



# BHRC REPORT 2006 & 2007



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# Foreword from the Chair

## The Bar Human Rights Committee in 2006 and 2007



2006 and 2007 were very important years for human rights and the work of the Bar Human Rights Committee. They were once more dominated by controversies surrounding the so-called “war on terror” in which some of the most basic international

human rights standards were called into question. New and disturbing allegations emerged about conditions of detention in US facilities abroad and the practice of “extraordinary rendition.” In the UK public debate raged about how to properly balance rights and security while the House of Lords judgment of *A and Others* reaffirmed the absolute nature of the legal prohibition against torture. Further afield concern was expressed about the increasing polarisation occurring between Islamic communities and the West, especially in the wake of the war in Lebanon in the summer of 2006. Attention was also drawn to the plight of numerous human rights defenders that had come under renewed attack from various authoritarian governments, from Russia to Burma, all of which appeared determined to block calls for democratic reform from civil society.

Throughout the last two years the Bar Human Rights Committee has responded to these concerns and has continued to make its own significant contribution to the promotion of human rights and the rule of law around the world.

### **The War on Terror**

The last two years saw the Committee continue to voice its concern over the treatment of detainees held at Guantanamo Bay and other rule of law issues arising out of the so-called “war on terror.” The Committee

signed various petitions and held numerous workshops on related subjects. A recent example includes the American Bar Association’s keynote seminar on extraordinary rendition during its annual meeting in London in October 2007. Elsewhere the Committee’s International Advocacy Unit continued to lodge amicus briefs before the U.S. Supreme Court in an effort to protect fundamental rights and respect for the rule of law. In February 2006 the Committee successfully challenged attempts to remove the right of Guantanamo detainees to apply for habeas corpus in the U.S. federal courts and the legality of the military commissions in *Hamdan vs. Rumsfeld*. More recently, the Committee intervened in the case of *Omar Khadr* and the Chief Justice of Pakistan.

### **Justice Reconstruction Programmes**

Perhaps the most significant expansion of the Committee’s work in 2006/7 came in the field of fragile states and post conflict justice reconstruction. Over the last two years the Committee developed legal capacity building programmes in some of the most war-torn countries of the world. In December 2005, Michael Birnbaum QC and others went to Khartoum and Darfur in partnership with SOAT to help strengthen mechanisms under the African Commission for Human and People’s Rights. The Committee also developed innovative programmes with partner organisations in Palestine, Afghanistan, and Iraq.

In Afghanistan, the Committee’s “Access to Justice Programme” led to ten previously ransacked libraries being re-stocked with 10,000 books in Dari, Farsi and Arabic from Tehran and Damascus. In April 2006 the Committee brought together 60 lawyers, judges,

prosecutors and human rights defenders from around Afghanistan to Kabul for a week long legal training programme with the Afghanistan Independent Human Rights Commission (AIHRC) begins in April 2006. Then in 2007 it ran a three day workshop on Women's Rights and the Rights of the Child bringing together over 30 women's rights activists, lawyers and policemen. Both programmes were supported by human rights manuals/papers in English, Dari and Pashto.

Similar efforts were replicated in Palestine. In 2006 the Committee launched a 15 month training programme based in Ramallah in which 7 barristers helped train Palestinian lawyers in human rights law, UN Special Procedures mechanisms and evidence gathering techniques to help human rights victims utilise all available legal remedies within the territory of the Palestinian Authority, Israel and before international courts. This programme builds on the Committee's work with Al Haq, which has brought many test cases before the Israeli Supreme Court on behalf of dispossessed Palestinians, and the Public Committee Against Torture in Israel in relation to Israel's "targeted prevention" policy.

### **Engaging with Islamic communities**

Other new programmes for 2006/7 include a renewed effort to engage with Islamic communities across the world. The Committee strengthened its commitment to encouraging mutual understanding between cultures through dialogue, lecture and exchange programmes. Thus, the Committee continued to build on its work with legal and cultural civic institutions in countries like Afghanistan, Iraq, Bahrain and Syria, where the Committee conducted a number of workshops and international exchanges including with the Faculty of

Law at Damascus University. In April 2007 the BHRC co-hosted an international law conference in Damascus that focused on legal issues affecting the international community arising out of the plethora of counter-terror measures adopted since 9/11.

The Committee, together with the British Council, was also instrumental in helping to establish the Delfina Foundation, a new trust dedicated to the promotion of reconciliation between Western and Middle Eastern societies through numerous cultural and artistic initiatives. The trust was launched at Christies Auction House in London in October 2007. Since then the Foundation created a number of international residencies for artists and intellectuals from Syria, Palestine and Iraq and established a joint project with the Committee in Bethlehem to help strengthen cultural and civic reconciliation.

### **Turkish EU Accession**

Throughout 2006/7 the Committee continued to monitor developments in Turkey through various fact-finding missions, reports and trial observations including that of Turkish Noble prize winning novelist, Orhan Pamuk. In September 2006 and December 2007, the Committee co-hosted the Third and Fourth International Conference on "EU, Turkey and the Kurds" at the European Parliament which sought to evaluate Turkey's compliance with EU human rights obligations. In December 2006, the Committee brought a number of writers, publishers, and Turkish commentators to London to discuss the plight of freedom of expression within Turkey. In 2007, the Committee continued build on this work by sending a number of trial observers and experts to the region. Details of their reports and

findings can be found in the country section of this report and on our website <http://www.barhumanrights.org.uk/reports>

### **Protecting vulnerable NGOs**

2006 also saw the establishment of a new NGO Support Unit led by Professor Bill Bowring to protect NGOs in response to alleged attacks from authoritarian governments opposed to efforts to entrench democratic reform, such as those in Russia. The Committee recognises the power that such NGOs can sometimes exert in relation to the future development of societies in which they operate, and the corresponding need to support these organisations. In reflection of these sentiments, the Committee's workshop at the Bar Conference in November 2007 focused on the experiences of a number of human rights defenders from around the world. The Conference was addressed by Hina Jilani, the Special Representative of the UN Secretary General on the situation of Human Rights Defenders, who highlighted the special role played by lawyers in defence of the rule of law. Somewhat ironically, one week later, President Musharraf imposed a state of emergency in Pakistan. Throughout November and December 2007 the Committee led attempts to protect judges and lawyers unfairly detained in Pakistan presenting an international petition with Amnesty International to the Pakistani High Commissioner.

### **Other Important Initiatives**

Over the last two years, the Committee has continued to provide its traditional practical and moral assistance to the international human rights community operating in difficult legal climates around the world. In particular,

the Committee has worked tirelessly to protect persecuted judges, lawyers and legal organisations from as far afield as Zimbabwe, Afghanistan and China, by issuing petitions, conducting trial observations, fact-finding missions and international exchanges. The Committee has also continued its involvement in death penalty defence work by sending volunteers to Kingston, Jamaica to support local lawyers involved in death row cases at first instance and on appeal.

In Africa, the Committee is now engaged in a joint initiative with the Attorney General Bar Council, FCO, DIFID to establish a Pan-African Lawyers Website, strengthen standards of professional bodies, and provide comprehensive training programmes for the judiciary and police in an effort to stamp out unlawful practices and abuse. The work of Andrew Hall QC and his team have made an enduring contribution to good governance and respect for the rule of law throughout the continent.

### **Further BHRC reform**

None of the Committee's work is possible without the annual grant from the Bar Council. Mention should also be made of Garden Court Chambers, which continues to provide the Committee with access to its extensive facilities. However, if the Committee is to maintain and expand its activities it also needs your support and donations. I believe 2008 will be another critical year for both human rights and the work of the Committee. The Committee urges you to get involved and make contact at the address provided below.

*Mark Muller QC*

# BHRC

## The Organisation

The Bar Human Rights Committee ("BHRC") is a Committee of independent practitioners, legal academics and lawyers in Government service in the United Kingdom, founded in 1991 and based in London.

