

No. 16-4234

**IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT**

DELORES HENRY, ET AL., on behalf of a class
Plaintiffs-Appellants,

v.

MELODY HULETT, FORMER WARDEN OF LINCOLN CORRECTIONAL CENTER, ET AL.
Defendants-Appellees.

On Appeal from the United States District Court
for the Central District of Illinois,
No. 3:12-cv-03087
Hon. Richard Mills

**BRIEF OF AMICI CURIAE LAW PROFESSORS AND SCHOLARS OF SEXUAL
VIOLENCE, AMERICAN CIVIL LIBERTIES UNION, JUST DETENTION
INTERNATIONAL, RODERICK AND SOLANGE MACARTHUR JUSTICE CENTER,
UPTOWN PEOPLE'S LAW CENTER, AND WOMEN'S PRISON ASSOCIATION IN
SUPPORT OF PLAINTIFFS-APPELLANTS' PETITION FOR REHEARING *EN BANC***

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Appellate Court No: 16-4234

Short Caption: Henry, et al. v. Hulett, et al.

To enable the judges to determine whether recusal is necessary or appropriate, an attorney for a non-governmental party or amicus curiae, or a private attorney representing a government party, must furnish a disclosure statement providing the following information in compliance with Circuit Rule 26.1 and Fed. R. App. P. 26.1.

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INTEREST OF AMICI CURIAE

Amici are law professors, scholars of sexual violence, and nonprofit organizations that seek to enforce constitutional rights. More detailed information on amici appears in the appendix to this brief.¹

A jury determined that there was no Eighth Amendment remedy against a shocking abuse of state power—here, mass sexual violence—because corrections officers allegedly strip-searched prisoners for training purposes rather than with the express intent to harm. A fractured panel of this Court then—erroneously—held that the Fourth Amendment did not regulate the misconduct because corrections officers did not physically touch the prisoners; rather, they ordered them to violate and degrade themselves. The proper resolution of this case is a matter of grave concern to amici because the panel’s error leaves every prisoner incarcerated in Illinois, Indiana, and Wisconsin vulnerable to state-sponsored sexual violence that has no place in a civilized society.

SUMMARY OF ARGUMENT

1. Sexual violence is a hallmark of eras and regimes that repulse us. From the auction blocks of the American South to the fields of Myanmar, sexual violence has been relied upon to dehumanize and set the stage for domination.

¹ No counsel for a party authored any part of this brief and no person other than amici curiae and their counsel made a monetary contribution to the preparation or submission of this brief.

2. Forced public nudity—here, gratuitous strip- and cavity-searches—is a form of sexual violence. While not part of a campaign of armed conflict, genocide, or enslavement, the ordeal endured by the prisoners nonetheless shares several characteristics with the sexual violence utilized by universally reviled regimes. It was inflicted upon marginalized people. It was inflicted upon vulnerable people. It violated fundamental mores regarding public exposure.

3. Even behind prison walls, the Fourth Amendment guards against government encroachment. Here, it continued to shield 200 women from a gratuitous and aberrant search, notwithstanding the fact that they were forced to degrade and violate themselves.

I. Sexual Violence Is A Common Attribute Of Many Of The Darkest Chapters In Recorded History.

“Sexual violence is not limited to physical invasion of the human body and may include acts which do not involve penetration or even physical contact. The incident described by witness KK in which the Accused ordered the Interahamwe to undress a student and force her to do gymnastics naked in the public courtyard ... in front of a crowd, constitutes sexual violence.”²

On auction blocks throughout the American South, enslaved women were stripped naked so that prospective buyers could ogle and jeer.³ Primarily, the

² Prosecutor v. Akayesu, Case No. ICTR-96-4, Judgment, ¶ 688 (Int’l Crim. Trib. for Rwanda Sept. 2, 1998).

