UNIVERSITY OF WASHINGTON CENTER FOR HUMAN RIGHTS

UW CHR Annual Report

2011-2012 ISSUE SEPTEMBER 6, 2012

INSIDE THIS ISSUE:

U.S. Courts Reject Accountability for Torture

Editorial by CHR Faculty Associate Jamie Mayerfeld

Two days after his inauguration, President Obama publicly broke with the torture policies of his predecessor. In a series of executive orders, he prohibited the use of "enhanced interrogation techniques" (the Bush administration's euphemism for torture), rescinded the Bush administration's legal opinions on interrogation, closed CIA clandestine prisons, and required access by the International Committee of the Red Cross to all detainees in U.S. military custody.

While human rights organizations have raised concerns over continuing ill-treatment of detainees, there is no doubt that President Obama banned the worst prisoner abuses authorized by his predecessor. Yet victims of U.S. torture have met a brick wall when attempting to sue those responsible for their abuse. At the urging of both the Bush and Obama administrations, the judiciary has blocked almost every one of these lawsuits from going to trial. When we add this to the absence of criminal prosecutions, it appears that those responsible for authorizing torture will not be held accountable for their actions.

U.S. practice violates our country's obligation under the Convention Against Torture to grant victims of torture "an enforceable right to

fair and adequate compensation." A venerable principle, affirmed in both international and domestic law, holds that there is no legal right without a legal remedy. The continuing refusal of the United States to provide remedies to the victims of U.S. torture calls into question whether it in fact recognizes a right not to be tortured.

This doubt is sharpened when we look at the reasons courts have given for dismissing the lawsuits. Maher Arar of Canada was seized by U.S. agents at JFK Airport in New York, then delivered to Syria, where he was tortured and kept in a grave-like cell for 10 months. When Arar tried to sue the U.S. officials responsible for sending him to Syria, his case was thrown out by a federal appeals court, arguing that judges lacked authority to review the extraordinary rendition policy. The Supreme Court refused to hear Arar's appeal.

Binyam Mohamed, an Ethiopian resident of Britain, was tortured by or under the supervision of U.S. officials in Pakistan, Morocco, and Afghanistan over a period of two years and five months. He suffered stress positions, sleep deprivation, beatings, and mutilation of his chest and penis. When he tried to sue Jeppesen Dataplan, a Boeing subsidiary accused of coordinating his rendition flights, a U.S. appeals court blocked the lawsuit on grounds that the trial could reveal sensitive state secrets. The Supreme Court refused to hear his appeal.

Khaled el-Masri of Germany was taken by the CIA from Macedonia to a U.S. prison in Afghanistan, where he was detained for four months and tortured. When he tried to sue CIA officials for his rendition and torture, a federal appeals court dismissed his case by arguing, as in the Mohamed case, that sensitive

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Human Rights and Environment Testing Ends

Water being pumped from the river to feed nearby palm plantations

UW CHR's research team just returned from its fourth and final testing trip to our partner communities in Guatemala in July 2012. In order to correct for the differences between Guatemala's wet and dry seasons, the team has collected data in four visits over two years. They will be spending fall quarter analyzing the data they've collected. Preliminary analysis shows contaminant levels in community drinking water to be orders of magnitude above the levels recommended by the World Health Organization for human consumption. In addition to sharing their research findings to inform decision-making at the local level, the CHR team and our partners are exploring the use of biosand filters as a way to help improve the quality of their drinking water. Beyond immediate measures such as water filters, both the Center for Human Rights and the Pastoral Social de San Marcos, our partner organization in Guatemala, are interested in long-term solutions to natural resource mismanagement. Multi-pronged solutions to these problems are needed due to the devastating damage to the eco-system

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New Project on Offender Re-entry

"...this project will provide critical information for entities, such as poverty alleviation groups, seeking successful ex-offender reintegration."

The Center welcomed a new project last November headed by Katherine Beckett, a UW Professor in the Law, Societies, and Justice Program and the Dept. of Sociology, and Adjunct Professor in the School of Law. The Center has partnered in this policy-driven research endeavor with the Seattle Human Rights Commission and various other community and civic organizations. Researchers seek to identify barriers that limit ex-offenders' ability to obtain apartments and jobs, and assess the strengths and limitations of various policies intended to remedy the problem. The final report will be shared with a broad range of stakeholders including the Seattle City Council, the Seattle Human Rights Commission, and the Seattle Office for Civil Rights. Given that falling crime rates have not reduced the number of people with a criminal records, a figure which has increased steadily in the U.S., this project will provide critical information for entities, such as poverty alleviation groups, seeking successful ex-offender reintegration.

