

**GRANT PROPOSAL COVER PAGE**

You can type information directly into the cells below.

		Date	04/15/09
The Strength of a Community Voice to Overcome Human Rights Abuses;			
1. Proposal Title	Transitional Justice in Haiti		
2. Name of Person submitting Proposal	Cynthia A. Mertens, Caitlin Robinett, Daniel Zazueta		
3. Phone	408.554.4025	E-Mail	cmertens@scu.edu
FAX	408.554-44426		
4. Type of Grant (Please check one):	<input checked="" type="checkbox"/> Bannan Grant	<input type="checkbox"/> Dialog and Design Grant	
5. Provide you <u>4 – 6 letter</u> Department ID or Program ID. ( <b>Not a Fund number!</b> ) This information <u>must</u> be provided. (e.g. ECON for Economics Department, LACLNC for Law Clinic.)			
L A W S C L	Cynthia A. Mertens		4025
<b>SCU Department ID or Program ID</b>	<b>Contact Person</b>		<b>Ext.</b>
<i>* You must have an SCU Affiliation</i>			
6. If your department does not provide administrative assistance to manage grants, we will provide help. Do you need for us to help manage your grant?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
7. Total cost of proposed project	\$		<b>4800.00</b>
8. Amount of money requested from Bannan Center	\$		<b>4800.00</b>
9. Amount requested from other sources, if any (please list):	\$		
	\$		
	\$		
10. Please explain briefly what will happen to this project if you do not receive funding from the Bannan Center.			
We will not be able to undertake the proposed project unless we find alternative sources of funding.			
Department Chair or Supervisor Approval	Donald Polden		4/15/09
	Name (Type or Print)	Signature	Date

**Proposed Budget  
Bannan Grant**

**Name:** Cynthia A. Mertens, Caitlin Robinett and Daniel Zazueta

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**Proposal Title:** The Strength of a Community Voice to Overcome Human Rights Abuses; Transitional Justice in Haiti

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**I estimate that I will spend the money I am requesting as follows:**

<u>PRIME ACCOUNT</u>		<u>AMOUNT</u>
<b>SUPPLY</b>	office, lab, or instruction supplies	
<b>PHONE</b>	telephone charges	
<b>REPROD</b>	copying, printing	
<b>MAIL</b>	postage, mailing, fax charges	
<b>TRAVEL</b>	domestic transport, lodging or meals	2800.00
<b>SPCEVT</b>	food charges, room charges for a special event	
<b>CONTRS</b>	guest speaker honoraria, research subject fees, professional services	
<b>MISC</b>	publications, subscriptions, membership dues	2000.00
<b>SWAGE</b>	student wages	
<b>STFSAL</b>	staff salary	
<b>FACSAL</b>	faculty salary	
<b>BENEXP</b>	student, staff, and faculty benefits	
	<b>TOTAL</b>	<b><u><u>\$4,800</u></u></b>

**Please note:**  
**In the event that this grant is awarded, your department is responsible for any overdrafts associated with this grant.**

**See Page 3.**

**Grant Proposal Evaluation Form**

**Date** 4/15/09

Proposal Title The Strength of a Community Voice to Overcome Human Rights Abuses;  
Transitional Justice in Haiti

Name of Grantee Cynthia A. Mertens, Caitlin Robinett, Daniel Zazueta

Phone 408.554.4025

**Part I: [To be completed for submission along with your original grant proposal.]**

List the intended outcomes of this project: (Use additional pages if necessary)

1. Published article in at least one law journal.
2. Published article in Santa Clara Magazine or Santa Clara Law Magazine.
3. Published article in Explore.
4. Contacts and information obtained relevant to planning an immersion trip in future years.

**PENDING APPROVAL OF YOUR GRANT - PARTS II AND III ARE TO BE COMPLETED  
AT THE END OF YOUR GRANT PERIOD.**

**PROPOSAL BUDGET ACCOUNT NUMBER**

14006		RSCH	
Fund	Dept ID	Program	Project ID

**Part II**

Briefly describe the actual measurable outcomes of this project and the assessment tools you used. (Use additional pages if needed.)

