

Annual Report 2008

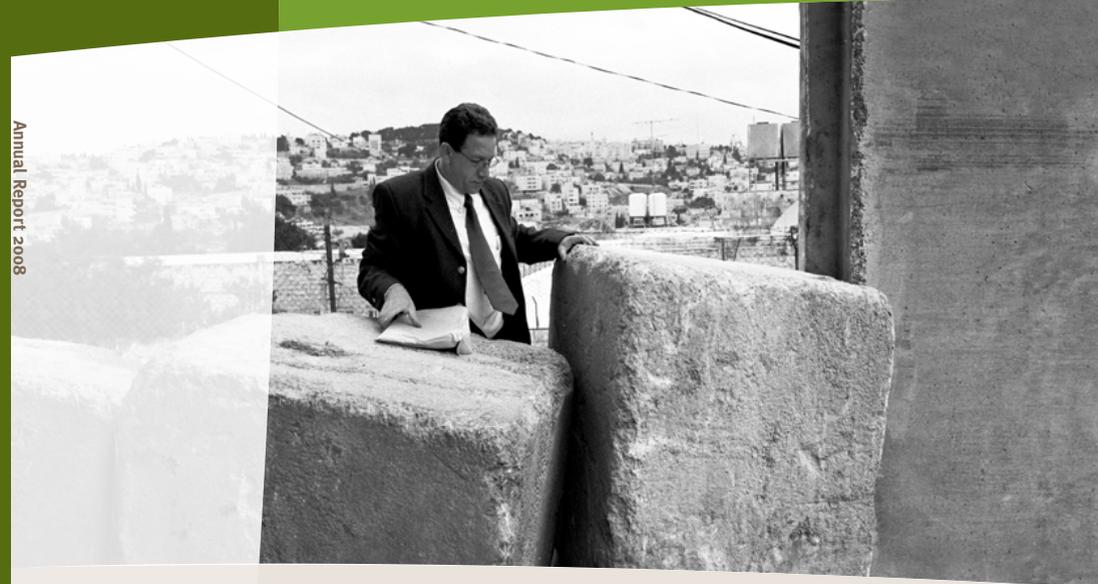
Rebuilding Justice Systems

International Legal Assistance Consortium

www.ilac.se

Annual Report 2008

ILAC 2009 | BLOKOFF DESIGN | JANSEN JAKOBSEN | PHOTOS PICTURES | MIDGUM PICTURES



International Legal
Assistance Consortium

ILAC is a worldwide consortium of NGOs providing technical legal assistance to post-conflict countries.

ILACs more than 40 member organizations represent over 3 million judges, prosecutors, lawyers and academics.

Annual Report 2008

Rebuilding Justice Systems

“ILAC is proud to be the world’s
largest consortium of legal
organizations - and still growing.”



Dear Members and Friends of ILAC

Christian Åhlund
ILAC Executive Director

During 2008, ILAC and its implementing member organisations continued the activities that we had earlier initiated in Afghanistan, Algeria, Iraq, Haiti and Liberia. You will be able to read more about these activities in this report. But as far as the Occupied Palestinian Territories are concerned, ILAC put a freeze on our activities there in 2008, in view of the isolation and destruction of Gaza and the increasing polarization between the Palestinian National Authority and Hamas, which has also deeply divided the judiciary and the Bar. However, ILAC remains in frequent contact with our member organization Palestinian Centre for Human Rights in Gaza and with the Palestinian Bar, in order to be prepared to promptly resume our activities when the situation improves.

The Gender Justice program remains a major focus for ILAC, in accordance with our By-Laws, which obliges us to remain “firmly committed to applying a gender perspective in ILAC assessment missions, reports and recommendations”. ILAC’s main Gender Justice activity in 2008 was the organization of a conference in Ghana in November, which brought together top-level judges from 25 African countries, together with international and regional experts, to discuss how to best apply a gender perspective from the bench.

During 2008, ILAC also took the first steps in adding a new country to our list of program countries. In response to an invitation from the UN mission in the Democratic Republic of Congo, ILAC and IBA visited Kinshasa in October to prepare for a joint assessment mission, which took place in early 2009.

