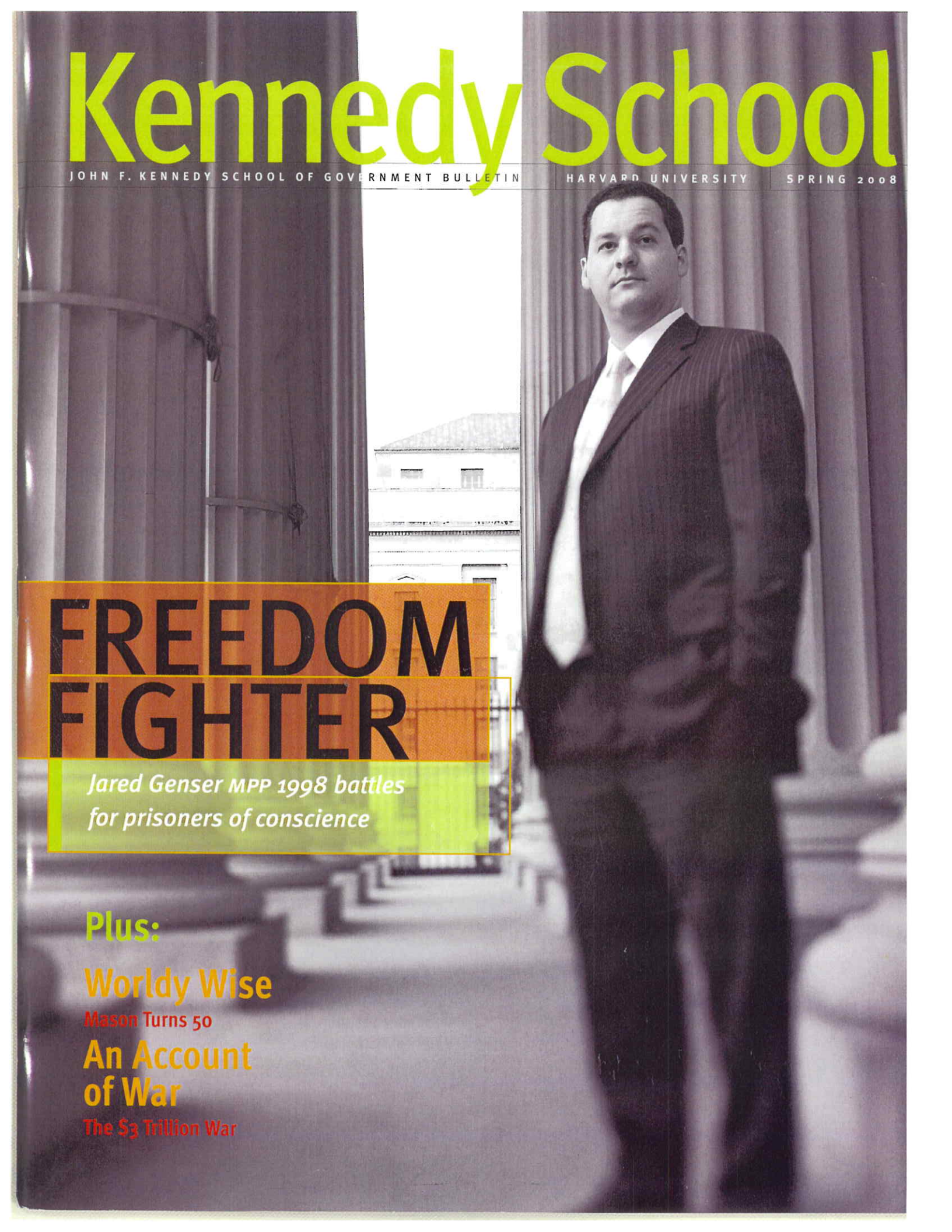


# Kennedy School



JOHN F. KENNEDY SCHOOL OF GOVERNMENT BULLETIN

HARVARD UNIVERSITY

SPRING 2008

## FREEDOM FIGHTER

*Jared Genser MPP 1998 battles  
for prisoners of conscience*

**Plus:**

**Worldly Wise**

**Mason Turns 50**

**An Account  
of War**

**The \$3 Trillion War**





# ONE MAN'S LAWYER

## JARED GENSER MPP 1998

was a second-year law student, two years out of the Kennedy School, doing an externship with a

human rights group in London when he came across James Mawdsley's case.

