

THE BERNARD AND AUDRE
RAPOPORT CENTER
FOR HUMAN RIGHTS AND JUSTICE

THE UNIVERSITY OF TEXAS AT AUSTIN
SCHOOL OF LAW

**ANNUAL
REVIEW
2012-2013**



Partners for Change at the Intersection of Academics and Advocacy



OUR MISSION

is to serve as a focal point for critical, interdisciplinary analysis and practice of human rights and social justice.

STAFF



Karen Engle is Minerva House Drysdale Regents Chair in Law and founder and co-director of the Rapoport Center. Engle publishes and lectures extensively on international law and human rights, with focuses on indigenous and Afro-descendant rights in the Americas, gender and international criminal justice.



Daniel Brinks is associate professor of government and co-director of the Rapoport Center. He is a faculty advisor for the graduate human rights concentration in Latin American Studies. He has researched and written broadly on law, human rights and comparative politics in Latin America.



William Chandler is administrator of the Rapoport Center and was named the 2012-2013 "Employee of the Year" at the law school. He manages the everyday logistics of the Center and supervises the fellowship and internship programs. His research interests include human rights in Mexico and the right to water.



Susan Smith Richardson is a research fellow at the Rapoport Center, where she directs the Frances T. "Sissy" Farenthold Archives Project. Richardson worked previously as senior writer at the MacArthur Foundation and was a journalist for more than 20 years, writing extensively about social justice issues.



Ariel Dulitzky is clinical professor of law and director of the Human Rights Clinic. He also directs the Rapoport Center's internship program. Dulitzky is an expert in the inter-American human rights system and has published on human rights, racial discrimination and the rule of law in Latin America.



Barbara Harlow is the Louann and Larry Temple Centennial Professor of English Literature and chair of the faculty panel for the Human Rights & Social Justice Bridging Disciplines Program. Her teaching, research and writing focus on third world studies, critical theory, prison and resistance writings and postcolonial studies.

Photo credits: Karen Engle and Ariel Dulitzky, by Mark Rutkowski; Daniel Brinks, courtesy of Brinks; William Chandler, by Steph Swope; Susan Smith Richardson, courtesy of Susan Smith Richardson; Barbara Harlow, by Heather Teague.

Graduate fellow Natalie Krebs prepared this Annual Review with assistance from graduate fellow Giovanni Batz, interns Kayla Oliver, Ana Hernandez and Jackie Kalinoski, administrator William Chandler and research fellow Susan Smith Richardson.

DIRECTORS' LETTER

As a number of us batted around ideas for this letter, we realized just how hard it is to capture, in one short piece, what the Rapoport Center has done over the course of the past year. Like the proverbial blind men and the elephant, each of us had a different take on what we had done exceptionally well. We finally concluded that what truly marked the Rapoport Center's activities was its attention to the diversity of human rights issues and its embrace of the multiple ways we approach them. Our conferences and speakers focused on both domestic and international issues, and included scholars and practitioners from a wide variety of disciplines; we heard from speakers from around the world and here in Austin, and facilitated opportunities for students to do human rights work from Texas, to Washington, DC, to the farthest reaches of the world.



Of course, the Rapoport Center has always been dedicated to a broad notion of human rights, has always been interdisciplinary and has always tried to examine the practices of this country at home as much as what happens abroad. How else to truly be "a focal point for critical, interdisciplinary analysis and practice of human rights and social justice" at the University of Texas? But this year was special in that regard. Consider geography. The "Dirty Thirty" event (see page 2) examined a critical period in Texas' political history, and gathered some of those who made that history. CUNY professor Ramzi Kassem (see page 12) brought the lens up to the present and out to the US as a whole, using *Zero Dark Thirty* to explore how our society thinks about torture. And our Annual Conference (see pages 8-9) trained the spotlight on the global human rights movement, questioning its current direction and its reliance on criminal justice mechanisms and methods. We heard presentations by speakers from the US, Latin America, Europe, Africa, the Pacific Rim and the Middle East.

Meanwhile, our speaker series (see page 11) kicked off an ambitious tour of the disciplines we saw during the year. Lawyers and political scientists speaking in the series offered empirical analyses of how the infrastructure for human rights works in countries around the world—from the selection of judges, to the borrowing of constitutions, to compliance with the decisions of international courts. The Human Rights and the Arts Working Group (see page 14) hosted events featuring artists and musicologists, exploring sculpture and analyzing the relationship between music and dictatorial regimes. Archivists, historians, politicians and journalists continued to play an important role in our activities, as we expanded our work with the archives of the National Police of Guatemala (see page 3 and 6) and with the papers of Frances T. "Sissy" Farenthold (see page 3).

A quick glance through the pages that follow will demonstrate that, as always, students are at the center of many of our activities throughout the year. From the work of our scholars, fellows and interns right here in Austin (see pages 6-7), to the contributions of the law students we support to do internships around the world (see page 4), to our human rights clinic (see page 5), a key aspect of our work is passing on skills and passion for human rights to the next generation of scholars and activists.

As many of you know, we continue to work on securing the Center's future by creating an endowment to fund the remarkable array of programs we sponsor every year. You may be hearing from us again on that subject in the months to come. Meanwhile, we thank you so much for your support to date, and we promise to keep working to ensure that, at the center of the University of Texas at Austin, there is a space where a wide-ranging, critical and critically important human rights conversation will continue to take place.

DIRTY THIRTY MEMBERS REUNITE AT FORUM

A lively crowd packed the Eidman Courtroom at the University of Texas School of Law in March 2013 to hear members of the Dirty Thirty recount their battle against special interests in the Texas Legislature in the early 1970s. The freewheeling panel discussion, entitled “The Legacy of the Dirty Thirty,” was sponsored by the Rapoport Center, the Dolph Briscoe Center for American History and *The Texas Observer*. The forum was the first in a series of public events that are a part of the Frances T. “Sissy” Farenthold Archives Project (see next page).

The Dirty Thirty, a coalition of Republicans and liberal Democrats, rocked the Texas political establishment when they called for an investigation of Speaker of the House Gus Mutscher and others who had been accused of supporting banking legislation in exchange for valuable insurance stocks. The group’s actions sparked a reform movement that ended the careers of some of the state’s top Democratic leaders and launched the gubernatorial campaign of Frances T. “Sissy” Farenthold (UT Law Class of 1949 and Rapoport Center advisory board member).

