

# CENTER FOR Gender & Refugee STUDIES

University of California, Hastings College of the Law

Summer/Fall 2007 Newsletter

## Son of Prominent Human Rights Defender Assassinated: CGRS Launches JUSTICE FOR PEPE ~ JUSTICE FOR GUATEMALA Campaign

**O**n Friday, August 17, 2007, 28 year-old José Emanuel “Pepe” Méndez Dardón was assassinated in Guatemala City – he was shot multiple times at close range as he was leaving his job at La Aurora International Airport. Pepe, the married father of seven year-old twins, was the son of Amílcar Méndez, who has been internationally recognized for his human rights work. Just prior to Pepe’s murder, he and Amílcar were involved in denouncing election-related violence, which had been on the rise in the run-up to Guatemala’s September 9 elections.

CGRS Director Karen Musalo, a long-time friend of the Méndez family, decried the cold-blooded murder of Pepe Méndez. “Far too many heroic defenders of human rights in Guatemala have become victims of political violence, and those accountable

have gone free. We demand that the government of Guatemala put an end to this impunity.”

In Guatemala, impunity is widespread and most violent crimes are never investigated or prosecuted. Many of those responsible for committing some of the worst human rights violations during Guatemala’s 36-year civil conflict - in which more than 200,000 were killed, and tens of thousands disappeared - have yet to be brought to justice, and there has been a proliferation of clandestine armed groups, many of which include former human rights violators. Recently, the Guatemalan Congress voted to approve an international commission that would investigate and assist in prosecuting these clandestine groups that are frequently responsible for attacks against human rights activists.



*Pepe Méndez*  
*October 2, 1979 - August 17, 2007*

In 1988, Amílcar Méndez founded CERJ (The Council of Ethnic Communities Runujel Junam), which promotes and defends the rights of Guatemala’s indigenous communities, and he served as a member of the Guatemalan Congress from 1996 to 2000. In recognition of his courage and dedication to human rights, Amílcar Méndez received the Robert F. Kennedy Human Rights Award and the Mitterand Human Rights Award, and CERJ was recognized with the Carter-Menil Award for Human Rights.

Amílcar Méndez has survived numerous death threats and the bombing of his home, spending several periods of exile in the U.S. Pepe Méndez had also

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## Justice for Pepe...

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received a number of death threats, which were reported to Guatemala's Human Rights Prosecutor.

In 2003, the Inter-American Commission on Human Rights (IACHR) had ordered the Guatemalan government to undertake measures to protect Amílcar Méndez, after determining that he faced "grave and imminent risk of harm." In response to this order, the government provided him with physical accompaniment. However, similar protection was not extended to other members of his immediate family, including Pepe.

At Amílcar's request, CGRS's Refugee and Human Rights Clinic filed a petition to the IACHR requesting that protective measures be extended to the rest of the Méndez family as they undertake the dangerous task of demanding a full investigation into Pepe's murder and an end to impunity in Guatemala. The request was granted and the IACHR recently ordered the Guatemalan government to provide the protection requested. "We were so pleased to learn of the Commission's swift decision to extend precautionary measures to the rest of the family," said CGRS Staff Attorney Lisa Frydman. "This was an important step forward in insuring their safety and security as they continue to seek justice for Pepe."

While critical facts surrounding Pepe Méndez's assassination are still emerging, a large network of concerned individuals and organizations is demanding a full investigation. To this end, the international community is calling on the Guatemalan government to coordinate the assistance of the FBI in the investigation, and to include Guatemala's Human Rights Ombudsman in all phases of the investigation in order to insure greater transparency and accountability.

To find out how you can help demand **JUSTICE FOR PEPE ~ JUSTICE FOR GUATEMALA**, please visit CGRS's website: <http://cgrs.uchastings.edu/campaigns/>

## CGRS's Legal Work Moves Ahead at a Brisk Pace

Working with CGRS Director Karen Musalo, new staff members Lisa Frydman and Kim Thuy Seelinger have gotten off to a running start; together, the team is making important strides in moving the Center's legal work forward. In the two months since Kim and Lisa arrived at CGRS, they have been involved in four important appellate cases – one at the Fourth Circuit Court of Appeals and three at the Board of Immigration Appeals. Positively impacting the development of the law through select appellate litigation continues to be a high priority at CGRS, and Karen, Lisa and Kim have been developing new and effective ways of identifying cases of interest and leveraging the Center's expertise where it is most needed.

