



Annual Report

ILAC 2005

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.

COUNTRY-BASED PROJECTS

Afghanistan

One of the recommendations of the ILAC mission to Afghanistan in February 2003 was the establishment of an independent bar association. This project was taken up by the International Bar Association (IBA), and in August 2003, the Swedish Ministry for Foreign Affairs made a grant of SEK two million to ILAC and IBA with the purpose of establishing an independent bar and provide the expertise needed to assist in drafting relevant laws and regulations.

Draft legislation to establish the bar was developed by Legal Specialist Neal Gilmore in 2004, translated into Dari, approved by the Judicial Reform Commission and transmitted to the Afghan Ministry of Justice. The current Legal Specialist, Liliana De Marco, has guided the draft through the legislative process and established significant links with local and international stakeholders. As part of this process, a conference for Afghan lawyers on the need for an independent bar association in Afghanistan was held in Kabul on 13 November, 2005. This conference was addressed by the Deputy Minister of Justice, by senior Afghan lawyers and by IBA Programme Lawyer Dr Phillip Tahmindjis as well as by Ms De Marco. Participants were divided into working groups to discuss specific aspects of this issue and to bring recommendations back to the plenary meeting. An IBA Position Paper was written, based on these recommendations and containing a suggested legislative model suitable for Afghanistan and supported by the consensus of the conference. This paper was transmitted to the Ministry of Justice and major stakeholders. As a result of this, the IBA has been invited to participate in government-sponsored discussions directly relating to producing legislation for an independent bar association.

ILAC and the IBA are seeking further funding to continue with this project in order to finalise the legislation and to build the capacity of the new association.

Iraq

Iraq has provided ILAC and its member organizations with the first opportunity to fulfil the primary purpose for which ILAC was created, namely to deliver cohesive and co-ordinated international assistance to the justice sector of a country emerging from armed conflict. As ILAC's two-year programme draws to a close, there can be satisfaction and pride in what has been achieved:

- ILAC's assessment mission in August 2003 recommended five projects;
- Member organizations responded to the call to implement those five projects;
- ILAC brokered an agreement to establish a lead member organization for each project;
- ILAC identified and obtained funding;
- Member organizations delivered the training and assistance required of them;
- ILAC provided support regarding security and travel from and to Iraq.

Above all, Iraqi judges, prosecutors, lawyers, other legal professionals and officials have become thoroughly acquainted with the international standards from which they have been isolated for thirty years; course attendees have mixed with impressive international faculties brought together by ILAC member organizations, including leading individuals from the Arab and Muslim world; and Iraqi participants, nearly all of whom were travelling outside Iraq for the first time, were able to see well-governed countries living peacefully by the rule of law, an example of what Iraq could become.

All this was achieved against the background of daily mayhem in Iraq. Very few NGO programmes of any sort have worked through the challenges of Iraq over the past two years; even fewer can claim, like ILAC, to have delivered on nearly all objectives, on time and to budget.

In brief, the five projects of the ILAC Iraq programme were:

1. **Training in independence of the judiciary and what this means for the daily work of a judge.** Three two-week courses were run by the ABA's CEELI Institute in Prague, attended by 121 judges and 14 prosecutors. One benefit of Prague as a venue was that Iraqi judges were able to meet their Czech counterparts, who had themselves emerged from a totalitarian regime to the very different working circumstances of a judge in a free society. The lively discussions in small seminar groups, personal action plans, course questionnaires and feedback from Iraq show that these courses were immensely useful, relevant and appreciated. ILAC Executive Director Christian Ahlund served on the faculty for these courses.
2. **A tour for the leadership of Iraq's Judicial Training Institute (JTI) to give a sound understanding of comparative approaches to judicial education.** This project was led by ABA as a pre-cursor to a substantial programme of capacity building at JTI. An Iraqi delegation of seven, led by the Director General of JTI, spent one week at the Ecole Nationale de la Magistrature in France, where they were given detailed insights into judicial training in France and Romania (through the presence of the Director of the Judicial Training Institute, Romania). Vigorous interaction with the Iraqi delegation gave focus to specific issues that the Iraqis identified as needing to be addressed at their own JTI as it prepares to train judges for a modern Iraq with an independent judiciary.
3. **Training in international human rights law with a focus on fair trial and due process.** These one-week courses are led by IBA, with involvement by the International Association of Prosecutors; a total of 467 Iraqis have received this training: 103 judges, 55 prosecutors, 277 lawyers, 17 judicial investigators and 15 officials. The presence of faculty members from Arab and Muslim countries has emphasized that international human rights law is universal, applicable alike in Iraq and its neighbours as much as the rest of the world. As with all courses in the ILAC programme, after some initial diffidence at the unfamiliar inter-active style of training, Iraqis participated with vigour, intellect and keen interest, showing themselves highly receptive to the concepts being presented.