The BHRC is dedicated to protecting the human rights of people around the world and has an internationally respected reputation for independence, integrity and professional skill. The Committee offers a pool of specialist advocates and experts who play a leading role in the development of law and human rights protection worldwide.

The geographical remit of the BHRC extends to all countries apart from England and Wales; its purposive remit is to maintain our role as independent and highly qualified observer, critic and advisor in relation to internationally accepted principles of the rule of law.

## Aims

- To support and protect practising lawyers and judges who are threatened or oppressed in their work.
- To uphold the rule of law and internationally recognized human rights standards.
- To further interest in and knowledge of human rights and the laws relating to human rights.
- To advise, support and co-operate with other organizations and individuals working for human rights.
- To advise the Bar Council of England and Wales in connection with human rights issues.

## Methods

- Conducting international fact-finding investigations, trial observations and feasibility studies and reporting on human rights situations.
- Building capacity through training in advocacy, human rights and humanitarian law.
- Providing legal resources that help strengthen institutions which have a direct impact on the promotion and protection of human rights and the rule of law.
- Monitoring human rights abuses and raising awareness of the plight of victims of human rights violations through the media and public meetings.
- Liaising with governmental and independent nongovernmental organisations working in the same field and co-operating with judges, lawyers, academics, civil society activists and others concerned with human rights.
- Assisting individuals and groups to challenge governments and those holding power to end abusive practices and to respect international human rights law.

# Projects

## Afghanistan

In April 2006 and 2007, the BHRC in coordination with the Afghanistan Independent Human Rights Commission (AIHRC) went to Afghanistan as part of its Rule of Law project funded by the Foreign and Commonwealth Office's Global Opportunities Fund.

The purpose of the 2006 visit was two fold: firstly to carry out a rule of law training workshop, in coordination with AIHRC; and secondly, to donate 10,000 legal text books to a number of legal and academic libraries and institutions throughout Afghanistan.



**(L-R): Sudhanshu Swaroop, Hangama Anwari, Samantha Knights, Martin Lau and Christine Chinkin**

In April 2006 the BHRC team consisted of:

Mr Mark Muller, *Barrister and Chair, BHRC*

Ms Samantha Knights, *Barrister and Project Leader, BHRC (Afghanistan Project)*

Ms Fouzia Khan, *Consultant, BHRC (Afghanistan Project)*

Professor Christine Chinkin, *Barrister and Professor of International Law, LSE*

Dr Martin Lau, *Barrister and Reader in Law, SOAS*

Mr Sudhanshu Swaroop, *Barrister*

Dr Ali Wardak, *Lecturer, Criminology, University of Glamorgan*

### Library Donation

The library donation of 10,000 books was only made possible thanks to funding from the UK's Foreign & Commonwealth Office. The donation aims to dramatically improve conditions for Afghanistan's legal sector by providing it with a comprehensive catalogue of international and domestic law reference documents. The books, in Dari, Farsi, Pashto, Arabic and English, were sourced from London, Damascus, Tehran, Kabul and Peshawar.



**(L-R): Sudhanshu Swaroop, Samantha Knights and Fouzia Khan of the BHRC with the library staff at Kabul University**

Under the project, the 10,000 books were divided equally among 10 Afghan institutions, chosen according to their ability to balance the opportunity for widest usage with



the best and safest environment for that use.

The institutions to which books were donated include; Kabul University, the Ministry of Justice, the National Parliament, University of Herat, Balkh University, Nangarhar University, Kandahar University, Khost University and the Centre for Policy and Human Development. During the visit, members of the BHRC visited the main library at Kabul University, where one set of the legal texts in Arabic, Dari, Farsi and Pashto had been labelled and catalogued by the University staff.

### **Rule of Law Workshops**

As part of its work in Afghanistan in 2006, the BHRC worked closely with AIHRC to deliver 'Rule of Law' training in workshops for 50 key actors in the Afghan justice sector.

The aims of the workshops were to:

- Promote the dissemination of legal skills and knowledge to key actors in the legal sector thereby contributing to the reestablishment of the rule of law in Afghanistan and improving access for justice for all Afghans - in particular, women - to achieve stability and security.
- Contribute to judicial reform by increasing awareness of international human rights legislation, domestic and other legislation among key individuals in the legal sector.
- Complement the reconstruction of the judicial

system proposed by UNAMA/UNDP in conjunction with the Afghan Judicial Reform Commission.

A training manual was produced to complement the programme. The training manual can be found on the BHRC's website <http://www.barhumanrights.org.uk/docs/TrainingmanualAfghanistan.doc>



***Some of the participants and trainers from the Rule of Law Workshop 2006***

The 50 participants were selected by the AIHRC and consisted of lawyers, prosecutors, judges, justice ministry members, academics and human rights activists. Fifty percent of participants were female and approximately 70% were from provinces outside Kabul. The training focused on rule of law issues and included discussions on constitutional law, family law and international and human rights law, with a strong focus on issues relating to women and children. The objective throughout the workshop was to have equal participation by international and Afghan speakers so that international law could be explained in context and so that many of the practical issues and concerns specific to Afghanistan could be addressed.

At the end of the workshops, each participant was presented the 'Certificate of Completion of Rule of Law Training'.

A participant from Mazar, Miss S. Ahmadi, said "We hope such training workshops continue to take place in Afghanistan. We need people, our leaders and institutions alike, to act on the promises made during the training to improve the conditions for human rights and rule of law in Afghanistan."

In April 2007 the BHRC returned to Afghanistan to deliver a 3 day training workshop on Women's Rights and the Rights of the Child. The training took place between 24<sup>th</sup> and 26<sup>th</sup> April 2007 in the Safi Landmark Hotel, Kabul. The Committee had intended to carry out the training in Nangahar University, Jalalabad; however, due to the security situation the FCO recommended that it be relocated to Kabul.

The BHRC UK team consisted of:

Ms Brenda Campbell, *Barrister, Garden Court Chambers*

Ms Naina Patel, *Barrister, Blackstone Chambers*

Ms Naoimh Hughes, *BHRC Project Coordinator*



**Group of Participants and Trainers in April 2007**

The 31 participants were selected by the AIHRC and consisted of lawyers, judges, policemen, academics and human rights activists. Almost one third of the participants came from Nangarhar and over 50% were women.

In relation to women's rights, the training focussed on gender equality, the Convention on the Elimination of Discrimination Against Women ("CEDAW") and other international instruments applicable to Afghanistan in relation to non discrimination. Trainers also spoke about equality and non discrimination in the Afghan constitution, civil law, customary law and other sources.



**Naina Patel UK trainer discussing CEDAW with the participants**

In relation to child rights, the training dealt with international law in the form of the Convention on the Rights of the Child ("CRC") and child rights under Afghan law. Issues addressed included the sexual abuse of children, children in conflict with the law, children as victims and children living with female prisoners. Several delegates from Save the Children were also present and spoke about their organisation's work in Afghanistan and the problems and challenges faced.

A Manual on Women's Rights and the Rights of the Child was written and produced to accompany the training and was translated into Dari and Pashto. Copies of the manual were distributed to all participants at the training and a number were given to the AIHRC to further distribute.

For future training programmes, we endeavour to work with the AIHRC office in Kabul and their regional offices in Jalalabad, Mazar-e-Sharif, Kunduz, Kandahar, Gardez, Herat, Bamyan and Badakhshan. The BHRC hope to initiate a follow up programme within the next year that would 'train trainers' by supporting the work of local lawyers to train key individuals in the legal sector in the provinces. The aim would be to carry out another workshop in spring 2008 by which stage all the books will have been delivered to the recipient institutions.

