed to familiarize students with research methods and sources of data for the study of principles, policies, and practices in human rights research.

Health and Human Rights Vince Iacopino, *Public Health/Human Rights Center*

Using a health and human rights framework, the course examines a wide range of issues that affect health and human dignity including armed conflict, war crimes, forced migration, torture and other forms of ill treatment, poverty, the economic policies and the practices of international financial institutions and multinational corporations, public health policies, environmental degradation, the “war on terror,” and the problem of U.S. exceptionalism.

TRAINING THE NEXT GENERATION OF HUMAN RIGHTS RESEARCHERS AND ADVOCATES

“I support the UCB Human Rights Center for its critical role in the advancement of human rights by shaping the next generation of advocates and practitioners.”

—DARIAN SWIG, HRC ADVISORY BOARD

The Human Rights Center teaches and advises students eager to have an impact on global problems and learn about human rights issues. Center faculty, researchers, and visiting scholars and practitioners create a rich resource for undergraduates and graduate students seeking to gain the knowledge and skills to be effective and rigorous researchers and advocates.

Human Rights Center Fellows come from many disciplines to work on projects spanning the globe. They all share a passion for applying critical skills to complex problems in real time. Fellows write legal briefs, measure health indicators, fight for rights of displaced people, monitor courts, and produce media to document human rights problems and solutions. Human Rights Center fellowships link promising graduate students with leaders in diverse field projects. Program Director Rachel Shigekane has been devoted to nurturing fellows and the fellowship program for many years. In 2007, the program expanded to include other UC campuses with funding from the UC Office of the President. Steadfast financial support from Advisory Board member Thomas White and Leslie Scalapino has ensured the continuity and success of the program.

Many organizations have benefited from the energy of UC Human Rights Fellows over the years, among them: Center for Constitutional Rights, International Center for Transitional Justice, Human Rights Watch, World Health Organization, International Federation of Red Cross and Red Crescent Societies, Internews Rwanda, Amnesty International, International Criminal Court, Association for the Recuperation of Historical Memory in Spain, and the United Nations Population Fund.



Rohan Radhakrishna
HRC Fellow 2006

A Young Doctor on the Frontlines

“I’ve seen the impact of the recession in the past few months at Highland Hospital emergency room,” says

Dr. Rohan Radhakrishna of Oakland, California. Radhakrishna, a graduate of the UC San Francisco/UCB joint medical program and former Human Rights Fellow, is primarily interested in “upstream medicine” today. He is keenly aware of the spiraling cost of treating emergencies that could be prevented and the links between human rights and public health. He has traveled widely for a 29-year-old and made the most of several field projects in Africa and Latin America, and soon plans to go to India. “I’m taking another year off,” he laughs, “before my residency,” though few would consider Radhakrishna’s idea of time off as such. He’s mixing clinical work with stints as a journalist, community health organizer, and medical policy analyst and remains interested in writing about health disparities for “lay audiences.” Radhakrishna notes, “I’m Indian American and I’m going to India 25 years after Bhopal. I understand the politics of public health. I’ll be looking at vaccine distribution and HIV transmission there.”

“What I really appreciated about the HRC fellowship is that we were pushed to be careful researchers but also to work in a timely way—to be rapid and rigorous,” said Radhakrishna. “Academia can be slow and I wanted to be able to respond to a crisis too.” During Radhakrishna’s Human Rights Center fellowship he documented reasons why young people at risk of abduction in Uganda near the Sudan border would become “night commuters,” moving from camps for internally displaced people into town shelters.

Radhakrishna learned from a structured survey he conducted that they walked to shelters to try to escape violence but also because other teens and social workers could be found in town centers. His study was the first to examine this phenomenon in the region.



Tracey Brieger

HRC Fellow 2000

Passionate Activist for Environmental Justice

Tracey Brieger was among the first environmental justice advocates who came to the Human Rights fellow-

ship program looking to add “a human rights frame” to her work as a graduate student in Environmental Science, Policy and Management at UC Berkeley. The fellowship program has since supported many environmental advocates. During her fellowship Brieger worked with indigenous communities in India severely affected by the environmental impact of massive dam projects. She went on to other environmental campaigns and now works with Californians for Pesticide Reform. “In the Central Valley I started to hear things like—‘look, we’re sorry about the frogs too, but our kids can’t breathe.’”