³ DEBORAH GRAY WHITE, AR’N’T I A WOMAN?: FEMALE SLAVES IN THE PLANTATION SOUTH 32-33 (1985); WALTER JOHNSON, SOUL BY SOUL: LIFE INSIDE THE ANTEBELLUM SLAVE MARKET, 147-49 (1999).

scrutiny was for the sinister purpose of assessing reproductive capability.⁴ But sellers and buyers did not shy away from taking pleasure in dehumanizing the women.⁵ They exchanged degrading remarks—“there’s a breast for you”—while assessing women as a commodity.⁶ Enforced nudity did not end with the auction.⁷ With frequency, the women, once sold, were “tied up and exposed to the public gaze of all.”⁸

In the concentration camps of World War II, Jewish women “not immediately sent to the gas chambers were forced to remove their clothing, their bodies subject to the scrutiny and ridicule” of guards.⁹ Women were then “shaved of all their bodily hair” in an act of “public spectacle” intended to humiliate.¹⁰ It was an “effective act of sexual violation” and dehumanization in part because it was such an “abnormal and grotesque experience.”¹¹ The “shame and humiliation” felt by secular women was amplified among the religiously observant.¹² The ordeal was designed to

⁴ White, *supra*, at 32-33.

⁵ *Id.*

⁶ *Id.* at 32.

⁷ *Id.* at 33.

⁸ *Id.* (citation omitted).

⁹ Fionnuala Ni Aolain, *Sexual Violence and the Holocaust*, 12 YALE J.L. & FEMINISM 43, 55 (2000).

¹⁰ *Id.*

¹¹ *Id.* at 63

¹² *Id.*

“demonstrate” both “the women’s sexual vulnerability” and the community’s powerlessness.¹³

During the Rwandan genocide, Tutsi women were routinely stripped in public and then forced to degrade themselves.¹⁴ For example, one woman was commanded to sit naked in the mud.¹⁵ Another was subjected to a forced march while not wearing clothing.¹⁶ Others were ordered to perform calisthenics in public while nude.¹⁷ Such acts of forced public nudity, the International Criminal Tribunal for Rwanda held, were a form of sexual violence constituting a crime against humanity.¹⁸

In the former Yugoslavia, the story was much the same. Muslim women were stripped and ordered to humiliate themselves.¹⁹ Some were forced to dance naked atop tables.²⁰ Others were marched through the streets without their clothing.²¹ One victim described not only terror, but the dehumanizing feeling of being “owned” by

¹³ *Id.*

¹⁴ *See* Prosecutor v. Akayesu, *supra*, ¶ 697.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.* at ¶¶ 692-94, 697; *see also* Alex Obote-Odora, *Rape and Sexual Violence in International Law: ICTR Contribution*, 12 NEW ENG. J. INT'L & COMP. L. 135, 146-50 (2005).

¹⁹ *See* Prosecutor v. Kunarac, Kovac and Vukovic, IT-96-23 & IT-96-23/1, Judgment, ¶¶ 766-74 (Int'l Crim. Trib. for the Former Yugoslavia Feb. 22, 2001).

²⁰ *Id.*

²¹ *Id.* at ¶ 770.

another.²² These atrocities, too, resulted in convictions for crimes against humanity.²³

Even now, in Myanmar, military forces are utilizing forced public nudity, invasive strip searches, and other forms of sexual violence intended to dehumanize, to further a campaign of ethnic cleansing against the Rohingya.²⁴ Victims described being terrorized by soldiers who “forced [them] to strip naked to show their underwear” during searches for contraband.²⁵ Those methods, according to victims and observers, are a calculated “tool of dehumanization.”²⁶

As exemplified by the preceding episodes, sexual violence is a common feature of many of the darkest chapters in recorded history. Its ubiquity is a testament to its effectiveness. Sexually violated targets—*i.e.*, the immediate victims, their

²² *Id.* at ¶¶ 71–72, 86, 766–74.

²³ *See id.* at ¶¶ 766–774.

