

Annual Report 2004



Bar Human Rights Committee of England and Wales

Chairman's Foreword



*Chairman Peter Carter QC-
Zomba, Malawi*

A number of issues have demanded our attention in 2004. It has been another important year for human rights. Some developments have been positive, others not. A central theme for the year has been Africa. That was the focus of our biennial lecture at St Paul's Cathedral delivered (to justified acclaim) by Sir Bob Geldof. But as the body of

this annual report clearly demonstrates, our activities span the globe. For a small organisation, and despite very little funding, we carry the status of the Bar of England and Wales wherever we go. This is of huge importance. The Bar of England and Wales is recognised for its integrity and ability. These qualities provide vital protection for those we send to various parts of the world as observers and trainers, often in very difficult circumstances. We are respected by governments (including those of which we are critical) and by our overseas colleagues. We are able to call upon the support of UK diplomatic representatives in countries where our members are taking time out of their practices to promote human rights. The courage and commitment of our members enables us to perform valuable work which rightly enhances the image of the Bar.

As an organisation, we are concerned with promoting principles of justice and humanity through the law in all parts of the world. It makes our task extremely difficult when two of the major western powers abuse the rule of law and pretend they are acting in furtherance of democratic values. The spectacle of the degradation of prisoners at the hands of US soldiers and interrogators in Saddam Hussein's former torture prison in Baghdad undermined the pretence of humanitarian concerns. The disregard for international law, in particular

the Geneva Conventions, by the US administration in Iraq and in Guantanamo Bay is a disgrace. The Supreme Court in *Rasul v. Bush* and our House of Lords in *A v. Secretary of State for the Home Department* have demonstrated how important the law is in the fight for human values against the arrogance of power. When, as Lord Hoffman said in the case of *A*, laws passed by legislators are more damaging to the fabric of society than terrorism itself, lawyers must be active to challenge those laws and those who would seek to impose them. We do so by using the courts – municipal and international - and by public debate. Two members of our committee were involved in drafting amicus briefs for the Supreme Court in *Rasul*. Our remit is international law and we do not involve ourselves in domestic issues except to the extent that our government violates its obligations under international humanitarian and human rights law. It is sad to witness the inherent weakness of the Human Rights Act, i.e. its incompatibility with Articles 1 and 13 of the Convention in that it provides no remedy for the victims of violations of Convention rights when the government is obdurate. It is with regret that we must therefore involve ourselves with these domestic issues. It is in this climate that we work to try and persuade the world of the essential value of human rights in order to realise societies free to achieve their potential. So important is this issue that I consider it necessary to make special mention of it in this foreword. Our own failings are too easily paraded by others as an excuse for failing to adopt internationally recognised standards for treating others. It makes our task unnecessarily more difficult.

I am very grateful to the members of the Committee and of the Executive who dedicate so much time selflessly to working on behalf of the BHRC. I am also grateful to the Bar Council for their support – in every sense. I am particularly grateful to our Coordinator, Jennifer Geen, without whom we simply could not function.

Peter Carter QC

BHRC Annual Report 2004

The Bar Human Rights Committee of England and Wales (BHRC) is dedicated to protecting the human rights of people around the world. BHRC stands to support and protect practising lawyers, judges and human rights defenders who are threatened or oppressed in their work; uphold the rule of law and internationally recognised human rights standards; furthering interest in and knowledge of human rights and the laws relating to human rights; and advising, supporting and co-operating with other organisations and individuals working for the protection and promotion of human rights. We challenge governments and those holding power to end abusive practices and respect international human rights law.

Who

BHRC is a committee of independent practitioners, legal academics and lawyers in Government service in the United Kingdom. BHRC has an international reputation of independence, integrity and professional skills that is respected throughout the world. BHRC offers a pool of specialist advocates and experts including leading human rights practitioners in the country who continue to play a leading role – and act as a resource – in the development of law and human rights protection throughout the world.

What

BHRC conducts international fact-finding investigations, trial observations, feasibility studies and training on advocacy, international humanitarian law and human rights law. These play an important role in monitoring human rights abuses, pressing for the rule of law, encouraging democratic platforms for discussions and providing legal advice and support. We assist in capacity building and strengthening of institutions which have a direct impact on the promotion and protection of human rights and the rule of law.

Where

BHRC is based in London and our geographical remit extends to all countries, apart from our own jurisdiction of England Wales. This reflects the need to maintain our role as independent but highly qualified observer, critic and advisor, with internationally accepted rule of law principles formulating the basis of our agenda. Regional sub-committees are responsible for the development of activities and projects and include Africa (North, South, East, West), America (Latin/South, North), Asia (South, East), Caribbean, Europe, Middle East and Russia and the former Soviet Union.

Why

Most of BHRC's efforts seek to inspire, organise, inform and extend the work within the legal sectors of countries as we strive toward the common goal of protecting the human rights of individuals across the globe. We believe that international human rights standards apply to all people equally and we will continue to develop our work and engagement with legal and human rights communities throughout the world to achieve real progress.