In addition to its refugee work in the U.S., CGRS's legal team contributed to the *Justice for Pepe ~ Justice for Guatemala* campaign by filing a request to the Inter-American Commission for Human Rights (IACHR) seeking protective measures for Pepe's family. As a result of its request, the IACHR ordered the Guatemalan government to provide much-needed protection to the Méndez family as they demand a full investigation into Pepe's assassination as well as an end to impunity in Guatemala. Other international legal work at the Center includes ongoing collaborative efforts with lawyers in Spain, where a law recognizing gender asylum was adopted in 2007. CGRS is scheduled to participate in a conference in Madrid in October 2007, which will provide advocates from the U.S. and Spain an opportunity to share experiences and strategies to increase protections for refugee women.

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## CGRS Welcomes Staff Attorney Lisa Frydman

This July CGRS was pleased to welcome Staff Attorney **Lisa Frydman** to the organization. An honors graduate of Boalt Hall School of Law, Lisa brings to CGRS extensive experience in asylum law, including a focus on protections for unaccompanied immigrant children. As a staff attorney at Legal Services for Children in San Francisco and an Equal Justice Works Fellow at the Florida Immigrant Advocacy Center (FIAC) in Miami, Lisa has represented immigrant children seeking asylum, protection as victims of human trafficking, Special Immigrant Juvenile status, and other types of relief. Many of Lisa's asylum



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# Stephen Knight Pursues a New Path, Leaving an Impressive Legacy

In June, after nearly eight years with CGRS, Deputy Director **Stephen Knight** transitioned from his work on gender asylum to environmental advocacy with Save the Bay, the oldest and largest membership organization working exclusively to protect and restore San Francisco Bay, where he now serves as Political Director. Stephen had been with CGRS since it was founded in 1999.

Throughout his tenure at the Center, Stephen contributed to the positive development of refugee and asylum law in the U.S., while simultaneously helping to shape the vision and direction of CGRS. As CGRS's founding attorney, Stephen wore many hats and leveraged his talents and skills to help CGRS grow to become what it is today – the leading national organization focused on assisting refugee women fleeing gender persecution.

Stephen is a graduate of Yale University and the University of California, Hastings College of the Law, where he studied refugee and international human rights law. After graduating from U.C. Hastings, he clerked for Justice Robert G. Klein of the Supreme Court of Hawai'i, and later served as a Research Fellow for a national study on expedited removal, an immigration procedure allowing the summary return of persons attempting to enter the United States.

For many *pro bono* attorneys and nonprofit advocates across the country, Stephen was the first point of contact for technical assistance, legal advice, and other support on gender-based asylum claims. Stephen was also the driving force behind the development and steady growth of CGRS's heavily-trafficked website and off-line database. CGRS's



website currently receives an average of approximately 7,000 visits per month from a wide range of users, including legal advocates, researchers, journalists, students, activists and others.

Stephen produced a substantial amount of cutting-edge legal work, including co-writing *amicus* (friend of the court) briefs on significant cases involving issues such as rape by prison guards, trafficking for sexual slavery, and protecting children from female genital cutting. Recognized as a national expert on asylum law, Stephen frequently served as a source for journalists covering refugee and women's human rights issues. While at CGRS, Stephen authored numerous reports and articles, including – most recently – “Asylum from Trafficking: A failure of protection.” Published in the July 2007 edition of *Immigration Briefings*, this article provides an overview and discussion of mostly unpublished decisions in asylum cases which raise troubling questions about the availability of U.S. protection to women who have been trafficked.

Stephen also made significant contributions to CGRS's robust policy advocacy efforts, working with colleagues to develop and implement long-term campaigns resulting in landmark victories in asylum cases involving women raped in war and those forced into marriage and sexually assaulted by their spouses. He spoke frequently at national conferences and symposia, such as the American Immigration Lawyers Association's Annual Conference on Immigration Law, and he conducted local trainings on gender asylum for *pro bono* attorneys in partnership with the Lawyers' Committee for Civil Rights of San Francisco. Over the years he reached thousands of advocates through these types of forums, sharing a wealth of knowledge and expertise that ultimately served to benefit vulnerable refugees and asylum seekers in need of protection.