Catholics for Marriage Equality

Palacios after his interview with KUNW Univision in Granger, WA

This summer, CHR hosted Professor Joseph Palacios, a retired Catholic priest and sociologist at Georgetown University. His talk was co-presented by the World Affairs Council, the Pride Foundation, and the Western States Center. Professor Palacios argued that Catholic faith and civil marriage equality are not irreconcilable. An expert on Latin America, he noted the recent extension of marriage rights to gays and lesbians in Mexico City and Argentina, among other very "Catholic" locations, as evidence that support for LGBTQ human rights does not threaten religious dogma. Rather, he suggested, confusion around civil and religious marriage in the U.S. might explain voiced fears about government infringement on religious freedom in the marriage equality debate.

Letter from the Director

This June marked the three year anniversary of Governor Chris Gregoire's signing of the legislation creating the Center for Human Rights. And although the relative calm of the summer months opens the opportunity for reflection on our accomplishments over the course of this and the previous two years, it's certainly no time to let up in our efforts to expand and strengthen our work towards a world where every man, woman, and child enjoys access to fundamental human rights.

This year, our work has focused on growing the Center's institutional capacity while strengthening partnerships with front-line human rights advocates. We've experienced remarkable growth towards our objectives, as you'll see reflected in the pages of this Annual Report. None of this work would have been possible without the critical support we have received from all three UW campuses and from individuals and organizations within and outside the Puget Soud area. We're grateful that our work is informed, inspired, and strengthened by so many collaborators.

We've made some important strides in each of our four program areas during the 2011 – 2012 academic year. Our work exploring *Human Rights and the Environment* continues apace as our final delegation of researchers travel to rural Guatemala this July to examine water rights issues as part of our "Human Rights and Natural Resource Management in Guatemala Project." The delegation will collect data and advise our partners on real-world solutions to the water-related problems affecting their communities. Our team anticipates publishing our findings from this project during the fall of 2012. In our work on *Human Rights, Memory, and Justice,* we're continuing to investigate cases of wartime human rights violations in collaboration with the Instituto de Derechos Humanos de la Universidad Centroamericana in El Salvador, through research conducted in Seattle, Washington D.C., and El Salvador.

Work in our third program area, *Human Rights at Home*, has intensified this year. Not only have we collaborated on smaller projects with various local organizations, we also culminated a yearlong collaboration with OneAmerica this April. Our jointly-released research report documents rights concerns related to systematic practices of the Border Patrol along Washington's northern border. More recently, two different lawsuits have been launched in an effort to hold immigration authorities accountable for precisely the practices we denounced. We've also been gratified to participate in conversations with elected officials around possible policy changes to address these problems.

Likewise, our *Human Rights and Education* program is thriving. Our student-led support of educational projects in Guatemala and Kenya has continued to deepen this year. This spring we had the opportunity to honor and support through our two endowed funds a new crop of student leaders who have embarked this summer on their own hands-on human rights projects. Their work will take them to Cambodia, Nicaragua, and Washington DC. I'm excited to see their project outcomes and look forward to sharing their reports from the field.

"It's certainly no time to let up in our efforts to expand and strengthen our work"

None of this activity would have been possible, of course, without the enthusiasm of our students, the expertise of our faculty, or the excellence of our staff. In particular, I'm grateful for the leadership and commitment of our Assistant Director, Scarlett Aldebot-Green, whose day-to-day dedication is what makes it possible to carry out the CHR's bold vision for dynamic growth.

These activities also wouldn't be possible, of course, without a diverse array of supporters beyond the confines of our campus. From individual donors who've bought CHR t-shirts or otherwise chipped in towards our cause, to the multiple foundations who've underwritten our major research initiatives, we're grateful for your confidence in our work. We invite you to continue your participation and partnership in the years ahead.