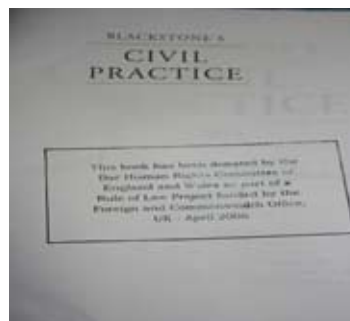
### **Book Donation Ceremony**

On the conclusion of the rule of law training, the BHRC hosted a reception to announce the donation of the books. Speeches were given by the BHRC UK team and Mr Michael Ryder, British Deputy Ambassador to Afghanistan and Mr Fahim Hakim, Deputy Chair of the AIHRC. The reception was attended by the participants of the training seminars and individuals from the Afghan government, local and international organisations working in the development, legal and justice sector in Afghanistan - academics, judges, prosecutors, lawyers.



**Librarian in the Supreme Court in Kabul cataloguing the BHRC/FCO funded books.**

In April 2007, the BHRC project Coordinator visited a number of the institutions in Kabul to which books were donated and was able to see that the books were on the shelves, had been catalogued and clearly marked 'reference only'.



**Stamp inside BHRC/FCO funded books.**

## Women's Shelter

In addition to their work delivering training on the rule of law, while in Afghanistan the BHRC trainers and project coordinator took the opportunity to visit a shelter for women and children. The shelter run by one of the participants at the 2007 workshop at a secret location, and was home to approximately 27 women and children. The shelter is in dire need of financial support and as such the BHRC plans to organise a fundraising event for the shelter in the coming year.



## Jamaica

The BHRC project in Jamaica was set up as a sub-committee – the pro-bono Caribbean group- which focuses on assisting in cases and working with attorneys in certain Caribbean countries. The work has received funding from the generosity of various chambers.

Selected barristers work at the Independent Jamaican Council of Human Rights in downtown Kingston, Jamaica. They work independently of the Council and their remit is to identify and prepare the defence of those who have been sentenced to death. Some appeal work is undertaken. However, much of the work involves frequent trips to St. Catherine's prison in Spanish Town – where “death row” is located. In addition, the barristers work alongside the attorneys who are instructed in these cases and provide them much needed support and assistance. The Supreme

Court in downtown Kingston becomes a very familiar venue.

Kirsty Brimelow of the BHRC went to Jamaica in 2005/2006 in order to oversee the project and recommend changes. Kirsty Brimelow also worked on numerous cases and met a group of dedicated and conscientious attorneys who work tirelessly to combat many of the problems within the justice system. Kirsty Brimelow was in Jamaica at a time of huge legislative change as the mandatory death sentence had been held to be unconstitutional by the Privy Council. She was involved in many of the resentencing hearings for those who, originally, had been sentenced to death. The work is very rewarding. The need of those forgotten and disempowered through poverty, on occasions, felt, overwhelming. The work continues and all help is gratefully received.

## Palestine

Over the course of fifteen months, seven experienced barristers selected by the BHRC undertook one-to-three month placements in the OPT, working with the Palestinian Bar Association (PBA), Palestinian lawyers, trainee lawyers and law students, the Palestinian Independent Centre for Citizens' Rights (PICCR), non governmental organisations such as Al Haq, Addameer, the Palestinian Prisoners' Club, Defence for Children International (DCI), the Ensan Centre for Human Rights, United Against Torture (UAT), the Italian Consortium of Solidarity, and a number of women's organisations, providing training on human rights and humanitarian law, reviewing procedures for the better identification and documentation of human rights abuses and conducting reviews of existing Palestinian legislation for human rights compliance.

In addition, a number of senior academics and lawyers at the Bar of England and Wales spent a week in Ramallah, providing focused training to lawyers and activists. The barristers who undertook placements in Ramallah were Mr Paul Troop from Toops Chambers, Mr Tanveer Qureshi from 25 Bedford Row, Ms. Michelle Harris from 1 Pump Court, Ms. Hannah Rought Brooks from Toops Chambers, Ms. Smita Shah from Garden Court Chambers, Ms. Blinne ní Ghralaigh from Matrix Chambers and Mr. Mark Mc Donald from 1 Pump Court.



**(L-R): Professor Bill Bowring, Philip Leach, Tim Otty QC and Naoimh Hughes with June 2006 Participants in Ramallah**

### Project Objectives:

- Strengthen the capacity of Palestinian lawyers, judges and activists to identify and document violations of human rights, and to prepare effective cases for domestic and international mechanisms.
- To identify through a survey of the laws and procedures in force, the recognition given by the law in force to human rights and the possibilities for legal action against any violation of these.
- To take test cases through the local court system.

### Production of a handbook for Palestinian lawyers

One of the main outputs of the project, which will stand as one of its enduring legacies, was the production of a handbook for Palestinian lawyers. The 300 page handbook, printed in both English and Arabic, sets

out the key human rights standards as established in international systems and frameworks, cross-referencing with the provisions of Palestinian legislation mirroring those standards and elucidating the framework within which international human rights can be implemented in domestic courts. The handbook sets out in detail the United Nations Special Procedure system through which complaints against human rights violations committed with the OPT may be made, and describes how to raise internal complaints concerning human rights abuses committed by the Palestinian Authority to the PICCR.

Five hundred copies of the handbook were published in Arabic and one hundred in English. They were distributed by volunteer Committee barristers to all the lawyers attending the BHRC training sessions throughout the West Bank. Copies were also provided on request to numerous national and international NGOs working in the field. It is testimony to the content and quality of the document that volunteer barristers were repeatedly asked for copies by organisations and individuals who had heard about the manual through word of mouth. For example, the manual was specifically requested by – and subsequently distributed to – various United Nations and other agencies working in Palestine including the United Nations Temporary International Presence in Hebron, the United Nations Refugee and Works Agency and the International Commission for Transitional Justice.

A link to the manual has also been set up on the BHRC website in order to serve as a reference tool and those making further requests for it are being directed towards the site. To access the manual please go to

<http://www.barhumanrights.org.uk/docs/PalestiniantrainingManual.doc>

## **Rule of Law Training**

The initial project proposal provided for a one-week training programme on international human rights and humanitarian law, mechanisms and remedies, highlighting their applicability to the OPT. However, given the reception received by the first training in Ramallah and coupled with the intense difficulties faced by Palestinian lawyers in moving throughout the West Bank, it was decided – and approved by the FCO – that the training should be taken to the three other main population centres in the West Bank; namely Nablus, Hebron and Bethlehem. Due to the security situation it proved impossible to conduct training in Gaza. However, requests were made to the Israeli Administration to secure the attendance of Gazan lawyers at the final training session in Bethlehem. Unfortunately, only one such permit was ultimately granted.

Thus, over the course of the 15 months, volunteer BHRC barristers conducted four three-day training sessions focused on the rule of law with qualified lawyers, trainee lawyers and NGOs in the four main centres of the West Bank previously listed. Speakers from NGOs and international organisations, such as the Office of the Coordination of Humanitarian Affairs (OCHA) and UAT, were asked to speak on their specialist areas.

Over 120 members of the Palestinian legal community, including trainee barristers, and members of the NGO community attended the training. The training focused

on the role of the advocate in upholding human rights and on domestic and international mechanisms to highlight State non-compliance with human rights obligations. These areas were very new to most lawyers who had not previously engaged with UN Special Procedures or even the complaints mechanism of the PICCR to further their clients' cases. Participants also learnt how to better document alleged abuses of human rights as they arose, including drafting of affidavits and witness interviewing skills. Particular focus was placed on the increasing use of the principle of universal jurisdiction to challenge in non-national courts gross human rights abuses by the Israeli military and administration.

The training finished with case studies focusing on human rights violations committed by both the PA and the Israeli Administration. The ensuing debates and discussions were a strong indicator of exactly how much the attendees had assimilated of the training. Feedback from the project was extremely positive and repeat requests for training and further collaboration (made by approximately 90 percent of attendees and by the Chairman and executive members of the PBA) validate the high levels of satisfaction with and ongoing need for further training and engagement. The initial feedback indicated that the training, combined with the distribution of the manual, had armed attendees with the legal arsenal necessary to provide appropriate services to victims of human rights violations and had created a thirst for more knowledge and engagement with human rights amongst a newer generation of young lawyers and reinvigorated an older more experienced generation to work with such issues.