Mawdsley was in a Burmese prison. It was his third time, but this time there had been no quick deportation. This time the young Briton's protest of that country's military dictatorship – he had been arrested as he handed out prodemocracy leaflets – had earned him a 17-year prison sentence in solitary confinement.

Genser didn't know exactly what he could do, but he contacted Mawdsley's family and asked if he could represent their son. A member of the British House of Lords was helping them, but they did not have a lawyer. He reminded them that he was still a student, but they said they would take all the help they could get.

*Using the law, and sometimes much more, to fight for human rights*

## “For me everything clicked at that moment.”

“I had an idea of what to do although I didn’t know how effective it was going to be,” Genser says.

Retracing the steps he had taken while working on a human rights case during an internship the previous summer, he filed a brief with a relatively obscure United Nations body, the Working Group on Arbitrary Detention, detailing the illegality of Mawdsley’s imprisonment.

That summer, while working in Washington, he took the case to Capitol Hill too, eventually getting 23 lawmakers to sign a letter urging Mawdsley’s release.

Mawdsley was more than 400 days into his sentence, and Genser was back studying in his dorm room for a law school corporate finance mid-term when the United Nations called. The UN body had ruled Mawdsley was being held in violation of international law. With news coming out that Mawdsley had also been severely beaten by prison guards, the pressure on the Burmese government grew too intense. Mawdsley was released.

Two days later, in a VIP room at Heathrow Airport, Genser finally met his client. Mawdsley gave him a firm handshake, then said: “Thanks, you saved my life.”

“For me everything clicked at that moment,” Genser says. “I didn’t really fathom what being a human rights lawyer meant other than helping people in tough circumstances. But that’s an abstract concept. For me, this was an affirmation of my view that I might actually be able to help people suffering under the yoke of oppression. It was proven correct at that one moment, and it was extraordinary.”



Genser and James Mawdsley, on the day Mawdsley arrived in London on October 20, 2001

### PUBLIC SERVICE

had defined Genser’s life from a very early age.

He was working in a soup kitchen in seventh grade, and in high school, in the Washington suburb of Potomac, Maryland, he was volunteering in a hospice.

The impetus, he says, came from his parents — his father a psychiatrist in government service, his mother a clinical social worker.

“I came from a family that was in public service in one way or another,” he says. “I was always encouraged to try to do my part, to leave my mark on the world, and have a positive impact on people.”

By the time he was an undergraduate at Cornell, he was teaching English as a second language to university employees, founding the Best Buddies Program to help people with developmental disabilities, and organizing a public service day for students.

He took a year off to work with Kathleen Kennedy Townsend’s Maryland Student Service Alliance, helping implement a statewide community service requirement for high school graduation, then after graduating he traveled to Israel



# ANATOMY OF A CASE

on a Raul Wallenberg Fellowship, working in the office of then-Jerusalem Mayor Ehud Olmert.

Genser arrived at the Kennedy School as one of the first recipients of the prestigious public service fellowships. His focus was on criminal justice policy and conflict resolution and he spent his summer in South Africa helping establish a community service model there. He was cutting a path toward a career in domestic public service work.

And then the Chinese president came to Harvard.

Genser didn't see anything wrong with Harvard's invitation to President Jiang Zemin in October 1997. But he says he was shocked by the university's policy to ban promoters from campus and its initial decision to prevent students from questioning the Chinese leader.

He became one of the leaders of the student protest accidentally, he recalls, helping coordinate logistics for the large event.

But the experience changed him.