A “call for candidates” for this assessment mission was sent out in late December, and once again, we were highly impressed with the swift and positive response of our member organizations in nominating very qualified candidates, who are always ready to carry out these missions with short notice and on an entirely pro bono basis.

The past year has also enabled ILAC to broaden its funding base, with a substantial grant from the UN Democracy Fund (UNDEF) for the training of Iraqi lawyers. This project, which is being implemented by IBA and the Japan Federation of Bar Associations at the ABA/CEELI Institute in Prague, with ILAC handling the logistics, also provides a good illustration of productive cooperation between ILAC and its members.

ILAC is proud to be the world’s largest consortium of legal organizations - and still growing. During 2008, ILAC had the pleasure of welcoming two new member organizations, the Center for Court Innovation and the International Judicial Academy. The total number of member organizations at the end of 2008 was 43, up from 26 when ILAC was launched in 2002.

Nothing of this would have been possible without the continued and generous support from our donors. Sweden remained ILAC’s most important donor also in 2008, but important contributions have also been made by the UN Development Programme, the UN Office on Drugs and Crime, the UN Democracy Fund and IBA. For their generosity and confidence, I wish to express ILAC’s deeply felt gratitude!

Programmes

Afghanistan



Photos

The project of establishing an independent bar in Afghanistan was initiated by ILAC in 2003. From the beginning, the International Bar Association has been the implementer of this project, with economic support from the Swedish Government. After several years of fruitful cooperation between resident IBA experts, the Afghan Ministry of Justice and civil society, this project took its most important step on 30 July 2008, with the formal inauguration of the Independent Afghan Bar Association (IABA). Both ILAC's chair, Mr Paul Hoddinott,

and the IBA President, Mr Fernando Pombo were present at the official inauguration ceremony in Kabul. IABA might well be the only bar association in the world with both compulsory pro bono requirements and a quota for women on the leadership and all committees. The new bar already has some 600 members around the country, of which 170 are women.

The development of an independent bar association in Afghanistan has met with considerable international attention. In his report 6 March 2008 to the UN Security Council, the United

Nations Secretary General mentioned the Advocates Law as one of few positive developments in legal reform activities in Afghanistan. The law was also highlighted by the UN High Commissioner on Human Rights in her Annual Report on Afghanistan to the Human Rights Council on 21 February 2008. And according to the London Times "the creation of the country's Bar Association, will, it is hoped, dramatically improve the position of rule of law in the war-torn nation" (18 Sep 2008).

Algeria / COTER



During 2008, ILAC has also continued its cooperation with the EU Committee against Terrorism (COTER). The project is being implemented by the ILAC member Magna Carta Institute, which is attached to the Faculty of Law at the Free University of Brussels. In June 2008 Magna Carta organized a week-long training session in Alger for 50 Algerian judges, government officials, lawyers and police officers. The topic of the training was the international legal anti-terrorism frame work, and the particular problems that may arise in this type of investigations and trials,

with a special focus on principles of due process and fair trial.

The training in Alger was followed-up with a week-long work-shop in Brussels in November, for the same target group. In addition to deepening the issues that had already been covered in Alger, the work-shop also focused on the judicial cooperation between EU and Algeria and gave the participants a possibility to experience first-hand the workings of the Belgian judicial system in anti-terrorism cases. The work-shop also included a presentation of the work of the UNODC Terrorism Prevention

Branch. It appears that this training and the personal contacts and exchanges that came with the programme have served the purpose of a mutual building of trust and confidence. Thus, one result of the programme has been a three-year agreement between Algeria and the UNODC TPB on further cooperation in building anti-terrorism legal capacity in Algeria, with the continued assistance of ILAC member organization Magna Carta.

Haiti



ILAC's activities in Haiti have in 2008 primarily focused on establishing legal aid offices in the rural areas. At the end of the year, there were ten such offices in operation around the country, each staffed by two licensed lawyers and ten recent law graduates or law students. These offices provide basic legal advice and assistance free of charge to a population, which until now has largely lacked access to any kind of legal services. Today large numbers of people are able to formalize family relations, to register ownership of their land and to have the assistance of a lawyer in criminal cases.

