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## Alumni Profile

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## ALUMNI PROFILE



**FRANCISCO J. RIVERA JUARISTI,  
JD/MA, '03**

When Francisco Rivera Juaristi accepted Dean Claudio Grossman's invitation to participate in a hearing before the Inter-American Court of Human Rights (IACtHR) in San José, Costa Rica, during his second year at the Washington College of Law (WCL), he did not know that it would quickly become the defining moment in his career. Just a few years later, Rivera Juaristi would find himself at the IACtHR as a Senior Attorney. Having dedicated six years to the IACtHR, drafting and supervising dozens of judgments and decisions, Rivera Juaristi is now the founding Director of the International Human Rights Clinic at Santa Clara University School of Law.

Rivera Juaristi's passion for human rights advocacy started long before law school. As an undergraduate at Boston College studying Political Philosophy and Liberation Theology, Rivera Juaristi read Mark Danner's book *The Massacre at El Mozote* about the activities of death squads during the 1979–92 civil war in El Salvador. He recalled that the book "opened my eyes to the world of human rights abuses in such a way that I haven't been able to close them since."

Rivera Juaristi was driven to attend law school not because of his desire to be a litigator but because of his commitment to human rights advocacy. While he was in college, Latin America was emerging from decades of dictatorship and oppression to an era of democracy and the rule of law. In 1998, a Spanish court issued the landmark indictment of former Chilean dictator Augusto Pinochet for human rights violations, including torture and assassination. That year, Rivera Juaristi, serving as Director of Amnesty International in Puerto Rico, was invited to speak about the indictment at a conference about universal jurisdiction. With an understanding of the political and historical context, but a lack of knowledge of the technical legal issues involved, Rivera Juaristi decided to go to law school, specifically to WCL, which

he described as his "one and only option" because of its commitment to human rights education.

At WCL, Rivera Juaristi was not seeking out a traditional law school education; he wanted to learn how to be a more effective advocate for the issues about which he deeply cared. One of these issues was the closing of the School of the Americas (SOA), which was operated by the U.S. Army to train Latin American military and police personnel. In 2001, the United States Congress renamed SOA, but basically kept its mandate intact. Against this background, Rivera Juaristi marched twice to Fort Benning, Georgia, to participate in protests in favor of shutting down the SOA. Although unsuccessful in convincing Congress to shut down the school, the massive protests drew attention to the public outcry over the SOA's continuing link to human rights atrocities committed by its graduates. "Protests continue to this day and remind the public that the United States has often stood on the wrong side of Latin American history," he said. "We continue to urge the U.S. government to focus its military cooperation on providing more human rights training and less teaching on torture techniques."

That same year, Rivera Juaristi was arrested for participating in a civil disobedience action in front of the White House in support of the struggle for peace in Vieques, Puerto Rico. The small island has housed a U.S. naval training base since 1941. Massive U.S. military bombings and training exercises polluted the inhabited island, causing significantly higher cancer rates on Vieques than on mainland Puerto Rico. Rivera Juaristi grew up on the main island in San Juan, with a tangible awareness of the suffering on the small neighboring island. He later also spoke about Vieques before 200,000 people at an anti-Iraq war rally to bring awareness to the ongoing struggle against the degradation of the island and its detrimental effects on the inhabitants.

His participation in UNROW, the Human Rights Impact Litigation Clinic at WCL under the supervision of Michael

Tigar, allowed Rivera Juaristi to revisit the Pinochet case that drew him to the study of law in the first place. The clinic filed a claim on September 10, 2001, against former U.S. Secretary of State Henry Kissinger and other government officials for their involvement in the coup that killed Chilean army general Rene Schneider, among others, and put General Pinochet in power. The case, filed under the Alien Tort Statute, was overshadowed the very next day by an event that would change the world. Rivera Juaristi recalls being called a terrorist after the events of September 11 because UNROW had filed suit against U.S. government officials. He is not, however, deterred by such allegations and remains proud of his work on the case.