*Euro-Mediterranean Human Rights Network Workshop,
Rabat, Morocco*



*Andrew Hall QC and Cameroon Bar Association,
Yaoundé, Cameroon*

When

In 1991 the Chair of the Bar Council of England and Wales established a human rights task force to identify how the Bar should effectively respond to human rights issues and concerns. The following year, BHRC independently emerged as a result of the efforts of a small number of barristers as a consequence of the Chairman's initiative with the aims of helping judges, lawyers and legal personnel who are being persecuted or prevented from carrying out their professional duties and protecting the rule of law where it is under attack by governments. BHRC has expanded substantially throughout the past decade and continues to raise an international profile that is respected by both governments and non-governmental organisations.

How

BHRC is managed by the Chair, Vice-Chair, Treasurer, Executive Committee and one full time member of staff. The success of the BHRC is due to the selfless and dedicated voluntary efforts of its members (and in many cases their own funds) who are committed to the continuing development and protection of human rights and rule of law throughout the world. BHRC continues to be inundated with deserving requests for assistance from around the world and we are grateful to our sponsors for supporting our initiatives which has allowed us to respond to many of the requests.

Africa

At the end of 2003, BHRC adopted the theme of Human Rights in Africa as the major focus for our 2004 activities. We have continued our work on capacity-building projects within the legal sectors of African countries which has allowed our network of contacts with judges, lawyers and human rights NGOs to flourish. Together with the British Council, this network has been instrumental in providing administrative and logistical support on the ground without which we would be unable to function. Our primary aim continues to be strengthening and supporting the professions to enable the development of a regional response drawing from sources of comparative and international law and practice from the wider Commonwealth. Our library resources for lawyers initiative is now in its seventh year and we have ongoing advocacy training. In the development of regional responses to the challenges that face Africa, we focus on encouraging the growth of a distinct regional jurisprudence that we hope will work towards strengthening African human rights tribunals and commissions.

Sir Bob Geldof delivered BHRC's biennial lecture at St. Paul's Cathedral titled 'Why Africa' which was a provocative and challenging call for action to address the ongoing human



Special Court Judges, Freetown, Sierra Leone

rights and development issues facing Africa. This lecture provided the platform for BHRC to help launch the Zimbabwe Aid and Defence Fund dedicated to promoting democracy and the rule of law in Zimbabwe.

Our workshop at the Bar Conference focused on Human Rights in Africa and featured four prominent human rights lawyers from Sudan, Zimbabwe, Cameroon and the Democratic Republic of Congo. The programme consisted of talks by each of the human rights defenders outlining major challenges they face including lack of resources, complete absence of the rule of law, corruption in the judiciary and access to justice. The aim of our workshop was to increase awareness of the African human rights movement and procedures and to increase the flow of information between African human rights defenders and the UK.

Death Penalty

BHRC lawyers spoke at the First Conference on the Abolition of the Death Penalty in Commonwealth Africa which was held in Entebbe, Uganda in April. The conference brought together lawyers from 12 countries in Africa, conducted an analysis of the problems of the death penalty in their countries and looked at ways of using international law to challenge the operation of the death penalty in those countries.

In partnership with the British Institute for International and Comparative Law and the Centre for Capital Punishment Studies at the University of Westminster, BHRC has delivered programmes designed to reduce the use of the death penalty throughout Commonwealth Africa. BHRC is involved with planning the first Pan African Conference on the Application of the Death Penalty envisaged to take place in Nairobi, Kenya in June 2005. This Conference will provide the platform to launch our Human Rights CD-Rom which will be distributed free to lawyers and human rights NGOs throughout Africa. The Conference will be a vehicle for: strengthening knowledge and awareness amongst lawyers

(and a wider group of decision makers) of the current application of the death penalty in Africa; reinforcing human rights values within the legal systems; exploring all possible



*Sir Bob Geldof, BHRC Biennial Lecture,
St. Paul's Cathedral, London*

alternatives to the death penalty and other related issues; fostering the further development of a network of death penalty litigators, collaborators and partners; and developing sustainable structures and mechanisms to drive national and regional death penalty projects.

Cameroon

BHRC was approached by individual members of the profession in Cameroon who invited us to consider what assistance could be provided to address well documented human rights problems in a jurisdiction where political and legal issues are compounded by duality of language, legal procedure and jurisprudence. We began a dialogue with local contacts, colleagues at the Canadian Bar, and also representatives of the British High Commission and British Council which has culminated in a project focusing on Human Rights in the Administration of Justice. The project involves establishing three specialist law libraries with seventy-five computers and training in the use of digital texts and accessing the Internet for legal research, international human rights and humanitarian law and advocacy.

Over two tons of books and resources were shipped out to Cameroon in November and the library resources training will be delivered in February 2005. To overcome the language difficulties in a largely French speaking country, and to address dual-jurisdictional issues, BHRC is delivering international human rights and humanitarian legal training in collaboration with Lawyers' Rights Watch Canada (LRWC), with whom we have worked in Mexico. Three BHRC representatives including a QC and two eminent barristers and three LRWC representatives including a Supreme Court Judge and two legal experts will deliver this intensive week of training in March 2005. The Advocacy training will take place in the spring.