The legal aid program today employs 120 individuals. The program is administered and coordinated by ILAC's national office in the capital Port-au-Prince. The local UN administration, MINUSTAH, plays an important role in the program by seconding the program coordinator and by providing much needed logistical services. The Organisation Internationale de la Francophonie (OIF) also plays an important role by providing basic legal libraries to the local legal aid offices.

As an illustration of the success of this legal aid program, the government of Haiti has committed itself to a gradual

take-over of the costs of the program, beginning with a 20% contribution in 2009, and then adding another 20 % each year, until the full funding will be born by the government.

Funding for the ILAC program in Haiti has until now been provided entirely by the Swedish International Development Cooperation Agency (Sida). This funding will be phased out in 2009, and ILAC is presently negotiating with the Canadian International Development Agency (CIDA) about a take-over of the funding until the Haitian government will have assumed full responsibility.



Pinnos

Iraq

ILAC's earlier programs in Iraq, which have been financed by the governments of Sweden, and the U.K. and by the UN Office on Drugs and Crimes (UNODC), have concentrated on the training of judges and prosecutors. The UN Democracy Fund has in 2008 given ILAC a grant with the purpose of

extending this training also to Iraqi lawyers in private practice. The new training program will be carried out in cooperation between ILAC, IBA, the Japan Federation of Bar Associations and the CEELI Institute in Prague (which is affiliated with the American Bar Association), thus providing a

excellent example of the kind of coordination and cooperation, for which ILAC was created. The first such training will be held in Prague at the end of March 2009, with fifty Iraqi lawyers, to be flown in from Baghdad on a special charter flight.

Liberia



Pinnos

At the end of 2007, the Liberian Chief Justice appointed a steering committee to oversee the development of a training institute for judges, prosecutors and lawyers. This committee, which is chaired by the deputy Chief Justice with the president of the bar as the vice-chair, includes local stakeholders and NGOs as well as members of the international community. ILAC has a seat on the committee, which has developed into an important coordinating mechanism for planning projects and programs for the development of the Liberian judiciary.

In February 2008 ILAC organized and funded a study visit to the US for three members of the steering committee, including the chair and the vice-chair.

The purpose of the visit was to expose the delegation to innovative judicial training methods and mechanisms in the US and to build contacts with US counterparts.

The James A.A. Pierre Judicial Institute (JAAP JI) was launched in June 2008 with a ceremony led by President Ellen Johnson Sirleaf. The launch included a workshop for judges at different levels. As part of this workshop, the institute launched a Bench Book for Magistrates, which ILAC has initiated and produced together with the local UN administration, UNMIL, and ABA. The Bench Book represents an important step forward for the judiciary in Liberia, not only because it will be a comprehensive guide for the 300 magistrates throughout the country and will be

used as the primary training tool at the institute, but also because of the inclusive process used in developing the book, in which judges at all levels have been involved.

The County Attorney Training Program that started in 2007 continued in 2008 with workshops being organized in different counties around the country. ILAC funds these training courses and runs them together with the Carter Centre and a US consulting firm. At the end of 2008, seven such courses had been held, with 20 prosecutors attending each course.

”Gender Justice is not a different or special system of justice for women but a system that provides both men and women with authentic access to justice and promotes the full participation of both men and women in the justice sector – without which there can be no real development of genuine rule of law”.

Gender Justice

Accountability and rule of law are cornerstones for peace and development. Yet, in many post-conflict environments, gender-based discrimination, inequality and violence, including rape, are widespread and practiced openly, with impunity. Despite some efforts to establish rule of law through legislation and international law, commitments to promote gender equality under the law often come to nothing more than rhetoric.

Gender justice is not a different or special system of justice for women but a system that provides both women and men with real access to justice and promotes the full participation of both men and women in the justice sector – without which there can be no real development or genuine rule of law. ILAC’s focus on women’s access to justice and women’s participation in the justice sector is in response to the often extreme disadvantages women

currently face in accessing justice in most post-conflict countries.