“With all respect to her colleagues, this was Sissy’s movement.”

Farenthold sponsored a resolution calling for an investigation of the speaker. The resolution failed 118 to 30, but it forced the House to address the stock scandal for the first time. After the vote, a lobbyist denounced Farenthold and her supporters, calling them “those dirty 30 bastards.” The name stuck.

“With all respect to her colleagues, this was Sissy’s movement,” said Ronnie Dugger, a panelist and founding editor of *The Texas Observer* who credited Farenthold for paving the way for the election of liberal Democrats such as former Gov. Ann Richards.

Along with Farenthold and Dugger, panelists included Tom Bass (UT Class of 1950), a member of the Dirty Thirty, and Terry O’Rourke (UT Law Class of 1971), a legal strategist for the group. State Rep. Ana Hernandez Luna of Houston (UT Law Class of 2004) was the moderator.

The tone of the two-hour forum was frequently rollicking. Dirty Thirty members Lane Denton and Fred Head, who spoke from the audience, elicited cheers

Watch a video of the Dirty Thirty panel discussion at <http://goo.gl/S6B3Ld>



Dirty Thirty members Sissy Farenthold, John Bigham, Tom Moore and Lane Denton confer at the State Capitol in 1971. *Photo courtesy of the Dolph Briscoe Center for American History.*

when they said Texas still needs legislative reform.

But the tone grew more somber when the discussion turned to the Dirty Thirty’s legacy.

“We did succeed in getting rid of the speaker, the lieutenant governor and the governor, and electing a majority in the next [legislative session] that could do some good,” said Bass. However, the group’s impact was short-lived, he said, partly because the Dirty Thirty supporter who succeeded Mutscher as speaker, Price Daniel Jr., only served one term—not long enough to change the culture of the Legislature.

But O’Rourke said, “Today every level of government operates with open meetings and a public information act, and that would not have happened but for their work.”

Although the Dirty Thirty had an impact at the time, Farenthold said state government has changed for the worse since the early 1970s because of the influence of conservative organizations such as the American Legislative Exchange Council, or ALEC.

“The most significant negative thing that has happened since I was in the Legislature is the privatization [of government],” she said. “This is what I think we need to work on.”

PROJECT DOCUMENTS FARENTHOLD’S POLITICAL CAREER

Her 1972 speech announcing her candidacy for vice president on the Democratic ticket; her 1973 letter to the widow of Chile’s Salvador Allende; a 1991 photo with Nelson Mandela.

These are among the historical gems to be featured in the Frances T. “Sissy” Farenthold Archives Project, which documents the former state representative’s long political career and contributions to the women’s peace movement and international human rights and justice. The Rapoport Center launched the project in December 2012 with support from the Creekmore and Adele Fath Charitable Foundation, which is contributing \$150,000 over three years.

The project significantly expands and enhances an earlier website the Rapoport Center developed on Farenthold’s work by including new videotaped



Photo courtesy of Sissy Farenthold.

interviews as well as content from Farenthold’s papers housed at the Dolph Briscoe Center for American History.

The project team of Susan Smith Richardson, a longtime journalist, Shannon Costello, an archivist at the Briscoe, and Joe Bailey Jr., an award-winning documentary filmmaker, has already processed hundreds of papers, digitized dozens of images and documents and videotaped several interviews with Farenthold and her former colleagues.

At the conclusion of the three-year grant, the Rapoport Center will host a major conference related to Farenthold’s career.

Learn more about the archives project at <http://francesfarentholdarchivesproject.tumblr.com/>

GRADUATE FELLOW UNCOVERS FAMILY HISTORY IN GUATEMALAN DIGITAL ARCHIVE

By Giovanni Batz

In 2011, the University of Texas at Austin launched a publicly accessible digital archive of the Guatemalan National Police Historical Archive (AHPN). As a Los Angeles-born son of working-class Guatemalan immigrants and a PhD student in anthropology interested in issues of memory, identity and resistance in Guatemala, I understand the importance of the AHPN.

In spring 2013, I took a course with Professor Virginia Garrard-Burnett (History) entitled “Exploring the Archive: Guatemalan History through the National Police Archives.” The course required us to use the digital archive to access documents related to our final research projects, which explored issues such as the politics of kidnapping, university student movements and the murders of indigenous leaders. My research project focused on the high-profile death of John Gordon Mein, the first US Ambassador assassinated abroad. I found documents in the AHPN describing his death in 1968 during a failed kidnapping attempt by guerrillas.

Moreover, I used the AHPN to find information related to my family history, including a document that details the deportation of my dad from Los Angeles in 1975.

According to the document, which features his photo, fingerprints and personal information, he was 21 when he was detained during his first migration to the US. It was another reminder of the sacrifices my parents made to provide me with a better future and my ties to Guatemala.

As a summer fellow at the Rapoport Center, I have been updating a user guide to make the digital archive more accessible to scholars and the public. My hope is that visitors to the archive—whether for academic or personal reasons—will find the documents they are looking for. The AHPN has been instrumental in enhancing my understanding of the historical memory of Guatemala and uncovering my family history.



Mural outside the Guatemalan National Police Historical Archive. *Photo by Giovanni Batz.*

LAW STUDENTS ADVOCATE FOR HUMAN RIGHTS FROM AUSTIN TO PHNOM PENH

As part of an ongoing initiative to engage law students in human rights advocacy and provide them with practical legal experience, the Rapoport Center offered fellowships to thirteen UT Law students over the past year to work with non-governmental and inter-governmental human rights organizations. Working in the US and abroad, their projects included aiding political refugees, advocating for individuals with disabilities, prosecuting war criminals and pursuing impact litigation on behalf of farmworkers.



Sophia Golvach (center) with supervising attorneys during her internship at Disability Rights Texas. Photo by Rikka Strong.

