Profile / Tom Antkowiak

Freedom Trailblazer

By Katherine Hedland Hansen

Traveling with his father on medical missions to places like Malawi and South Africa when he was a teenager, Tom Antkowiak developed a love of travel and a desire to help those suffering injustice abroad. Today, after years working for human rights organizations in Latin America, he is a professor at Seattle University School of Law and director of the International Human Rights Clinic and Latin America Program.

A tireless advocate for justice, he has intervened in high-profile human rights cases and is devoted to nurturing in his students the desire to right wrongs.

"Working shoulder-to-shoulder with people who are jailed and tormented for their beliefs and identities definitely revamps your perspective," Antkowiak said. "Our clients have suffered torture, wrongful conviction, arbitrary detention, discrimination, and illegal intrusion into ancestral lands."

Among his recent cases, he and students from his clinic secured the release of an innocent man after 12 years in a Mexican prison and even persuaded the Mexican government to pay him reparations. Antkowiak hopes for the same outcome for his client Nestora Salgado of Renton, an American citizen who has been imprisoned in the Mexican state of Guerrero for 20 months. Antkowiak is fighting for her release on many fronts, and is also trying to stop a massive canal from being built across ancestral lands in Nicaragua.

The clinic has also worked with the African Commission on Human and Peoples Rights, providing technical assistance to enable the Commission to work with the new African Court on Human Rights. Both provide human rights protection for the entire continent of Africa.

Antkowiak is modest about his work, but there is no denying the impact it has on the lives of people who otherwise might not be represented. "My work is much easier than that of all the public interest attorneys — whether in the U.S. or abroad — who face huge caseloads or security threats," he said.

But Ananías Laparra might still be languishing in prison if not for Antkowiak and his clinic students. He was freed after a petition Antkowiak filed to the Inter-American Commission on Human Rights, the hemisphere’s primary human rights monitor, which ordered Mexico to improve Laparra’s detention conditions and medical treatment. Antkowiak then leveraged the international decision against government authorities, which released him in 2012.

The clinic later signed a settlement agreement with the Mexican government on behalf of the 66-year-old Laparra, who was tortured into confessing to a crime he did not commit. Last fall, Chiapas Gov. Manuel Velasco Coello and other high-ranking state and federal officials publicly apologized to Laparra and his family members, who were also tortured, and recognized his innocence. The settlement will clear his criminal record, as well as provide economic compensation, medical/psychological rehabilitation, scholarships for his children, and legislative and prosecution reforms.

"These negotiations took a lot of time and effort, and I am grateful to my students and colleagues for their key contributions," Antkowiak said. "We obtained the reparations that our clients wanted and deserved, and hopefully Mr. Laparra and his family can finally begin to heal."

Just as in Laparra’s case, the Inter-American Commission on Human Rights has called on Mexico to act immediately to protect Nestora Salgado’s “life and physical integrity.” Federal criminal charges against Salgado were dismissed in March of last year, but she has remained in custody on state charges. Guerrero’s governor has called her a "political prisoner" and asked the prosecutor to drop the charges.

FREETING Salgado is a priority for her family and for Antkowiak, who pursues her release through many avenues, including working with lawyers in Latin America, pursuing human rights violations, raising awareness through the media, pressuring elected officials and working with other advocates. The case has received widespread press coverage throughout the United States and Mexico. Rep. Adam Smith has taken up Salgado’s case and called on Secretary of State John Kerry to address the situation. Rep. Smith spoke out against her detention at a press conference at the law school.

Salgado was arrested in August 2013 for her community work in the small, indigenous village of Oñinalá. Guerrero law and the Mexican Constitution guarantee the rights of indigenous communities to form their own justice and security institutions, Antkowiak says. Salgado was a leader of a community-policing group that legally forms part of state law enforcement, and had the express approval of Guerrero’s governor.

Antkowiak and his students filed a similar petition on behalf of Jason Puracal, the Seattle man who was held in a Nicaraguan prison on trumped-up charges for nearly two years. They demand redress for the many violations suffered by Puracal and his family. That

PROFILE / TOM ANTKOWIAK
continued on page 7

April 2015

BAR BULLETIN
request is still under consideration.

The seeds for Antkowiak's life's work were planted years ago. "My father is a surgeon, and he took me on camping trips, and me on trips to the developing world," he said. "My dad volunteered his medical expertise in the hospitals, and we did odd jobs trying to help out, even observing surgery."

His sister became a pediatrician who has worked in Latin America, and he gravitated toward the law. "Law was a great option for me, because I love to write, and was really motivated by my college courses on the civil rights movement and social philosophy," he said.

He went to Harvard, and his love for Latin America was born when he volunteered there during college. His first stop was Juarez, Mexico.

"Colleges and I were robbed three times on the police, another time by a gang with all kinds of weapons including the machine gun they fired in the air," he recalls. He was not deterred. "The Mexicans I worked with were amazing: courageous, self-effacing and fun. Then I went to El Salvador, Guatemala, Bolivia, Peru, Uruguay, Nicaragua, Argentina... The more Latin Americans I met, the more fun I had."

After law school at Columbia, Antkowiak gained extensive experience in global and regional human rights systems. He was a senior attorney at the Inter-American Court of Human Rights of the Organization of American States and served as a special assistant to Oscar Arias, Nobel Peace laureate and president of Costa Rica, and as director of the Access to Justice Program at the Due Process of Law Foundation.

