

## **Liman Summer Fellow Report**

Julia Spiegel  
September 2012

### **1. Host Organization: The Center for Justice & Accountability**

This summer I worked for the Center for Justice & Accountability (CJA), a San Francisco-based non-profit organization that uses litigation to hold individual perpetrators of human rights abuses to account. The two main statutes under which CJA seeks justice are the Alien Tort Statute (ATS) and the Torture Victim Protection Act (TVPA). CJA builds upon these ATS and TVPA cases to pursue broader goals of developing human rights law and advancing substantive and procedural rule of law in countries transitioning from periods of abuse.

CJA works at the unique legal crossroads of litigation, direct services, and policy work. Their clients often have waited decades to find any recourse for the human rights injustices that they have faced—without any compensation or gesture towards accountability. While the ATS and the TVPA do not provide for criminal liability, they do offer a civil suit mechanism for the facts to be revealed in court, and for the victim to receive remuneration if victorious (in addition to the symbolic merit). These cases are last resort efforts to counter ongoing impunity for some of the worst human rights violations committed in recent history. In addition to U.S. case law, CJA has pursued criminal human rights cases before the Spanish National Court and is expanding its work in other national courts.

### **2. My Responsibilities at CJA**

At CJA I worked with the litigation team on a variety of human rights law issues. I helped edit and re-draft a Motion for Summary Judgment and a revised Declaration on behalf of our client in an ATS and TVPA case involving prolonged and arbitrary detention, torture, and cruel, inhuman, and degrading treatment. We worked with co-counsel on multiple rounds of revisions to ensure that all elements of the Declaration were accurate and admissible, and that all representations were stated correctly throughout the Motion for Summary Judgment. This was especially challenging because our client was traveling throughout this period, requiring us to have a near-perfect document for him to review close to the deadline.

I also wrote research memorandums to help CJA assess the viability of potential suits under investigation. One memo examined whether CJA could convincingly argue that local remedies had been exhausted in a case involving the arbitrary arrest, detention, torture, and extrajudicial killing of a human rights activist. Based on extensive research I found that CJA could make a strong exhaustion case, given that a filing in U.S. courts is considered prima facie evidence that local remedies have been exhausted, and both Congress and international tribunals have stated that any doubt about a plaintiff's ability to seek an adequate forum in the country where the abuse occurred should be resolved in favor of the plaintiff. Moreover, I found that courts generally have held that exhaustion

is not required where the “local remedies were ineffective, unobtainable, unduly prolonged, inadequate, or obviously futile”—which we could show in our client’s case.<sup>1</sup> A second research memorandum examined Dutch criminal law and civil law causes of action for human rights violations committed abroad. I also edited and revised a report on CJA’s role in developing corporate human rights jurisprudence in the United States.

Finally, I participated in strategy discussions pertaining to the Supreme Court’s upcoming re-hearing of *Kiobel v. Royal Dutch Petroleum Co.*, an ATS case that raises the questions of whether the ATS should apply to acts committed abroad and whether corporations—not just individuals—should fall within the statute’s scope. This case could drastically reshape the human rights litigation landscape in U.S. courts, and thus CJA and its partners are working actively to launch targeted campaigns to make clear the importance of these civil accountability mechanisms. I will continue to assist CJA in whatever ways possible on these efforts this fall.

CJA, in sum, allowed me the opportunity to work on direct litigation with serious legal and policy import at the forefront of the international human rights movement.

### **3. A Memorable Moment**

One of the most memorable moments of my summer at CJA was learning about the story of and participating in a phone call with a Somali human rights activist, lawyer and CJA client Abukar Hassan Ahmed. Mr. Ahmed had been a constitutional law professor in Somalia who, because of his ethnic background and his teaching of the human rights afforded Somali citizens under their constitution at the time, was detained by the government without charge for over five years. He spent more than a year of that time in solitary confinement, where he was brutally tortured, with his right arm constantly chained to his left leg, nearly nothing but small and infrequent portions of rancid food to eat, and severely limited ability to use a bathroom. He was also sexually tortured in such a horrific way that he can no longer have children, and he lives in constant, unrelenting pain.

Yet, despite all of this, Mr. Ahmed remains as committed as ever to his country. After receiving refugee status in the United Kingdom, Mr. Ahmed continues to return to Somalia to help draft a new constitution and teach about constitutional law. On one of his trips back home, a group of armed youth shot him in the chest—and yet he still returns, and continues to fight for what he believes his country can and should be.

Speaking with Mr. Ahmed about his story and his pursuit of justice helped to reshape the way in which I view legal representation and broader policy change. His struggle helped not only to humanize the fight for justice, but it revealed how the legal process affects the individual, from trying to avoid re-traumatizing a client in asking questions to understanding the emotional toll that years of legal processes can take. His case also

---

<sup>1</sup> S. REP. NO. 102-249, at 10; *Bowoto v. Chevron Corp.*, 557 F. Supp. 2d 1080, 1097 (N.D. Cal. 2008) *aff’d*, 621 F.3d 1116 (9th Cir. 2010). Unfortunately I cannot describe the memo with any greater specificity for fear of jeopardizing the investigation.

highlighted the critical importance of this threatened area of human rights law litigation: despite many practical and emotional hurdles, and years of legal toil, clients like Mr. Ahmed turn to our courts as a last recourse. The costs are nothing compared to the prospect of justice. In the end, Mr. Ahmed showed me the power of quiet perseverance.

#### **4. My Current Plans**

My current plans are to finish my joint degree at the Woodrow Wilson School for Public Policy and International Affairs and Yale Law School. In August 2013, I will then start a clerkship with Judge Margaret M. McKeown on the Ninth Circuit.

#### **4. Suggestions for the Liman Program**

I had a terrific experience with the Liman Program and am very grateful to have been a part of such an inspiring group. Going forward, I think it would be very helpful if the Liman Program at both Princeton and Yale had a database accessible to Liman fellows for us to more easily connect with past Liman fellows who worked (and hopefully continue to work) in public interest law fields similar to the ones we chose to pursue over the summer. I think those sorts of tools would help to make the Liman family congeal a bit more, even as students disperse for the summer and move on after graduation.