Equatorial Guinea

A BHRC representative observed the trial of the alleged mercenaries for Amnesty International which took place in

Malabo, Equatorial Guinea in August. Amnesty will be publishing a report which will include our findings.

Malawi

In October BHRC conducted intensive 2-day advocacy training in Zomba, Malawi focusing on international law and standards, criminal and constitutional provisions as part of the project with the British Institute for International and Comparative Law on the Application of the Death Penalty in Commonwealth Africa. Attended by 23 lawyers from all 13 countries in the project, it provided training on the strategic uses of the legal materials assembled by the project and fostered the further development of the network of death penalty litigators. Lawyers felt that the workshop gave them insights into how to best make use of international law in human rights cases and provided an excellent medium to compare notes on different strategies used in other African countries with similar problems. The "Train the trainers" approach also meant that lawyers left able to develop workshops in their respective countries, ensuring that the experience filters through to a much larger group.

Morocco

We are still involved with the Euro-Mediterranean Human Rights Network (EMHRN) and participated in a seminar in Rabat focusing on Independence of the Judiciary in the Southern and Eastern Mediterranean Region during which BHRC recommended establishing a pool of trial observers within EMHRN. EMHRN has proved to be a valuable network of experts with whom we have liaised regarding a number of initiatives in the region.

Sierra Leone

BHRC has made a significant contribution to the establishment of the Special Court in Freetown. This has now begun hearing trials of those bearing the greatest responsibility for genocide and atrocities committed in that country during the civil war. A member of the Executive Committee spent six months working as the defence advisor

for the court, helping to create an independent fourth pillar of the Special Court in the form of the Office of the Principal Defender, and innovation in international courts and tribunals. Other members of BHRC are involved in representing defendants before the Court. They have reported that the library at the Special Court is running well and is being used for research purposes by more than just those involved in the tribunal. We have been asked to provide additional advocacy development courses and funding is being sought for this.



Rupert Skilbeck, Zomba, Malawi

Sudan

BHRC has continued to monitor the situation in Sudan and following on from our successful implementation of Library Resources and training on aspects of commercial law, we have been involved in discussions with the British Council and Sudanese lawyers regarding continuing our work in Sudan. We invited Rifaat Makkawi, a human rights lawyer and Director of Peoples' Legal Aid Centre in Khartoum, to the Bar Conference and spent a week with him in London addressing the conflicts in Sudan and developing proposals of ways in which we can continue to assist with capacity building and access to justice. Prospective initiatives include judicial training, presentation of cases to the African Commission, evidence gathering in Darfur and trial observations of the Janjaweed. We are currently in discussions with a number of organisations in relation to these and other potential projects.

Zimbabwe

The key message from independent Zimbabwean lawyers was that the most useful role that BHRC could fulfil in 2004 was to seek to embarrass the Zimbabwean government, still notorious for its abuse of the rule of law and those who would seek to defend it.

We co-operated with the Bar Council in 2 major efforts, which came together in late 2004. The first, our seminar on Human Rights in Africa at the Bar Conference in November, coincided with the imprisonment and severe mistreatment of opposition MP Roy Bennett by the Zimbabwean Parliament. Beatrice Mtetwa, one of our guest speakers at the Seminar, was representing Mr Bennett and had made various attempts to secure his freedom. We drafted a press statement that was endorsed by the Bar Council and by the Bar Parliamentary Group. Beatrice briefed the British press on the issue. At time of drafting, the Zimbabwean High Court has yet to give judgment in Mr Bennett's challenge to his imprisonment. There is every reason to consider this delay to be politically-inspired. We continue to publicise his case.

The second was the production of the December report "The State of Justice in Zimbabwe", the genesis of which was the visit of several national Bar associations to Zimbabwe in April. The delegation met with many individuals including members of the Zimbabwean government. The report was particularly concerned by the ruling party's use of intimidation, delay and biased judicial appointments to subvert the legal culture for political ends. The report was endorsed by the Bars of Australia, New Zealand, Hong Kong, Ireland, Northern Ireland, Scotland, England and Wales. The report was also endorsed by the Law Society and Bar Council of Zimbabwe and by the International Council of Advocates and Barristers. It was launched in Harare, London and worldwide in December.

Throughout the year we met representatives of various Zimbabwean organisations, including the Law Society, Bar Council and the opposition. Several projects are in the pipeline for 2005.



Jennifer Geen with Maitre Momo and Kenmoe Martin, Douala, Cameroon

Americas/Caribbean



Trade Unionists (photo provided by ICTUR), Colombia

BHRC has continued to monitor the Americas and the Caribbean and held a number of meetings in London with visiting dignitaries including the Bolivian President of the Supreme Court of Justice, legal representatives and human rights activists from Argentina, Bolivia, Colombia, Guatemala and Peru. We have sustained our work in Colombia and sent a fact-finding mission there this year in collaboration with the International Centre for Trade Union Rights (ICTUR). In London, we met with the Vice Minister for Defence for Colombia and participated in a conference on Colombia held at Chatham House.