“My summer at Farmworker Justice has given me the once-in-a-lifetime opportunity to do advocacy work on what will hopefully be a monumental reform to our broken immigration system. I know already that the things I have learned this summer will continue to guide me for years to come.”
- Dave Mauch



Elizabeth Nguyen (second row, second from left) with judges, associate legal officers and interns of the Karadzic team of Trial Chamber III on the terrace of the ICTY. Photo by Zoran Lesic.

2012-2013 RAPOPORT CENTER FELLOWS

- Kali Cohn**
ACLU of Northern California (San Francisco, CA)
- Burton DeWitt**
Human Rights Initiative of North Texas (Dallas, TX)
- Whitney Drake**
Inter-American Court of Human Rights (San José, Costa Rica)
- David Fisher**
Inter-American Commission on Human Rights (Washington, DC)
- Sophia Golvach**
Disability Rights Texas (Austin, TX)
- Dave Mauch**
Farmworker Justice (Washington, DC)
- Colleen Mulholland**
Lawyers Without Borders (New Haven, CT)
- Elizabeth Nguyen**
International Criminal Tribunal for the Former Yugoslavia (The Hague, The Netherlands)
- Salima Pirmohamed**
International Criminal Tribunal for Rwanda (Arusha, Tanzania)
- Graham Robertson**
Inter-American Foundation (Washington, DC)
- Bianca Scott**
United Nations Office of the Commissioner for Human Rights (Panama City, Panama)
- Derek VerHagen**
International Criminal Tribunal for the Former Yugoslavia (The Hague, The Netherlands)
- Catherine Wagner**
Extraordinary Chambers in the Courts of Cambodia (Phnom Penh, Cambodia)

“Through my work with Lawyers Without Borders I have come to better understand the gap between countries’ legal systems on paper and people’s access to justice in practice. Witnessing the power of international collaboration and the impact a well-executed project can make has been an incredible learning experience.”
- Colleen Mulholland

STUDENTS GAIN HANDS-ON LEGAL EXPERIENCE

Many students rounded out their education by participating in human rights advocacy and litigation through the law school’s clinics. These clinical opportunities provide important first-hand experience, allowing students to represent clients and work directly on cases. Here are some highlights from the past year.

Immigration Clinic

- Held 11 Deferred Action for Childhood Arrivals (DACA) clinics in partnership with the UT Pro Bono program
 - Defended several successful asylum cases in immigration court
 - Helped multiple clients establish US citizenship
- “It was incredibly rewarding to argue before the immigration court to help clients obtain vital immigration protection.”*
- Megan Sheffield

National Security Clinic

- Represented a client detained in Guantánamo in his habeas corpus case
- Submitted a petition to the UN Working Group on Arbitrary Detention in collaboration with the Human Rights Clinic
- Represented clients in four major criminal cases that involved charges of material support of terrorism, computer crimes and espionage

Human Rights Clinic

- Submitted a complaint to the UN alleging the discriminatory impact of the US-Mexico border wall (see below)
- Sent students to Switzerland for UN meetings and to Argentina on a fact-finding mission
- Prepared an amicus brief to the Inter-American Court of Human Rights in Artavia Murillo et al (In Vitro Fertilization)

HUMAN RIGHTS CLINIC CONTESTS DISCRIMINATION AT US-MEXICO BORDER

By Tania Lara

In April 2006, when I was working as a journalist in Mexico City, I woke up one morning to the news that President Bush had authorized the construction of a wall between Mexico and the US. I was angered. For me and many Mexicans, this wall sent a clear message: Mexicans were unwanted, and the US felt hostility towards its southern neighbor.

Six years later, while enrolled in the Human Rights Clinic, I worked directly with this issue by building a case for the minorities and indigenous groups who were discriminated against during the construction of the wall.

People think of the US-Mexico border wall as a continuous barrier like the Great Wall of China, but it actually comprises multiple segments that stop and start abruptly, often leaving gaps on the property of wealthy people and powerful businesses. Some segments severely impact the land of indigenous populations and disadvantaged Latinos as well as environmentally sensitive areas.

As the project progressed, my team’s indignation grew. We couldn’t find any US government documents

specifying the guidelines for the wall’s construction or pinpointing its actual location. The documents we managed to acquire showed that the main criterion was to build as many miles of wall as quickly and as cheaply as possible.

In order to expedite the construction of the project, the Secure Fence Act waived 36 federal and state laws, many of which protected indigenous peoples and the environment. In seizing land, the US government did not properly consult with indigenous communities, provide adequate information to property owners or offer opportunities to challenge its decisions. As a result, indigenous groups lost access to their ceremonial places, portions of their lands and access to the Rio Grande.

We detailed these violations in a petition to the UN’s Committee to Eliminate Racial Discrimination. In March 2013, the chair of the Committee sent a letter to the US Ambassador to the United Nations to express concern about our findings. We felt rewarded for our hard work, relieved that this issue was finally on the radar of the international community and that justice could one day come.

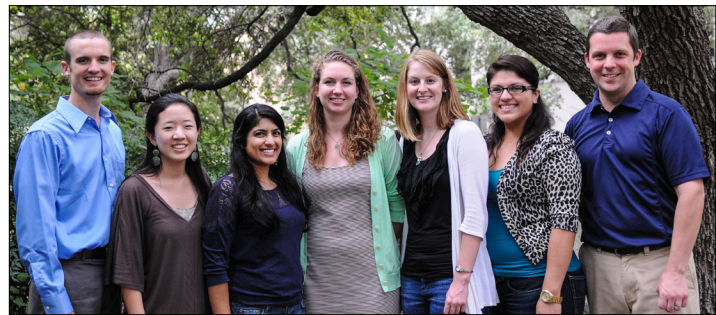
STUDENTS CONTRIBUTE TO DYNAMIC ENVIRONMENT AT RAPOPORT CENTER

Over the past year, nine undergraduate interns, three human rights scholars and two graduate fellows worked with the Rapoport Center on a wide array of programs and initiatives. Hailing from diverse academic backgrounds—from law to anthropology, journalism to geography, government to sociology—these students combined their inspiration, dedication and energy to strengthen the Rapoport Center, promote human rights and justice and engage in scholarship and advocacy.