- An important aspect of this project was the training of eleven Iraqi trainers; they were given in-depth instruction in the subject and have been trained in the best in adult education techniques in the Arab world. Iraqi trainers have worked alongside international faculty and, to a limited extent thus far, have carried their training and expertise into Iraq. Support to Iraqi trainers continues.
4. **Support to the Iraqi Bar Association.** The original intention was to assist the Iraqi Bar Council with legal education, entry standards, regulation of the profession and Bar administration. The General Council of the Bar of England and Wales and IBA, the lead organizations for this project, found it difficult to make progress with an Iraqi Bar Council that was deeply involved in the emerging politics of Iraq. Attention was therefore turned to two projects of technical assistance. The English Bar worked with the Iraqi Bar and a Jordanian contractor to develop a membership database; IBA worked with the Iraqi Bar to develop a website. Both projects have been successfully completed, Iraqi Bar staff trained and follow-on support arranged.
 5. **Training in international humanitarian law.** This training is separate from the training that has been given to the tribunal hearing the charges against Saddam Hussain and his closest associates, although ILAC member organizations, particularly IBA, have played a prominent role in that task. The training within the ILAC programme is led by IBA also, and is aimed at judges, prosecutors and lawyers who may find themselves involved in trials of officials of the former regime that will be heard in Iraq's lower courts. These one-week courses give the international law background to these trials, with a particular focus on the jurisprudence of the war crimes tribunals for Rwanda and the former Yugoslavia. Some 75 judges, 45 prosecutors, 32 lawyers, 10 judicial investigators and 9 officials have attended these courses.

In all, 299 of Iraq's 700 judges, 114 of 200 prosecutors, 309 lawyers and 51 other legal professionals and government officials have attended courses in the ILAC programme over the past two years. None of this would have been possible without the support of ILAC's donors, the UK Government's Department for International Development, and the Swedish Government's Ministry for Foreign Affairs; by delivering the training and assistance largely as originally planned, ILAC and its member organizations have repaid the confidence shown by our donors in making available around 5M USD. The ILAC Iraq programme shows that NGOs can work together in the justice sector to provide co-ordinated and cohesive support to a country in the aftermath of war. Above all, a large proportion of Iraq's judges, prosecutors and active lawyers have been exposed for the first time to the international standards applied by their colleagues in other lands.

Liberia

Based on the ILAC mission to Liberia in December 2003 and a follow-up mission in March 2004, an ILAC program, with the following components, are under way:

Secondment of judges from Ghana into Liberia, in order to serve as mentors for their less experienced Liberian colleagues. This component will be implemented in cooperation with the Pan African Lawyers Union.

Strengthening of the Liberian Bar Association. The Norwegian Bar Association has undertaken to engage in a twinning-arrangement with their Liberian colleagues. Training judges, prosecutors, lawyers and court clerks in more effective court procedures. Establishing a limited legal aid project

The Swedish Ministry for Foreign Affairs has already provided funding for the secondment project. The World Bank has agreed to a major grant for the whole program. However, pending the elections in January 2006 and new appointments in the Ministry of Justice and Supreme Court, this money has not yet been released.

The judicial system is in turmoil. Although the year saw confirmations of newly appointed County Court Justices, Magistrates and Justices of the Peace in July 2005 and their subsequent induction into the judiciary, the Judges' mentoring project did not take off.

The grant from the World Bank, although approved by the Bank in June 2005, the Liberian Minister of Planning, Mr Christian Herbert, was unable to sign accepting the grant on behalf of the Liberian Government. The reason for this was that the Chief Justice of the country Mr Henry Reed Cooper was unwilling to allow the Judges' mentoring project to proceed. During the third week of September, ILAC sent a delegation to Monrovia in order to try to persuade the Chief Justice to change his stand on the grant.