Angelina Snodgrass Godoy
Helen H. Jackson Chair in Human Rights
Director, Center for Human Rights

Year in Review: A Selection of Events Sponsored or Co-Sponsored by the CHR

UW CHR Annual Symposium Reception, April 2012

- **11/16/11 (UW Tacoma)**

Joshua E.S. Phillips, Lecture, "None of Us Were Like This Before: Reflections on American Soldiers and Torture"

- **11/18/11 (UW Seattle)**

Joshua E.S. Phillips, Lecture, "None of Us Were Like This Before: Reflections on American Soldiers and Torture"

- **12/08/2011 (UW Bothell)**

UW CHR's annual human rights day celebration featuring student work in human rights

- **1/12/2012 (UW Seattle)**

Film Screening, "Las Abuelas de la Plaza de Mayo and the Search for Identity"

- **2/27/2012 (UW Tacoma and Seattle)**

Micheline Ishay, "The Arab Uprisings: Lessons of Past Revolutionary Contagion"

- **3/17/2012 (Seattle)**

Lecture, Jen Marlowe and Sarah Craft, "Troy Davis: The Human Face of the Death Penalty"

- **4/17/2012 (UW Seattle)**

UW CHR Annual Symposium, "The Growing Human Rights Crisis on the Northern Border"

- **5/1/2012 (UW Seattle)**

Lecture, James "Yusuf" Yee, "Guantanamo Bay: A Ten-Year Struggle for Justice"

- **5/12/12 (UW Seattle)**

Conference, Keynotes by Cristina Lafont and Matthias Lutz-Bachmann, "International Conference on Cosmopolitan Rights and Responsibilities"

- **5/15/12 (Seattle)**

Lecture, Jessica Stern and Kapaya John Kaoma, "Gay Rights as Human Rights"

- **6/8/2012**

Lecture, Richard Falk, "The Economic, Legal and Moral Cost of War: A Forum on Israel, Palestine, and the United States"

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Northern Border Project Photo Exhibit Hits the Road

Photo by Alex Montalvo

UW CHR and OneAmerica released a report entitled "The Growing Human Rights Crisis Along the Northern Border" at UW CHR's Annual Symposium on April 17, 2012. The release culminated a one-year research partnership and details three patterns of concern along the northern border. It includes CHR's analysis of the human rights implications of U.S. Border Patrol's actions as reported in over 100 on-the-ground interviews with residents in Snohomish, Whatcom, and Skagit Counties. Since July 2012, the project's photo exhibit has been on display at the University of Washington's Research Commons on the Seattle campus. The exhibit will rotate later this year to UW's Tacoma and Bothell campuses.

U.S. Courts Reject Accountability for Torture Continued

[Cont. from 1]

state secrets would be jeopardized. The Supreme Court refused to hear his appeal.

U.S. citizen Jose Padilla was detained without charge or trial in a South Carolina military prison, where he remained in extreme solitary confinement for over three years, and where he reports that he was subjected to stress positions, sleep deprivation, temperature extremes, and noxious fumes, as well as hooded, denied urgent medical care, given mind-altering drugs, and threatened with torture, mutilation, and execution.

When Padilla tried to sue government lawyer John Yoo for authorizing such methods, the Ninth Circuit Court of Appeals threw out the case by arguing that at the time in question the law did not clearly establish whether the alleged treatment constituted torture or otherwise violated Padilla's constitutional rights. On the other side of the country, the Fourth Circuit Court of Appeals blocked Padilla from suing senior military officials responsible for his treatment, on the grounds that the judiciary lacked authority to review the executive's decisions about appropriate forms of military interrogation. The Supreme Court refused to hear Padilla's appeal from the Fourth Circuit ruling.

Meanwhile, lawsuits against private contractors responsible for torture in Abu Ghraib and other US prisons in Iraq have been either shut down or subjected to lengthy delays. The apparent immunity from civil lawsuit of those responsible for U.S. abuses coincides with the decision of the Obama administration not to hold criminal prosecutions either. At present, both criminal and civil law have failed the public and the victims of U.S. torture. The pattern of impunity suggests that there are weak institutional restraints against the future resumption of systematic torture in the name of national security.

20 Years of Impunity in El Salvador

From 1980 to 1992, El Salvador's brutal civil war claimed over 75,000 lives, the majority lost at the hands of the Salvadoran government and its paramilitary death squads. Yet thanks in part to the passage of a 1993 amnesty law, a mantle of impunity has governed the country since then; to date, no one has been held accountable for these crimes. As the country approaches the 20th anniversary of its UN-sponsored Truth Commission report – and 5 days later, the passage of the amnesty law — the UW CHR is collaborating with the Institute of Human Rights at the Universidad Centroamericana in El Salvador (IDHUCA) on a series of activities promoting truth, justice, and reparations. Stay tuned to future CHR communications for updates on this work.

"...thanks in part to the passage of a 1993 amnesty law, a mantle of impunity has governed [El Salvador] since then..."