Working directly with faculty and staff of the Center, scholars, fellows and interns edited submissions for the journal *Sur* (see page 10), helped with planning and logistics for an international conference (see pages 8-9), prepared this Annual Review, worked on the Sissy Farenthold archives project (see pages 2-3) and improved a user guide for the digital archive of the Guatemalan National Police Historical Archive (see page 3).

In addition to collaborating on projects and planning events, this year’s team also analyzed critical human rights issues during weekly discussions. They explored topics such as the relationship between Mexican *narcocultura* and human rights, the international legal implications of drone warfare, human rights mobilization in South Korea and the reconciliation process in postwar Sri Lanka.

“Working with the Rapoport Center created space in my legal career to explore human rights issues in-depth, and opened doors for me to gain unique practical and academic experience in human rights law.” - Vanshika Vij, Human Rights Scholar



Fall 2012 scholars and interns (from left) Mark Dawson, Sonya Chung, Vanshika Vij, Seve Kale, Meredith Weaver and Cristina Flores with administrator William Chandler. Photo by Steph Swope.

HUMAN RIGHTS SCHOLARS
Mark Dawson, Law
Vanshika Vij, Law
Meredith Weaver, Law

GRADUATE FELLOWS
Giovanni Batz, Anthropology
Natalie Krebs, Journalism

UNDERGRADUATE INTERNS
Sonya Chung, Government
Cristina Flores, Sociology
Ana Hernandez, Latin American Studies/History
Seve Kale, Government/Humanities/Spanish
Jackie Kalinoski, Spanish and Portuguese/Government
Saif Kazim, Sociology
Travis Knoll, Latin American Studies
Kayla Oliver, English/Sociology
Lalini Pedris, International Relations and Global Studies/Geography

“Through this internship, I had the pleasure of participating in and leading stimulating conversations about human rights, developing relationships with amazing people with similar passions and purely learning from all of the different speakers and events that occurred during my time there. I am thankful for both the internship and the opportunity to be part of such an incredible community of people.”
- Sonya Chung, Intern

HUMAN RIGHTS LAW SOCIETY RAISES PROFILE

It was an exciting and ambitious year for the Human Rights Law Society (HRLS) at UT Law. Since its reestablishment in 2011, the group has grown to about 30 members and has greatly contributed to a growing human rights community at UT. One of HRLS’ primary goals is to provide support for students interested in human rights and a space where members can discuss their diverse experiences with and interest in human rights.

In October 2012, HRLS co-sponsored a talk by Sister Helen Prejean, whose story inspired the critically-acclaimed film, *Dead Man Walking*. The organization hosted a screening of the film the day before her visit.

Throughout the year, HRLS collaborated with UT Law faculty who specialize in human rights law. A panel moderated by Professor Barbara Hines (Law; co-director Immigration Clinic) examined border enforcement policies like *Operation Streamline* and the rising immigrant incarceration trend. Professors Karen

Engle (Law; co-director Rapoport Center) and Daniel Brinks (Government; co-director Rapoport Center) gave short, interactive lectures as part of an introductory educational series entitled “Human Rights 101.” HRLS also sponsored a discussion with Professor Derek Jinks (Law) on the Alien Tort Claims Act and the important recent US Supreme Court case *Kiobel v. Royal Dutch Shell*.

“I think we’ve provided a great forum this year for students who are approaching human rights from different levels of familiarity and interest.”

Meredith Weaver (Law; vice president HRLS) said, “I’m pleased to see the Human Rights Law Society taking on so many different types of events at the law school. I think we’ve provided a great forum this year for students who are approaching human rights from different levels of familiarity and interest, and I can’t wait to see what next year has in store.”

UNDERGRADUATE ADVISORY COUNCIL PROMOTES HUMAN RIGHTS ACTIVISM AT UT

During the 4th Annual Human Rights Fair in April 2013, members of the Human Rights Student Advisory Council (HRSAC) asked students, staff and faculty: “What does ‘human rights’ mean to you?” Using markers, attendees contributed a wide range of answers to a blank sheet of paper spread out across a booth on the UT campus. Some called for general equality while others targeted specific issues such as the death penalty and sweatshops.

Meanwhile, HRSAC members conversed with passersby about the benefits of engaging in human rights work on campus and opportunities that member organizations could provide to interested students.

“It was encouraging to know that we can make a difference in the UT community.”

Sponsored by the Rapoport Center, the Advisory Council is dedicated to serving the undergraduate community and aiding member organizations with human rights outreach, activities and events. This year, HRSAC representatives interning for the Rapoport Center collaborated with members of Oxfam International, FACE AIDS, Liberty in North Korea,

Amnesty International, Global Human Rights Brigade and United Students Against Sweatshops.

“During the fair, students expressed gratitude for HRSAC’s efforts to promote human rights on campus,” noted Lalini Pedris, Rapoport Center-HRSAC liaison (International Relations and Global Studies/Geography). “It was encouraging to know that we can make a difference in the UT community. In the future, we hope that HRSAC will develop even better opportunities to engage students in human rights discourse.”



Student contributes her perspective to a banner at the Human Rights Fair. Photo by Lalini Pedris.

CONFERENCE EXPLORES IMPUNITY AND THE HUMAN RIGHTS AGENDA



Conference participants Vasuki Nesiah, Fredy Peccerelli, Patricia Viseur Sellers and Dianne Otto. All photos by Steph Swope.

Over the past two decades, the international human rights movement has increasingly focused on the fight against impunity, largely through criminal prosecution. This “criminalization” of human rights, as Professor Karen Engle (Law; co-director Rapoport Center) calls it, arguably represents a fundamental shift in the positions and priorities of human rights law, discourse and activism.

In February 2013, the Rapoport Center held its ninth annual conference, “Impunity, Justice and the Human Rights Agenda,” which brought together scholars, human rights advocates and policy makers from around the world to discuss the shift towards anti-impunity, and what is gained and lost with this focus.

“There are simply situations when prosecutions may not be the first thing you want to do or the only thing you want to fund or prioritize.”

During the two-day conference, participants examined how anti-impunity operates in human rights, global governance, transitional justice and international criminal law, contextualizing the discussion through a series of historical and contemporary case studies from Brazil, Colombia, South Africa, Rwanda, the United States and South and East Asia.