**Tanveer Qureshi, PICCR, Ramallah**

Approximately three months after each training session, the BHRC returned to each of the cities where the training had taken place to seek further feedback from participants by way of assessment forms to gauge how much the training had been put into practice. The BHRC was extremely encouraged to discover that a substantial number of attendees had used the training; some had submitted complaints to the UN Special Procedures (on torture and on arbitrary detention) or to the PICCR; others had used the knowledge gained and the materials supplied as the basis for training they themselves were involved in providing to junior lawyers, law students and to youth groups. Another very welcome development was the increased familiarity of lawyers with the various NGOs working in the OPT, given the historic lack of co-operation between the two groups. A number of lawyers said that they had been able to refer cases and clients to the appropriate NGOs as a result of the training and due to the links and information provided in the manual. Furthermore, and very encouragingly, attendees from Bethlehem informed BHRC that they had adapted the training received to the new crisis in the OPT, using the knowledge gained and the tools provided to advocate on behalf of Bethlehemites arbitrarily arrested by the Fatah administration in the wake of the 'coup' in Gaza.



## Legal review

At the request of the PICCR, BHRC volunteers undertook a legal review of existing Palestinian laws, assessing their conformity with international human rights standards and making recommendations for change to ensure greater compliance and to enhance the possibility of legal remedies through the local courts in relation to human rights violations. Recommendations were used by the PICCR in their ongoing advocacy and consultative roles. As part of this exercise, BHRC barristers also produced a draft Palestinian police code of conduct, based in large part on the code of conduct for police in England and Wales, to be put forward as a proposed model for the future for the Palestinian police force. The BHRC volunteers also conducted training workshops on legal review attended by members of the Palestinian Legislative Council and the legal profession so as to underscore the fundamental importance of the legal review process in the implementation of new laws and to ensure the sustainability of the legal review project after the completion of the BHRC placements.

## Prisoners' Rights

In consultation with partners on the ground, prisoners' rights emerged as a key area of concern to lawyers and activists *in situ*, due to the large numbers of prisoners in Israeli and Palestinian jails. The position of those detained in the OPT had been further exacerbated by the general strike which led to many being held without charge for sustained periods of time, contrary to Palestinian law and to international standards applicable to prisoners.



**Bill Bowring, BHRC , Ramallah**

*Prison visits:* Volunteer BHRC barristers visited a number of prisoners in the West Bank and met with individual prisoners, including women and child prisoners, who were being detained well beyond the maximum time limits, often without any form of legal representation. By accompanying the BHRC volunteers to prisons and collaborating/organising meetings with relevant officials, in-country partners made a crucial contribution to the project's monitoring and awareness raising. BHRC barristers were able to assess the situation on the ground first hand and interventions were made to the PICCR in relation to a number of cases of alleged inhuman/degrading treatment which were in turn raised with the appropriate channels in the Palestinian Authority.

*Training in prisoners' rights:* Volunteer barristers were also approached by Addameer, one of the leading NGOs dealing with prisoners' rights, to provide a one day training session focusing on domestic and international standards relating to prisoners and the available use of national and international mechanisms, such as UN Special Procedures to challenge abuses of prisoners' rights.



**Hannah Rought-Brooks with participants in Hebron**

As a result of the training, Addameer is determined to engage with the UN Special Procedures relating to prisoners strategically and systematically as part of its work and advocacy practices.

*Prisoners' rights group:* Following on from this training, the BHRC was instrumental in setting up a new prison law coalition bringing together all those NGOs in the West Bank dealing with prisoners' rights to properly strategise on how to deal with the situation of prisoners in Palestinian and Israeli jails, to avoid overlap between the NGOs in order to better promote the situation of prisoners. The initial group meeting, chaired by the BHRC, was attended by four different organisations, including NGOs focusing specifically on child and women prisoners, such as Defence for Children International (DCI). The group considered ways in which NGOs could combine their efforts for the better protection of the rights of individual prisoners, and focused on the need for NGOs to improve their documentation processes and procedures to ensure that they were documenting all cases of alleged prisoners' rights abuses to the highest possible standard. The meetings

have continued on a monthly basis since the end of the BHRC project, and a greater number of organisations have been invited to participate, including the Palestinian Prisoners' Club and the Women's Centre for Legal Aid and Counselling (WCLAC).

### **Law and Practice in the Prosecution of War Crimes training**

Given the increasing use of the principle of universal jurisdiction in courts in the West, including the United Kingdom, to attempt to hold accountable gross violators of human rights and humanitarian law, especially in relation to the occupation in the OPT, volunteer barristers were approached by Al Haq, one of the most established Palestinian NGOs, to provide training on the concept and on the appropriate legal standard for documenting such violations. Approximately 20 attendees, including lawyers, legal researchers and field workers, were trained through lectures and practical case studies in the relevant law and practical tools to collect and analyse legal material on war crimes and crimes against humanity in the OPT, focusing specifically on the relevant techniques for collecting evidence for judicial purposes. As a result of the training, Al Haq adopted and put in place new processes and procedures for documenting alleged war crimes and gross violations of human rights to ensure that any material or evidence collected was of a standard that would be admissible in international legal fora. Since the completion of the training, the organisation has also been approached by other NGOs in Palestine, requesting that the BHRC training provided to them be replicated by them to other user groups. Furthermore, a paper produced by BHRC lawyers following the training on the affidavit/

witness statement taking process was also distributed to over 30 lawyers and NGOs.

### **Women's rights training**

BHRC barristers were also approached by a newly established Palestinian women's rights group, the Palestinian Women's Research & Documentation Centre (PWRDC), to provide training on women's rights - jointly with the Office for the High Commissioner for Human Rights - for a consortium of women's groups. Attendees at the one day training workshop learned about documentation and UN Special Procedures, particularly the Special Rapporteur on Violence against Women. Posters, leaflets and the last report by the Special Rapporteur were also distributed to attendees for further dissemination. Although a day-long session can only serve as an introduction to the complex topic under consideration, the training was extremely well-received, with delegates all requesting further training geared towards women from the BHRC in the future.

### **Trainee lawyers**

The strategy of focusing on the emerging generation of lawyers had considerable impact, awakening an interest in human rights in trainees who had had little exposure to that area of the law hitherto. As a direct result of the training, a number of young lawyers have approached UN bodies and NGOs for internships in order to further deepen their knowledge of human rights issues and put their newly acquired skills into practice. This is extremely encouraging.

### **Death penalty work**

BHRC volunteers attended the inaugural meeting of the newly formed death penalty group, set up to consider issues pertaining to the death penalty in the OPT, as part of a wider abolitionist effort throughout the Middle East. They have been asked to remain involved in the initiative to share expertise when required. Volunteers also edited the PICCR publication on the death penalty in the OPT which is due for publication in the near future and will serve as an advocacy tool as part of the death penalty initiative.

### **Trial observation**

BHRC volunteers attended the Ofer Military Court on a number of occasions at the request of NGOs whose clients' cases were before the court. Local lawyers explained that the presence of an international observer often gives them greater confidence that the prosecuting authorities and the presiding judge will behave in a more professional manner with them and their clients. A paper was also produced for information and advocacy purposes, setting out fair trial standards and standards for the treatment of prisoners, particularly juveniles, in the legal and penal systems. Barristers also attended the Israeli High Court at the invitation of local NGOs for the hearing of a petition regarding the Separation Wall. Repeated and ongoing requests for BHRC volunteers to observe trials reinforced feedback about the perceived usefulness of such trial observations.