Pesticides sit at the intersection of many issues: toxics, immigration, labor rights, sustainable agriculture, and environmental justice. In California alone, Brieger estimates that one million farm workers and rural residents are on the frontlines of pesticide exposure. Many are low-income communities of color who suffer disproportionately from health concerns, including cancer, asthma, and reproductive and developmental problems.

“Pesticide reform is a ‘David vs. Goliath’ story,” says Brieger. “Some of the most marginalized communities are up against very powerful interests, the agrochemical and agribusiness lobbies.”

Access to food that is not harmful to harvest or eat, clean air and drinking water are all basic human rights. These rights are at the center of high-stakes environmental battles that become more pressing everyday around the globe.

“The HRC fellowship program is where worlds collide,” said Brieger. “We learned from each other how different social movements operate and there was a sense of community among us.”



Noura Erakat

HRC Fellow 2003

Activist Promoting Local Solutions

Advocating for Arab civil rights in Haifa puts Noura Erakat at the center of controversy, she well knows.

“I was in Law School at Berkeley, I wanted to get versed in international law,” said Erakat. “And I really learned that law is not immune to politics. Courts are not always fair.” She was a top student at Boalt, after graduating Phi Beta Kappa in International Development Studies at UC Berkeley. As legal advocate and national grassroots organizer for the U.S. Campaign to End the Israeli Occupation, Erakat honed arguments that challenged widely held opinions. Working with attorneys at the Center for Constitutional Rights, Erakat filed two suits using the Alien Tort Claims Act against former Israeli military officials in the United States. She now teaches a course on Human Rights Law and the Middle East at Georgetown University.

Erakat asks students to think critically about the underpinnings of international human rights law, its positivist origins, issues of universality versus cultural relativity and what can be viewed as disparity in the application of human rights law in weak states. “There is what some call ‘humanitarian imperialism’ in the world,” she says.

Issues of sovereignty are hot-button subjects in international human rights debates today, debates that will no doubt continue among vocal advocates from diverse traditions, religious philosophies, and political and legal systems. Erakat expects to remain active in them. “I will likely run for public office,” she says. “The HRC fellowship empowered me in many ways.”

PUBLIC EVENTS & PRESENTATIONS OF HRC RESEARCH

The Human Rights Center convenes leaders and experts from many fields to share information and ideas with UCB students, faculty, and the Bay Area public. Among the events we presented in 2008–09 are:



MacArthur Foundation President Jonathan Fanton, UCB Chancellor Robert Birgeneau, Liberian President Ellen Johnson Sirleaf

BEARING WITNESS TO ATROCITY

MacArthur Symposium on International Justice

In April 2009, the Human Rights Center was pleased to host Liberian President Ellen Johnson Sirleaf, the first democratically elected female President of an African country. President Sirleaf received the Berkeley Medal, UC Berkeley's highest honor, from Chancellor Robert Birgeneau and delivered the keynote address of the MacArthur Symposium on International Justice before an overflow crowd of more than 450 at the International House. Following her speech, noted author Adam Hochschild moderated a wide-ranging conversation about President Sirleaf's life, career and hopes for development and peace in Africa. The symposium was sponsored by the John D. and Catherine T. MacArthur Foundation and co-sponsored with the Institute for War and Peace Reporting, the International Journal for Transitional Justice, World Affairs Council of Northern California, Center for African Studies, and Rotary International Peace fellows. The symposium also included two panel discussions with leading experts.

GIVING VOICE TO THE VOICELESS:

Journalists discuss reporting from Africa

Jack Kahorha, Journalist, *Democratic Republic of Congo*

Bill Oketch, Journalist, *Uganda*

Muadi Mukenge, Regional Director for Sub-Saharan Africa, *Global Fund for Women*

Peter Eichstaedt, Africa Editor, *Institute for War and Peace Reporting*

VICTIMS OF WAR CRIMES AND THE SEARCH FOR JUSTICE

Challenges facing the International Criminal Court

Fiona McKay, Chief of the Victims Participation and Reparations Section, *International Criminal Court*

Heather Ryan, Khmer Rouge Trial Monitor, *Open Society Justice Initiative*

Eric Stover, Faculty Director, *Human Rights Center*

Harvey Weinstein, Senior Research Fellow, *Human Rights Center*

HRC staff presented their research at meetings of human rights leaders around the world. Presentations from the past year include:

“**So We Will Never Forget**,” presentation of population survey at a news conference and meetings with international donor organizations in Phnom Penh