Part III: Describe any other outcomes of your project.

**Bannan Research Grant: submitted by Professor Cynthia Mertens and law students Caitlin Robinett and Daniel Zazueta**

**(1) Project Title**

The Strength of a Community Voice to Overcome Human Rights Abuses:  
Transitional Justice in Haiti

**(2) Statement of the Problem**

Introduction

After four trips to El Salvador (three with law students), I have realized the importance of awakening the spirit within. My last immersion trip was from January 1-10, 2009, and twenty law students accompanied me. At our last reflection, as a thunder storm rattled the windows and extinguished the lights of the chapel at the Jesuit Retreat Center, the students all assured me that the “candles” that had been lit in each of them will continue to burn. The experience had changed them; they will never be quite the same.

Another opportunity to “awaken” the spirit by presenting the stories of the oppressed people of Haiti has now presented itself. This proposal is a combination research/pedagogical grant. The research involves letting the people in a small community in Haiti tell their story. The story will serve many purposes once it is published. It will primarily serve to inspire other communities in various parts of the world to let their voices be heard. It will provide a road map for communities that want to follow similar methodology to organize and empower themselves. And, without a doubt, it will have a profound impact on the students involved in this research.

The pedagogical aspect involves establishing the contacts and the resources in Haiti that will allow me to organize an immersion trip to that country. Haiti is much poorer than El Salvador. The GNP per capita is \$455; in El Salvador it is \$2,445.<sup>1</sup> The poverty and the oppression suffered by the people under the recent repressive regime will awaken the spirit within and motivate the students who participate to use their legal education to actively improve the world situation.

Background

In developing nations, there is eventually a point where people come together to challenge the status quo of violence and oppression. The struggle for change sometimes takes the form of violent revolution or rebellion. Other times, the rule of law is used to support a political transition. In this time of transitional justice, a society must rebuild social trust while repairing the fragile relationship between a government and its people. This delicate process is imperative for the development of a nation, so justice can be served and a community can move on.

An organization, the Bureau des Avocats Internationaux (BAI) in Port-au-Prince, Haiti, under the direction of attorney Mario Joseph, has helped victims prosecute human rights cases. In addition, the BAI trains Haitian lawyers and speaks out on justice issues, something it has done since 1995. The BAI has pioneered a successful and unique “victim centered

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<sup>1</sup> <http://www.studentsoftheworld.info/infopays/rank/PNBH1.html>

approach” that combines traditional legal strategies with empowerment of victims’ organizations and political advocacy. Mario Joseph, Haiti’s most respected human rights lawyer, is the person primarily responsible for this approach.

In March 2009, Mario Joseph received the law school’s Alexander Prize<sup>2</sup> in recognition of his work as an advocate for the voiceless. Mr. Joseph was the lead lawyer for the victims in the prosecution of the BAI’s most successful case, the trial of dozens of perpetrators of the Raboteau Massacre, a 1994 attack on a pro-democracy neighborhood by the de facto dictatorship’s top military and paramilitary leaders. Mr. Joseph helped the San Francisco-based Center for Justice & Accountability pursue perpetrators of the Raboteau Massacre in American courts by providing expert testimony and legal advice. More importantly, however, was Mr. Joseph’s role in developing a relationship of trust with his Haitian clients who were essential to the success of the case.

In November of 2000, after six weeks of what was considered one of the most important human-rights prosecutions anywhere in the Americas, the jury convicted 53 defendants who participated in the attacks. Three members of the military high command were deported from the U.S. to Haiti to face charges in the Raboteau case, including the former Assistant Commander-in-Chief, the highest-ranking soldier ever deported from the U.S. to face human rights charges.

The lead plaintiff later received an historic damage recovery of \$430,000. She chose to share the award with her community, a task that required incredible compassion and sensitivity. Part of the story will involve figuring out how the community came to speak with one voice in deciding that they would do with the money. Ten percent was donated back to the BAI as “an investment in the future of justice.”