## Pakistan

On 3<sup>rd</sup> November 2007, whilst Ms. Hina Jilani, UN Special Representative of the Secretary General on the situation of Human Rights Defenders, was attending the Bar Conference on invitation from the BHRC, a state of emergency was called in Pakistan. Hundreds of judges, lawyers and academics were imprisoned or placed under house arrest. During her stay in London, Ms Jilani also received notification that a warrant had been issued for her house arrest in Pakistan.

Ms. Hina Jilani, UN Special Representative of the Secretary General on the situation of Human Rights Defenders appointed the BHRC to be the focal point for the mobilisation of lawyers in the UK in relation to the degradation of the rule of law in Pakistan.

The BHRC arranged interviews with the press including the BBC, Channel 4 news and More4 News. The Committee also helped to organise weekly candlelight vigils outside the BBC's Bush House to express its solidarity with the legal profession in Pakistan. The vigils were held every Tuesday between 4.30pm and 5pm in the hope that Pakistan would free the media, the judiciary and help restore democracy.



***Demonstration outside 10 Downing Street for the Restoration of the Judiciary in Pakistan***

The BHRC, in close collaboration with Amnesty International and the Campaign Against Martial Law in Pakistan, organised a number of demonstrations outside 10 Downing Street and the High Commission of Pakistan in London. These demonstrations were attended by hundreds of people including lawyers, academics and human rights activists.

BHRC also helped convene meetings between Ms Hina Jilani and the Chairman of the General Council of the Bar as well as with the President of the Law Society of England and Wales.

## Russia and the Former Soviet Union

### Litigation

In 2006 the European Court handed down four positive judgments in regard to BHRC and EHRAC cases (*Ledyeva, Dobrokhotova, Zolotaryeva and Romashina v Russia*). These concern environmental pollution in the Russian city of Cherepovets and the applicants' residence within a 'sanitary security zone' around a major steel factory. The court found that the state had violated the applicants' right to respect for home and private life. Seven further positive admissibility decisions were received in cases against Russia concerning the right to life, disappearance, inhuman or degrading treatment and criminal justice. EHRAC is now working on over 100 cases covering a broad range of issues including ethnic discrimination, torture, freedom of expression, asylum and refugees.

2007 saw considerable progress and success in terms of BHRC/EHRAC's litigation on behalf of Chechen applicants to the European Court. Eleven cases were won and a further eight were declared admissible (the first hurdle in the Court's legal process).

A number of BHRC/EHRAC cases from Chechnya arise from military operations conducted by Russian Federal troops during 1999-2000, while others concern the disappearance of the applicants' relatives. While there have been some improvements in the situation in Chechnya, impunity for gross human rights violations remains one of the project's main concerns.

### Legal Skills Development

As part of its commitment to providing training to human rights lawyers from the former Soviet Union, in October 2006 EHRAC and BHRC ran a Legal Skills Development Programme. Nine human rights lawyers from Russia, Georgia and Armenia participated in the intensive two-week programme which featured training seminars on the European Convention (including sessions led by Professor Bill Bowring and Samantha Knights), legal English classes and networking meetings with other NGOs and Russia and South Caucasus desk officers at the Foreign and Commonwealth Office. They also benefited from a two-day study visit to the European Court, where they attended a Grand Chamber hearing and met with Court judges and registry lawyers.

### Training seminars in 2007

- Gudauri, Georgia: with the Georgian Young Lawyers' Association, 21 participants, April 2007
- Suzdal, Russia: with the Slavic Centre for Law and Justice, 25 participants, September 2007
- Pyatigorsk, North Caucasus, Russia: with Memorial, 21 participants, September 2007



**European Convention training session with Samantha Knights during the Legal Skills Development Programme.**

In October 2007 four lawyers took part in a two-week Legal Skills Development Programme organised by the BHRC and EHRAC. They were:

Vanda Jijelava (Article 42 of the Constitution, Tbilisi, Georgia)

Nadezhda Kutepova (Planet of Hopes, Ozersk, Russia)

Rusudan Tabatadze (Georgian Young Lawyers' Association, Tbilisi, Georgia)

Tatiana Zayukova (JURIX/Slavic Centre for Law and Justice, Moscow, Russia)

The Programme:

- Practical training sessions on European Convention law and procedure run by experts;
- Legal English and case administration;
- Meetings on litigation strategy and case management with London-based human rights NGOs;
- Information sharing and networking meetings with desk officers at the Foreign and Commonwealth Office;

- Two-day visit to Strasbourg to meet with European Court registry lawyers, judges and officials.

### **Training Seminars in 2006**

From 18-21 April 2006, Bill Bowring visited Tbilisi, Georgia, on behalf of EHRAC and the BHRC. He carried out training and consultation on applications to the European Court of Human Rights at Strasbourg, with the leading Georgian NGOs GYLA (Georgian Young Lawyers Association) and "Article 42 of the Constitution".

On 23 May 2006, Bill Bowring served as a judge for the Amnesty International UK Section Media Awards in the Periodicals Section. On 27 June 2006 he participated in the prize-giving: a special award was presented to Oksana Chernysheva and Stas Dimitrievsky of the Russian Chechen Friendship Society, an NGO presently undergoing persistent persecution in Russia.

On 29 June 2006 Bill Bowring gave evidence to the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe (PACE), on the question of "Member states' duty to cooperate with the European Court of Human Rights". Karinna Moskalenko, director of the Moscow NGO "Cooperation in International Protection of Human Rights" also gave evidence. Both contributions focused on Russia's failures to cooperate, including threats and interference with NGOs, as well as to applicants and witnesses. The Committee's report, dated 9 February 2007, is available at <http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc07/EDOC11183.htm>.

On 8-10 July 2006, Bill Bowring lectured at an NGO organised training course held in Chernigiv, Ukraine for young NGO advocates from Belarus. His lecture was entitled “Application of International Law in Advocacy” and focused on the theory and practice of the ECHR.

From 23-30 July 2006, Bill Bowring taught at a Summer School in Igalo, Montenegro, organised by the Center for Constitutional Studies and Democratic Development of the University of Bologna on “European Union and Legal Reform” focusing on human rights issues. This was attended by participants from former USSR as well as Central and Eastern Europe with many from NGOs.

From 11-13 September 2006, Bill Bowring taught at the Human Rights Summer School organised by Europa University Viadrina, Frankfurt-on-Oder, Germany, with participants from the FSU and Central and Eastern Europe, mostly from NGOs. He covered the topic of “Torture”, drawing on his experience as a Trustee of the Redress Trust.

From 14-17 September 2006, Bill Bowring participated in a meeting on Chechnya and the North Caucasus held in Stockholm organised by the Olof Palme International Center and the National Endowment for Democracy, and attended by representatives of the leading Russian human rights NGOs, and by Anna Politkovskaya, who was brutally murdered shortly afterwards.

From 21-24 September 2006, Bill Bowring participated in a Round Table meeting in Kyiv, Ukraine, on human rights and language policy in Ukraine.

On 2 October 2006, Bill Bowring was one of four speakers at a seminar at the Foreign and Commonwealth Office on “The impact of Russia’s new NGO law on Russian and UK NGOs”. A report of the seminar including his remarks appears at [http://www.bearr.org/en/BEARRRevents/seminars/FCO\\_seminar](http://www.bearr.org/en/BEARRRevents/seminars/FCO_seminar); and [http://www.bearr.org/en/FCO\\_seminar/Bowring](http://www.bearr.org/en/FCO_seminar/Bowring)

On 14-16 November 2006, Bill Bowring was an invited speaker at the 2nd International Human Rights Conference: “Conflicts Resolution”, organised in Bilbao by the Basque Government.



On 28 November 2006, Bill Bowring led a session of the AIRE Centre/ECRE Training on the European Convention on Human Rights for young NGO lawyers from Ukraine, on ‘EHRAC’s experience of litigating in the former Soviet Union’.