As Deputy Director, Stephen provided supervision and mentoring for staff, law clerks, interns, and volunteers, among many other responsibilities. He also served as an Adjunct Professor of Law for the *Refugee & Human Rights Clinic* and *Immigration Clinic* at U.C. Hastings; he helped prepare course syllabi, engaged in class planning and discussion, and supervised students. Over the years, Stephen provided additional mentoring and leadership development opportunities for dozens of students and law clerks, many of whom have gone on to pursue careers in the public interest.

“Stephen will be greatly missed at CGRS,” says Director Karen Musalo, “but the contributions that he has made – both to the organization itself and to the lives of countless refugee women and girls in need of protection – will be a lasting one.”

## CGRS Welcomes Clinical Teaching Fellow, Kim Thuy Seelinger

In July, CGRS welcomed **Kim Thuy Seelinger**, the **Kazan, McClain, Abrams, Fernandez, Lyons, Farris & Greenwood Foundation Clinical Teaching Fellow** with the *Refugee and Human Rights Clinic* at U.C. Hastings. Over the years, the law firm and its foundation have made tremendous contributions to CGRS. Partner Denise Abrams continues to serve on the Executive Committee of CGRS's Advisory Board, and the Foundation has provided generous support for the Center's work since 2001.



Along with CGRS Director Karen Musalo, Kim will co-teach the clinic seminar and will mentor and supervise students on their assigned cases and projects. She will also be closely involved with CGRS's national advocacy work on behalf of women seeking asylum based on gender persecution.

"As a firm believer in the tremendous value of clinical legal education," says Kim, "I'm excited not only about working on critical human rights issues, but also about guiding students through their early hands-on experiences as advocates in the field. This teaching fellowship is a remarkable opportunity to expand my understanding of clinical pedagogy, of refugee and human rights law and advocacy, and of how to inspire young lawyers to seek challenge and meaning in our profession."

Prior to joining CGRS, Kim helped to develop a clinical law project at Yunnan University in the People's Republic of China, as the 2005-2006 Yale-China Association Clinical Legal Education Fellow. Before that, Kim was a staff attorney at the Lutheran Family & Community Services Immigration Unit in New York City, where she worked primarily in the areas of asylum and post-9/11 deportation defense. She graduated from New York University School of Law, where she was a student in the *Immigrant Rights Clinic*. Kim has worked with the Hague Conference on Private International Law, as well as with the International Labour Organisation's Trafficking in Children and Women project in Hanoi, Vietnam.

Kim can be reached at [seelinge@uchastings.edu](mailto:seelinge@uchastings.edu) or (415) 581-8821.

## CGRS Welcomes Staff Attorney Lisa Frydman...

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cases involved representing young women fleeing gender-specific persecution, such as forced marriage, female genital cutting, and sexual abuse.

Lisa has significant appellate experience practicing before the Board of Immigration Appeals and has represented clients in federal district court. She has also played an integral role in local and national efforts aimed at improving policies and practices governing the treatment of immigrant children. Through her participation in legislative, administrative, and media advocacy activities as

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"I feel so fortunate to have joined the CGRS team and look forward to working with attorneys from around the country to push the envelope on gender refugee law"

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well as public education campaigns, Lisa has fought for the rights of immigrant children, refugees, and other vulnerable non-citizens. She has delivered numerous presentations to judges, attorneys, law students, and community members on a broad range of topics, including children's asylum claims and representing trafficked children, among others.

"I've long admired CGRS's excellent work," says Lisa, "which I benefited from greatly as a practitioner. I feel so fortunate to have joined the CGRS team and look forward to working with attorneys from around the country to push the envelope on gender refugee law."

As CGRS's Staff Attorney, Lisa coordinates the provision of technical assistance and training to lawyers and other advocates across the country and internationally, and she serves as an expert on the issue of gender asylum to diverse constituencies, including grassroots advocates and the media. Among other activities, Lisa helps to identify and implement legal and advocacy strategies to promote the rights of women refugees, she coordinates the drafting and filing of legal briefs at the administrative and federal court levels, and she conducts original research and writing on a range of topics related to women's human rights and gender-based asylum.

Lisa can be reached at [frydmanl@uchastings.edu](mailto:frydmanl@uchastings.edu) or (415) 565-4791.