Haiti can serve as a model for other developing nations in the process of transitional justice. The case of the Raboteau Massacre is a powerful example of community unification through the pursuit of justice. But the most compelling part of the story is how the community of victims that formed in Haiti was strong enough to inspire one woman to share her recovery with others. This story has never been told. The participants have neither the resources nor the time to devote to this task, yet they realize the importance of having someone be their voice. As in El Salvador, the people of Haiti feel compelled to let the world know of their struggles.

After Mario Joseph’s visit to campus last month, some of us in the Santa Clara legal community feel compelled to tell this story so it may serve as a framework for other nations

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<sup>2</sup> The Katharine and George Alexander Law Prize is an annual award and substantial monetary prize presented by Santa Clara University School of Law to a member of the worldwide legal community who has used his or her skills, knowledge, and abilities to correct an injustice in a significant manner. The hope of the donors is that the Prize will not only give the public a higher regard for the legal profession but will also be an inspiration within the legal profession and a recognition of the good work of so many in the law. Selection criteria include the innovative nature and sustainability of the programs the individual has implemented, the courage and self-sacrifice required, the number of people benefited, and any other indications that the recipient is committed in both heart and mind to alleviating injustice and inequity. For more information on present and past winners, visit [law.scu.edu/alexanderprize](http://law.scu.edu/alexanderprize).

in transition. Change in the world can take many forms, but one of the most effective ways to promote change is to offer a voice for the voiceless. Another is to expose students to that voice.

### **(3) Methods**

To complete this project, extensive research and writing is required. Caitlin Robinett and Daniel Zazueta, two law students, will travel to Haiti to interview members of the community who were involved in Mario Joseph's struggle to empower the victims and to investigate the current state of transition in Port Au Prince and the surrounding area. Survivors in Gonaives, Mario Joseph, and lawyers from BAI will be interviewed.

The hope is that Daniel Tillias, the lead interpreter in the Raboteau case will be our interpreter. Our notes will then be transcribed into article form and published in various media.

Caitlin has a background in journalism and is hoping to maintain the human voice in the project. Caitlin is also an editor of the Journal of International Law. Daniel is an editor of the Santa Clara Law Review. Both journals would be possible avenues for publication.

Although the concentration will be on the unique community organizing efforts in Haiti, we hope to compare and contrast the events there with the stories of people seeking justice in other countries. For example, El Salvador and "The Perquin Model" developed by Claudia Bernardi will provide a compelling contrast. Other comparisons might be drawn from Bolivia, Columbia, and perhaps the Dominican Republic.

The student researchers, under my direction, want to explore in-depth the impact that this case had on building community, empowering voices and developing trust in the justice system. The goal is to explain in an easily-understandable manner how an historic award obtained through the courts can serve as a framework for community building elsewhere.

The contacts that the students will make will lay the groundwork for a future law student immersion trip to Haiti. It is unnecessary to describe the effect that such an immersion trip will have. The reflections of the most recent group of students who participated in the El Salvador immersion trip speak to this powerfully. I refer you to those reflections. (<http://law.scu.edu/socialjustice/elsalvador.cfm>.)

### **(4) Timetable**

The interviews will take place in Haiti in December 2009.

The paper will be written in the spring of 2010.

The immersion trip to Haiti will be planned for January 2011.

### **(5) Relevance to past or future research or teaching and anticipated impact of the project on student learning.**

Caitlin and Daniel traveled to El Salvador in January as part of the law student immersion group. Through the intense ten-day immersion program, they gained first-hand knowledge of a developing nation in a transitional period. El Salvador was ravaged by years of civil war

and political turmoil much like Haiti. The country is now undergoing rapid change politically and socially. Haiti presents much of a similar example of a country in transition. As hard as it is to believe, Haiti faces an even more desperate situation and offers a compelling example of the crucial role justice and the development of the rule of law can play in healing a fractured nation.

