



**International
Legal Assistance
Consortium**



Annual Report

ILAC 2004

ILAC is a global organisation, established and based in Sweden. ILAC is a consortium of NGOs throughout the world with experience in providing technical legal assistance in post-conflict situations. ILAC's more than 30 member organisations represent over 3 million judges, prosecutors, lawyers and academics.

PROJECTS

Afghanistan

As a result of the ILAC mission to Afghanistan in 2002, the International Bar Association (IBA), has undertaken to assist the Independent Judicial Reform Commission to set up the structures for an independent bar association. The project is funded by the Swedish Government.

The first part of that project was completed in 2004, including a draft law on the Bar, the drafting of statutes, administrative structures etc. IBA has had a legal specialist on the ground for six months, a presence which has been very important for the result. The draft legislation and Regulations for the Bar Association have been approved by the Judicial Reform Commission (JRC) and the Ministry of Justice, translated into Dari, and are now with the Legislative Drafting department of the Ministry of Justice. Along with many other pieces of legislation, it is "stuck" there, waiting for the appointment of the new Cabinet. JRC has expressed a strong need for training, because the very notion of a bar association is not familiar in Afghanistan. The immediate task is to shepherd the draft through the system as the practical phase of the project (setting up premises for the bar, assisting in the appointment of a Director, etc) is dependent on enabling legislation being in place.

Also, discussions started with the the international NGO Medica Mondiale to establish a women lawyer's division of the Bar Association, in order to avoid a situation where women members may be dominated by men, but to have women as part of the Association. Medica Mondiale's links are nationwide, so this will help establish an Association with national representation. Also, discussions are under way with the New York-based International Legal Foundation, which supports the Bar Association and is interested in collaborating on issues of education of the profession and CLE through the Association. These discussions include possible links between the Bar Association and ILF's proposed Legal Aid Office. There are also talks with UNDP to run a national conference on the need for a Bar Association in Afghanistan. UNDP can also facilitate Bar Association input to curriculum development in legal education and legal training.

Iraq

The ILAC mission to Iraq in August 2003 agreed with the UN and the Iraqi judicial authorities on five areas of assistance:

1. Training in independence of the judiciary and how this informs the daily work of a judge.
2. A tour for the leadership of the Iraqi Judicial Training Institute, to observe best judicial training practice in other lands, with follow-up support
3. Training in international human rights law for judges, prosecutors and lawyers, with a focus on fair trial and due process
4. Direct assistance to the Iraqi Bar Council in strengthening entry standards, regulation of the profession and continuing legal education
5. Training in international humanitarian law for judges, prosecutors and lawyers.

Each project has been adopted by a lead organisation, all of which are ILAC member organisations. The lead organisation works with the Chief Justice of Iraq and the President of the Iraqi Bar Council to implement the project. Training of Iraqi trainers is a feature of the project on international human rights law. Participants are drawn from all parts of Iraq and all major ethnic and religious groups, to include all levels of seniority, male and female.

Funding is provided to ILAC by the UK Government's Department for International Development (DFID) and by the Swedish Ministry of Foreign Affairs. The Czech government has provided supplementary funding for the training in independence of the judiciary. ILAC provides overall programme management and accounting services, and is responsible for travel and security arrangements for those travelling to or from Iraq. [The ILAC Iraq programme is managed by Paul Hoddinott.]

The security situation in 2004 has dictated that training is delivered outside Iraq but, as soon as circumstances allow, training will be in Iraq.