Colombia

BHRC visited Colombia in March at the invitation of the International Commission for Labour Rights (ICLA) to investigate into the very high numbers of trade unionists killed, tortured and threatened in Colombia. The situation in

which trade unionists find themselves is extremely concerning as whilst the Colombian Government accepts that they are being targeted, the virtual total impunity in which the cases of murder remain means that there is no real deterrent for the perpetrators of the killings. The sad reality is that it is probably quicker, cheaper and less risky to murder trade unionists involved in an employment dispute than it is to use the civil procedures laid down for the resolution of such disputes by arbitration or litigation. BHRC made a number of recommendations addressed to the International Labour Organisation, the Colombian Government, Trade Unions, Guerillas and Paramilitaries, Corporations and Lawyers in order to address these issues.

Costa Rica

One of our members conducted a case in the Inter-American Court of Human Rights in Costa Rica on appeal from Trinidad. The case concerned the status of corporal punishment (flogging) in international and municipal law. Judgment is still awaited.

Jamaica

BHRC has been sending junior barrister volunteers to Kingston for over a year to support Jamaican lawyers undertaking death row cases at first instance and on appeal. The Bar Caribbean Pro Bono Committee, a sub-committee of BHRC, has been responsible for co-ordinating and sustaining the scheme. We have nurtured a strong partnership with the Independent Jamaica Council for Human Rights over the last several years, as it has been of invaluable assistance in providing facilities and advice. The aim of the scheme is to assist local attorneys in defending capital murder trials by providing young and experienced barristers to help in the preparation of cases and assist in court when required. We seek to contribute to advocacy training and the general development of human rights in this area in order to ensure a proper role in the protection of human rights.

Volunteers help to prepare cases and assist at court during the hearings, visit prisoners, digest the transcripts on upcoming cases and liaise with attorneys regarding assistance required. Volunteers are asked to take proofs of evidence from clients, take statements from witnesses, analyse Prosecution statements for inconsistencies and identify the issues in cases and then perform any relevant legal research. BHRC has raised the profile of the scheme through the media by speaking on radio programmes and writing articles in the newspapers and for the Jamaican Bar Newsletter. With the assistance of a few generous sets of chambers, this critical scheme will continue. We have developed a reputation of providing professional competent barristers upon whom Jamaican attorneys have come to depend.

Peru

BHRC met with representatives of the Peruvian NGO Paz y Esperanza (Peace and Hope) in London to discuss providing training on international humanitarian law for judges and prosecutors in Lima. A Truth and Reconciliation Commission (TRC) began work in 2001 to piece together the history of human rights violations and recommend policies for reform and reparation following the internal conflict between the security forces and two guerilla organisations - Sendero Luminoso (Shining Path) and Movimiento Revolucionario Túpac (Túpac Amaru Revolutionary Movement). The TRC identified serious defects in the Peruvian justice system and recommended the formation of a specialist court specifically constructed to try members of the security forces for crimes committed during 1980-2000 including crimes against humanity and potential acts of genocide against the Quechua people. We hope to be able to provide practical assistance in 2005.

United States of America

BHRC submitted an Amicus brief to the Supreme Court in October, which was our first to be granted a Writ of Certiorari (or Leave to Appeal) on the issue of the execution of child defendants at the time of the commission of the murder. By the time of execution, more often than not a child offender is over 30 years of age and having exhausted the appellate process, people forget that he was a juvenile when his intent to kill was formed. A BHRC representative attended the oral argument and judgment has been reserved until early 2005. We continue to voice our concerns with respect to Guantanamo Bay and Abu Ghraib. Two members of our committee were signatories to amicus briefs on behalf of the Commonwealth Law Association and the members of both Houses of Parliament in the challenge in the Supreme Court to the absence of any legal redress for the Guantanamo detainees. We also submitted a joint amicus brief to the Supreme Court in the case of Deck on the issue of the shackling of defendants during the penalty phase of a death penalty trial.



*Demonstration of Trade Unionists, Bogota, Colombia
(photo provided by ICTUR)*

Asia

Afghanistan

BHRC has been awarded a substantial amount of funding to run a 3-year project in Afghanistan with the aims of promoting the dissemination of legal skills and knowledge to key actors in the legal sector by the provision of materials and legal training. We will assist in particular with women's access to justice and thus contribute to the reestablishment of rule of law and improved access to justice for all Afghans to help achieve stability and security. Our contribution to judicial reform will be by increasing awareness of international human rights legislation, domestic and other legislation among key individuals in the legal sector-lawyers, prosecutors, judges, justice ministry members, academics and human rights activists. Our project will complement the reconstruction of the judicial system proposed by the UNAMA/UNDP in conjunction with the Afghan Judicial Reform Commission.

The provision of legal materials, training materials and the emphasis on the target audience disseminating their acquired knowledge further within their organisations by the cascade effect will facilitate widespread and continuing access to law throughout Afghanistan. The establishment of cross-jurisdictional links will allow continuing dialogue between all organisations involved; in particular allowing women rights advocates and women legal practitioners direct links with policy makers, thereby affording them an opportunity to influence the justice reform programme in Afghanistan. It is intended that key members of the Ministry of Justice and other political actors will be invited to attend the training sessions to ensure maximum impact on the legal sector at the highest level.