Professors Ariel Dulitzky (Law; director Human Rights Clinic) and Engle set the stage by offering two perspectives on the relationship between criminal law and human rights, particularly within Latin America.

Engle contended that the trend represents a shift from the early human rights movement’s focus on the abuses

of criminal law. She then outlined several concerns she has with the increased reliance on criminal law, including the failure of individual criminal prosecutions to attend to larger structural and political issues.

Dulitzky partially countered by noting that both the Inter-American Court of Human Rights and human rights advocates in Latin America continue to attempt to curb criminal law’s infringement of individual human rights.

A dynamic keynote discussion featured Ruben Carranza (International Center for Transitional Justice), an expert on reparations in transitional justice; long-time prosecutor Patricia Viseur Sellers (International Criminal Court); forensic anthropologist Fredy Peccerelli (Guatemalan Forensic Anthropology Foundation); and Judge Dennis Davis (High Court of Cape Town). The roundtable dialogue provided an inside view of the way the fight against impunity impacts their work.

In a debate that ensued over appropriate responses to war crimes, Carranza argued that criminal trials are not always the best option. “I believe that criminal prosecutions have a very important value in overcoming impunity,” he said. “But there are simply situations when prosecutions may not be the first thing you want to do or the only thing you want to fund or prioritize.”

However, even post-transition priorities that do not emphasize criminal prosecution can have their drawbacks. Sellers, for example, contended that archives, which are typically seen as a beneficial tool for the construction of historical memory, often reflect a patriarchal perspective, and stressed the importance of looking at archives through a feminist lens.

The discussion continued through four subsequent panels. During a panel entitled “Transitional Justice Outside the Criminal Law Paradigm,” Natalie Davidson (Tel Aviv University) suggested that civil litigation might, at least in principle, provide greater opportunity than criminal law for understanding the broader political context in which abuses occur.

Professor Dianne Otto (Melbourne Law School) described her recent experience as a member of a panel of experts in a people’s tribunal held in Cambodia. “Stepping outside the law enables us to have a different kind of view of what’s happening within the legal system than what we get from inside,” she explained. “I think the archives of painful testimonies that people’s tribunals produce provide only an initial spark, but still an initial spark, to justice in the future.”

Professor Daniel Brinks (Government; co-director Rapoport Center) was guardedly optimistic that this discussion of anti-impunity might benefit those

who work in the field of human rights but also those who experience human rights violations. “What we’re hoping is that our future responses to human rights violations, our engagement with the human rights agenda and our academic research can be more thoughtful, more insightful,” he noted.

Several conference participants continued the discussion at a June 2013 workshop at Harvard Law School, sponsored by the Institute for Global Law and Policy. The conference and workshop are expected to lead to an edited book with Cambridge University Press.



View the conference video at <http://www.utexas.edu/law/conferences/impunity/video/>

2013 CONFERENCE PARTICIPANTS

Kamran Ali, Associate Professor of Anthropology and Middle East Studies; Director, South Asia Institute, The University of Texas at Austin

Helena Alviar García, Associate Professor and Dean, Faculty of Law, Universidad de los Andes

Daniel Brinks, Associate Professor of Government; Co-Director, Rapoport Center for Human Rights and Justice, The University of Texas at Austin

Ruben Carranza, Director, Reparative Justice Program, International Center for Transitional Justice

Natalie Davidson, Doctoral Candidate, Buchmann Faculty of Law, Tel Aviv University

Dennis Davis, Judge, The High Court of Cape Town; Professor, University of Cape Town

Ariel Dulitzky, Clinical Professor; Director, Human Rights Clinic, The University of Texas School of Law

Karen Engle, Minerva House Drysdale Regents Chair in Law; Co-Director & Founder, Rapoport Center for Human Rights and Justice, The University of Texas School of Law

Barbara Harlow, Louann and Larry Temple Centennial Professor of English Literature, The University of Texas at Austin

Jennifer Laurin, Professor, The University of Texas School of Law

Zinaida Miller, Doctoral Candidate in International Relations, The Fletcher School, Tufts University

Monika Nalepa, Assistant Professor of Political Science, Notre Dame University

Vasuki Nesiah, Associate Professor of Practice, The Gallatin School of Individualized Study, New York University

Dianne Otto, Professor of Law and Director of the Institute for International Law and the Humanities, Melbourne Law School

Fredy Peccerelli, Executive Director, Guatemalan Forensic Anthropology Foundation

Hani Sayed, Assistant Professor of Law, American University in Cairo

Patricia Viseur Sellers, Special Advisor to the Prosecutor of the ICC; Visiting Fellow, University of Oxford; Former Legal Advisor for Gender-Related Crimes and Acting Senior Trial Attorney, Office of the Prosecutor of the ICTY

Fabia Fernandes Carvalho Veçoso, Professor of Law, Faculdade de Direito do Sul de Minas

2013 CONFERENCE SPONSORS

University of Texas at Austin: Nettie Lee Benson Latin American Collection, Edward A. Clark Center for Australian and New Zealand Studies, Center for European Studies, Department of Government, Humanities Institute, Lozano Long Institute of Latin American Studies, South Asia Institute

Harvard Law School: Institute for Global Law and Policy

COLLABORATION WITH SUR JOURNAL FOSTERS DIALOGUE ON INTERNATIONAL HUMAN RIGHTS

For the past two years, editorial committee members of the Rapoport Center’s Working Paper Series (WPS) have helped to foster scholarship on human rights through their collaboration with *Sur: International Journal on Human Rights*. Founded in 2003 to encourage interdisciplinary research on international human rights, *Sur* is unique because it publishes each of its biannual issues in English, Spanish and Portuguese. The goal is to build bridges between human rights advocates and scholars across multiple regions and languages.



Image from Conectas.

From articles on citizen security and human rights to those that address development and the rights of people with disabilities, WPS editors have carefully read and edited articles translated to English from Spanish and Portuguese. By drawing on their diverse language skills and expertise in law, the social sciences and humanities, WPS editorial committee members have helped to ensure the accuracy and readability of these articles.

“It is critically important that scholarship on human rights is not compartmentalized by language,” said PhD student Katie Sobering (Sociology), chairperson of the editorial committee. “As human rights scholars, we have everything to gain from expanding the horizon of our conversations.”