Looking at the five projects in more detail:

1. Training in independence of the judiciary and how this informs the daily work of a judge. This project is led by the American Bar Association and the CEELI Institute in Prague. Two courses for a total of 93 judges have been carried out in 2004, with a further 80 judges and prosecutors to be trained in 2005. Courses are of two weeks duration.
2. A tour to observe best judicial training practice in other lands to the leadership of the Iraqi Judicial Training Institute, with follow-up support. This project is led by the American Bar Association's Justice and Rule of law Committee. The intention is for the leadership of the Judicial Training Institute to have the opportunity to see and discuss judicial training in Arab countries and Europe. However, throughout 2004 the institute has remained under caretaker staff only and it has not yet been possible to engage this important institution.
3. Training in international human rights law for judges, prosecutors and lawyers, with a focus on fair trial and due process. Led by International Bar Association (IBA), working with the International Association of Prosecutors (IAP), five one-week courses have been held with 267 Iraqi judges, prosecutors and lawyers trained, and 11 Iraqis trained as trainers. Participants have come from all parts of Iraq and included representatives from all religious and ethnic groups. Based on these courses, the Iraqi Bar Association has started two-day

courses in Iraq as an introduction to the subject matter. The programme will continue through 2005.

4. Direct assistance to the Iraqi Bar Council in strengthening entry standards, regulation of the profession and continuing legal education. The project will include detailed working sessions with the Iraqi Bar Council leadership and training of persons to administer and deliver continuing legal education in Iraq. The General Council of the Bar of England and Wales is working with IBA for this project. However, due to security problems and difficulties in engaging with the Iraqi Bar Council, this project is still in its very early stages. Ways of ameliorating this are incorporated into plans for 2005.

5. Training in international humanitarian law for judges, prosecutors and lawyers.

IBA is providing training based upon similar courses delivered in the Balkans. As well as the Iraqi Special Tribunal that will hear the cases against Saddam Hussain and his co-accused, regular courts will also hear such cases. These courses give judges, prosecutors and lawyers a background in the relevant provisions of international law, and feed-back of the experience from other post-conflict situations. Iraqis will also be trained as trainers in the subject matter. A total of 102 Iraqi delegates have attended these courses, including, 32 judges, 21 prosecutors, 16 lawyers, 3 Ministry of Justice officials, 12 judicial investigators and 18 administrative staff. The training courses were each presented by 5/6 international experts comprising a combination of defence lawyers, prosecutors, academics and judges from various countries throughout the world such as Sweden, France, the Netherlands, the U.K., the U.S.A. and Samoa. The experts included very high profile persons within the legal sector, such as Hans Corell, former Under-Secretary-General for Legal Affairs and the Legal Counsel of the United Nations, and Lennart Aspegren, an expert in international humanitarian law and former Judge at the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia. Lawyers with practical experience as prosecutors and defence counsel before the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia also participated.

Sri Lanka

In December 2002 the President of Australian Legal Resources International (ALRI), Justice Marcus Einfeld, visited Sri Lanka at the invitation of representatives of the Government and the Liberation Tigers of Tamil Eelam (LTTE). As a follow up, an ILAC/ALRI mission was sent to Sri Lanka in March 2003 in order to investigate the governance and legal needs of the people and to report on the ways in which the international legal community could assist the parties in their rebuilding process after 30 years of civil war. The mission identified a number of possible projects, including:

- Training of police in human and victims' rights, and criminal prosecutions and investigations
- Assistance for magistrates
- Training of State Prosecutors and legal officers
- Reforms in court administration and case management
- Supply of law books for court libraries and legal aid lawyers
- Assistance to Judges in court procedures and facilities

During 2004, the ILAC/ALRI representative in Sri Lanka, Ms Shirani de Fontgalland, worked with local NGOs and individuals to advance these projects. With the support of the Sri Lanka

National Center for the Victims of Crime (NCVC), the Attorney General's Department, NGOs and leading human rights campaigners, a project to train State Prosecutors was developed. It attracted immediate interest in the South Asian region generally (India, Pakistan, Bangladesh, Sri Lanka and Nepal), and in July/August 2004, approval of the proposal was obtained from Pakistan and Sri Lanka. Negotiations with India, Bangladesh and Nepal are continuing. In August 2004, at the invitation of the NCVC, and with assistance from the Australian Government's international development agency AusAID, the first workshop was held in Colombo.

The first meeting of the Working Group for the police training project, set up under the auspices of the Inspector General of Police, has also taken place. It was resolved to select the first trainees for a subsequent workshop. This work is continuing.