## Sudan

The BHRC is involved in an initiative to organise a meeting and workshop involving the new Sudanese Constitutional Court and prominent judges from Supreme or Constitutional Courts in other jurisdictions. The aim is to promote engagement between the new court and the wider legal community, hopefully for the mutual benefit of both.





## Syria

In February 2006, the BHRC delivered a “vulnerable witnesses” training programme to Syrian lawyers in Damascus. The training focused on UN and European conventions in relation to juveniles and women as well as UK legislation in relation to domestic violence and the Police and Criminal Evidence Act.



In April 2007, the BHRC organized an International Law in the Age of Conflict in Damascus in collaboration with the British Council (Syria) and the Orient Centre. This conference included the participation of prestigious academics, legal practitioners and think tanks from Europe and the Middle East. The subjects discussed were Terrorism - Legislation against terror – Protection of civil rights versus national security; Victor's justice; the International Criminal Court and war crimes; State Liability for Violations of International Humanitarian Law; Conflict Mediation and Resolution in the context of the Middle East and post 9/11 and Accounting and accountability; The international communities' obligations regarding the financing of terror organisations.



**Mark Muller QC with Representatives from the Orient Centre, Syria**

The Syrian participants who included many senior judges, academics and lawyers, focused on the Israeli/Palestinian Conflict, the War in Lebanon and an ad hoc tribunal to look into the death in 2005 of Lebanese Prime Minister Rafik Hariri. Also discussed was the loss of civil liberties in detention places such as Guantanamo Bay and Abu Ghraib.

This conference was deemed to be of great importance especially in the aftermath of 9/11 and due to the subsequent measures taken by western governments in Iraq.

Extremely important links and contacts were made between the BHRC delegation and the Syrian participants and think tanks. The BHRC team consisted of, Mark Muller QC, Ian MacDonald QC, Professor Bill Bowring, Nicholas Stewart QC, Professor Guy Goodwin Gill, Mr David Petrasek, Blinne ni Ghralaigh, Michael Roake (ABA) and Naoimh Hughes.

It is the BHRC's intention to carry out more of such conferences in the Middle East and in the UK.

## Turkey

Throughout the course of 2006/7 the Committee continued to monitor the human rights situation in Turkey and its compliance with obligations under the EU Turkish accession process. Despite the AKP Government introducing a number of significant legal and political reforms certain human rights concerns continued to exist particularly in the field of freedom of expression and recognition of the cultural rights of minorities. As a consequence the BHRC conducted a number of fact-finding missions in the region and sent a number of barristers to observe trials brought against writers and intellectuals. The Committee also published a number of reports on critical areas of concern including the plight of internally displaced people. What follows is a selection of the type of work undertaken by the Bar Human Rights Committee in conjunction with its partner organisations including the Diyarbakir Bar Association, the Human Rights Association in Turkey, Human Rights Watch, Article 19, Index of Censorship, and the Kurdish Human Rights Project based in London.

### **Reform and Regression: Freedom of the Media in Turkey**

In December 2006 the Committee hosted a conference and workshop on freedom of expression in Turkey in Garden Court Chambers in which a number of Turkish and Kurdish gave presentations. Six months later in July 2007, the BHRC and the KHRP carried out a joint fact-finding mission to Turkey to investigate the current situation for freedom of the media. The mission was co-organised with Article

19, Index on Censorship, the Bar Human Rights Committee of England and Wales (BHRC) and the Centre for European Studies, Limerick, Ireland in response to reports of rapidly increasing violations of the right to freedom of expression.

The mission found that today's retrogressive legislation, rising harassment on the ground and the increased powers that have been conferred to the police, have led many to regard the situation for freedom of the media to have become reminiscent of the 'dark years'. The report thus provides a background to the 1980s and 1990s and the backdrop against which media freedom has substantially deteriorated since the reforms of 2003 to 2004. It looks at Turkey's legal obligations with respect to the international human rights instruments to which it is State Party; outlines recent amendments to its domestic legislation; and highlights the frequent accounts of violations of the right to freedom of expression experienced increasingly by the opposition, mainly pro-Kurdish media.

### **The Prosecutions of Orhan Pamuk & Other Writers**

As regards trial observations, the Committee observed a number of important trials against intellectuals including that of Nobel Prize Winner, Orhan Pamuk. The Turkish government continues to deny the extent of the human rights violations and genocide committed against Kurds and Armenians in Turkey during the twentieth century. The renowned Turkish novelist Orhan Pamuk referred to this in a media interview in Switzerland in February 2005.

His comments attracted the attention of a Turkish prosecutor, who brought an indictment against Pamuk for 'publicly insulting Turkish national identity' under Article 301 of the Turkish Penal Code. The prosecution became a flashpoint of concern over Turkey's protection of freedom of expression, and a litmus test for its suitability for accession to the EU.

The BHRC and the KHRP sent a mission to observe his trial and to interview others facing similar charges. Charges against Pamuk were subsequently dropped, but the question remains: why was the prosecution originally brought? And what will happen/ has happened to other lesser-known writers, editors, publishers and journalists facing similar prosecutions in Turkey?

### **Freedom of the Media in Turkey and the Killing of Hrant Dink**

In a related matter, in July 2007 the Committee participated in another joint mission with the KHRP, Index on Censorship and Article 19 to observe the opening of the trial of Hrant Dink's alleged assassins. Dink had been murdered for speaking out about the Armenian genocide. The published report attempts to outline the background to the killing of Hrant Dink and examines the indictment against the alleged perpetrators as well as claims of State complicity in the murder. The mission noted, inter alia, that the proceedings raised numerous concerns with regard to substantive issues, namely the scope of the investigation and the possible participation of the police, gendarmerie and intelligence services as evidence suggests that these were aware of the

assassination plot and failed to take any action. More broadly however, the report highlights the restrictive legislation which encroaches on the right to free speech and provides support for the argument that '301 killed Hrant Dink'.

### **Human Rights Defenders in Turkey**

The killing of Hrant Dink highlights another human rights issue in Turkey concerning the role of human rights defenders generally. Turkey has a vibrant and dynamic human rights movement that has formed an effective force for bringing the elements of the Turkish state to account for breaches of human rights. The Committee believes it is of crucial importance to Turkey's democratisation effort that Turkey acknowledges the validity of Human Rights Defenders (HRDs) activities and respects their rights. HRDs not only play a valuable role to the process of democratic renewal but also provide a gauge of a government's true commitment to genuine democratisation. Because of their tendency to expose and criticise state actions violating human rights and to seek to impose government accountability, HRDs frequently themselves become primary targets of repressive state practices in breach of human rights. HRDs' messages are silenced; they are denied access to victims of human rights abuses, and frequently face arbitrary detention, torture, ill-treatment and even 'disappearance'. Consequently, the BHRC and the KHRP has been instrumental in documenting abuses committed against HRDs, through pressing for improvements in their treatment and using international mechanisms to achieve justice for HRDs whose rights have been violated.

## **The Internally Displaced Kurds of Turkey: Ongoing issues of Responsibility, Redress and Resettlement by Mark Muller QC and Sharon Linzey**

Another important human rights issue in Turkey monitored by the Committee concerns the plight of internally displaced peoples. Since early in the 20th century, the position of the Kurds in Turkey has been precarious. This was particularly so during the 1980s and 1990s when state security forces forcibly evacuated some 3,500 towns and villages in the Kurdish regions of Turkey. Between 3 and 4 million people became internally displaced during this period.



Since becoming a candidate for accession to the European Union (EU) in 1999, Turkey has received a greater level of attention from the international community, particularly in relation to its progress towards meeting the standards required for EU membership, including various human rights standards. However, comparatively little attention has been given

to the specific issue of the vast number of Internally Displaced Persons (IDPs) in Turkey. The Turkish Government has purported to resolve the situation of internally displaced people in Turkey through monetary compensation arrangements and limited programmes for return. These measures have been plagued with legal and practical deficiencies, yet there has been no intergovernmental financial or other support structure designated to assist Turkey in better addressing this massive humanitarian catastrophe.