To address these issues, the Partners for Gender Justice, i.e UNDP, UNIFEM, ILAC, International Association of Women Judges and Brandeis University organized a conference in Accra, Ghana, 19-21 November 2008, with the title *The Role of the Judiciary in Promoting Gender Justice in Africa*. Financial support for the conference was provided by Sweden and UNDP. This conference, which was hosted by Ghana’s Chief Justice, Mrs Georgina Wood, brought together top-level judges from 25 conflict-affected African countries with the United Nations, regional and international experts, NGOs and academia to discuss gender justice in Africa. The conference resulted in regional and local action plans to address gender justice issues facing the judiciary and affecting women’s access to justice.



Future of Partners for Gender Justice
While the Partners for Gender Justice conferences and meetings have been valuable in bringing together participants from different countries and organizations to share experiences, challenges and best practices, national stakeholders have expressed their desire for support in taking what they have learned beyond the conferences: to utilize the tools identified, to apply lessons learned in their own justice systems, and to continue south-south dialogue.

Over the next two years, the Partners for Gender Justice have agreed to work to identify, connect and promote collaboration among key actors and resources to advance gender justice in conflict-affected environments; to advocate at the highest policy levels for prioritization of gender justice within overall peace building and rule of law efforts; and to target West Africa, specifically Sierra Leone and Liberia, in order to intensify collaboration and cooperation among partners:

government (judiciary, ministry of justice, ministry of gender), NGOs, donors, academia and international actors (United Nations, financial institutions and states). Until now, the administration of PGJ activities has been handled by ILAC. However, given the planned expansion of the PGJ, the partners have determined that a separate Partners for Gender Justice Secretariat can best carry out this expanded mandate and work is now under way for the establishment of such a secretariat.

Members Offices

Member Organisations

American Bar Association
www.abanet.org

American Judicature Society
www.ajs.org

Arab Lawyers Union

Association Internationale des Jeunes Avocats
www.aija.org

Bar Association of India

Bar Council of England and Wales
www.barcouncil.org.uk

Canadian Bar Association
www.cba.org

Center for Court Innovation
www.courtinnovation.org

Commonwealth Lawyers Association
www.commonwealthlawyers.com

Council of Bars and Law Societies of the EU
www.ccbe.org

Danish Bar Association
www.advokatsamfundet.dk

Faculty of Advocates
www.advocates.org.uk

Finnish Bar Association
www.asianajajat.fi

Hong Kong Bar Association
www.hkba.org

Human Rights Network International – Magna Carta
www.hrni.org

ILAC-USA

Inter-American Bar Association
www.iaba.org

International Association of Prosecutors
www.iap.nl.com

International Association of Women Judges
www.iawj.org

International Bar Association
www.ibanet.org

International Commission of Jurists
www.icj.org

International Criminal Law Services
www.icls-foundation.org

International Criminal Defense Attorneys Association
www.aiad-icdaa.org

International Foundation for the Rule of Law and the Independence of Lawyers and Judges