Liberia

Based on the ILAC mission to Liberia in December 2003 and a follow up mission in March 2004, a several projects, initiated by ILAC are now under way:

- A programme of seconding judges from Ghana into Liberia. The initial funding for the project has been provided by the Swedish Ministry for Foreign Affairs. The project will be implemented by the Pan African Lawyers Union, under the leadership of Rodger Chongwe, former Minister for Legal Affairs in Zambia, and a member of ILACs Executive Committee. A local Project Management Unit has been set up, a local lawyer to assist the project has been identified and office space has been assured within the UN compound.
- Training of judges, prosecutors and lawyers in international human rights law as well as substantive Liberian law. This project will be carried out by the IBA with funding from DFID in the UK:
- Financial assistance to Association of Female Lawyers of Liberia (AFELL), also by DFID. AFELL wants to launch a "legal literacy campaign" in order to make the citizens – and the judicial system - of Liberia aware of recent important acts of legislation, improving the rights of women in marriage. Those acts are still virtually unknown and remain unimplemented. The project aims to train a number of women to be able to inform community leaders, opinion leaders and the general public about these provisions – through lectures, through the media and through distribution of simple pamphlets.

The projects in Liberia are being carried out in cooperation with the judicial authorities and the United Nations Mission in Liberia (UNMIL).

MISSIONS

Haiti

In November 2004, the United Nations Stabilisation Mission to Haiti (UNMISTAH) issued an urgent invitation to ILAC to send a mission to Haiti, in order to identify projects of assistance in rebuilding the justice system. Funding for this mission was acquired in December from the Swedish International Development Cooperation Agency (Sida). A team, composed of members from Bahamas, Cameroun, Belgium, Sweden and the United States was put together. The delegation visited Haiti 13-20 January 2005. It met with a wide representation

of judicial authorities, civil society and the international community, both in the capital and in other parts of the country. The delegation is presently putting together its report.

OTHER ACTIVITIES

ILAC-UNIFEM Conference

To work closely with the UN and its various agencies is one of ILAC's key principles. Together with the United Nations Fund for Women, UNIFEM, ILAC organised a conference on gender justice in post-conflict situations, "Peace needs Women, and Women need Justice", in New York, 15-17 September, 2004.

UN Security Council Resolution 1325 (2000) calls for all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective. In response to the resolution UNIFEM appointed Ms. Elisabeth Rehn, former Defense Minister of Finland and Ms. Ellen Johnson Sirleaf, former Finance Minister of Liberia, to conduct an independent assessment on the impact of armed conflict on women and women's role in peace-building. Their report entitled *The independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peace-building* (Progress of the World's Women 2002/Vol.1, see the [UNIFEM](#) website) presents their findings in ten thematic areas and accompanying recommendations to move implementation of resolution 1325 forward. "Justice" is one of the themes presented, and was the focus of the conference.

During a country's transition to peace, unique opportunities emerge to promote gender equality and gender justice, particularly in the context of peace negotiations and post-conflict reconstruction processes. Strengthening legal foundations in a post conflict society is a cornerstone of peace building and restoring public trust. The conference focused on how to achieve gender equality in constitutional, legislative, and judicial reform and how to facilitate women's equal participation and decision-making in those processes and institutions.

The Conference Report was submitted to the UN Secretary General under a letter of 25 October 2004 by the Permanent Representatives of Jordan, South Africa, Sweden and the United Kingdom. The report is available on the new ILAC website www.ilac.se Follow up activities are now being planned in cooperation with UNIFEM and a core group of countries.

Funding for the ILAC-UNIFEM Conference was generously provided by Sweden, Switzerland, Ireland and Norway.