The published report provides an overview and critique of the Turkish Government's programmes for return, resettlement and redress. It also addresses the issue of responsibility, both in the context of the EU and the international community more generally. It further provides a survey of the current and continuing difficulties facing IDPs in Turkey. The issue of internal displacement remains a critical one for the Kurds in south-east Turkey, the Turkish state, the European Union and the region overall. This report and its recommendations will be essential to all those working for significant change to the benefit of IDPs.

This report was followed by a joint BHRC, Human rights watch and KHRP evidence gathering mission in Turkey on the situation and status of internally displaced persons (IDPs) in Turkey. The mission investigated state policy and practise regarding measures to provide redress to persons displaced during the armed conflict in east and south-east Turkey in the 1980s and 1990s. The mission discovered severe failings in the legislative mechanisms designed to deal fairly with IDPs and their claims for compensation. Without essential reforms to

ameliorate the legal provisions available to displaced persons, this already marginalised group may never receive a just solution to their plight.



### **Other missions and observations**

The Bar Human Rights Committee conducted a number of other trial observations and fact-finding missions throughout 2006/7, the most prominent of which include the following:

#### **(1) Indiscriminate Use of Force: Violence in Southeast Turkey – Fact-Finding Mission**

On 24 March 2006, fourteen Kurdistan Workers' Party (PKK) guerrillas were killed in the mountains outside Diyarbakır by the Turkish army. Thousands of people attended the funerals. Although they passed peacefully, some funeral goers threw stones and rocks when passing a police station. The police responded with tear gas, water cannons, batons and firearms,

apparently indiscriminately. The security thereafter deteriorated and Special Forces were deployed. Violence rapidly spread to other Kurdish cities; many were killed, including children, and hundreds more were injured. Three people were killed when a bomb was thrown at a bus in Istanbul in protest at the violence in the south-east. Hundreds of people were detained, many of them illegally, including many children, facing a real risk of torture or inhuman treatment. BHRC barristers, Michael Ivers and Brenda Campbell, visited the region between 19 and 24 April in order to monitor and document the situation on the ground. They spoke with witnesses of the violence and local human rights organisations.

#### **(2) The Şemdinli Bombing Trial Observation**

In April 2006, BHRC member, Ajanta Kaza, travelled to Turkey to observe the trial of two of three men accused involvement in the bombing of a bookshop in the town of Şemdinli in the province of Hakkari. The incident sent shock waves throughout Turkey and internationally because the three individuals accused of planting the explosive devices – together with incriminating material – were apprehended by a crowd of civilians at the scene. Two of the men were non-commissioned army officers, raising the spectre of 'deep state' involvement in the attacks. The report expresses concern that no investigation was conducted of higher level official involvement and at the high degree of political involvement in the Şemdinli incident by the government, state officials and senior military personnel. On 11 July 2007 the BHRC and the KHRP sent a mission to observe the opening of the Şemdinli bombing trial re-hearing at

Van 3rd Heavy Penal Court. In State Accountability? The Şemdinli Trial Re-Hearing, the mission who observed the re-hearing on 11 July 2007 upholds the concerns of the 2006 mission.

### **(3) Effective Criminal Accountability? Extra-Judicial Killings on Trial - Trial Observation**

On 21 November 2004 Ahmet Kaymaz, 31, and his son Ugur, 12, were killed by undercover police officers some 40 to 50 metres from their home in Kiziltepe, south-east Turkey. Proceedings were opened against four police officers on 27 December 2004, accusing them of using excessive force. A report comprising the findings of a joint trial observation mission by the BHRC and the KHRP of the third hearing in the trial which took place in Esikehir on 24 October 2005 can be found on the BHRC website. The mission concluded that there are grave concerns over the lack of effective criminal accountability for extra-judicial killings in south-east Turkey.

### **International Conference on the EU, Turkey, Human Rights and the Kurds**

Finally, the Committee has been instrumental in monitoring Turkey's compliance with its EU obligations under the accession process. Together with other leading NGO's it helped create the EU Turkish Civil Commission. The EUTCC was established in November 2004 as the outcome of the first international Conference on 'The EU, Turkey and the Kurds' held in the European Parliament in Brussels on 22-23 November 2004. The EUTCC aims to both promote and provide suggestions for Turkey's bid

for EU accession, and to help guarantee respect for human and minority rights and a peaceful, democratic and long-term solution to the Kurdish situation. The EUTCC monitors and conducts regular audits of Turkey's compliance with the accession criteria, as defined in the accession agreements. It also makes recommendations, acts as a point of contact, and exchanges information, with the institutions of the EU and other governmental and non-governmental organizations.

At the 2nd annual EUTCC conference on Turkey, the BHRC presented a report discussing the background to Turkey's accession to the EU. It evaluates the likely impact of EU membership on the democratisation process within Turkey and its likely benefits for human rights and fundamental freedoms and for Turkey's Kurdish population. The publication goes on to assess the reforms that have been enacted thus far as part of the accession process, particularly the amendments that have been made to the Turkish Penal Code. Whilst acknowledging that great strides have been made, it ultimately concludes that a lot of work remains to be done on the part of the Turkish administration if the accession process is to fulfil the promise that it has engendered.

Themed Time for Justice, Dialogue and Solution, the event on 16-17 October 2006 at the European Parliament in Brussels was hosted by the founders of the EUTCC, namely the Bar Human Rights Committee (UK); the Kurdish Human Rights Project (UK); medico international (Germany); and the Rafto Foundation (Norway), and was supported by members of the European Parliament.



***Participants at the 4th annual EUTCC Conference on Turkey at the European Parliament in 2007***

The 2006 Conference focused on implementing a solution to the Kurdish Problem—the most difficult issue for Turkey in its bid to develop democracy. The

Conference also focused on the need for fundamental changes to the judiciary; on the situation of internally displaced people; on continued violations of human rights; and on suggestions for compliance with the Copenhagen Criteria, specifically the obligation to respect and promote the rights of minority groups. The Conference concluded with the adoption of new resolutions. The publications attempt to shed light on particular areas of concern for a successful accession process by bringing together the leading speeches and papers of the 2006 Conference, including its Final Resolutions.

A similar conference at the European Parliament was held in 2007 in which over 400 leading human rights defenders, politicians, writers, lawyers and intellectuals present their views on the current human rights situation in Turkey.

## Zimbabwe

In September 2006, BHRC organised a Trial Observation in Harare for the prosecution of Arnold Tsunga for alleged broadcasting offences. This trial observation was aborted at the eleventh hour after very late adjournment sought by the prosecution.

In November 2006, Alex Glassbrook, the BHRC Section Head, accompanied Stephen Hockman QC, the then Chairman of the General Council of the Bar of England and Wales and Andrew Moran, Barrister, Serle Court, on a visit to Zimbabwe. The group visited the Zimbabwean Law Society's conference in Nyanga, Eastern Zimbabwe. The Law Society operates in an atmosphere of intimidation and acute economic difficulty. It nevertheless continues to press its case to the government against repressive legislation. The group also held discussions with senior lawyers in Harare.

The Committee was delighted to be involved in such a visit in concert with the Bar Council. In particular, the close personal involvement of the Chairman of the Bar Council was important and much appreciated during a period of particular difficulty for Zimbabwean lawyers. The Section extends its thanks to Stephen Hockman QC and to Andrew Moran for their continued hard work and interest.

The Committee also extends its thanks to Dr Eric Metcalfe, for his services as Trial observer. Apart from further activities in Zimbabwe, the section is also exploring issues elsewhere in Southern Africa, notably judicial independence in Swaziland.

Through 2007 the committee helped to provide legal resources for Zimbabwean lawyers. The committee negotiated free online provision of the English and Welsh law reports and UK statutes and SI's to the University of Zimbabwe, Zimbabwean Lawyers for Human Rights (a Harare-based NGO) and the Zimbabwean Law Society. The Committee was also involved in negotiations for the online publication of the Zimbabwean Law Reports and in other funding and administrative issues.