²⁴ *E.g.*, U.N. Secretary-General, *Report of the Secretary-General on Conflict-Related Sexual Violence*, ¶ 55, U.N. Doc. S/2018/250 (Mar. 23, 2018); Statement by the Special Representative of the Secretary-General on Sexual Violence in Conflict, Ms. Pramila Patten – Security Council Briefing on Myanmar (Dec. 12, 2017), <https://www.un.org/sexualviolenceinconflict/statement/statement-by-the-special-representative-of-the-secretary-general-on-sexual-violence-in-conflict-ms-pramila-patten-security-council-briefing-on-myanmar-12-december-2017/> [hereinafter Statement of Patten].

²⁵ *Documenting Atrocity Crimes Committed Against the Rohingya in Myanmar’s Rakhine State* 39, The Public International Law & Policy Group (2018), [shorturl.at/ovxB5](https://www.pilpg.org/shorturl.at/ovxB5); *see also* *Documentation of Atrocities in Northern Rakhine State*, United States Department of State 5-6, 14-17 (Aug. 2018) (similar), <https://www.state.gov/wp-content/uploads/2019/01/Documentation-of-Atrocities-in-Northern-Rakhine-State.pdf>.

²⁶ Statement of Patten.

families, and communities—are weakened and therefore easier to vanquish.²⁷ Sexual violence tamps down opposition by emphasizing the risks of dissent.²⁸ Sexual violence is intended to dehumanize its victims, which, once achieved, further emboldens the perpetrators; we are less likely to empathize with those we regard as subhuman.²⁹

II. The Sexual Violence Endured By The Class Members Shares Several Characteristics With The Sexual Violence Employed By Universally Condemned Regimes.

After being roused by a tactical squad, approximately 200 women were herded—without explanation—into a prison gymnasium.³⁰ The women were culled into smaller groups and then ordered to “stand naked, nearly shoulder-to-shoulder with 8-10 other inmates in a room where they could be seen by others not conducting the searches, including male officers.”³¹ Menstruating women were forced to “remove their tampons and sanitary pads” in front of other prisoners and corrections

²⁷ See Elisabeth Jean Wood, *Conflict-related sexual violence and the policy implications of recent research*, 96 INT’L REV. RED CROSS 457, 463 (2014); Ruth Seifert, *The Second Front: The Logic of Sexual Violence in Wars*, 19 WOMEN’S STUDIES INT’L FORUM 35, 39-41 (1996).

²⁸ See Michele Leiby, *The Promise and Peril of Primary Documents: Documenting Wartime Sexual Violence in El Salvador and Peru*, in UNDERSTANDING AND PROVING INTERNATIONAL SEX CRIMES 315, 351 (Morten Bergsmo, Alf Butenschøn Skre, and Elisabeth J. Wood eds., 2012).

²⁹ Seifert, *supra*, at 39-41.

³⁰ R. 109-1 at 18-23.

³¹ *Thogmorton v. Reynolds*, 12–CV–3087, 2016 WL 11265636, at *2 (C.D. Ill. Apr. 14, 2016).

officers, including those of the opposite gender, and “many got blood on their bodies and clothing and blood on the floor.”³² They were then forced to “stand barefoot on a floor dirty with menstrual blood and raise their breasts, lift their hair, turn around, bend over, spread their buttocks and vaginas.”³³ The correctional officers conducting the searches directed derogatory comments at the women, telling them that they were “dirty bitches,” “fucking disgusting,” and “smell like death.”³⁴

Forced public nudity—here, gratuitous strip- and cavity-searches—is a form of sexual violence. While of course not part of a campaign of armed conflict, genocide, or enslavement, the ordeal endured by the prisoners nonetheless incorporates several characteristics of the sexual violence utilized by universally condemned regimes.

First, like the Rohingya, the women belong to an oppressed and marginalized cohort, rendering them susceptible to targeting without sustained opposition from those with political capital. Women prisoners come from the most “economically and politically disadvantaged” segments of society.³⁵ They exist at the intersection of four populations that are traditionally disfavored and discriminated against, the cumulative effect of which is to render them acutely vulnerable to predation: they

³² *Id.*

³³ *Id.*

³⁴ *Henry v. Hulett*, 930 F.3d 836, 841 (7th Cir. 2019) (Lee, J., dissenting).