"The Threat of Terrorism and the Maintenance of International Law"

In cooperation with the Ministry for Foreign Affairs of Sweden, the International Bar Association (IBA) and the Folke Bernadotte Academy, ILAC organised a seminar in Stockholm 1 October, 2004, on the basis of the report of the IBA's Task Force on International Terrorism. The task force, comprised of distinguished international experts and lawyers, issued their report in October 2003 along with a set of global principles on suppressing terrorism within an international law framework. The Principles detail the international legal framework that must guide responses to international terrorism and urge states to comply with it. The group of distinguished jurists and experts in international law also urged that a multilateral convention be developed to standardize and improve cooperation in combating terrorism. The conference in Stockholm discussed issues such as;

- the use of force as a response to terrorism
- trends in Anti terrorism measures after September 11
- upholding Human Rights and Civil Liberties in the fight against terrorism
- terrorism and International Humanitarian Law
- international Co-operation and Preventing the Financing of Terrorism
- the role of the International Criminal Court

The task force members are: Justice Richard Goldstone, Constitutional Court of South Africa, Amb. Emilio Cardenas of Argentina, Dr. Badria Al-Awadhi, professor of international law at Kuwait University; M. Cherif Bassiouni, president of the International Human Rights Law Institute at DePaul University, Chicago; Sten Heckscher, Sweden's National Police Commissioner; Baroness Helena Kennedy QC of Britain, who practices predominantly in the criminal law; Fali Nariman, president of the Bar Association of India, and W. Michael Reisman, professor of international law at Yale University.

World Economic Forum

As a result of ILAC's objectives and activities, ILAC was invited as a special guest to the Annual General Meeting of the World Economic Forum in Davos in January 2004, where Christian Ahlund participated as a panellist in seminars on international development and nation-building, particularly with regard to Afghanistan and Iraq. The invitation was renewed for the General Meeting in January 2005.

2004 OSCE Human Dimension Implementation Meeting

The Organisation for Cooperation and Security in Europe (OSCE) and its Office for Democratic Institutions and Human Rights (ODIHR) held the 2004 Human Dimensions Implementation Meeting in Warsaw 4-15 October in Warsaw, Poland. On 7 October, ILAC, at the initiative of the Swedish Ministry for Foreign Affairs, was invited to present its concept and activities to the participants of the meeting. The session was well attended met with an obvious interest from the audience.

Core Funding

ILAC is very grateful to the Swedish government, which through its Ministry of Foreign Affairs has generously provided most of ILAC's core support for 2004. ILAC is also very grateful to the government of Ireland for its contribution to the core funding.

Membership

At the end of 2004, the following 33 organisations were members of ILAC:

American Bar Association

Arab Lawyers Union

Association Internationale des Jeunes Avocats

Australian Legal Resources International
Bar Association of India
Bar Council of England and Wales
Canadian Bar Association
Commonwealth Lawyers Association
Council of Bars and Law Societies of the European Union
Faculty of Advocates (Scotland)
Hong Kong Bar Association
ILAC-USA
Inter-American Bar Association
International Association of Prosecutors
International Association of Women Judges
International Bar Association
International Commission of Jurists
International Foundation for the Independence of Lawyers and Judges
International Human Rights Law Institute
Law Society of Botswana
Law Society of England and Wales
Law Society of Scotland
Law Society of South Africa
Macedonian Business Lawyers Association
National Association of Women Judges
Nepal Lawyers Association
Norwegian Bar Association
Organisation of Commonwealth Caribbean Bar Associations
Pan African Lawyers Union
Public International Law and Policy Group
Raoul Wallenberg Institute
Swedish Bar Association
Union Internationale des Avocats

Observer status:

Japan Federation of Bar Associations

The ILAC member organisations represent a total of more than three million individual judges, lawyers and prosecutors.

In addition, the following individuals are members of ILAC:

Lord Abernethy
Ljubica Acevska
Guiseppe Bisconti
Rodger Chongwe
Param Cumaraswamy
Farouk Abu Eissa
Mark Ellis
Richard Goldstone
Paul Hoddinott
Natasa Kandic
Dianna Kempe
Kadhim Lami
Justice Pius Nkonzo Langa
Suzannah Linton
Finn Lynghjem
Peter Maynard
Bill Meyer
Zoran Pajic
Elisabeth Fura – Sandstrom
Nicholas Stewart
Shelby Quast

Stockholm, February 2005

A handwritten signature in black ink, appearing to read 'Chr. Åhlund', with a small mark above the 'h'.

Christian Åhlund
Executive Director