"Through that whole experience I just found myself really inspired by the people whom I met," he says. (One of those people was former Tiananmen Square activist Yang Jian-li PHD 2001, whom Genser would represent a decade later following Yang's imprisonment in China.) "Hearing their stories and what they and their families had been through, I just found them incredibly compelling. And I really felt that something needed to be done to try to help people facing this kind of oppression. I just said: 'This is what I want to do.'"

The protest was successful, drawing thousands to Harvard in one of the biggest demonstrations the school had seen since the tumultuous days of the anti-Vietnam War movement. But it left Genser feeling that more had to be accomplished.

"I just felt like I needed to have another set of tools, and that's what drew me to law," he says.

His time at the University of Michigan Law School would be focused entirely on human rights. But even after Mawdsley's release, in

way to address other victims of the blasphemy laws. It would be the group's first case and a difficult test of their model.

Genser and Freedom Now board member Fani Cyd Geroff petitioned the United Nations' Working Group on Arbitrary Detention in October 2001. Barely eight weeks later, the Working Group issued its opinion, finding that Masih had been imprisoned in contravention of the Universal Declaration of Human Rights.

Meanwhile Freedom Now pressed on with the other prongs of its strategy, arranging for a letter from 12 U.S. senators to be delivered to Pakistani President Pervez Musharraf. Nine of the senators were on the committee responsible for approving the hundreds of millions of dollars in aid the United States gave Pakistan each year.

Weeks later, the Supreme Court heard arguments in Masih's appeal, and in language similar to the UN's Working Group, reversed Masih's conviction on blasphemy charges and ordered his immediate release.

Fearing more violence, Freedom Now worked with the State Department and other groups to help Masih leave Pakistan. Masih arrived in the United States in September 2002 and has since been granted political asylum. He has learned English and plans to become a Christian minister. Masih's case also helped push through reforms to the blasphemy laws.

AYUB MASIH was a 26-year-old man living in a small Christian community in Pakistan's Punjab Province in 1996 when he was arrested under the country's draconian blasphemy laws. Neighbors claimed Masih, a Christian, had urged others to read Salman Rushdie's *Satanic Verses* (the book, which had famously earned its author a death sentence, had never been translated into Urdu, the only language Masih spoke) and had pronounced Christianity to be "correct." For Masih, it was only the beginning of a brutal six-year legal odyssey.

Masih's small Christian community was evacuated from their village (leading some to charge that Masih's arrest had been orchestrated as little more than a land-grab.) Then, in 1997, while in a courtroom, Masih was shot and seriously injured by an accuser (who was never prosecuted). During his trial, religious extremists threatened to kill him, his lawyers, and the judge if he was not convicted. He received the death penalty in 1998.

In prison, Masih had to endure atrocious conditions. He was beaten by other prisoners, denied medical care, and confined to an 8' by 8' cell, where temperatures were often over 120 degrees Fahrenheit.

Asked by a local NGO to intervene in 2001, Freedom Now saw the Masih case as a

**“I didn’t really fathom what being a human rights lawyer meant other than helping people in tough circumstances.”**

October 2001, and the affirmation of his chosen path, Genser felt he had only scratched the surface.

“Reflecting on it I wasn’t too impressed by myself,” he says. “I got a white guy out of a Burmese prison. The question in my mind was: Can we get a Pakistani out of a Pakistani prison? Can we get a Chinese person out of a Chinese prison? Can we get a Vietnamese man or woman out of a Vietnamese prison? That’s the real test.”

Genser spent two years working for the consulting firm McKinsey before joining the law firm of DLA Piper, where he continues to work today representing international clients before Congress and the executive branch. But the challenge he had set himself following Mawdsley’s release would lead to the creation of Freedom Now.

**A NONPROFIT** dedicated to representing prisoners of conscience, Freedom Now has developed into a remarkably successful organization. Using the Mawdsley case as a template, it approaches human rights cases from a unique perspective. By representing the individuals as counsel, Freedom Now places itself at the center of the case.

“That’s a key difference,” Genser says.

An example is Aung San Suu Kyi, the world’s only imprisoned Nobel Peace Prize laureate, who has been confined by the country’s military dictatorship to house arrest for 12 of the past 18 years for her leadership of the opposition, which won more than 80 percent of the vote in that country’s 1990 election and was never allowed to take office.