The scoping/feasibility visit will be taking place in early 2005 and it is envisaged the first week of training will take place in summer 2005. The training will be compatible with the proposed reform of the justice system to be implemented by the Afghan Judicial Reform Commission and UNAMA/UNDP

and will focus in particular on women as key stakeholders in justice sector reform and encourage advocacy with key individuals in the political sphere in decision taking positions. It is essential that men and women are trained simultaneously to try to ensure that men are fully aware of these issues. This training session will be repeated in years 2 and 3 of the project with relevant updates to the materials and to the content of the sessions.

We have been speaking to various people about doing a similar project for Pakistan and are seeking funding for this.

Cambodia

BHRC is in negotiations with the Foreign and Commonwealth Office and the British Embassy in Phnom Penh to conduct a Rule of Law week in spring 2005 addressing topics including: the independence of the judiciary; the importance of a highly skilled, ethical and independent legal profession; constitutional mechanisms to guarantee rule of law principles; international mechanisms for the protection of fundamental rights and freedoms; and current constitutional developments in the UK. This follows on from meetings with the Cambodian Minister of Justice, the British Ambassador in Cambodia and requests that have come from the Cambodian legal sector. BHRC met with the Special Advisor to the Prime Minister and the Minister of Justice to discuss providing assistance and training for the establishment of the new war crimes tribunal to try former members of the Khmer Rouge, which would be similar to the contribution we made in Sierra Leone.

Philippines

BHRC met with interns from the Centre for Capital Punishment Studies who spent several months in the Philippines working with lawyers on death penalty issues. They pressed upon us the need for technical co-operation and capacity building within the legal sector throughout the country and are currently researching ways in which BHRC can provide resources and assistance.

Tibet

BHRC continued to work with the Tibetan Centre for Human Rights and Democracy (an NGO based in Dharamsala, India). We established contact with Tibet Information Network, the leading "Tibet Watch" organisation which attempts to obtain information and verify reports on political and other happenings within Tibet, particularly focusing on the activities of the Chinese security forces and judicial authorities. Towards the end of the year we worked closely with the Free Tibet Campaign in order to draw attention to the fate of Tenzin Deleg Rinpoche, a world-renowned Tibetan

spiritual and community leader in the Tibet Autonomous Prefecture, Sichuan, China, who was sentenced to death for a crime that he maintains he did not commit in a trial widely perceived to fall short of international standards. He was due to be executed January 2005 but his sentence has been commuted to life imprisonment. We chaired a meeting held by the Free Tibet Campaign on Tenzin Deleg Rinpoche and we are appealing directly to the Chinese Government to release him pending a re-trial as qualified international observers.



*Bill Bowring and participants from ECHR training,
Moscow, Russia*

Europe

Bosnia Herzegovina

BHRC has been collaborating with the Office of the High Representative (OHR) in Sarajevo to assist with developing international humanitarian law and advocacy training programmes for judges and lawyers. A member of the Executive has taken the role as the head of Odsjek Krivične Odbrane (OKO), the criminal defence section of the Registry of the new war crimes chamber of the State Court of Bosnia and Herzegovina, with the responsibility for creating international support for a domestic war crimes court.

Turkey

BHRC maintains a strong interest in Turkey and in collaboration with the Kurdish Human Rights Project (KHRP) we have continued to play an active role in monitoring the human rights situation. We have been intimately involved with the EU accession process and we attended a number of meetings and conferences in Istanbul and Brussels.

BHRC continues to represent alleged human rights victims in front of the European Court of Human Rights (ECtHR) and in 2004 we conducted a number of trial observations, fact-finding missions and training programmes. Trials observed have included the following: a case against the head of the Human Rights Association Mardin Branch; a case against a human rights defender and head of pro-Kurdish party DEHAP Ardahan Central District Branch as well as a case against the police officers who tortured the human rights defender; and a case against police officers who killed the son of a Kurdish human rights defender.

We conducted four Fact-finding missions this year with KHRP. The first was in January to Northeast Turkey in order to obtain information regarding the Baku-Tbilisi-Ceyhan Pipeline and affected villagers in terms of the expropriation process. The second was in March to the Southeast of Turkey (Diyarbakir, Mardin and Batman) to examine Turkey's implementation of Pro-EU reforms in relation to Kurdish rights and to investigate sexual violence against women including

honour killings and rape. The third was in September to the Northeast and Central Turkey (Ardahan, Sivas and Ankara) to examine the Baku-Tbilisi-Ceyhan Oil Pipeline project in order to understand human rights and environmental problems caused by the project. The fourth was in December to the Southeast of Turkey (Hakkari, Mardin, Diyarbakir and Van) to investigate recent extrajudicial killings in Southeast of Turkey and to gather information regarding the human rights situation in the region.

BHRC has conducted several trainings on the European Convention on Human Rights (ECHR) and international law. We carried out three days of judicial training in Ankara together with experts from Jamaica and Norway on the international law against torture and methods for combating torture which was attended by more than 100 Turkish judges and Prosecutors. We implemented 2 days of training on the ECHR and UN mechanisms on human rights in Istanbul and Diyarbakir which was attended by 35 people from the Diyarbakir Bar Association, the Human Rights Association Diyarbakir Branch and Contemporary Lawyers Association Diyarbakir Branch.