A draft Memorandum of Understanding prepared by ILAC in an attempt to narrow what was seen as the stumbling block to the signing of the grant was handed over to the Chief Justice and his colleagues. By the end of November there was no response from the Chief Justice. The matter was therefore postponed pending the inauguration of the new government on the 16th January 2006.

In discussion with the Chief Justice of Ghana, it has been decided that ILAC will sponsor an international Judges' conference in Liberia. The conference, to which most of the Chief Justices from the ECOWAS States (Economic Organisation of West African States) will be invited, will hopefully take place in May or June 2006. The theme of the conference will be "Domestic Application of International Human Rights Norms." It is also hoped that three to four American and two Judges from Europe will join their African counterparts at this conference.

The American Bar Association is interested in joining ILAC in organising this conference. ILAC believes that regional integration among the judiciaries and National Bar Associations of West Africa would contribute in bringing the Liberian Lawyers and their judiciary close to the West African legal fraternity.

Haiti

At the invitation of the UN Stabilisation Mission in Haiti (MINUSTAH), ILAC sent an assessment mission to Haiti in January 2005, which resulted in a report, which has received considerable appreciation. The report is available on www.ilac.se. Additional visits have been carried out in April and in August 2005. Political and institutional chaos continued to torment Haiti in 2005, making direct cooperation with the judicial system and the Ministry of Justice very difficult. Consequently, ILAC has developed a program, which focuses on civil society counterparts and the Ministry of Women's Affairs. In order to coordinate the various activities within this program, ILAC has engaged a project manager, Mr Francisco Diaz, who has earlier experience from Haiti, where he has been working both for the UN and the Organisation of American States (OAS). The ILAC program for Haiti consists of the following components:

- Strengthening the Bar. The various city bars in Haiti have recently joined together in the Federation of Haitian Bar Associations. However, due to an almost total lack of resources, this organization has not yet managed to hold its first general meeting, to elect officers etc. There is an obvious need for a national organization of lawyers, but if the newly formed federation is to become operational, it will need considerable professional and institutional support.
- Strengthening the ANAMAH, the National Association of Haitian Judges. ANAMAH was founded as a result of private initiatives. It provides an interesting alternative for support to the judiciary, in the absence of a credible official channel.
- Assisting the Forum Citoyen to organize a conference, which would address the wide gap between the "urban" and the "rural" legal cultures in Haiti
- Producing a compilation of international "best practices" of gender related legislation, to facilitate ongoing legal reform activities by the Ministry for Women's Affairs

Among ILAC's member organizations, the Inter American Bar Association, the Organisation of Caribbean Commonwealth Bar Associations and the Raoul Wallenberg Institute have already expressed an interest to take part in the implementation of this program.

The Occupied Palestinian Territories

In December 2004, ILAC visited the West Bank and Gaza and met with Palestinian officials, academics, Bar leaders and other NGO's, and discussed means by which the Palestinian legal profession can further develop as an independent and credible defender of the rule of law. The Palestinian Bar Association expressed a strong interest in taking part in the training program and capacity building that ILAC, through its member organisation the International Bar Association (IBA), can provide.

In 2005 ILAC has secured funding from the Swedish Ministry of Foreign Affairs for a two part program in the Palestinian territories:

1. Training in international human rights law and capacity building to the Palestinian Bar Association led by the IBA in cooperation with the Swedish Bar Association and,
2. A trial observation program led by the Swedish Bar Association, supported by the IBA.

In December 2005 the Secretary General of the Swedish Bar Association Anne Ramberg, IBA's Programme Lawyer Phillip Tahmindjis and ILAC Deputy Director Agneta Johansson visited the Palestinian Territories in order to prepare for the program. Facilities were inspected and discussions held about technical issues such as interpretation. The plan is that the program will be implemented during 2006 with a possible continuation in 2007.

Sri Lanka

Basic Rights training for prosecutors and police in Sri Lanka, led by ILAC's member organisation Australian Legal Resources International, is continuing but plans to move into further aspects of international assistance are being held back by continuing civil unrest.