“**Rethinking Victims: Quantitative Methods for Assessing Mass Atrocities**,” Stanford University, Physicians for Human Rights Lecture Series

“**Guantánamo and Its Aftermath**,” National Press Club, Washington DC; Open Society Institute, New York; World Affairs Council, San Francisco

“**Perspectives on Wars in Congo**,” UC Berkeley and UC Santa Cruz

“**Children in Conflicts**,” Human Rights Advocacy Lecture Series, University of Iowa Human Rights Center

“**Living with Fear in Eastern Democratic Republic of Congo**,” Woodrow Wilson International Center for Scholars, Washington DC; United Nations Church Center, with the Central Africa Policy Forum, New York; Chatham House, London; Conference, Brussels

“**Population views about the ICC in Eastern Democratic Republic of Congo**,” International Criminal Court, The Hague, Netherlands

PUBLICATIONS AND MEDIA

Human Rights Center faculty and staff disseminate their research through printed reports, peer-reviewed journals, and edited volumes. On timely issues, they contribute to print and broadcast media reports, author op-ed pieces in national and international publications, and provide authoritative background for emerging stories.

NEWS MEDIA

CNN, NPR, BBC, Phnom Penh Post, Cambodia Daily, Washington Post, International Herald Tribune, Associated Press, Huffington Post, USA Today, Mother Jones, Reuters, Miami Herald, San Francisco Chronicle, New York Times, TIME, KQED radio, ABC News

ARTICLES, REPORTS, OP-EDS

Vinck P, Pham PN. “Peace-Building and Displacement in Northern Uganda: A Cross-sectional Study of Intentions to Move and Attitudes towards Former Combatants.” *Refugee Survey Quarterly* 28(1) (2009): 59-77.

Pham PN, Vinck P, Stover E. “Returning home: forced conscription, reintegration, and mental health status of former abductees of the Lord’s Resistance Army in northern Uganda.” *BMC Psychiatry* 9:23 (2009).

Vinck P, Pham PN. “Ownership and Participation in Transitional Justice Mechanisms: A Sustainable Human Development Perspective from Eastern Democratic Republic of Congo.” *International Journal of Transitional Justice* 2(3) 2008: 398-411.

So We Will Never Forget: A Population-Based Survey of Attitudes about Social Reconstruction and the Extraordinary Chambers in the Courts of Cambodia, with the Center for Advanced Study (January 2009).

Guantánamo and Its Aftermath: U.S. Detention and Interrogation Practices and Their Impact on Former Detainees, with the International Human Rights Law Clinic and Center for Constitutional Rights (November 2008).

Returning Home: Resettlement and Reintegration of Detainees Released from the U.S. Naval Base at Guantánamo Bay, Cuba, with the International Human Rights Law Clinic (March 2009).

Living With Fear: A Population-Based Survey on Attitudes about Peace, Justice, and Social Reconstruction in Eastern Democratic Republic of the Congo, with the International Center for Transitional Justice (August 2008).

Laurel E. Fletcher and Eric Stover, “Closing Gitmo is not enough,” *New York Times*, November 21, 2008.

Fletcher and Stover, “Guantánamo haunts released detainees,” *Los Angeles Times*, June 11, 2009.

The Human Rights Center’s Senior Research Fellow Harvey Weinstein also serves as co-editor of the *International Journal of Transitional Justice*, published by Oxford University Press.

BOOKS

The Guantánamo Effect: Exposing the Consequences of U.S. Detention and Interrogation Practices

By Laurel E. Fletcher and Eric Stover, University of California Press, 2009.



The Human Rights Center and the International Human Rights Law Clinic at UC Berkeley’s School of Law collaborated with the Center for Constitutional Rights to conduct a two-year study of detainees released from the U.S. military installation at Guantánamo Bay, Cuba.

It is one of the only systematic studies of Guantánamo detainees once they have left U.S. custody. The U.S. Congress and the Executive Branch continue to wrestle with questions about the appropriate laws and policies to address the treatment of detainees with little empirical data regarding this prisoner population.

Over half of the study respondents who discussed their interrogation sessions at Guantánamo (31 of 55) characterized them as “abusive.” Detainees reported

being subjected to short shackling, stress positions, prolonged solitary confinement, and exposure to extreme temperatures, loud music, and strobe lights for extended periods, often simultaneously. The authors conclude that the cumulative impact of these methods over time constitutes cruel, inhumane, and degrading treatment and, in some cases, rises to the level of torture.

