

KIRBY SIMON SUMMER FELLOWS TELL THEIR STORIES

Each summer, Yale Law School students—most of whom have just finished their first year of classes—travel around the world to spend three months merging their new academic interests and legal theory with hands-on practice.

Although many YLS students have had opportunities to study and live abroad, the Kirby Simon Summer Fellowships allow a significant number of students to be deeply engaged with some of the most pressing global issues of our time and to grapple in challenging circumstances with what they have been learning about law and the role of law in protecting people’s fundamental rights.

For each of the past few years, approximately forty students have gone to work in every continent on the widest spectrum of human rights issues imaginable. “When we gather in the fall to share experiences, students—even those who had difficult times—tell their stories in the language of life-transforming insights,” says Clinical Professor of Law James Silk ’89, who directs the Allard K. Lowenstein International Human Rights Clinic and is executive director of the Law School’s Orville H. Schell, Jr. Center for International Human Rights.

“For those who want to pursue careers in human rights, the summer fellowships often give them their first opportunity to work in the field, particularly in challenging situations where serious human rights abuses are being perpetrated. This sort of experience is a critically important credential for human rights work, but one of the most difficult to obtain. And I’m confident,” Silk adds, “that these experiences have a profound and lifelong effect on how *all* of the summer fellows will practice law, whether in nonprofit organizations, firms, corporations, or government.”

Three students who served as Kirby Simon Fellows during the summer of 2007 agreed to share the highlights of their experiences with the *Yale Law Report*. Their reflections follow.

GLOBAL ENGAGEMENT



Laurie Ball, dual degree student

State Court of Bosnia and Herzegovina

The Project I worked for the Office of the Prosecutor for War Crimes at the State Court of Bosnia and Herzegovina (BiH). Both foreign nationals and Bosnian and Herzegovinian (BH) nationals work in the War Crimes Prosecutor’s Office. I worked with the team that handles prosecutions arising out of the July 1995 Srebrenica massacres.

I was working on three different trials, all of which were in different stages of development. The largest trial had eleven defendants, and the defendants had already begun presenting their case when I arrived. I compiled witness narratives in preparation for cross-examination and responded to motions related to custody and other procedural matters for this case. The second case had four defendants and the prosecution was still presenting the case-in-chief. For this case, I also assisted with witness proofing prior to testimony. The third case was a transfer case from the International Tribunal for the Former Yugoslavia (ICTY), and the defendant arrived from The Hague soon after I began work. For that case, I helped to prepare the modified BH indictment. I also helped to process new information from the BH Office of the Prosecutor’s ongoing Srebrenica investigation.

Photographs of Laurie Ball and BiH by Harrison Ball.



The Srebrenica Memorial at Potočari, near Srebrenica, is now the gravesite for more than 2,000 Bosnian Muslims who died during the massacres and whose remains have been identified. It is estimated that approximately 8,000 Bosnian Muslims, mostly men and boys, were killed when Srebrenica fell.

Life in BiH I had lived in BiH for two years before coming to law school. I originally went to the country on a fellowship from Duke University during 2004–05 working for Foundation Mozaik, a local BH organization focused on community development in rural areas. I continued working for the Foundation in 2005–06. I lived with a family that survived the genocide at Srebrenica in 2004 and spent a great deal of time in Eastern BiH before law school. My work as a Kirby Simon Fellow was especially rewarding given my ties to the area around Srebrenica and my relationships with many people who survived the genocide there.

Challenges When I lived in BiH previously, I was constantly hearing stories of survival. While I am certain that I spoke with more than a few perpetrators during [that] time, those individuals were never speaking about their roles perpetrating war crimes. One especially challenging aspect of working on the Srebrenica trials this past summer was that we were dependent on insider witnesses –many of whom may have taken part in the massacres or their cover-up in some way.



A view of the Drina River in Eastern BiH

The Future Through my earlier work with survivors of torture in Latin America and BiH, as well as survivors from other countries across the globe, I’ve learned a great deal about the challenges of community recovery from such trauma. I’m committed to continuing to work toward such recovery, especially through war crimes prosecutions and rule of law initiatives.

Laurie Ball is a dual degree student; while in the Law School’s J.D. program, she is also pursuing an MPA with the Woodrow Wilson School at Princeton. She will complete both programs in 2010.



Andrew Verstein '09 at the Great Wall of China

Andrew Verstein '09

Beijing Rural Migrant's Legal Aid and Research Center, China

The Project I worked primarily for the Beijing Rural Migrant's Legal Aid and Research Center. It is a young NGO. All of the attorneys are Chinese. The primary work of the office is providing direct legal services to Beijing's 4,000,000 temporary workers. Arriving from poorer provinces to fuel the capital city's construction boom, these men and women work under dangerous conditions with uncertain protections. Construction-related injuries are common, and employers frequently ignore their contractual or legal obligations to provide support for disabled employees. Even for workers lucky enough to avoid serious injury, payment of a regular wage is a hope rather than an expectation. Complex systems of formal and informal subcontracting make it easy for employers to shirk their responsibilities.

The Center provides free legal consultations to tens of thousands of workers every year...After only a few years, the Center has recovered tens of millions of RMB [Chinese currency] for workers and persuaded many businesses...

to change their labor practices. The Center also conducts research in order to inform policy makers, academics, and professionals. I assisted with this research. My role was comparative—I would research what American laws and policies are for X, the history and development of the European treatment of Y. My research would help the attorneys to decide what they would like to see change in China—and provide evidentiary support for papers and speeches advocating those changes.