³⁵ Candace Kruttschnitt & Rosemary Gartner, *Women’s Imprisonment*, 30 CRIME & JUST. 1, 4, 18 (2003).

are prisoners; they are women; they are (almost certainly) disproportionately poor; they are (again, almost certainly) disproportionately of color.³⁶ Thus, by virtue of identity, the women may be seen as less deserving of our attention, let alone protest; they were easy targets.

Second, like enslaved Black women ogled on auction blocks, the prisoners were primed to be especially traumatized by sexual violence. Decades of research demonstrate that prior trauma exacerbates subsequent trauma.³⁷ This general proposition applies with particular force to sexual trauma.³⁸ And data show that women prisoners are overwhelmingly likely to have histories of sexual abuse.³⁹ In

³⁶ The qualifier “almost certainly” is utilized out of an abundance of caution but hardly seems necessary. In 2011, for example, women of color constituted 55% of the Lincoln Correctional Center population, despite constituting a much smaller percentage of the Illinois population. *Compare* <https://www2.illinois.gov/idoc/reportsandstatistics/Pages/Prison-Population-Data-Sets.aspx> with <https://www.census.gov/quickfacts/IL>. And, to a striking degree, incarcerated women are impoverished, even prior to imprisonment. *E.g.*, Rabuy & Kopf, Prison Policy Initiative, *Prisons of Poverty: Uncovering the pre-incarceration incomes of the imprisoned* (2015), available at, <https://www.prisonpolicy.org/reports/income.html>.

³⁷ Sharain Suliman et al., *Cumulative Effects of Multiple Trauma on Symptoms of Posttraumatic Stress Disorder, Anxiety, and Depression in Adolescents*, 50 *COMPREHENSIVE PSYCHIATRY* 121 (2009); Naomi Breslau et al., *Previous Exposure to Trauma and PTSD Effects of Subsequent Trauma: Results from the Detroit Area Survey of Trauma*, 156 *AM. J. PSYCHIATRY* 902 (1999).

³⁸ Catherine C. Classen et al., *Sexual Revictimization: A Review of the Empirical Literature*, 6 *TRAUMA, VIOLENCE, & ABUSE* 103, 117-119 (2005).

³⁹ Jessica Reichert & Lindsay Bostwick, *Post-traumatic Stress Disorder and Victimization Among Female Prisoners in Illinois*, *Ill. Crim. Just. Info. Auth.* 8 (2010) (noting that 75% of women prisoners in Illinois had experienced some form of sexual abuse and 98% had experienced physical abuse).

fact, shortly after former Governor Rauner toured a women's prison, he signed a bill reflecting the prevalence of sexual assault survivors among prisoners in Illinois.⁴⁰

Third, like all women subjected to enforced nudity, the prisoners were especially susceptible to harm because the public exposure was aberrant. All children—especially girls—are socialized to prioritize bodily modesty.⁴¹ Intimate views are reserved for intimate relations.⁴² And when it comes to menstruation, many women maintain a zone of privacy, even from intimate relations.⁴³ The search was a particularly potent act of sexual humiliation and dehumanization precisely because it was so abnormal.

III. Forced Public Exposure Does Violence To The Most Fundamental Aspects Of Our Being And Is Bounded By The Fourth Amendment.

In each of the exemplars plucked from the annals of atrocity, sexual violence was expressly *intended* to cause harm—*e.g.*, to dehumanize the targets of a campaign of hostility. Thus, the perpetrators were—in constitutional terms—

⁴⁰ See Kevin Barlow, *Rauner signs law creating IDOC women's division*, THE PANTAGRAPH, Jan. 17, 2018, https://www.pantagraph.com/news/local/rauner-signs-law-creating-idoc-women-s-division/article_4b467bc9-aa96-591f-a4e4-e91deb2db56e.html; 730 ILL. COMP. STAT. ANN. 5/3-2-5.5 (2018).