“Carefully researched and devoid of rhetoric, the UC Berkeley report adds a new chapter to America’s dismal descent into the netherworld of prisoner abuse since the tragic events of 9/11,” said the Honorable Patricia Wald, who served on the U.S. Court of Appeals and the International Criminal Tribunal for the Former Yugoslavia. “It provides new insights into the lingering consequences of unjust detention,” Wald added.

Through research and interviews with former detainees and key informants, *The Guantánamo Effect* authors:

- Developed a factual record of the long-term impact of U.S. detention practices on detainees during their confinement at the Guantánamo Bay facility and after their release from U.S. custody.
- Assessed how the incarceration of detainees has affected the families and communities of detainees.
- Recommends appropriate legal mechanisms, detention practices, and policies to protect the human rights of detainees taken into U.S. custody during its pursuit of the “war on terror.”

The report was released November 12, 2008, at an event at the National Press Club in Washington, DC, co-sponsored by The Aspen Institute and covered by C-SPAN.



Guantánamo Study Co-Authors Eric Stover and Laurel Fletcher at U.S. Senate Briefing, November 2008

PREVIOUS HUMAN RIGHTS CENTER STUDIES OF NOTE

The Witnesses: War Crimes and the Promise of Justice in The Hague

By Eric Stover, University of Pennsylvania Press, 2005.

The Witnesses presents findings from the first study of victim-witnesses who have testified before an international war crimes tribunal. Witnesses who have appeared before the International Criminal Tribunal for the former Yugoslavia describe their family tragedies, their moral duty to testify on behalf of the dead, their courtroom encounters with the accused, their aspirations for justice, and their disappointments.

My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity

Edited by Eric Stover and Harvey M. Weinstein
Foreword by Ariel Dorfman, Cambridge University Press, 2004.

My Neighbor, My Enemy tackles a crucial issue—how do countries rebuild after ethnic cleansing and genocide? What role do trials and tribunals play in social reconstruction and reconciliation? By talking with people in Rwanda and the former Yugoslavia and carrying out extensive surveys, contributors explored what people think about their past and the future. Their conclusions controversially suggest that international or local trials may have little relevance to reconciliation in post-war countries. The authors show that while trials are essential to combat impunity and punish the guilty, their strengths and limitations must be acknowledged.

In addition to essays by the editors, the book includes contributions from several Human Rights Center staff members and long-standing partners, including Rachel Shigekane, Theoneste Rutagengwa, Dean Ajdukovic, Phuong Pham, Laurel Fletcher, Sarah Freedman, Pamela Blotner, the late Alison Des Forges, and others.

A Village Destroyed, May 14, 1999: War Crimes in Kosovo

By Fred Abrahams, Gilles Peress, and Eric Stover, University of California Press, 2001.

The Graves: Srebrenica and Vukovar

By Eric Stover and Gilles Peress, Scalo, 1998.

Review all HRC publications at <http://hrc.berkeley.edu>

HIGHLIGHTS OF HUMAN RIGHTS CENTER PROJECTS, 1994-2009

1994

The Human Rights Center is founded as a program, led by Rita Maran, in The Doreen B. Townsend Center for the Humanities, Thomas Laqueur, Director, with a grant from The Sandler Family Supporting Foundation.

First Human Rights Center Fellows do summer research projects in Latin America, Guyana, Cambodia and Washington, DC.



1994

1995

1996

1996

The Human Rights Center moves to International and Area Studies and begins focus on war crimes investigations under Faculty Director Eric Stover.



1997

1997

International conference on “Reporting from the Killing Fields” addressed historical and legal perspectives of mass atrocities in the American West, Armenia, Southeast Asia, Yugoslavia, and Rwanda. Keynote address by Justice Richard Goldstone.

1998

1999

Crimes of War published to define war crimes, acts of genocide and crimes against humanity. The comprehensive guide, edited by Roy Gutman and David Rieff, with advising from HRC, includes case studies, photographs, and reportage from leading journalists and legal experts and establishes a common understanding of war crimes.

2000

In January 2000, the Human Rights Center launched the Communities in Crisis Project, a four-year interdisciplinary research initiative to examine the relationship between the pursuit of international justice and local approaches to social reconstruction in the aftermath of war and genocide.

1999

2001

International conference on “DNA and Human Rights” brought together forensic scientists and human rights advocates to advance investigations of war crimes and address the extraordinary needs of victims of human rights violations.