UNROW was only the beginning of Rivera Juaristi's career in litigation against human rights abuses in Latin America. Dean Grossman invited Rivera Juaristi to observe a hearing in the *Bámaca Velásquez* case before the IACtHR. There, he listened to the testimony of Jennifer Harbury, wife of a Guatemalan victim in the case, who told the judges that all she wanted to do was find the remains of her husband and give him a proper burial. According to Rivera Juaristi's recollections, "There was not a dry eye in the room." To this day, the sight and sound of her testimony remain embedded in his memory and give a human face to the work of human rights litigation. After graduating from WCL, he packed his car and drove to San José, Costa Rica, to find a job at the IACtHR. After interning for six months with the IACtHR, he was hired as a staff attorney and then promoted to senior attorney, working on cases involving the worst forms of human rights abuses.

Although he worked on cases involving many critical human rights issues, including labor rights, indigenous rights, the use of child soldiers, prison conditions, forced disappearances, torture, the death penalty, and freedom of expression, Rivera Juaristi recalls the case of the *Saramaka People v. Suriname* as one of which he is particularly proud. The judgment obliged states to consult with indigenous communities regarding development projects in traditional lands and to ensure that environmental and social impact assessments are properly carried out. Rivera Juaristi said, "I am proud that we were able to build from previous jurisprudence and push forward on the issues of consultation and environmental and social impact assessments so that corporations and governments can no longer ignore the human rights and environmental concerns of the communities that are directly affected by large-scale development projects."

While at the IACtHR, Rivera Juaristi also served as the Director of the Court's Internship Program. He mentored interns in the same way Tigar and Grossman had mentored him, and he supervised the work of students and young attorneys in real cases involving real victims. He continues to collaborate with many of the interns that took part in the program at the Court.

Despite the rewarding experience at the Court and at many different international organizations in Latin America, the United States, and Africa, Rivera Juaristi wanted to combine his passion for human rights advocacy with his desire to help rising advocates learn effective human rights lawyering skills. Rivera Juaristi said that he hoped to "motivate law students about the vast opportunities available to them in the Inter-American Human Rights System."

He returned to Puerto Rico in 2010 to teach courses on Public International Law, Human Rights, and International Courts, while pursuing LLM and doctorate degrees at the Universidad Complutense of Madrid, Spain. Rivera Juaristi has not failed to be on the cutting edge of human rights law, writing his doctoral thesis on international accountability for human rights violations involving multinational corporations, observing that this is "the next big challenge in international human rights law." The U.S. Supreme Court recently held hearings in a case regarding liability for multinational corporations under the Alien Tort Statute. Expressing his concern that the Court will limit the statute's scope, he said that accountability mechanisms for human rights violations should be strengthened, not weakened. He added, "We need to continue to develop binding norms of international law that require States Parties to impose sanctions (whether of a criminal, civil, or administrative nature) on corporations that participate in human rights violations."

In 2012 Rivera Juaristi became the founding Director of the International Human Rights Clinic at Santa Clara University School of Law. In the short months since the Clinic has been up and running, his students have filed an *amicus curiae* brief before the IACtHR in a case involving the absolute ban on *in vitro* fertilization in Costa Rica, submitted recommendations to the Inter-American Commission on Human Rights regarding its reform process, and carried out two fact-finding missions in Peru and Nicaragua regarding environmental and labor issues, respectively. They continue to work on a host of other domestic and international human rights issues, such as human trafficking and freedom of speech for human rights defenders, and he said this experience has been extremely rewarding.

His advice for current law students interested in human rights work is to get as much practical experience as possible. Rivera Juaristi thinks that the best way to get this practical experience is through internships and by enrolling in human rights clinical programs. He encourages students to "talk to the people who do the kind of work you would like to do; learn from them; learn the skills necessary to be a professional and ethical advocate, but most importantly, get out there and talk to the victims of human rights violations. In the end, their stories and their struggles are what will keep you moving forward."