International Human Rights Law Institute
www.law.depaul.edu

International Judicial Academy
www.ijaworld.org

International Senior Lawyers Project
www.islp.org

Japan Federation of Bar Associations
www.nichibenren.or.jp

Law Society of Botswana

Law Society of England and Wales
www.lawsociety.org.uk

Law Society of Scotland
www.lawscot.org.uk

Laws Society of South Africa
www.lssa.org.za

Macedonian Lawyers Association
www.mla.org.mk

National Association of Women Judges
www.nawj.org

Nepal Bar Association
www.nepalbar.org

Norwegian Bar Association
www.jus.no

Organization of Commonwealth Caribbean Bar Associations

Pan African Lawyers Union

Palestinian Centre for Human Rights
www.pchrgaza.org

Public International Law and Policy Group
www.pilpg.org

Raoul Wallenberg Institute
www.rwi.lu.se

Swedish Bar Association
www.advokatsamfundet.se

Union Internationale des Avocats
www.uianet.org

Individual Members

Lord Abernethy
Scotland

Ljubica Acevska
Macedonia

Giuseppe Bisconti
Italy

Rodger Chongwe
Zambia

Hans Corell
Sweden

Param Kumaraswamy
Malaysia

Farouk Abu Eissa
Sudan

Mark Ellis
USA

Alfred Fofie
Ghana

Elisabeth Fura-Sandström
Sweden

Richard Goldstone
South Africa

Paul Hoddinott
UK

Natasa Kandic
Serbia

Karim A.A.Khan
UK

Djanna Kempe
Bermudas

Kadhim Lami
Iraq; UK

Pius Nkonzo Langa
South Africa

Suzannah Linton
Malaysia

Finn Lyngjhem
Norway

Peter Maynard
Bahamas

Bill Meyer
USA; Life Member

Zoran Pajic
Serbia; UK

J.Ebow Quashie
Ghana

Shelby Quast
USA

Nicholas Stewart
UK

Georgina Wood
Ghana

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Rodger Chongwe
ILAC Africa Representative

ILAC – LIBERIA

Mike Enwall
Liberia Resident Representative

Johnetta Harris
Assistant (January-April)

ILAC – HAITI

Francisco Diaz
Program Manager

Cherese Nirva Louis
Program Assistant

Annual Accounts

FOR THE FISCAL YEAR
1 JANUARY – 31 DECEMBER 2008
ILAC (802411-1869)

Annual Accounts

International Legal Assistance Consortium

ILAC was formally registered as a non-profit association under Swedish law on 29 December 2001. ILAC began its operations, with office and staff, on 1 September 2002.

ILAC's work during 2008 has consisted of legal development assistance to post-conflict countries and related activities. These activities have primarily focused on Iraq, Haiti and Liberia.

Regarding Iraq, ILAC, in cooperation with its member organizations International Bar Association, Japan Federation of Bar Associations and the CEELI Institute in Prague, has planned and secured financing for further courses for Iraqi lawyers in international criminal law and the international legal framework for civil and political rights. The first of these courses will be held in Prague at the end of March 2009, with funding from the UN Democracy Fund (UNDEF).

In Haiti ILAC's activities have primarily focused on the development of a national program for legal aid to the rural poor. By the end of 2008, this program employed 120 local lawyers in 10 offices around the country and a coordination office in the capital Port-au-Prince. The program has been widely appreciated, and the Haitian government has decided to gradually include the costs for the program in the government budget, beginning with 20% in 2009, with an annual increase of 20%, with the objective that by 2014 the legal aid program will be fully covered by the government budget.

In Liberia, ILAC has provided expert advice to the Supreme Court on a continuous basis, the establishment of a judicial training institute and training for prosecutors in the country-side.

In October 2008, at the invitation of the local UN administration, ILAC visited the Democratic Republic of Congo in order to prepare for a regular

assessment mission, which took place during two weeks in February 2009.

In addition to these country-based activities, ILAC has also arranged and participated in international conferences and other contact building activities within its field of expertise. For example, in November 2008, together with i.a. the Supreme Court of Ghana, UNDP and UNIFEM, ILAC organized a conference for high level African judges on the role of the judiciary in promoting gender equality. The conference was financed by the government of Sweden and UNDP.

Besides the ILAC Head Office in Stockholm, ILAC had at the end of 2008 branch offices also in Washington, London, Brussels and Lusaka as well as field offices in Haiti and Liberia.

By the end of 2008, the consortium consisted of 43 member organizations, representing all five continents and more than 3 million individual members.

During 2008, ILAC received financial support from the Swedish Ministry for Foreign Affairs, Sida, UNDP, UNDEF, UNODC and IBA.