## CGRS Bids Farewell to Appellate Advocacy Fellow, Leena Khandwala

In July, CGRS bid farewell to Appellate Advocacy Fellow, **Leena Khandwala**, who had worked with the Center since 2004. Leena graduated with honors from Fordham University School of Law in New York, where she distinguished herself as a dedicated public interest advocate.

Leena joined CGRS after receiving a fellowship through *New Voices*, a national leadership development program that helps nonprofit organizations recruit innovative, new talent. In this capacity, Leena helped to advance one of the most time-intensive, yet critically important aspects of the Center's work: appellate - or legal appeals - advocacy. Through CGRS's ongoing efforts to track and monitor decisions in gender-based asylum decisions nationwide, it identifies key cases that have the potential to broadly set precedent for all refugees seeking protection in the U.S. and that are best addressed through appellate advocacy.



During her time at CGRS, Leena assisted numerous *pro bono* attorneys and other advocates with cases on appeal, providing them with one-on-one technical assistance, legal resources, and other support. She frequently conducted trainings and presentations for advocates and community members on a range of topics, including gender asylum and women's human rights. Leena also co-drafted *amicus* briefs and other documents in cases in which CGRS served as co-counsel or otherwise became closely involved, often having a positive impact on the outcome of individual claims, as well as the overall development of gender-based asylum law.

Leena also played an integral role in developing CGRS's *Refugee and Human Rights Clinic*, which was launched at U.C. Hastings in 2005. In addition to the classroom component of the clinic, students carry out fieldwork that has included work on CGRS cases and projects. Leena worked closely with clinic students, leading classroom discussions on topics related to international human rights norms and refugee law and providing supervision and mentoring.

Leena co-authored several CGRS articles published in academic and legal journals, including an important piece on the impact of the one-year bar, a statutorily imposed deadline for filing asylum applications. She also contributed to positive coverage of gender asylum issues in other media.

CGRS Director Karen Musalo remarks that "Leena's intellect, passion, and dedication to women's rights and human rights have been an inspiration to all of us who have had the pleasure of working with her. I have no doubt that she will make major contributions to the development of the law as well as to cases of individuals in need of protection."

The proud parents of a one year-old daughter, Leena and her husband, Huzefa, have moved back to the New York area to be closer to family. However, before relocating to New York, Leena and her daughter will enjoy an extended visit to Leena's native Pakistan. Leena plans to continue working in the field of refugee and asylum law, and although she will be greatly missed in San Francisco, her many contributions to CGRS's work will continue to benefit refugee women and girls from around the world.

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## New Associate Director at CGRS

Previously serving as the Director of Development/Communications, Felecia Bartow assumed the role of Associate Director at CGRS in July. In addition to overseeing fundraising and development activities at the Center, Felecia manages communications and media relations, maintains general administrative oversight, and develops and implements policy advocacy campaigns aimed at improving human rights protections for refugee women and girls.

# CGRS Joined by Dedicated Law Clerks and Interns

## *Judith Stronach Women's Human Rights Fellows, Summer 2007*

**Cassandra Lopez** is a third-year law student at King Hall School of Law, University of California, Davis. While at King Hall, Cassandra served as a student attorney with the UC Davis Immigration Law Clinic, representing detained immigrants. During a previous summer internship at the Center on Race, Poverty and the Environment in Delano, California, Cassandra worked with farmworkers and rural communities struggling to improve the environmental quality of the Central Valley. She came to law school after working with the Chiapas Support Committee in Oakland and Legal Services for Children in San Francisco.



*Joanna Wilson, Joana Simonini and Cassandra Lopez*

**Joana Simonini** is a third-year law student at the University of California, Hastings College of the Law. In the summer of 2006 Joana interned in the Immigration Department at Canal Alliance, a Bay Area nonprofit organization, where she helped immigrants and asylum seekers prepare for immigration proceedings. Joana's dedication to this area of law is demonstrated by her decision to enroll in the *Refugee and Human Rights Clinic* at U.C. Hastings this fall, where she will continue working on some of the projects she began during the summer as a Stronach Fellow. Born and raised in Brazil, Joana studied law at the Universidade do Estado do Rio de Janeiro. After moving to the United States, Joana worked with the Friends of the MST, an organization that supports the Brazilian Landless Workers Movement.