In addition to its work with *Sur*, the WPS continues to publish working papers on human rights on its recently updated blog (blogs.utexas.edu/rapoportcenterwps/).

Read the most recent issue of *Sur* at www.surjournal.org

AUDRE RAPOPORT PRIZE WINNER EXAMINES DOMESTIC WORKERS CONVENTION

Congratulations to Kali Yuan, winner of the 2012 Audre Rapoport Prize for Scholarship on Gender and Humans Rights for her article “Translating Rights into Agency: Advocacy, Aid, and the Domestic Workers Convention.” Distinguished scholars from UT and abroad selected Yuan’s paper in an anonymous competition that received submissions from 12 universities in six countries.

In 2011, the International Labor Conference adopted the Domestic Workers Convention, the first international protocol to set out legal obligations to improve the lives of domestic workers. Although Yuan views it as an improvement over previous attempts to protect domestic workers, she argues that its proposed legal protections are still inadequate.

Despite the Convention’s shortcomings and the fact that it is not yet in force, Yuan believes that it can effect positive change if its norms are translated into local contexts and embraced at the grassroots level. Yuan proposes a participatory approach she terms

“Community Conversations” in which domestic workers themselves drive the translation process. She argues that this approach can protect labor rights by utilizing the normative power of the Convention’s legal obligations.

Her time as an advocacy officer with the Working Women’s Center Timor-Leste provided her with valuable insight into international labor rights and how they can be interpreted and applied in local contexts.

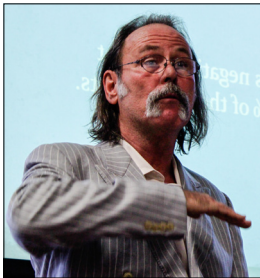
“My experiences suggested that a convention can still have significant impact at a grassroots level without reliance on its legal mechanisms,” she noted.

Yuan earned a JD (Honours, 1st Class) from the Australian National University in 2012 and is now working with the Australian Agency for International Development. Her paper is published online in the Center’s Human Rights Working Paper Series (see above) and also on the Center’s website alongside previous prizewinners.

Read and comment on Yuan’s article and other working papers at blogs.utexas.edu/rapoportcenterwps/

FALL SPEAKER SERIES EXPLORES DOMESTIC RIGHTS

The Human Rights Happy Hour Speaker Series took a comparative turn in the fall, focusing on rights and rights protection primarily at the domestic rather than international level. The talks addressed the institutional infrastructure that is meant to support rights, social movements that seek to use rights discourse to advance their cause, the uneasy place of multiculturalism within a liberal rights framework and the way in which US constitutional practices informed early constitutionalism in Latin America. The series was presented in conjunction with *Human Rights, Law, and Democracy*, a seminar taught by Professors Daniel Brinks (Government; co-director Rapoport Center) and Zachary Elkins (Government), and was co-sponsored by Cambridge University Press.



JAMES GIBSON
Sidney W. Souers Professor of Government and Director of the Program on Citizenship and Democratic Values, Washington University in St. Louis
“Electing Judges: The Surprising Effects of Campaigning on Judicial Legitimacy”
Respondent: H.W. Perry (Government)

JONATHAN MILLER
Professor of Law, Southwestern Law School

“Borrowing a Constitution: The U.S. Constitution in Argentina and the Heyday of the Argentine Supreme Court (1853-1930)”

Respondents: William Forbath (Law), Tom Ginsburg (University of Chicago Law School) and Ran Hirschl (University of Toronto Law School)



MALA HTUN
Associate Professor of Political Science, University of New Mexico
“Politics of Inclusion: Women, Afrodescendants, and Indigenous Peoples in Latin America”
Respondent: Karen Engle (Law; co-director Rapoport Center)

CLIFFORD CARRUBBA
Associate Professor of Political Science and Director of the Center for the Study of Law, Politics, and Economics, Emory University



“The Politics of Compliance with International Courts: A General Theory with Evidence from the European Court of Justice”
Respondent: Terrence Chapman (Government)
Co-Sponsor: Center for European Studies



MATTHEW GABEL
Professor and Associate Chair of the Department of Political Science, Washington University in St. Louis

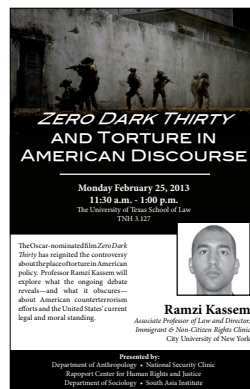
All photos by Steph Swape.

CUNY PROFESSOR ANALYZES *ZERO DARK THIRTY* AND TORTURE IN AMERICAN DISCOURSE

The highly controversial film *Zero Dark Thirty* depicts events leading to the death of Osama bin Laden. In February 2013, a month after the film's release, Ramzi Kassem, associate professor of law and director of the Immigrant and Non-Citizen Rights Clinic at City University of New York, visited the law school to discuss the film and speak about torture in American discourse.

The film's depiction of the use of torture in extracting information from detainees sparked criticism from public officials who claimed that its role was greatly exaggerated. However, the torture depicted in *Zero Dark Thirty* is in many ways less severe than what actually took place, said Kassem, who interviewed detainees at Guantánamo Bay.

Referring to a classified report, the Senate Intelligence Committee suggested that



Zero Dark Thirty inaccurately portrayed the importance of torture in locating bin Laden. But Kassem argued that the issue is not whether torture led to the capture and killing of bin Laden.

"The central questions driving the debate are themselves a distraction," Kassem said. "Whether torture led to the death of Osama or whether it strategically worked are distractions because they mask what ought to be the focus whenever torture and execution are discussed."

Kassem noted that the legality and consequences of torture and extrajudicial killing are largely overlooked in both the movie and social discourse.

"When a team of US commandos, in violation of sovereignty, conduct a kill operation, it's clear that this presents a serious question for international humanitarian law," he said.

The event was co-sponsored by the Department of Anthropology, the National Security Clinic, the Department of Sociology and the South Asia Institute.