The researchers realize the importance of witnessing a society's struggle for change by speaking directly with victims, politicians, advocates, activists, judges, and other members of its various communities. The Legal Systems of El Salvador program had a profound impact on the study of U.S. domestic law for the Santa Clara law students who participated. It helped to develop an important dialogue between students and Salvadorans. The experience initiated a strong bond between their respective communities. It is important to see a foreign legal system in action and to understand how a society operates on a day-to-day basis to ensure the healthy resolution of conflicts. Haiti will provide an additional example through which to analyze another country in transition.

The goal of the Haiti project is fourfold: 1) to tell the story of community unification around the pursuit of justice; 2) to help Santa Clara University realize its role as a leader in promoting human rights; 3) to advocate for similar community building through legal, non-violent means; and 4) to strengthen the ties between Santa Clara University and Haiti for future educational programs.

The goal of an immersion trip to Haiti will be similar to that of the three previous El Salvador immersion trips. The study of human rights and the impact of seeing the destitute circumstances in which people live is life-changing.<sup>3</sup> This experience is an opportunity for students to gain perspectives on the world situation and how the majority of people live. In addition, it gives students the opportunity to reflect on their backgrounds and how they can contribute to bringing justice to those who have no voice.

#### **(6) Relevance to the Bannan Institute Criteria for Funding**

This project will help instill in law students (1) competence to be leaders of social change, (2) conscience to address issues of injustice both in the United States and in other countries, and (3) compassion toward those who traditionally have no voice. The two researchers will feel the impact of their visit to Haiti immediately. The law students who will eventually participate in an immersion trip will experience the impact at that time.

Publication in various media will have the effect of enhancing the national reputation of Santa Clara University. The articles will "offer others the chance to reflect on or appreciate how God or some other spiritual force is working through" the voice of those who experienced the oppression. The immersion trip will allow me to accompany the law students who participate in the development of their spiritual or moral journey.

The two researchers and any students who eventually go to Haiti are going to be "listeners." This is the role I ask students who participate in my El Salvador immersion trips to take. I describe to them that they are to simply absorb everything they see and hear. I try to get them out of their "heads" where law students spend most of their time and into their feelings. In

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<sup>3</sup> See El Salvador law webpage at <http://law.scu.edu/socialjustice/elsalvador.cfm>.

educating the whole person, it is imperative to acknowledge all aspects of our humanity. Encountering and dialoguing with the people of Haiti will help do this.

Reflection is an essential element of any encounter of this sort. All students will reflect verbally and in writing on their experiences in Haiti daily. The best evidence of the impact that such a trip will have can be found in these reflections. I invite you to read the reflections from the last El Salvador trip on the website. (<http://law.scu.edu/socialjustice/elsalvador.cfm>)

This project will not only inspire and educate the immediate persons involved, but it will hopefully inform the global community on ways to address issues of injustice.

**(7) Grants or Fellowships received during the last three years**

None

**(8) Publication or other results of most recent internal grant**

My most recent internal grant was a Bannan Grant in 2005. That grant was to fund the seminar entitled Legal Systems in El Salvador and my expenses related to the January 2006 immersion trip to El Salvador. Students wrote an article for the internal law school newspaper, The Advocate, reflecting on their experiences. That was the only direct publication resulting from that immersion trip.

**(9) Approval of the Dean of the Law School**

The Dean of the Law School is sending an email indicating his approval. I will also fax a signed copy of page one of the Grant Cover Sheet with his signature.

**(10) Itemized Budget with Justification**

Airfare to/from Haiti for Caitlin Robinett and Daniel Zazueta	\$ 1,600.00
Local transportation costs – buses, taxis	\$ 400.00
Compensation for translator at a rate of \$100/day	\$ 1,000.00
Compensation for local guide (tourist safety) at a rate of \$100/day	\$ 1,000.00
Food and Lodging – based on a rate of \$40/day per person	<u>\$ 800.00</u>

TOTAL: \$ 4,800

Respectfully submitted,

Cynthia A. Mertens