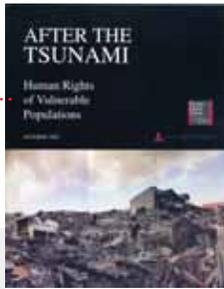
2002

Launch of the “Globalization Project,” a three-year effort to strengthen protections for populations vulnerable to human rights abuses as a result of economic integration.

2003

Iraqi Voices: Attitudes Toward Transitional Justice and Social Reconstruction, published in collaboration with the International Center for Transitional Justice.

2001



2004

Hidden Slaves: Forced Labor in the United States, published in collaboration with Free the Slaves.

2005

The tsunami of December 26, 2004, devastated thousands of communities along the coastline of the Indian Ocean. In March 2005, the Human Rights Center dispatched a team of researchers to five countries affected by the disaster to assess the human rights problems exacerbated by the disaster and examine the response of governments and aid agencies. This research resulted in the publication of *After the Tsunami: Human Rights of Vulnerable Populations*.

2007

DNA Reunification Project
As part of an international partnership, the Center has worked closely for many years with Asociación Pro-Búsqueda de Niñas y Niños Desaparecidos (The Organization for Disappeared Children). The organization seeks to locate young adults who were either forcibly separated from their families by the military or were relinquished by their families under duress during the Salvadoran civil war. The program, which uses DNA technology to confirm family relationships, is strengthened in 2007 with a multi-year grant from the U.S. State Department.

2007

Together with Tulane’s Payson Center, HRC released two reports surveying the effect of armed conflict in northern Uganda: *When the War Ends: A Population-Based Survey on Attitudes about Peace, Justice, and Social Reconstruction in Northern Uganda* (also with the International Center for Transitional Justice) and *Abducted: The Lord’s Resistance Army and Forced Conscription in Northern Uganda*.

2008

Researchers from the Human Rights Center document the disaster of Cyclone Nargis and international efforts to deliver humanitarian aid.

2008

Living with Fear: A Population-Based Survey on Attitudes about Peace, Justice and Social Reconstruction in Eastern Democratic Republic of Congo, published with the International Center for Transitional Justice, documented the effects of ongoing conflict in the region and made recommendations to local and international stakeholders.

2008

Guantánamo and Its Aftermath: U.S. Detention and Interrogation Practices and Their Impact on Former Detainees, released in collaboration with the International Human Rights Law Clinic at UC Berkeley’s School of Law.

2002

2003

2004

2005

2006

2007

2008

2009

2006

Initiative for Vulnerable Populations is established with the Payson Center for International Development at Tulane University, focusing on large-scale population surveys that help inform UN agencies, international aid organizations, and courts about the experiences and priorities of people affected by political unrest and armed conflict.

2006

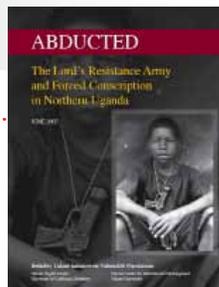
Burma research project begins to measure how the repressive regime’s total failure to provide public health services contributes to the spread of malaria, tuberculosis, and HIV/AIDS.

2007

“Stopping Mass Atrocities: An International Conference on the Responsibility to Protect,” co-sponsored by Human Rights Watch and Genocide Intervention Network. Keynote address by Lt. Col. Romeo Dallaire.

2007

The Gathering Storm: Infectious Diseases and Human Rights in Burma examined the crumbling healthcare infrastructure inside Burma and along its borders. Published in collaboration with the Johns Hopkins Bloomberg School of Public Health.



LOOKING FORWARD

In 2010 the Human Rights Center will bring together leading researchers, journalists, video and interactive media producers to explore complex issues around documenting human rights abuses. Concerns about veracity, security, privacy and efficacy will be considered in light of media-driven advocacy and rapid changes in the fields of data collection and journalism.

HRC will continue its population survey work with new studies in the Central African Republic, Liberia, and a follow-up study in Uganda.

“Under the leadership of Eric Stover, the Human Rights Center has brought an important mix of rigorous research and inspirational teaching and mentoring to the UC Berkeley campus. I’ve watched the HRC develop every step of the way. It undoubtedly makes an indelible contribution to UC but more so to the greater cause of human rights protection.

—CAROLYN PATTY BLUM, CLINICAL PROFESSOR OF LAW EMERITUS,
UC BERKELEY SCHOOL OF LAW, AND CONSULTANT, CENTER FOR JUSTICE AND ACCOUNTABILITY

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