HUMAN RIGHTS SPECIALIST DISCUSSES THE FUTURE OF THE INTER-AMERICAN COMMISSION

The future of the Inter-American Commission on Human Rights looks uncertain, according to Charles Moyer, former specialist of the Inter-American Commission and the first secretary of the Inter-American Court of Human Rights.

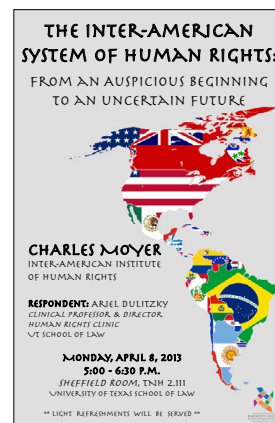
Speaking at UT in April 2013, Moyer gave an engaging account of how the Inter-American Commission evolved from an institution designed to promote human rights into one that enforces human rights. He discussed the Commission's groundbreaking innovations as well as its important role in promoting and defending human rights in the Americas in the 1960s and 1970s.

Although he praised its past, Moyer conceded that the future of the Commission is unclear. Venezuela, Ecuador and other Latin American countries are questioning and resisting the Commission's authority. They have criticized it as a tool of US interests and have even created a working group to evaluate its mandate.

"The Commission will be looking over its shoulder when it makes decisions now because it knows that it's under much more scrutiny than before," Moyer noted. "I think that's the sad part."

Moyer concluded by looking at the issue from a broader perspective. "The time has almost come to re-examine the whole structure of human rights in the hemisphere."

The event was made possible by Scott Hendler of HendlerLaw and was moderated by Professor Ariel Dulitzky (Law; director Human Rights Clinic).



FORMER ATTORNEY GENERAL DEFENDS FOREIGN LEADERS ACCUSED OF WAR CRIMES

It may be surprising that a former US attorney general and recipient of the UN Human Rights Prize has defended alleged war criminals including Slobodan Milošević, Charles Taylor and Saddam Hussein. In November 2012, Ramsey Clark spoke about his controversial legal career, which initially focused on domestic civil rights and eventually encompassed international human rights.

During his time with the US Department of Justice, including a stint as attorney general under President Johnson from 1967 to 1969, Clark adamantly fought for civil rights. He played a pivotal role in groundbreaking legislation including the Voting Rights Act of 1965 and the Civil Rights Act of 1968.

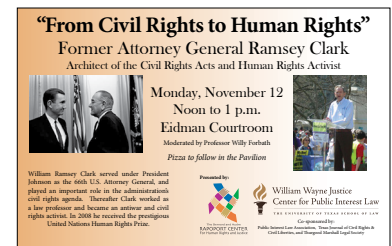
As an anti-war activist, Clark took several trips to witness the devastation in Vietnam and, as a result, began vehemently criticizing US foreign policy. His anti-war activities inspired his human rights work and led to his involvement in international cases as a criminal

defense attorney.

Because of his frequent criticism of US foreign policy and his defense of individuals who had allegedly committed severe human rights violations, some find Clark to be a controversial figure.

Questioned by Professor William Forbath (Law), who moderated the event, Clark defended his choice to represent individuals such as Hussein and Milošević, arguing that they, as human beings, were entitled to a proper defense and a fair trial. "I respect their lives as much as our own," Clark said. "I don't believe in killing people."

The event was co-sponsored by the William Wayne Justice Center.



MEXICAN SCHOLAR CALLS FOR REFORM OF LATIN AMERICAN PRISON SYSTEM

It is time for change in Latin American prisons, according to Miguel Sarre, professor of law and director of the Center for Public Law at the Instituto Tecnológico Autónomo de México (ITAM) and member of the UN Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In March 2013, during his time at UT as a LLILAS visiting resource professor, Sarre spoke about the purposes of and problems with incarceration in Latin American prisons. He argued that traditional goals of incarceration, such as rehabilitation and treatment, are often at odds with other autonomy and due process rights of individuals.

"It's partly because we try to comply with human rights standards that prisons are so bad in Latin America," Sarre noted. He insisted that prisons should be structured in such a way that they merely carry out the

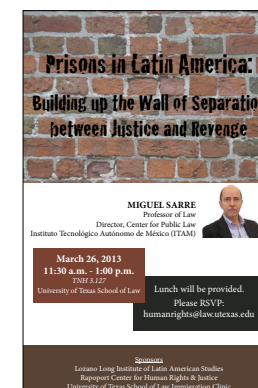
sentence; they should not otherwise interfere with the internal life of a prisoner.

The process for releasing a prisoner in Latin America is typically based on a personality analysis conducted by a psychologist. According to Sarre, this process fails to maintain the due process principles that were applicable during the initial trial that set the punishment. Those principles require that you are punished for what you do, not who you are.

"He [the prisoner] is here [in prison] because he has what kind of problem? A legal problem. Not a mental problem or a moral problem or any other problem by definition," he said.

Sarre argued that the language of rehabilitation should not constrain the right to a fair trial or the presumption of innocence. He recommended implementing a new system that replaces the framework of rehabilitation with one of rights and duties. He also advocated strongly for external accountability measures for prisons.

The event was co-sponsored by the Lozano Long Institute of Latin American Studies and the Immigration Clinic.



WHERE ART AND PUBLIC HEALTH
INTERSECT WITH HUMAN RIGHTS

The Rapoport Center sponsors several collaborative working groups that explore cutting-edge human rights issues and scholarship in multidisciplinary, critical and innovative ways. Here are highlights from two of the Center’s working groups.

Human Rights and the Arts

The Human Rights and the Arts Working Group supports the role of the arts in social justice advocacy and seeks to integrate human rights into the teaching, research and advocacy work of UT faculty and students from a variety of disciplines. Headed by Professor Luis Cárcamo-Huechante (Spanish & Portuguese), the Working Group hosted two interactive workshops this year highlighting work at the intersection of human rights and the arts.

The first workshop featured UT graduate student Adriana Corral (MFA-Sculpture), a recent Outstanding Award winner at the International Sculpture Center in New York. Influenced by her childhood in El Paso, Corral employs a minimal aesthetic that is paradoxically charged with emotion and meaning as it attempts to shed light on the femicides in Ciudad Juárez, Mexico. Through her artwork, she strives to incite political dialogue and action.