EU Accession Conference, Istanbul, Turkey

Middle East

The importance of capacity building work in the context of current difficulties in the Middle East is enormous. We have strengthened our links with the Arab region and will be developing our work in this region in the coming years. An advisory group of Islamic law academics and human rights activists has been established by BHRC to assist us in these projects, and active steps are being taken to recruit members of the Bar with Arabic and other language skills to work on the programmes. A BHRC representative is currently a fellow at the Islamic Legal Centre at Harvard University developing contacts for our advisory group.



Mhd. Waleed Al-Tesh, President of Damascus Bar Association, Damascus, Syria

Bahrain

BHRC has continued our relationship with Bahraini organisations in the UK and we were invited to attend a conference on Constitutional Reform in Manama in February. Upon our arrival, we were barred entry and informed that the conference had not been registered and was subsequently illegal, and that international experts were not welcome as constitutional reform is a domestic matter to be discussed internally. A number of prominent guests from the Gulf and Europe were refused entry as well including representatives of Egypt, Kuwait, Qatar and France. Following this incident, BHRC has met with the Bahraini Ambassador to the UK to clarify the position and to discuss ways in which BHRC can continue monitoring Bahrain. The Ambassador has agreed that a fact-finding mission would be a welcome initiative to demonstrate that Bahrain is committed to democratic reform and has invited BHRC to come at a mutually convenient time in 2005. We welcome this approach from the Ambassador and look forward to providing constructive comments on Bahrain's current commitment to human rights.

Iran

A BHRC delegation consisting of representatives of the British Judiciary, the Bar and the Law Society visited Iran on a project funded by the Foreign and Commonwealth Office and arranged by the BHRC and the Iranian Judiciary. The objectives of the visit were to establish links between the UK and Iranian legal sectors; to engage in an exchange of information and ideas about the UK and Iranian legal systems with a view to creating a greater understanding and awareness of the two respective systems; and to identify areas for future exchanges, co-operation and projects. During the week-long visit BHRC had meetings with judges, legal advisors, members of the Bar Association and law professors and representatives of the Islamic Human Rights Commission. We gave lectures and participated in question and answer sessions with trainee judges and law students. We visited Civil Courts, Family Courts, Revolutionary Courts, Judges' Disciplinary Courts, the Reconciliation/Arbitration

Council and the Juvenile Correction and Rehabilitation Centre.

Succeeding the visit, BHRC has identified a number of potential future projects/co-operation. The first is judicial exchanges, which would provide ongoing opportunities for mutual exchanges of information and strengthening links between the Iranian and UK judiciaries. Another initiative would focus on human rights, a subject raised by a number of the judges and lawyers BHRC met and re-enforced by the recent establishment of a Human Rights Institute at Tehran University. Projects on family law and commercial law would be worthwhile and we envisage them taking the format of talks and workshops and round table discussions. A Young Judges Study Project would be a welcome initiative and could follow a well-established format that has worked very successfully in China for a number of years.

Iraq

BHRC has continued to monitor events in Iraq during the course of this year. We provided speakers for an International Bar Association training programme for Iraqi judges, prosecutors and defence lawyers on the new war crimes statute that is intended to provide the legal basis for the prosecution of those suspected of having committed war crimes under Saddam Hussein. The substantial programme includes thorough training in human rights law as well as international humanitarian law. Members of the Committee have met with officials from the UK government to discuss human rights concerns and have also assisted other NGOs in the production of material concerning human rights issues in Northern Iraq.

Israel/Palestine

A BHRC representative worked with Adalah ("Justice" in Arabic), the Arab Minority Rights Centre in Israel. Adalah is an independent human rights organisation, established in 1996, which works to protect human rights in general and the rights of the Arab minority living in Israel in particular.

Adalah represents Arab citizens before Israeli courts and various state authorities regarding the rights of the Arab minority. BHRC's role within Adalah was to assist in legal research for its petitions by providing comparative case law in support of the various cases in which Adalah was involved. BHRC undertook research in a wide range of issues including a petition challenging the military practice of home demolitions in the Occupied Palestinian Territories (OPTs), the killing of civilians by the security forces, a number of petitions which sought to guarantee rights of family visits, access to lawyers, the legality of strip searches for political prisoners and the right of prisoners to protest and the limit of the state's responsibilities to hunger striking prisoners.

The government of Israel has developed and maintains a number of laws which restrict the rights of the Palestinian population living in Israel. This practice does not appear to be changing. Whilst publicly the government states it desires peace, its current laws appear to be motivated by containment. The judicial system rarely provides recourse for Palestinians experiencing discrimination on any level. Often, because of the prevailing ideology, Adalah's role, by submitting petitions often founded in strong law, is to make it as difficult as possible for the Courts to condone state practice.

Kuwait

In 2003 BHRC met with representatives of the Kuwait Institute for Judicial and Legal Studies in London and further collaboration was discussed. In early 2004, a BHRC representative went to Kuwait to attend a conference at the Faculty of Law at the University of Kuwait entitled "Current Situation in Iraq – Legal Implications" which covered: the Outcome of Iraqi Liberation War on International Law; the Impact of the War on Domestic Law; Putting War Criminals on Trial; and the Political, Regional & International Outcomes.