The Inspiration I came to Yale interested in international law—I spent a year between college and law school working as a paralegal in Milan, Mexico City, and Paris—but I had not decided to focus on China. It is fortuitous that Paul Gewirtz '70 was my small group professor. As the Director of The China Law Center, he was able to give me some great research projects relating to Chinese legal reform, and introduce me to some of China's most brilliant jurists, reformers, and academics. I'm grateful for that window into a wide universe of legal, social, and political issues.

Life in China Although my work was primarily with the Rural Migrants office, I spent a substantial portion of my summer assisting the related Beijing Children's Legal Aid and Research Center. The Rural Migrants office is an offshoot of that organization and the lawyers are acquainted. I was also able to visit network offices in Chengdu, Sichuan, and Lhasa, Tibet.

On a typical day, I would meet with my Mandarin Chinese language tutor for a lesson over breakfast. I'd spend the morning on the Internet researching something for one of the attorneys. I'd go to a local restaurant with my colleagues for lunch. We worked near where the migrants lived, so the restaurants were as authentic as you could find. I may have learned more at lunch than in my morning research session. The afternoon would often be a wild card. Sometimes we'd host visitors—academics conducting research, or an NGO asking if they could help us, or if we could help them. Or sometimes the staff would gather to discuss cases. And sometimes we'd host the media—I was interviewed on CCTV about U.S. tobacco law.

“The Center has recovered tens of millions of RMB for workers and persuaded many businesses...to change their labor practices.”



Andrew Verstein '09 and the staff of the Legal Aid Center in the Valley of Peach Flowers

In recent years, more than twenty percent of all first-year students have received summer funding from the school's Orville H. Schell, Jr. Center for International Human Rights. Much of this funding is provided by the Center's Kirby Simon Summer Fellowship program, supported by a grant from the Diamondston Foundation to honor J. Kirby Simon, the son of Professor John Simon '53, who died in 1995 while serving as a foreign service officer in Taiwan.

A view of northern Himalaya, where Olivia Sinaiko '09 lived with a local family this past summer for a short time after completing her internship at SAHRDC. Opposite page: Olivia Sinaiko (top, center) with fellow legal interns on a train from Delhi to Rajasthan. Gabriel Rauterberg '09 (second from right) was also a Kirby Simon Summer Fellow in India this past summer.

Olivia Salisbury Sinaiko '09

South Asia Human Rights Documentation Centre, India

The Project As a very small NGO with only a handful of people on permanent staff, SAHRDC plays a very different role than some of the more traditional human rights organizations that I had been familiar with before coming to India. Unlike those more traditional organizations, it doesn't do a lot of primary research and field reporting. Rather, I think it's fair to say that it sees itself more as a watchdog over those larger institutions that have taken on the responsibility of watching over human rights—governments, UN bodies, and even some well-established NGOs. SAHRDC oversees the overseers, so to speak. It narrowly targets its resources, publishing frequent critiques of these larger institutions' work and attempting to fill what gaps they may have left, all with the aim of aiding the broader South Asian human rights community in more effectively achieving its goals. I need to clarify that this was my impression of SAHRDC's work after the short time I spent there, and not necessarily the way the organization would characterize itself. But with that said, I did come away from the summer thinking that this approach—essentially, playing the role of outside monitor to a number of institutions that presumably want to do as good a job as possible at promoting human rights—has great potential as a way for small organizations with very limited resources to be incredibly effective. The focus of my work while at the Centre was to write a report for an International Committee of the Red Cross publication on torture. My piece analyzed the way that U.S. human rights policy and legal strategy in the War on Terror have affected the law and practice of torture in South Asia. I looked at a wide variety of sources to try to get a sense of both the direct and indirect ways that U.S. policy has impacted human rights in the region.

Life in Delhi I lived about a five-minute walk from the office, which was in a very residential neighborhood in the south of Delhi called Safdarjung Enclave. I had an apartment by myself, but I lived just a few doors down from a number of other interns from the office. The community we lived in was very family-oriented, with many generations often living under one roof. And as a result of the summer heat, the neighborhood had this amazing evening and nighttime culture—kids playing badminton and soccer in the street, grandmothers sitting and talking on cots in the late afternoon shade. The alley was lined with food stalls and fabric stores that would open their doors when the sun went down, selling freshly fried deliciousness right out of these

massive bubbling pots of oil. It was a really special place to live, and I found the community incredibly welcoming.

Challenges My first day in the office, I was given a research assignment on the National Women's Commission of India. At first I was pretty excited about it—the issue was interesting, and I was eager to start my work for the Centre. But when I found out that the male interns on my floor were working on issues of torture, caste-discrimination, and terrorism, respectively, my attitude toward my assignment changed. Looking into it a little further, I realized that as far as I could tell, in the recent history of the organization, all assignments relating to women's rights had been assigned exclusively to women.

In Dean Koh's International Human Rights class, we learned a lot about the marginalization of women's rights in the human rights community—they are seen as women's issues, rather than authentic human rights issues. Experiencing this marginalization firsthand was deeply affecting. It is by no means a problem particular to SAHRDC, but one that plagues the entire international human rights community. It's a situation that I feel must change in order for real progress on these issues to be made.

The Future My experience in India was incredibly affirming. I feel very deeply after my time there that law school was the right choice for me. There is such a variety of ways to use a law degree to effect change, and I think that the people at SAHRDC and the work they do really embody that. I came away from my summer invigorated, and tremendously excited about going forward in my legal career.

To learn more about the Schell Center and the summer fellowship program, visit www.law.yale.edu/schell. YLS also offers international fellowships for graduates of the Law School. To learn more about those opportunities, visit www.law.yale.edu/academics/internationalfellowships.asp. ▼