Since being asked by her family to represent her in 2006, Genser obtained a decision by the UN’s Working Group, reaffirming the illegality of her detention. Working with former Norwegian Prime Minister Kjell Magne Bondevik, Genser was also able to help coordinate a letter from 59 current and former world leaders urging the military junta to release Suu Kyi.

“There were a lot of people rowing, but not in a common direction,” Genser says.

Freedom Now begins by carefully picking the individuals it wants to represent, then creating a legal, political, and public relations strategy. The “full-service” approach has been remarkably successful, helping secure the release of its first six clients.

In the universe of human rights abuse, that is perhaps a tiny number, but success can be measured in different ways, says Freedom Now co-founder Jeremy Zucker MPP 1997.

Left to right, Genser, Yang Jian-li, his son Aaron, and his wife, Christina Fu, at Boston’s Logan Airport on August 18, 2007. Yang’s cause was also taken up by Harvard and Kennedy School faculty, with professors like Richard Zeckhauser leading the way. At the time of Yang’s release, Zeckhauser noted, “This is absolutely the best news I ever could have imagined.”





"Freeing an unjustly imprisoned person is a victory for that individual and for justice, and with clients facing a death sentence you're saving a life," he says. But by helping individuals involved in a larger cause, that case has a multiplier effect. "If you believe that it's important even in repressive societies to maintain the presence and active participation of however small a group of people who are standing up for a better way of life and more fair means of self-governance, then getting any of them their freedom for whatever period of time, I think that is success."

Genser's work in some way came full circle last year, when nearly five years of work resulted in the release from a Chinese prison of Yang, the Chinese democracy activist who had helped draw Genser into the field of human rights back at Harvard.

Yang had been blacklisted by the Chinese government for his prodemocracy activism, but he returned there anyway in 2002, traveling on a friend's passport to document labor conditions.

Since the publication of the report on Burma, which was commissioned by former Czech President Vaclav Havel and Nobel Peace Prize laureate Archbishop Desmond Tutu, Burma's situation has been voted onto the Security Council's agenda.

And his work on North Korea, commissioned by Havel, Bondevik, and Nobel Peace Prize laureate Elie Wiesel, invoked the new doctrine that a state is responsible for protecting its own people from the most serious of human rights abuses, including crimes against humanity. The report details North Korea's unwillingness to protect its people from famines that have killed as many as one million people, as well as the imprisonment of more than 200,000 political prisoners, and urges Security Council action.

Genser led teams of DLA Piper attorneys to complete the two influential reports.

Carl Gershman says Genser's work is a unique blend of law and strategy, something few people can accomplish. "He has the ability to think how

**"...I might actually be able to help people suffering under the yoke of oppression...it was extraordinary."**

He was arrested and sentenced to five years in prison for illegal entry and espionage.

More than 40 letters and petitions were written on Yang's behalf, including several by Kennedy School and other Harvard faculty. Resolutions were passed in Congress calling for his release. And news outlets covered Yang's mistreatment in prison.

Yang was eventually released from prison in April 2007 and was finally allowed to fly back to the United States in August.

"It was a wonderful airport moment," says Genser, who traveled to Boston to meet Yang.

Genser's work on individual cases is also balanced by other human rights work he has produced through his law firm, including two major reports on human rights abuses in North Korea and Burma.

to develop a strategy, as well as a remarkable ability to organize resources," said Gershman, director of the National Endowment for Democracy, a private, publicly funded NGO that spends \$100 million of U.S. funds annually to promote democracy worldwide. (Yang is a NED grantee.) The impact of Genser's work has also led to national and international recognition, the most recent being his selection as a World Economic Forum's Young Global Leader.

Genser is now working to make Freedom Now a more permanent structure, with an office, a staff, an endowment, and the ability to take on more cases.

That's an ambition his clients can applaud.

"Believe me," Mawdsley says, "if the world is silent in the face of your suffering, then it is much harder to endure."