BHRC held meetings at the Ministry of Justice with the Director and Deputy Director of the Kuwait Institute for Judicial and

Legal Studies, the Chairman of the War Crimes Committee and War Crimes Investigative Judges and agreed to prepare a training programme tailored for Kuwaiti prosecutors and investigative judges involved in investigating and prosecuting crimes arising out of the Iraqi invasion of Kuwait. The training would concentrate on Kuwait and the "Statute for the Iraqi Special Tribunal" / "Iraqi Special Tribunal for Crimes Against Humanity". A training programme was prepared but has not yet taken place.

Syria

BHRC conducted a feasibility visit to Damascus in December. The main aims and objectives of the visit were to: deliver lectures and conduct seminars on topics suggested by the Ministry of Justice, Faculty of Law and other judicial parties in Syria, including "An Introduction to the English Legal System" and "International Human Rights and Constitutional Guarantees"; engage in an exchange of information and ideas about the Syrian and UK legal systems with a view to developing enduring links between academic institutions in Syria and Great Britain, and between the respective Bars of each jurisdiction; and to create a dialogue between legal experts, academics, government officials and others in the UK and Syria and to identify areas for future co-operation. We hope this will include judicial, legal and academic exchange visits, programmes of training conferences and skills workshops, and other capacity building and resource projects.

BHRC had meetings with the Minister of Justice, judges, lawyers, academics, members of the Bar Association, diplomatic personnel and others. We visited the Faculty of Law, the Bar Association, Ministry of Justice, Ministry of the Interior and the Ministry of Social Affairs in Damascus. We also called on the Palais de Justice where we had the opportunity to view courtrooms and visit a judge who was hearing cases.

BHRC has developed a number of initiatives resulting from the visit, the first of which is providing a supply of comparative law materials to libraries in strategic locations, including the Faculty of Law at Damascus University. Syria played an important role among the Arab States in the establishment of the International Criminal Court and we have been asked to organise an intensive training course on the practice and procedure of international humanitarian tribunals. We met with the President of the Syrian Commission for Family Affairs who has requested our assistance in providing recommendations on the Law of Associations. We will be submitting our recommendations in early 2005 and presenting our findings at a workshop that will be organised in March 2005.



*Sara Mansoori, Sir Robert Owen, Jane Hickman,
Stephen Solley QC, Family Court,
Tehran, Iran*

Russia and the Former Soviet Union

Armenia

BHRC delivered a two-day training programme in Yerevan in July in collaboration with the KHRP on the ECHR focusing specifically on freedom of expression and freedom of assembly to the Bar Association. The seminar provided participants with detailed guidance on the newly implemented Protocol 14 to the European Convention on Human Rights, which establishes substantial changes to the operation of the Court. This training was requested from the legal sector following complaints that the government is preventing demonstrations from taking place.

BHRC visited Armenia in November to provide training to Armenian lawyers on the ECHR in conjunction with KHRP and President of the International Union of Armenian Lawyers and President of the 'Forum' Law Centre. A seminar on regulation of freedom of thought, conscience and religion and of freedom of expression was held in conjunction with the 'Forum' Law Centre, and was followed by a question and answer session.

Azerbaijan

BHRC conducted training on the ECHR for a group of lawyers in Azerbaijan in August at a weeklong conference in Masalli (near the Iranian border). The conference was organised by the Council of Europe and involved trainers from BHRC, Interights and the Council itself.

BHRC traveled to Baku with KHRP's legal team in August to deliver human rights training. During the visit, meetings were held with potential and existing KHRP applicants to the European Court of Human Rights in order to provide them with advice. A further particular aim of the visit was to gain information about human rights abuses in Azerbaijan and we met with representatives of the British and American diplomatic missions to Azerbaijan and with local human rights organisations, who provided us with vital information concerning the human rights situation on the ground.

Kazakhstan

A BHRC representative was involved in a programme in Almaty, Kazakhstan, on behalf of the Foreign and Commonwealth Office to promote the new manual "Combating Torture: A Manual for Judges and Prosecutors" produced by the University of Essex.

Russia

BHRC has continued to work in partnership with the European Human Rights Advocacy Centre (EHRAC) to assist individuals, lawyers and NGOs within the Russian Federation to take human rights cases to the European Court of Human Rights. There have been substantial developments of profound importance this year. At present EHRAC is working on 48 cases, involving 310 victims, of which 121 are primary applicants as well as 189 of their immediate family members who are directly affected by the violation. In the long term, EHRAC works to build a sustainable network of linked NGOs within the Russian Federation to provide ongoing support for victims of violations. In 2004 the European Court decided to hold hearings in Strasbourg on the merits in seven of EHRAC's cases.

In addition to human rights litigation, EHRAC facilitates training on various aspects of human rights law and procedure both in Moscow and in the regions of Russia, supported by the dissemination of training materials to participants and the wider human rights community in Russia. In September, in conjunction with the NGO partner, Memorial, EHRAC held a training seminar in Moscow- 'Taking cases to the European Court of Human Rights'. The second of the annual training programmes, it followed the groundwork laid down in the first training session on the European Convention on Human Rights held in 2003. The programme this year concentrated on the practice and procedure of the ECtHR, the development of skills in legal drafting and advocacy. Training sessions included practical case studies in work groups for the delegates in respect of both procedure and substantive matters.

