

ALUMNI PROFILE



Photo by Vanessa Molina.

David Baluarte.

“Never disconnect from your roots — human rights work should be grounded in your personal experience,” was the advice **David Baluarte** recently gave law students seeking to become human rights advocates. Baluarte is a graduate of American University Washington College of Law (WCL) class of 2006, former Co-Editor-in-Chief of the *Human Rights Brief*, and now a practitioner-in-residence at the WCL International Human Rights Law Clinic. Born and raised in Philadelphia, Baluarte discovered his passion for human rights as young man visiting his father’s family in Peru, when the wounds inflicted on the country by Fujimori’s dictatorship and the threats of the Shining Path were still fresh. Baluarte recalls his visits to Peru as a young child and how his family’s movement was limited for security reasons because two of his family members were high-ranking military officials. Because his family living in Peru was under constant threat, Baluarte did not go back to his father’s homeland until his college years. When he did return, Baluarte honed his Spanish language skills and developed a pan-American identity, grounded both in his upbringing in North America and in his roots in South America.

The injustices Baluarte witnessed in Peru motivated him to study International Relations as an undergraduate at Brown

University. There, he developed a close relationship with visiting Professor Paulo Sérgio Pinheiro, a leading authority on human rights. Upon graduation, Baluarte traveled to Brazil to work with Professor Pinheiro on a pilot project funded by the United Nations Development Program that focused on children’s rights. Baluarte drafted press releases and served as an interpreter on cases dealing with massacres of prisoners and squatters, situations that were emblematic of larger problems in Brazil. This work reinforced his passion for human rights and gave him a better idea of how to serve those in most need. He realized that involving the international community can shame governments into action even when work done by local organizations has gone unnoticed.

After his time in Brazil, Baluarte moved to New York to work on the Racial Justice Project at American Civil Liberties Union (ACLU) headquarters. During his tenure as a paralegal, Baluarte traveled to Oklahoma to sift through police records in search of evidence of racial profiling in the criminal justice system and spent time in Montana pushing for reform of the public defender system. Through these experiences, Baluarte saw the inadequacies of the indigent defense system and the realities of racial profiling in this country. The effects of 9/11 further solidified Baluarte’s understand-

ing of how injustice seethes under the surface in our country as the public tolerates *incommunicado* detentions and racial profiling in the name of national security. Baluarte's rich experiences in South America and as a paralegal at the ACLU motivated him to seek a law degree.

Baluarte then enrolled at WCL, where he continued his human rights work. During his first year, Baluarte worked with WCL Dean Claudio Grossman on *Myrna Mack v. Guatemala*¹, a case before the Inter American Commission on Human Rights about a Guatemalan sociologist brutally executed by judicial forces. Baluarte also helped Dean Grossman with the opening and closing statements before the Inter-American Court of Human Rights — pushing him into the spotlight at the very start of his legal career. Baluarte proudly notes that this is one of very few cases where the state has reached full compliance with the Court's recommendations.

While completing his J.D. at WCL, Baluarte focused on immigration and human rights courses, and interned at the Center for Justice and International Law (CEJIL) in Costa Rica and at the ACLU Immigrants Rights Project in the San Francisco Bay Area. At the ACLU, Baluarte worked on a suit filed against Defense Secretary Donald Rumsfeld dealing with the Abu Ghraib torture scandal. As a third year law student, Baluarte enrolled in the International Human Rights Clinic under the supervision of Professor Rick Wilson, where he worked on, among other cases, the high-profile case of Omar Kahdr, a Canadian citizen and the youngest Guantanamo Bay detainee.

Following graduation, Baluarte became a member of the New York Bar and worked at CEJIL's Washington, D.C. office as the attorney in charge of the Caribbean and U.S. docket. Once again, Baluarte found himself at the intersection of human rights and immigration, working on cases of mandatory deportation in the United States and mass expulsion in the Dominican Republic. In addition, Baluarte advocated on behalf of Dominicans of Haitian descent who were denied their right to citizenship in the Dominican Republic. He wrote an article about the situation and his work, which was published in the *Human Rights Brief*.²

Moreover, Baluarte was featured in the international media for his work on *Yean and Bosico v. the Dominican Republic*³, in which the Inter-American Court on Human Rights held that racial discrimination in access to nationality is prohibited under the American Convention on Human Rights. One of Baluarte's most vivid memories of this period is when the Government initiated proceedings against Sonia Pierre, a human rights activist in the Dominican Republic who filed the *Yean and Bosico* case. Baluarte was at Pierre's house when she received a phone call alerting her to the

proceedings. He recalls the chaotic atmosphere as Pierre's children's anxiety rose and human rights activists gathered at Pierre's house to support her.

Inspired by his experience in the Dominican Republic, Baluarte organized a conference to foster dialogue between governments and civil society in an effort to build transnational solidarity among diverse human rights activists and immigrants' rights movements, which face the same problems regardless of location. Baluarte notes that anti-immigration groups in many countries use the same discourse, and that they also inflict similar types of abuse.

Baluarte moved back to New York in 2007 to marry his then-fiancée Beth and begin work at the U.S. Circuit Court of Appeals for the Second Circuit. As a staff attorney for the immigration unit, he wrote recommendations to judges on appeals from the Board of Immigration Appeals (BIA) decisions regarding asylum claims. At the same time, he was consulting for the Equal Rights Trust (ERT), an independent international organization based in England whose focus is on human rights and social justice. In his capacity as consultant, Baluarte wrote the Americas portion of the organization's report on stateless persons. The segment about the U.S. detention of stateless persons, including the Guantanamo Bay cases, is about to be published by the ERT. Baluarte left the Second Circuit last summer to join WCL's clinical program as a practitioner-in-residence for the International Human Rights Law Clinic.

Baluarte brings a wealth of experience in international human rights, immigration, and civil rights to the clinical program. Specifically, he likes that clinical legal education allows him to work on diverse legal issues and empower his students to develop a broad range of advocacy skills. Baluarte says that he is truly enjoying being a part of WCL's vibrant community again and feels inspired by his students' hard work, dedication, and eagerness to learn.

Vanessa Molina, a J.D. candidate at the Washington College of Law, wrote the Alumni Profile for this issue of the Human Rights Brief.

¹ *Myrna Mack v. Guatemala*, Case 10.636, Report No. 10/96, Inter-Am.C.H.R., OEA/Ser.L/V/II.91 Doc. 7 at 125 (1996).

² Baluarte, *Inter-American Justice Comes to the Dominican Republic: An Island Shakes as Human Rights and Sovereignty Clash* (HRB v. 13 Issues 2, 2006).

³ *Case of the Yean and Bosico Children v. The Dominican Republic*, Inter-American Court of Human Rights (IACrTHR), 8 September 2005, available at: <http://www.unhcr.org/refworld/docid/44e497d94.html> [accessed 3 November 2010]