⁴¹ Alvin Rosenfeld et al., *Parental Perceptions of Children's Modesty: A Cross-Sectional Survey of Ages Two to Ten Years*, 47 PSYCHIATRY 351, 353, 358 (1984).

⁴² *Id.* at 364.

⁴³ Katherine R. Allen & Abbie E. Goldberg, *Sexual Activity During Menstruation: A Qualitative Study*, 46 J. SEX RES. 535 (2009).

deliberately indifferent, a subjective intent that would render their actions cognizable under the Eighth Amendment.⁴⁴

Here, in contrast, the summary judgment evidence is that the sexual violence endured by the class members was instituted for training purposes rather than as an assertion of power intended to humiliate and dehumanize the prisoners.⁴⁵ In the absence of a finding of deliberate indifference, the Eighth Amendment is rendered toothless, as happened here.

Yet the majority now holds the Fourth Amendment powerless, too, because corrections officers did not touch the prisoners.⁴⁶ Instead, they forced women to degrade and violate themselves.⁴⁷ That is a distinction without a difference where, as here, the search was aberrant and gratuitous.

The reason enslaved women in the United States, Muslim women in Yugoslavia, Jewish women across Europe, and Rohingya women in Myanmar were forced to undress and expose themselves in public was because it was deeply humiliating and dehumanizing to be compelled to do this against their will. We are taught that control over the most intimate portions of our body—our genitals, for example—is ours and ours alone.⁴⁸ It is understood that, absent circumstances not

⁴⁴ *E.g.*, *King v. McCarty*, 781 F.3d 889, 897 (7th Cir. 2015).

⁴⁵ *Henry*, 930 F.3d at 837.

⁴⁶ *Henry*, 930 F.3d at 838.

⁴⁷ *Id.*

⁴⁸ Alexander Lowen, *In Defense of Modesty*, 4 J. SEX RES. 51, 52 (1968).

present here, we retain the sole and inviolable power to determine whether and under what conditions we permit access to our “private parts.”⁴⁹ That the violation of this fundamental social compact came in a prison setting does not diminish its impact.⁵⁰

Even in prison, the Fourth Amendment stands as a barrier to gratuitous and imperious applications of state power.⁵¹ That amendment is aimed at making sure that when the government intrudes upon liberty or autonomy in the course of carrying out necessary state functions—*e.g.*, investigating crime, preserving evidence—its power is still bounded and the government is still held to account for its exercise.⁵² The Fourth Amendment does not vanish behind prison walls.

CONCLUSION

In Illinois in 2011, 200 women were forced by corrections officers—under implied threat of physical violence and severe sanction—to cede to the government dominion over the most fundamental and private aspect of their physical and psychological being despite the lack of a legitimate penological interest. It is quintessentially the province of the Fourth Amendment to regulate that conduct. And

⁴⁹ *Id.*

⁵⁰ *Stoudemire v. Mich. Dep't of Corr.*, 705 F.3d 560, 575 (6th Cir. 2013) (noting the “well established. . . right not to be subjected to a humiliating strip search in full view of . . . others *unless the procedure is reasonably related to a legitimate penological interest.*” (emphasis original)).

⁵¹ *See King*, 781 F.3d at 903 (Hamilton, J., concurring in part).

⁵² *Id.* at 901 (Hamilton, J., concurring in part).

it is the full panoply of rights conferred by the Constitution that preserves our laudable distinction from the worst regimes and practices in recorded history. Amici respectfully urge the Court to rehear this case *en banc*, and hold the Fourth Amendment applicable to the gratuitous sexual violence inflicted upon the class members.

Dated: August 20, 2019

Respectfully Submitted,

s/ Daniel M. Greenfield

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CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(g)(1), I certify that:

1. This brief complies with the type-volume limitation of Fed. R. App. P. 29(b)(4) because this brief contains 2,591 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(f).

2. This brief complies with the typeface requirements of Cir. R. 32(a) and the type style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in 14-point Times New Roman typeface.