Transforming Education for Human Rights

Your tax-deductible donation helps support events, programs, and projects like the ones in this report. Please consider making a gift in one of the following ways:

- **Check:** Make checks payable to "University of Washington Foundation" and indicate "Center for Human Rights" in the memo line. Mail to *Center for Human Rights, Henry M. Jackson School of International Studies, Box 353650, Seattle, WA 98195.*
- **Online:** Using your credit or debit card, you can make a gift at *giving.uw.edu/chr*
- **Phone:** Call the UW Foundation at *1-877-894-4387* and indicate that your gift is intended to benefit UW CHR.

UW researchers Ken Faires and Geoff Morgan in the field in Guatemala in July 2012

Faculty News: Selected Publications, Awards, and Presentations

Gunnar Almgren
-Almgren G. *Health Care Politics, Policy, and Services: A Social Justice Analysis*, Second Revised Edition. New York: Springer. In press.
-Almgren G and Lindhorst T. *The Safety-Net Health Care System: Health Care at the Margins*. New York: Springer, 2012.

David Barash
-David P. Barash & Judith Eve Lipton. *Payback: why we retaliate, redirect aggression and seek revenge.* (Oxford University Press: New York) 2011.

Katherine Beckett
-Katherine Beckett and Naomi Murakawa. In press, June 2012. "Mapping the Shadow Carceral State: Toward an Institutionally Capacious Approach to Punishment." *Theoretical Criminology* 16, 2.
-Katherine Beckett and Alexes Harris. 2011. "On Cash and Conviction: Monetary Sanctions as Misguided Policy." *Criminology & Public Policy* 10, 3: 505-37.

Rachel Cichowski
-"Judicial Politics, Gender and the Courts." In G. Waylen, K. Celis, J. Kantolaand L. Weldon, eds. *The Oxford Handbook of Gender and Politics.* Oxford, UK: Oxford University Press. 2011

Batya Friedman
-*ACM SIGCHI Social Impact Award 2012* (see http://www.sigchi.org/about/awards/). This award is given to individuals who promote the application of human-computer interaction research to pressing social needs.
-2011-2012: University Faculty Lecture Award, Society of Scholars, Simpson Center for the Humanities, University of Washington.

Maria Elena Garcia
-2011-2012: Faculty Research Fellowship Award, Society of Scholars, Simpson Center for the Humanities, University of Washington

Stephen M. Gardiner
-'Climate Justice'. In John Dryzek, David Schlosberg and Richard Norgaard, eds. *Oxford Handbook of Climate Change and Society*. Oxford University Press. 2011

Danny Hoffman
-*The War Machines: Young Men and Violence in Sierra Leone and Liberia*. (2011, Duke University Press).
-"Violent Virtuosity: Visual Labor in West Africa's Mano River War," *Anthropological Quarterly* 84(4): 949-975, 2011.

Lucy Jarosz
-"Defining World Hunger: Scale and Neoliberal Ideology in International Food Security Policy Discourse." *Food, Culture and Society* 14:1:117-139, 2011.
-"Nourishing Women: Toward a Feminist Political Ecology of Community Supported Agriculture." *Gender, Place and Culture* 18:3:307-326, 2011.

Resat Kasaba
-"U.S. should support Egyptian people's quest for domestic reform," Seattle *Times,* February 3, 2011

Turan Kayaoglu
-Turan Kayaoglu. 2011. "Islamophobia, Defamation of Religions, and International Human Rights" in *Human Rights in the Middle East: Frameworks, Goals, and Strategies* ed. by Mahmood Monshipouri (New York: Palgrave-Macmillan).
-Turan Kayaoglu. 2012. "Constructing the Dialogue of Civilizations in World Politics: A Case of Global Islamic Activism" *Journal of Islam and Muslim-Christian Relations,* (23 (2): 129-47).

Clark B. Lombardi
-"The Challenges and Opportunities of Islamic Review: Lessons for Afghanistan from the Experiences of Other Muslim Countries" (U.S. Institute of Peace 2011).

George Lovell
-*This is Not Civil Rights: Discovering Rights talk in 1939 America.* University of Chicago Press 2012.

Jamie Mayerfeld
-"The High Price of American Exceptionalism: Comparing Torture by the United Statesand Europe after 9/11." In Michael Goodhart and Anja Mihr, eds., *Human Rights in the 21st Century: Continuity and Change since 9/11* (Palgrave/ Macmillan, 2011), pp. 109-30.
-"No Peace Without Injustice: Hobbes and Locke on the Ethics of Peacemaking," *International Theory,* vol. 4, no. 2 (July 2012): pp. 269 -99.

Naomi Murakawa
-"Race and the Displaced Anxiety Thesis from Stuart Scheingold to Barack Obama," American Political Science Association, Seattle, September 2011.