While highlighting some of her work, Corral shared both her inspirations and the meticulous processes she utilizes. One exhibit, which fills an entire room, features hundreds of suspended red clay tiles replicating the body bag tags of femicide victims. Another piece, a transparent and haunting sculpture of the Virgin of Guadalupe (see above), contains cotton from the infamous field where eight murdered women were found.



Adriana Corral, *Madre (Mother)*, installation detail, 2011, resin, cotton, found object made of wood (pillar), dimensions vary. Photo courtesy of Adriana Corral.

After Corral’s presentation, comments provided by Professors Cary Cordova (American Studies) and Héctor Domínguez-Ruvalcaba (Spanish & Portuguese) prompted a discussion on the symbolism of Corral’s art and the role that it could play in mobilizing and fighting for human rights.

The second workshop of the year featured Buenos Aires-born scholar Esteban Buch, who visited UT to lecture at the Center for Latin American Visual Studies. Buch is currently the director of studies at the École des Hautes Etudes en Sciences Sociales (EHESS) in Paris, and directs the Master in Music program at the EHESS and the Centre de Recherches sur les Arts et le Langage. He is a specialist on the relationship between music and politics in the twentieth century and the author of numerous books.

Buch’s presentation examined the role of music during the last Argentine dictatorship (1978 to 1983). The workshop analyzed rock, folklore, tango, disco and other communal or celebratory practices as either supportive or subversive of the regime’s repressive action. Buch and the workshop participants examined a number of different examples, including the national anthem as a political instrument of the regime, the recording of famous tango composer Astor Piazzolla dedicated to the 1978 World Cup and the work in exile of Argentine composer Gustavo Beytelmann.

The workshop sought to contribute to a debate about how music is implicated in key concepts that organize the memory of the last Argentine dictatorship—collaboration, hegemony, state terrorism and resistance.



Esteban Buch discusses the role of music in the last Argentine dictatorship. Photo by Sebastian Vida.

Health and Human Rights

Originally an interdisciplinary team of faculty and students dedicated to fostering a university-wide conversation on the global HIV/AIDS pandemic, the Health and Human Rights Working Group has since expanded its focus to include other health-related issues. Under the leadership of Professor Neville Hoad (English), and with the support of Rapoport Center postdoctoral fellow in health and human rights Matthew Flynn (Sociology), the Working Group had a successful year engaging the UT community in dialogue about global health and human rights issues.

In November 2012, the Working Group held its annual World AIDS Day conference with the support of FaceAIDS and the Department of English. In the shadow of the uncertainty of the highly influential Indian Supreme Court case of Novartis vs. Union of India, which looked at drug patents and the affordability of life-saving drugs, this year’s conference was titled “The Future of Access.”

Keynote speaker Matthew Kavanagh, senior policy analyst for Health Global Access Project, presented a comprehensive look at global access

to HIV/AIDS treatment and the mechanisms of distribution. He examined how pharmaceutical companies and governments impact the provision of drugs and treatment costs. Kavanagh emphasized the role of the judiciary in regulating patents and copyrights, citing the Novartis case and its potential consequences.

Other speakers at the event included Jeff Hitt, manager of HIV prevention at the Texas Department of State Health Services, who spoke about current policies for HIV prevention and treatment efforts in the state, and Taylor Mockler, president of the UT chapter of FaceAIDS, who detailed the organization’s efforts to raise awareness of the disease in the community.

Throughout the year, the Working Group organized an interdisciplinary reading group to discuss current issues in health and human rights, and wrapped up the year with a series of writing workshops to provide input on the current academic projects of members.



Image from flickr.com/ Benny Sölz.

ALUMNI SPOTLIGHT

HENNEKE CONTINUES ADVOCACY WORK AT USC

Rapoport Center alumna Elizabeth Henneke has traveled far from her small Texas hometown, where her father’s work as a prison guard and her family’s strong commitment to fairness and justice first sparked her interest in human rights.



Photo by Bryan S. Blanken.

The 2007 UT Law graduate is currently finishing a two-year fellowship teaching position at USC’s Gould School of Law. Her work focuses on women and children across three of the school’s clinics. She recently filed a brief with the California Supreme Court against the juvenile death penalty and is helping transgendered people from Central and South America obtain asylum in the US.

Henneke said her time as a Human Rights Scholar at the Rapoport Center helped her develop a framework

for understanding human rights in both a national and international context and to conceptualize practical solutions to complex human rights problems.

“Professor Karen Engle did such an amazing job of giving us the words and tools to craft solutions to human rights abuses,” she explained. “I was really inspired to think about ways I could contribute to the discourse of human rights.”

While at the Center, Henneke worked on the Living Newspaper Project, an initiative to help Austin teachers bring human rights to life in the classroom, and assisted Professor Jack Ratliff (Law) on cases which eventually resulted in the release of six Guantánamo Bay detainees.

Once she completes her fellowship at USC, Henneke is torn about her next move. She said she would love to continue to teach, but her love of and commitment to the local community in Austin might draw her back home to Texas.

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THE YEAR TO COME

October 7, 2013
“**A Regulationist Perspective to Human Rights: Blueprint of an Inquiry**”
PABLO LARRAÑAGA, Professor of Constitutional Law and Regulation, Instituto Tecnológico Autónomo de México (ITAM)

October 28, 2013
“**Criminalizing the Illegal Use of Force: Tragedy or Triumph?**”
DONALD FERENCZ, Visiting Professor, Middlesex University London, and Convenor, The Global Institute for the Prevention of Aggression

December 1, 2013
World AIDS Day Conference
The seventh annual World AIDS Day conference will explore various aspects of the global HIV/AIDS pandemic.

January 2014
“**Migration and Human Rights in Latin America**”
PABLO CERIANI, Professor of Human Rights of Migrants, University of Buenos Aires Law School

February 13-14, 2014
Annual Conference: “Bringing Human Rights Home: Human Rights Constitutionalism and Domestic Politics”
This conference will explore the genesis of human rights constitutionalism and its effects on the human rights agenda in different regions of the world.

Spring 2014 (TBA)
10th Anniversary Gala
Speaker Series: “Comparing European Union and North American Approaches to International Law and Human Rights”

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