Date: August 20, 2019

s/ Daniel M. Greenfield
Daniel M. Greenfield

CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2019, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by using the appellate CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

Date: August 20, 2019

s/ Daniel M. Greenfield
Daniel M. Greenfield

APPENDIX
COMPLETE LIST OF AMICI CURIAE

The **American Civil Liberties Union** (ACLU) is a nationwide, non-profit, nonpartisan organization with more than 1.6 million members dedicated to the principles of liberty and equality embodied in the U.S. Constitution. The ACLU established the National Prison Project (NPP) in 1972 to protect and promote the civil and constitutional rights of prisoners. Courts across the country have repeatedly recognized the special expertise of the NPP in conditions of confinement cases.¹ Through its Women's Rights Project, co-founded in 1972 by Ruth Bader Ginsburg, the ACLU has taken a leading role advocating for the rights of survivors of gender-based violence. The ACLU of Illinois is the state affiliate of the ACLU, with more than 75,000 members and supporters across Illinois. The Illinois ACLU has appeared before state and federal courts, including this Court, in a wide range of cases involving the rights of people in the criminal justice system. Currently these include *Lippert v. Jeffreys*, No. 10-cv-4603 (N.D. Ill.) (consent decree on behalf of class of Illinois state prisoners with physical healthcare needs); *Monroe v. Jeffreys*, No. 18-156-NJR-MAB (S.D. Ill.) (putative class action on behalf of transgender prisoners in Illinois state prisons).

¹ See, e.g., *Plyler v. Evatt*, 902 F.2d 273, 278 (4th Cir. 1990); *Palmigiano v. Garrahy*, 707 F.2d 636, 637 (1st Cir. 1983); *Duvall v. O'Malley*, No. CV ELH-94-2541, 2016 WL 3523682, at *9 (D. Md. June 28, 2016); *Dockery v. Fischer*, 253 F. Supp. 3d 832, 856 (S.D. Miss. 2015); *Riker v. Gibbons*, No. 3:08-CV-00115-LRH, 2010 WL 4366012, at *4 (D. Nev. Oct. 28, 2010); *Diaz v. Romer*, 801 F. Supp. 405, 410 (D. Colo. 1992), *aff'd*, 9 F.3d 116 (10th Cir. 1993).

Brett Dignam is Vice Dean of Experiential Education and a Clinical Professor of Law at Columbia Law School. She has designed and overseen workshops conducted by students for prisoners at the Federal Correctional Institution in Danbury, Conn. on issues, including immigration, sexual assault, and exhaustion under the Prison Litigation Reform Act. She has participated in major litigation in more than 30 federal and state cases in the area of prisoners' rights. Dignam came to the Law School following her time at Yale Law School, where she led the Prison Legal Services, Complex Federal Litigation and Supreme Court Advocacy clinics. As an associate professor at Yale Law School, Dignam taught and supervised students in prison legal services; poverty and HIV issues; landlord and tenant issues; and immigration clinics. She guided students through administrative hearings and state and federal trial and appellate courts on issues ranging from state habeas claims to violations of the Voting Rights Act.

Gina Fedock is an Assistant Professor at the University of Chicago's School of Social Service Administration. She has experience researching and writing about human rights abuses, especially sexual and gender-based violence, for women involved in the criminal justice system, both within the United States and globally. She has several research articles related to the *Neal v. Michigan Department of Corrections* class action lawsuit involving over 800 women who experienced staff sexual misconduct while incarcerated. Her work also includes a focus on the

implementation of the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders and she is collaborating with international partners related to the implementation of these rules cross-nationally.

Claudia Flores is Associate Clinical Professor of Law and Director of the International Human Rights Clinic. Before her appointment to the Law Faculty, Flores was a partner at Hughes Socol Piers Resnick & Dym, Ltd., a boutique law firm in Chicago. There, Flores specialized in civil rights and constitutional matters, with a focus on labor violations against low-wage and temporary workers and *qui tam* litigation. Prior to that, Flores served as legal advisor for the United Nations Development Program and UN Women in East Timor and Zimbabwe. Previously, she managed a USAID-funded program to combat human trafficking in Indonesia. From 2003 to 2008, Flores was a staff attorney at the American Civil Liberties Union in the Women's Rights Project.