Joel Ngugi
-Appointed Judge of the High Court of Kenya
-Joel M. Ngugi, "The "Curse" of Ecological Interdependence: Africa, Climate Change and Social Justice," in *Climate Change: A Reader* 967-88 (William H. Rodgers, Jr. et al. eds., Carolina Academic Press 2011).

Angelina Snodgrass Godoy
-*Medicines and Markets: Intellectual Property and the Right to Health in Central America* (forthcoming from Stanford University Press)
-"Changing drug markets under new intellectual property regimes: The view from Central America," with Alejandro Cerón. *America Journal of Public Health* 01, 7 (2001): 1186-1191.

Stuart Streichler
-"The War Crimes Trial That Never Was: An Inquiry into the War on Terrorism, the Laws of War, and Presidential Accountability." *University of San Francisco Law Review* 45 (2011): 959-1004.

Bill Talbott
-Awarded Human Rights Book of the Year by Korean Human Rights Foundation in Dec. 2011 for 2011 Korean translation (Seoul: Han'gilsa) of *Which Rights Should be Universal?* (New York: Oxford University Press, 2005)

Beth E. Rivin
-"Convention on the Rights of the Child: Promoting Human Rights in Islamic Day Schools in Indonesia," *30 Med. & L.* 331 -44 (2011).

Human Rights and Environment Continued

[Cont. from 2]

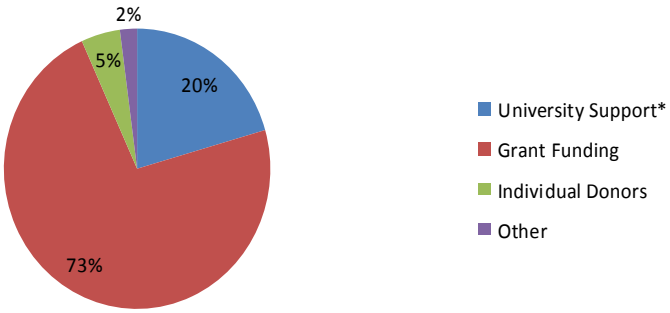
that extends beyond water pollution. The data and conclusions of this project will be made available to communities on the ground so that they can pursue means of achieving redress for damage incurred due to water pollution and flooding resulting from ecosystem changes brought by nearby agro-industries. This information will give community leaders tools for use in discussions with business leaders and government entities around natural resource management. The Center for Human Rights hopes to make these results public in the fall of 2012.

Peasants relocate to the roadside during flooding caused by unsustainable development.

Mission Statement

The University of Washington Center for Human Rights is committed to the interdisciplinary excellence in the education of undergraduate and graduate students in the field of human rights; promoting human rights as a core area of faculty and graduate research; and engaging productively with local, regional, national, and international organizations and policymakers to advance respect for human rights.

UW CHR 2012 Revenue



*UW additionally povides CHR with operation support including office space, IT, and utilities.

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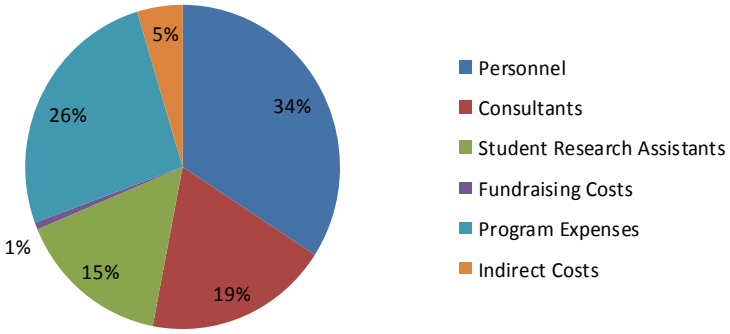
2011-2012 Individual Donors

At this time, UW CHR does not publish individual donor information in its annual report. We thank all of the donors who have made and continue to make our work possible.

UW CHR 2011-2012 Expenditures



Year in Review Continued

[Cont. from 4]

- **6/18/2012 (UW Seattle)**

Presentation for U.S. State Department Foreign Policy and Human Rights International Delegation, "Human Rights and Natural Resource Management"

- **7/19/2012**

Workshop, Joseph Palacios, "Human Rights, Marriage Equality, and the Catholic Church"

- **7/21/2012**

Lecture, Joseph Palacios, "Faith and Human Rights: Being Catholic, Being Pro-Equality"

The Henry M. Jackson School of International Studies