Vice Chair's Concluding Remarks

2004 was a significant year for both human rights and the work of the Committee. It was a year that was dominated by the war in Iraq and the so called "War on Terror." It began with the horrifying pictures of the insurgency, the abuse at Abu Ghraib prison, and the harrowing accounts of conditions of detention at Guantanamo Bay and Belmarsh Prisons. Yet, it ended with a set of ground breaking judgments by the U.S. Supreme Court and the House of Lords which reaffirmed the rule of law, the centrality of human rights, and the right to habeas corpus and trial by jury irrespective of status. As Chairman, Peter Carter QC, rightly reminds us, this Committee made a significant contribution to that fight to uphold the rule of law. But this was by no means the whole story for 2004.

Throughout the year members of this Committee have continued to work on other human rights issues across the world on a pro bono basis often with little or no public recognition. As ever, this Committee has sought to defend human rights lawyers, activists and judges who have come under attack from Zimbabwe to Afghanistan. The Committee has also been instrumental in implementing one of the largest library resources and legal training initiatives ever undertaken across the African continent. Other members have been involved in human rights lobbying from campaigns to abolish the death penalty to ensuring that Turkey fully complies with its human rights obligations under the European Union Accession Process. Meanwhile, our judicial training courses, fact-finding missions, and international trial observations continue as normal.

All of this work is only possible because of the dedication of our Committee members and the tireless work of our Project Coordinator, Jennifer Geen. She has demonstrated that it is possible to run major publicly funded capacity building programmes throughout the world with only limited financial and administrative support. So I would like to take this opportunity to thank all those members of the Committee who have given their time free of charge to make such a vital

contribution to the protection and promotion of human rights across the globe. I would also like to thank the Bar Council for its grant of funds to the Committee without which this Committee could not survive. Lastly and most importantly, I would like to take this chance to ask for further donations from you. Apart from the grant from the Bar Council, this Committee largely depends upon voluntary donations from individuals and legal practitioners.

If we are to continue to maintain and expand our activities we need your support now. I believe 2005 will continue to be a vital year for both human rights and the work of this Committee. It we are to supplement the work of the G8 initiative to fight poverty through debt relief and encourage good governance and respect for the rule of law throughout Africa and beyond, we need your support today. The recent Tsunami disaster in Asia has once more illustrated just how interdependent and fragile our world is. The Tsunami was a natural disaster. This is your chance to help ensure we can avoid man-made disasters in the future and build a better future for all. The Committee thanks you for taking the time to find out about our important work and for any contribution that you feel obliged to make.



Vice Chair Mark Muller with Tim Otty and Sir Sydney Kentridge, European Court of Human Rights, Strasbourg, France

BHRC Future Work

We are a small organisation within a small profession but with a strong tradition of protecting civil liberties and human rights and of international pro bono work. Further details of our work including full reports from our activities are available on our website. We are grateful to 10-11 Gray's Inn Square, the generous set of chambers that provides us with rent free accommodation and facilities and to 18 Red Lion Court for the use of those chambers for our regular meetings. If you would like to make a donation and/or set up a standing order to assist us with our work please contact Jennifer Geen, Project Coordinator.



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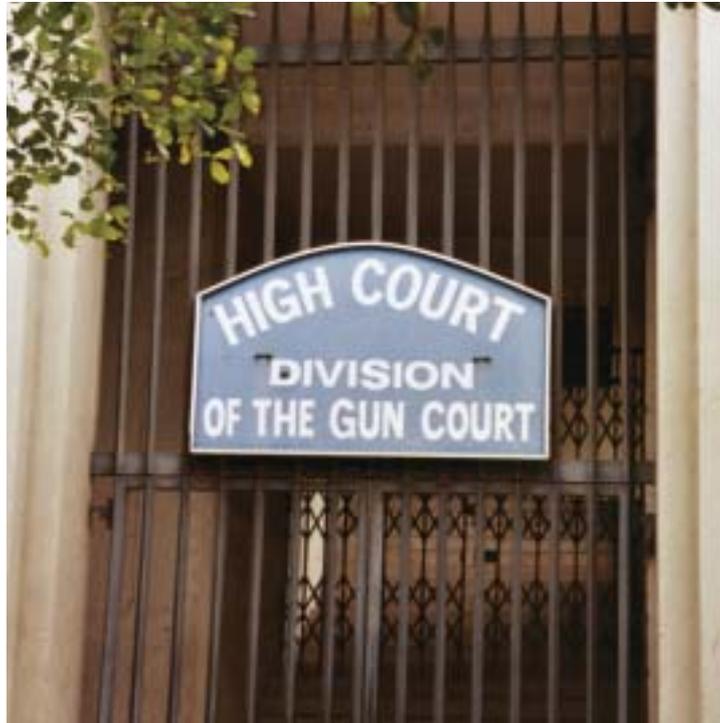
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