Jennifer M. Green is an Associate Clinical Professor at the University of Minnesota where she directs and teaches the Law School's Human Rights Litigation and International Legal Advocacy Clinic. She has almost three decades of experience litigating and writing on questions of accountability and remedies for survivors of alleged human rights violations, including sexual and gender-based violence, in cases in the U.S. courts, international criminal tribunals, and the United Nations and Inter-American human rights systems. Cases include *Doe v. Karadzic*,

Doe v. Constant, Swarna v. al-Adsani, Amici Curiae briefs in *Prosecutor v. Tadic* and *Prosecutor v. Akayesu*; *Country Conditions Communications Respecting the Violations of Human Rights of Haitian Women (1994-2000)* (Inter-American Commission on Human Rights), *Filipina Comfort Women v. Japan (UN Petition)*. She is an advisor to Amnesty International, and on the advisory committees of the University of Minnesota Human Rights Center and the Center for Justice and Accountability. She is a former senior attorney of the Center for Constitutional Rights and has served as Legal Adviser, International Committee of Experts, International League for Human Rights (New York, NY); Coordination of Women's Advocacy Groups for Liaison with the International War Crimes Tribunals (Geneva, Switzerland) (1992-1996); Counsel and member, NGO Coalition for Women's Human Rights in Conflict Situations (Kigali, Rwanda and Montreal, Canada) (1998-2000); American Bar Association Task Force on Future War Crimes Tribunals (1995).

Just Detention International (JDI) is the only organization in the world dedicated exclusively to ending sexual abuse behind bars. JDI works to hold government officials accountable for prisoner rape, promote public attitudes that value the dignity and safety of people in detention, and ensure that survivors of this violence get the help they need. JDI trains staff on sexual abuse prevention and

response, educates prisoners about their rights, and creates policies that increase safety for LGBT and other especially vulnerable prisoners.

Michele Leiby is an Associate Professor in Political Science at the College of Wooster. She's done extensive research on conflict-related sexual violence in Latin America, including the creation of a systematic database of testimonial evidence of more than 40,000 human rights violations perpetrated during the civil wars in El Salvador and Peru. In addition to documenting the causes of conflict-related sexual violence, her work reveals the legacy of this violence on intimate-partner relationships, increasing women's risk of domestic violence for years after the resolution of conflict. Professor Leiby's research has been published in English and Spanish, appearing in *American Political Science Review*, *International Studies Quarterly*, *Politics and Society*, *Revista Memoria*, as well as in multiple edited volumes.

Fionnuala Ní Aoláin is concurrently Regents Professor and Robina Professor of Law, Public Policy and Society at the University of Minnesota Law School, Director of the University of Minnesota Law School Human Rights Center, and Professor of Law at the Queens University Belfast, Northern Ireland. Her book *On the Frontlines: Gender, War and the Post Conflict Process* was published by Oxford University Press (2011). She recently edited the *Oxford Handbook on Gender and Conflict* (2017). She has published extensively on issues of gender and international

law. Professor Ní Aoláin is currently the United Nations Special Rapporteur on the Protection and Promotion of Human Rights while Countering Terrorism (3-year appointment). Previously, she was a representative of the prosecutor at the International Criminal Tribunal for the Former Yugoslavia at domestic war crimes trials in Bosnia (1996-97). In 2003, she was appointed by the Secretary-General of the United Nations as Special Expert on promoting gender equality in times of conflict and peace-making. In 2011, she was appointed as consultant jointly by the Office of the High Commissioner on Human Rights and UN WOMEN to prepare a Study on Reparations for Conflict Related Sexual Violence. Ní Aoláin has been nominated twice (2004 and 2007) by the Irish government to the European Court of Human Rights.