**Joanna Wilson** is a third-year student at the University of Washington (UW) School of Law in Seattle and a second-year graduate student at UW's Jackson School of International Studies. While at UW, Joanna worked with the law school's Immigrant Family Advocacy Project and in the asylum unit of the Northwest Immigrant Rights Project. Prior to law school, Joanna served as a Peace Corps volunteer in the Philippines

and as Managing Director for an international education company in Los Angeles.



*Margee Churchon and Katrina Schwartz*

## *CGRS Summer 2007 Interns*

**Margee Churchon** is a senior at Mills College in Oakland, California where she is majoring in Political, Legal and Economic Analysis. Margee has also interned with Planned Parenthood and participated in student organizations such as Choice USA, Health Access, and Women's Alliance. Margee plans to attend law school and hopes to work in the non-profit sector.

**Katrina Schwartz** is a senior at Haverford College in Haverford, Pennsylvania where she is studying English and Spanish. Before interning at CGRS, Katrina worked with a women's clinic in Nicaragua and volunteered at a shelter for battered women in Guatemala. As part of an independent study project, she also conducted ethnographic interviews with women in Varnasi, India. After college, Katrina hopes to use her skills and education to advance human rights and social justice.

## *Beth Silberman Begins Year-Long Internship at CGRS*

Beth Silberman recently graduated from the University of California, Davis with degrees in International Relations and Political Science. While at UC Davis, she studied abroad in Argentina and Costa Rica. In August, Beth began a year-long internship with CGRS, during which she will be involved with various aspects of the Center's work, including conducting human rights research, engaging in grassroots advocacy and fundraising activities, and providing administrative support to CGRS staff. Beth will be serving as a health extension volunteer with the Peace Corps in Africa beginning in June 2008.

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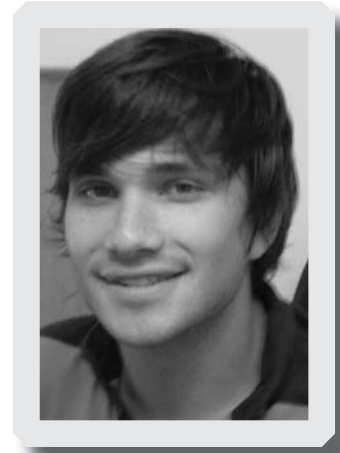
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*\*Members of the CGRS Executive Committee*

# CGRS Volunteer of the Year: David Menninger

By *Katrina Schwartz, CGRS Summer Intern*

"I love working for CGRS," says David Menninger, who will soon be moving on to pursue new adventures in international and academic arenas after a year of dedicated service to CGRS. David began volunteering with CGRS after graduating with honors from the University of California, Berkeley where he majored in American Studies. For his honors thesis, David researched asylum based on sexual orientation, a subject he continued to explore during his time at CGRS.



David says that he has enjoyed being a CGRS volunteer because of the diversity of projects he has been able to work on, including researching country conditions, translating documents, engaging in policy advocacy, fundraising, and even helping to train new volunteers. As one of CGRS's most prolific volunteer researchers, David has assisted on over thirty-five cases in the past year, generating country conditions reports that support the work of lawyers and advocates across the country and that will help to strengthen numerous gender-based asylum claims.

Donating his time one day a week to CGRS, David has enjoyed having a respite from his restaurant job, finding that even as a volunteer he could effectively support women seeking asylum. He distinctly remembers how rewarding it was to hear that a disabled Salvadoran woman, whose story particularly touched him, received asylum a few months later and that his research contributed to the successful outcome of her case.

David plans to attend law school next year after spending nine months teaching English in Madrid, Spain. While in Spain, he hopes to expand his knowledge of immigration and asylum issues through similar volunteer work.

Taking a practical approach to law school, David admits that he is interested in asylum law, but wants to keep his options and interests open. For him, working with CGRS has been an important way to synthesize his overseas experiences with his academic interests, while developing critical thinking and research skills that he will need as a law student.

David will be greatly missed, and the entire staff of CGRS wishes him well during his time in Spain and beyond.

## Technical Assistance Update: May–September 2007

Between May and September 2007, CGRS received a total of 161 new requests for assistance in individual cases. A significant number of those cases were from El Salvador, Guatemala, and Honduras, followed by Guinea and Mexico. Many of these asylum seekers are fleeing gender-related harms such as domestic violence, female genital cutting, rape, forced marriage and trafficking or sexual slavery.

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