When he was ready to join the legal academy, he was drawn to Seattle University School of Law and the Ronald A. Peterson Law Clinic, which in addition to international human rights teaches clinics in a variety of areas, including immigration, youth advocacy, administrative law, and Indian trusts and estates.

"I'm lucky to be able to choose my cases and work at Seattle University School of Law, which values and supports law clinics and social justice," he said. "We generally take the cases of the indigent and vulnerable. Working with SU law students has been wonderful. They are very committed and generous, and have taught me a great deal."

He has provided numerous opportunities for students to be exposed to international human rights cases, including presenting oral arguments before the Inter-American Commission that challenged Peru's attempts to open the Amazon to resource extraction without duly consulting indigenous communities, and taking students to argue before the Inter-American Court of Human Rights in Costa Rica, the highest tribunal for human rights matters in the hemisphere. In 2009, he secured an annual summer internship for an SU student with that court.

Overall, his goal is to achieve individualized reparations for clients as well as structural reform. Litigating in certain international venues can provide that opportunity.

The law school is fortunate to have someone with Antkowiak's expertise and experience on the faculty. "Tom exemplifies our mission of educating powerful advocates for justice," said Dean Annette E. Clark. "His devotion to protecting human rights around the world and representing those who have been per- secured is admirable and inspiring. In the process, he provides our students with life-changing experiences."

Antkowiak says there's no substitute for the experience a clinic provides. "Clinics are a key part of the law school curriculum," he said. "They also allow students to experience real human rights work with a safety net. Clinics feature constant opportunities for reflection and personalized feedback — formative processes that make excellent lawyers. We learn so much from our colleagues and clients; most impressive to me is their solidarity, their dedication to community."

Many students say their clinical work was their most valuable expe- rience. "I learned a lot by going to Costa Rica with Antkowiak when he was a student and worked on the Lapara case."

"One of the most important things I've done in my life is to have had the privilege of helping on what he did," Oppenheimer said. "His wife and daughter showed such courage in the face of an unjust system and brought his plight international recognition. It was an honor to have been associated with such bravery and to have been able to play even a small role in assisting their crusade."

Antkowiak has a strong partner in his crusades. He met his wife, Alejandra Gonza, during his work in Costa Rica. She is a human rights lawyer from Argentina, and they collaborate on some cases. Though their sons are only 3 and 6, they just might end up following in their parents' footsteps.

"Our two little boys are experts on the human rights situation in Mexico because they hear about it daily," Antkowiak said. "They're good friends with our counselor, because they see them on Skype all the time at home."

**SU Human Rights Clinic Prepares Nicaragua Petition**

By Katherine Hedland Hansen

Originally published in the November 2013 Issue of the Bar Bulletin

Seattle University School of Law's International Human Rights Clinic filed a petition on behalf of Jason Purascal, demanding an end to ongoing abuses by the government of Nicaragua over the redress for a woman with violations suffered by Purascal and his family.

Purascal, a U.S. citizen from Seattle, was arrested on charges of drug trafficking, money laundering and organized crime, and illegally detained by Nicaragua after a raid on his home and office in November 2010, and languished for nearly two years in the infamous La Modelo prison. Purascal was released only after his family launched an international campaign to save his life. Janis Purascal is an attorney at Bullivant Houser Bailey and a 2007 graduate of Seattle University School of Law.

"Jason Purascal and his family endured a terrible ordeal," Antkowiak said. "The clinic's petition seeks redress for them, and it also supports the family's inspiring vision for change in Nicaragua. We hope that the litigation will initiate much-needed reforms in that nation's judiciary, police force and prisons."

The Inter-American Commission is part of the Organization of American States and is the primary human rights institution in the Americas.

Antkowiak said this forum can deliver remedies on both individual and structural levels.

Antkowiak and about 16 students spent hundreds of hours preparing Purascal's petition over the course of two semesters. Students did legal research and analysis, drafting, and documentation of numerous rights violations, including Purascal's inhuman detention conditions and sham trial, as well as his family's forced displacement from Nicaragua. They interviewed Janis, Jason, and his Nicaraguan wife, Scarlet, even communicating with Jason while he was still in prison in Nicaragua.

One of the students, Brett Sachtler (a 2013 graduate), said it was one of the most formative experiences he had in law school.

"The inspiration I felt while working on the petition, knowing Jason was suffering in a dangerous prison, led me to the conviction of doing a job that I love," Sachtler said.

Antkowiak said the violations go beyond Purascal's case.

"Nicaragua gravely mistreats its prison population and defies basic due process guarantees," said Antkowiak, a professor of international law and a human rights lawyer who has experience in Latin America. "The State of Nicaragua has left us no choice but to call on international legal institutions."

Recently, the CIRI Report for Congress documented serious abuses in Nicaragua, Antkowiak noted, involving "unlawful killings by the police, harsh prison conditions, arbitrary arrest and detention, and widespread corruption in and politicization of government entities, including the judiciary and the Supreme Electoral Council."

According to Purascal, there are many others, including other Americans, detained at La Modelo without evidence. Without help from the international community, Purascal fears many of the others left at La Modelo will die from starvation and disease.

"I continue to have nightmares about that place and the suffering that was all around me," he said.

Purascal has asked the Inter-American Commission to demand that Nicaragua institute legal reforms as well as initiatives to provide clean water and medical care to those still held at La Modelo. Purascal has also asked the Commission to slash down El Chipote, the torture facility where he was initially detained.

The unfounded case against Purascal continues in Nicaragua. After his release, the government of Nicaragua petitioned its own Supreme Court to reinstate Purascal's 22-year sentence.