The **Roderick and Solange MacArthur Justice Center** (RSMJC) is a public interest law firm founded in 1985 by the family of J. Roderick MacArthur to advocate for human rights and social justice through litigation. RSMJC has offices at Northwestern Pritzker School of Law, at the University of Mississippi School of Law, in New Orleans, in St. Louis, and in Washington, D.C. RSMJC attorneys have led civil rights battles in areas that include police misconduct, the rights of the indigent in the criminal justice system, compensation for the wrongfully convicted, and the treatment of incarcerated men and women. RSMJC litigates appeals related to the civil rights of incarcerated men and women throughout the federal circuits.

Kim Thuy Seelinger is a Visiting Professor in Law and Associate Professor in social work, public health, and social policy at the Brown School, both at the Washington University in St. Louis. She will also serve as inaugural director of a new Center on human rights, gender, and migration at the Washington University in St. Louis Institute for Public Health. She has published extensively on the subject of sexual and gender-based violence in the context of armed conflict and forced displacement. For example, her chapter, “Sexual Violence as a Practice of War: Implications for the Investigation and Prosecution of Atrocity Crimes”, co-authored with Elisabeth Wood, will be published in the *Oxford Handbook on Atrocity Crimes* by Oxford University Press in 2019. She has also authored numerous reports and articles on the topic. Seelinger provides technical assistance to international and local actors working on war crime trials, legislative reform, and programming to improve support services to atrocity survivors. She recently intervened in the successful prosecution of Hissène Habré, the former president of Chad, and that of Thomas Kwoyelo in Uganda. Seelinger serves as on the U.N. High Commissioner for Refugees' Advisory Group on Gender, Forced Displacement, and Protection and the U.N. Area of Responsibility for Gender-based Violence Task Force on Research and Information Management. Previously, she directed the University of California, Berkeley, School of Law's Sexual Violence Program at the Human Rights Center.

Before that, she worked on gender-asylum cases and policy at the University of California, Hastings, Center for Gender and Refugee Studies.

Uptown People's Law Center (UPLC) is a full-service, community-based legal clinic founded in 1975 in Chicago, Illinois. The clinic focuses on issues affecting poor and working people in Chicago and the State of Illinois. Its attorneys have developed strong expertise in several areas including prisoners' rights issues. UPLC assists prisoners in matters ranging from denial of adequate medical care, excessive force matters, denial of religious rights, and cruel and unusual punishment. Its attorneys have extensive knowledge of the Illinois Department of Correction and its lawyers frequently advise other attorneys about litigating issues that arise in prisons.

Since 1845, the **Women's Prison Association (WPA)** has been dedicated to providing services and support to criminal justice-involved women and their families. WPA has developed landmark programs, advocated for groundbreaking policies and promoted forward-thinking strategies targeted to the needs of women in the criminal justice system. WPA currently operates a broad array of programs to serve women and their families at all stages of criminal justice involvement that include: community-based programs to reduce risk of arrest or incarceration; alternative-to-incarceration services; resources and programming for women during incarceration; and re-entry services as women plan for and return to their

communities. While committed to reducing reliance on incarceration, WPA supports prison policies and procedures that are humane, gender responsive and trauma informed.

Elisabeth Jean Wood, Crosby Professor of the Human Environment and Professor of Political Science, International and Area Studies at Yale University, is currently writing a book on sexual violence during war. She is the author of *Forging Democracy from Below: Insurgent Transitions in South Africa and El Salvador* and *Insurgent Collective Action and Civil War in El Salvador*. Among her recent articles are “Rape as a Practice of War: Towards a Typology of Political Violence,” “The Persistence of Sexual Assault within the US Military,” and “The Social Processes of Civil War: The Wartime Transformation of Social Networks.” A fellow of the American Academy of Arts and Sciences, she teaches courses on comparative politics, political violence, collective action, agrarian studies, and qualitative research methods. She has served on editorial boards for the Contentious Politics series (Cambridge University Press) since 2004, *World Politics* since 2016, for *Politics and Society* (2003 – 2013) and *American Political Science Review* (2007-2013). She currently serves on the American Political Science Association’s Committee on Human Subjects Research.