OTHER ACTIVITIES

Gender Justice

This year ILAC continued its thriving collaboration with the United Nations. A High-Level Meeting in Stockholm on "Building Partnerships for Promoting Gender Justice in Post-Conflict Societies" was held in Stockholm on 25 and 26 August 2005, in collaboration between the Swedish Ministry for Foreign Affairs, the United Nations Fund for Women (UNIFEM) and ILAC. This meeting was a follow-up to the UNIFEM/ILAC Conference "Peace Needs Women and Women Need Justice", held in New York from 15-17 September 2004. The Stockholm Meeting was chaired by Ms. Annika Söder, State Secretary for International Development Cooperation of the Swedish Ministry for Foreign Affairs and brought together key partners within the United Nations system; Member States, including national women stakeholders (primarily at the ministerial level) from Afghanistan, Haiti, Liberia and Sudan; regional organizations; international financial institutions; and non-governmental organizations. These partners were brought together to determine what major conclusions and recommendations raised at the UNIFEM/ILAC New York Conference require follow-up action by the UN system as a whole as well as by Member States, regional organizations, NGOs and other relevant actors, as well as to forge strategic partnerships for implementation and funding of such actions so that progress on the recommendations can be achieved. Funding for the Stockholm Meeting was provided by the Swedish Ministry for Foreign Affairs.

The Permanent Representative of Sweden, Ambassador Anders Lidén, submitted the report of the Stockholm Meeting to the UN Secretary General, Mr. Kofi Annan. The Secretary-General brought the Stockholm Meeting Report to the attention of the members

of the UN Security Council and the report was subsequently issued as a document of the Security Council and the General Assembly. The Report is available as an official UN document, A/60/444 and S/2005/669, and has been translated into Arabic, Chinese, English, French, Russian and Spanish. The full report can be found on the ILAC website.

To bring the agenda of the Stockholm Meeting forward, Sweden and South Africa, with support from ILAC and UNIFEM, will co-chair the “Partners for Gender Justice Initiative.” ILAC has also committed, in cooperation with the Raoul Wallenberg Institute of the University of Lund, to draw on the expertise of its world-wide members to provide to Haiti’s Ministry of Women’s Affairs a compilation of best practices around the world relating to legislation and legal mechanisms to combat sexual discrimination and sexual violence.

Lecturing Activities

During 2005 ILAC’s Executive Director Christian Åhlund and Deputy Director Agneta Johansson have been active in giving lectures on ILAC-related activities at academic, international and national institutions in several countries.

Christian delivered the Broad International Lecture at Florida State University on 17 November over the topic “Nationbuilding – a new form of imperialism?” In April, Agneta lectured in the European Commission’s training program on Civilian Crisis Management in the Specialisation Course on the Rule of Law in Madrid, and has been asked to participate again in 2006. Agneta also served as lecturer and moderator in Ramallah on the West Bank in December at Al-Haq’s seminar “From Theory to Practice: Upholding International Humanitarian Law in the Occupied Palestinian Territories”.

World Economic Forum

As a result of ILAC’s objectives and activities, ILAC was again invited as a special guest to the Annual General Meeting of the World Economic Forum in Davos in January 2005.

CORE FUNDING

Once again, ILAC is very grateful to the Swedish government, which through its Ministry of Foreign Affairs has generously provided ILAC’s core funding for 2005.

MEMBERSHIP

At the end of 2005, the following 34 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 (FIDIAM)
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
Palestinian Centre for Human Rights
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 more than three million individual judges, prosecutors, lawyers and human rights experts.

In addition, the following individuals are members of ILAC:

Lord Abernethy
Ljubica Acevska
George Acquah
Guiseppe Bisconti
Rodger Chongwe
Hans Corell
Param Cumaraswamy
Farouk Abu Eissa
Mark Ellis
Richard Goldstone
Paul Hoddinott

Natasa Kandic
Dianna Kempe
Kadhim Lami
Pius Nkonzo Langa
Suzannah Linton
Finn Lynghjem
Peter Maynard
Bill Meyer
Zoran Pajic
Elisabeth Fura-Sandström
Nicholas Stewart
Shelby Quast

Stockholm, March 2006



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