The ILAC Council proposes that the economic surplus for 2008, SEK 59 315, is carried over into a new balance sheet. Regarding the financial status and result, please refer to the following accounts:

INCOME STATEMENT FOR	(Footnote 1)	2008-01-01	2007-01-01
		2008-12-31	2007-12-31
Income			
Contributions		15 590 491	19 416 325
Membership fees		62 565	62 625
Other fees		-	-
Total income		15 653 056	19 478 950
Costs			
General external costs	(Footnote 2)	- 12 599 423	- 15 931 107
Staff costs	(Footnote 3)	- 3 407 248	- 3 602 498
Total costs		- 16 006 671	- 19 533 605
Result		- 353 615	- 54 655
Financial income and costs			
Interest income		432 625	168 863
Interest costs		- 19 695	- 84 324
Year end result		59 315	29 884

All figures in SEK

BALANCE SHEET FOR	(Footnote 1)	2008-12-31	2007-12-31
		ASSETS	
Short term assets			
Client receivables		-	-
Tax receivables		41 831	37 864
Other receivables		50 859	68 671
Pre-paid expenses		297 908	258 074
Total short term assets		390 598	364 609
Cash and bank balances		13 669 299	13 860 557
TOTAL ASSETS		14 059 897	14 225 166
EQUITY AND LIABILITIES FOR			
Equity			
Capital brought forward		107 416	77 532
Year end result		59 315	29 884
Total		166 731	107 416
Current liabilities			
Account payable		31 831	135 812
Tax liabilities		-	-
Other liabilities		159 836	76 975
Accrued expenses and deferred income		13 701 499	13 904 963
Total current liabilities		13 893 166	14 117 750
TOTAL EQUITY AND LIABILITIES		14 059 897	14 225 166

FOOTNOTES

1 Accounting principles

Applied accounting principles are in accordance with Swedish law and approved best practices

2 Other external costs	2008-12-31	2007-12-31
Balanced portion of contributions from Swedish MFA, SIDA	- 314 619	- 2 099 135
External project costs	9 602 456	11 029 109
Travel and conference costs	1 968 893	5 281 550
Office equipment	-	72 776
Office rent and services	517 909	549 735
Administration, marketing and communications	824 784	1 097 072
Result	12 599 423	15 931 107
3 Staff costs	2008-12-31	2007-12-31
Number of staff, gender		
Women	2,0	2,0
Men	1,0	1,0
Salaries		
Council	1 412 996	1 378 677
Other employees	995 600	919 634
Total	2 408 596	2 298 311
Payroll taxes	779 312	725 023
Pension premiums to Council	111 534	119 556
Pension premiums to other employees	41 910	41 928
Pension premium tax	37 225	39 176
Total	969 981	925 683
Total salaries and related benefits	3 378 577	3 223 994

All figures in SEK

Stockholm May 2009

Christian Åhlund	Karen Mathis	Rodger Chongwe
Shelby Quast	Paul Hoddinott	

My auditing report has been issued May 2009

Christer Fröjd
Authorized Public Auditor

Audit Report

To the Annual General Meeting of International Legal Assistance Consortium (ILAC), Corporate Identity Number 802411-1869

I have audited the annual accounts, the accounting records and the administration of the ILAC Council for the year 1 January 2008 – 31 December 2008. These accounts and the administration of ILAC are the responsibility of the Council. My responsibility is to express an opinion on the annual accounts and the administration, based on my audit.

I have conducted my audit in accordance with generally accepted auditing standards in Sweden. Those standards require that I plan and perform the audit to obtain reasonable assurance that the annual accounts are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the accounts. An audit also includes assessing the accounting principles used and their application by the Council, as well as evaluating the overall presentation of information in the annual accounts. As a basis for my opinion concerning discharge from liability,

I have examined significant decisions, actions taken and circumstances in ILAC in order to detect any contraventions of the ILAC By-Laws. I believe that my audit provides a reasonable basis for my opinion set out below.

The annual accounts have been prepared in accordance with the Annual Accounts Act and thereby give a true and fair view of ILAC's financial position and results of operations in accordance with generally accepted accounting principles in Sweden. The management report is compatible with other parts of the annual report.

In my opinion, the members of the Council have not acted in contravention of the ILAC By-Laws. I recommend to the Annual General Meeting that the members of the Council be discharged from financial liability for the year 2008.

Stockholm, May 2009

Christer Fröjd
Authorized Public Auditor

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