### **The Africa Legal Resources Project**

Building on our enormously successful Africa legal programme in which the BHRC, together with the British Institute of International and Comparative Law (BIICL) produced a Human Rights Manual and Sourcebook for Africa and CD-Rom. The Manual and CD-Rom have thus far been distributed in Botswana, Ghana, South Africa, Sudan, Uganda and Zimbabwe.

All the objectives for this project were met and included:

- To compile relevant legal materials on the death penalty in each of the 13 countries into one publication (Botswana, Cameroon, Ghana, Kenya, Lesotho, Malawi, Nigeria, Sierra Leone, Swaziland, Tanzania, Uganda, Zambia and Zimbabwe);
- To strengthen knowledge and awareness regarding the application of the death penalty among legal professionals (defence lawyers, prosecutors, judges, NGOs, Ministries of Justice and other departments);
- To strengthen networks of lawyers representing



- people on death row or working within the criminal justice system; and
- To strengthen human rights values within the legal system.

In Africa, the Committee is now engaged in a joint initiative with the Attorney General Bar Council, FCO, DIFID to establish a Pan-African Lawyers Website, strengthen standards of professional bodies, and provide comprehensive training programmes for the judiciary and police in an effort to stamp out unlawful practices and abuse. The work of Andrew Hall QC and his team have made an enduring contribution to good governance and respect for the rule of law throughout the continent.

## International Litigation Unit

In 2006 the BHRC participated as amicus curiae in the United States Supreme Court case of Hamdan v Rumsfeld. In a landmark ruling endorsing submissions made by the BHRC and others the Court held that detainees held at Guantanamo Bay were entitled to the protections of the Geneva Conventions and that the Military Commissions then established for trials at Guantanamo Bay failed to respect basic due process guarantees.

In 2007 the BHRC participated as one of a number of interveners in the case of Al Skeini v Secretary of State for Defence [2007] UKHL 26. In accordance with the BHRC's submissions the House of Lords held that the Human Rights Act 1998 did extend to protect detainees held by British forces in Iraq.

In 2007 the BHRC participated as one of a number of interveners in the case of Omar Khadr. In summary the brief submits that the trial of Omar Khadr by a military tribunal for war crimes and other statutory offences allegedly committed under the Military Commissions Act while Khadr was a 15 year old child soldier violates well established principles of international law.

In 2007 the BHRC submitted a brief to the Supreme Court of Pakistan (on the common law principles of judicial independence) in support of the attempt by the Chief Justice of Pakistan to challenge his dismissal by President Musharraf. The Supreme Court ruled that the treatment of the Chief Justice was illegal and unconstitutional and re-affirmed the principle of judicial independence.



**Mark Muller QC, Suspect Communities Workshop**

# Bar Conference 2006

## Justice Reconstruction in fragile or post conflict states

On 4<sup>th</sup> November 2006, BHRC presented a workshop on the theme of Justice Reconstruction in fragile or post conflict states.



**(L-R): Kamal el Gizouli, Sudan, Sudhanshu Swaroop, BHRC Executive**

The workshop was moderated by Judge Howard Morrison QC with the panellists including Dr Kamal el Gizouli, Sudanese advocate, writer and human rights activist; Mr Geoffrey Robertson QC, Head of Doughty Street Chambers on Sierra Leone and Cambodia and Mr Nicholas Stewart QC, Ely Place Chambers, on the international justice efforts in Bosnia.

# Bar Conference 2007

## **Defending those who defend human rights: Human Rights Defenders.**

On 3<sup>rd</sup> November 2007, BHRC presented a workshop entitled “Defending those who defend human rights: Human Rights Defenders” at the 2007 Bar Conference.



***(L-R): Ms Hina Jilani, UN SRSG on the situation of Human Rights Defenders, Mr. Mark Muller QC, BHRC Chair, Ms Mandira Sharma, Nepal, Mr. Abdul Raouf Al-Sahyeb, Bahrain***

The keynote speaker for the BHRC workshop was Ms. Hina Jilani, Special Representative of the UN Secretary General on the situation of Human Rights Defenders and a prominent Supreme Court lawyer in Pakistan. Also on the panel were, Mandira Sharma, a Nepali human rights defender and recipient of the Human Rights Watch Human Rights Defender award as well as Abdul Raouf Al- Shayeb, a Bahraini human rights defender and Director of the National Committee of Martyrs and Victims of Torture, Bahrain. The Panel was chaired by Mark Muller QC, Chair of the BHRC.

The panellists spoke of the indefatigable work which they carry out on a daily basis to uphold and promote human rights and the rule of law in the face of constant persecution and harassment. Ms. Jilani gave an overview of the situation of human rights defenders across the world.

# American Bar Association, Section of International Law annual meeting 2007

On 4<sup>th</sup> October 2007, the BHRC presented a showcase programme on “Using evidence obtained by torture / extraordinary renditions” at the Grosvenor House Hotel, London.

The programme was chaired by Zubair Ahmad & Mark Muller QC - the speakers were:

1. Tim Otty QC
2. Jonathon Jones (*Attorney-General's Office, London*)
3. Brian Mizer (*US Military defence attorney at Guantanamo*)
4. John Pavich (*US lawyer and ex CIA agent*)



**(L-R): Tim Otty QC, John Pavich, Mark Muller QC and Jonathon Jones**

# The Delfina Foundation

The Bar Human Rights Committee has also been instrumental in helping to found and support the Delfina Foundation as part of its programme of engaging with Islamic communities.

The Delfina Foundation is an initiative to support cross-cultural exchange between artists living in the West and the East, with the Middle East and North Africa as its initial focus. The foundation was established by Delfina Entrecanales whose previous arts space, Delfina Studios Trust, contributed to a generation of highly acclaimed visual artists and held an unparalleled record for any art organisation with more than a dozen Turner Prize nominees such as Mark Wallinger, Keith Tyson, Anya Gallaccio, Glenn Brown, Shirazeh Houshairy, Mark Titchner, and Tomoko Takahashi.

The Delfina Foundation's aim is to create new cultural spaces for the 21<sup>st</sup> century and actively encourage conversation across different cultures and disciplines, from architecture to human rights. The core of the foundation's work is its artists-in-residency programme based in London and Madrid with opportunities for cultural exchange via partner organisations in the Middle East and North Africa. The Delfina Foundation also develops unique collaborations between artists and a public programme of talks, debates and exhibitions. These platforms investigate, deepen and debate critical issues involving heritage, contemporary culture, and the wider civic society.

The Bar Human Rights Committee has supported The Delfina Foundation's work to promote reconciliation between the East and West through arts and culture. The BHRC has been integral in facilitating partnerships in the Middle East by assisting the foundation to access areas of conflict and isolation.

This support has enabled the foundation to nurture new models of artistic exchange and in partnership with the BHRC, to bridge the wider aspects of human rights and cultural entitlement. This underpins the Foundation's belief in the freedom of the imagination, thought and expression in contributing to change on both the micro (individual) and the macro (society) scale.



**Chair Mark Muller QC with Delfina Entrecanales**

# BHRC Website

<http://www.barhumanrights.org.uk/>

The Bar Human Rights Committee website has been completely overhauled and re-designed over the past few months to provide a fresher, cleaner and more user-friendly site.



The website contains information about the committee, monthly meetings, minutes of meetings, information about the work of the committee, news, highlights, urgent actions, useful links and reports/manuals relating to the projects and training events carried out by the BHRC. A "get involved" section has been developed

to advertise Committee meetings, encourage further membership and invite applications for internships and volunteer work. Updates including adding material from both recent work of the committee as well as past events, allowing the website to act as a "record of past projects". Particularly useful resources – such as the training manuals for Palestine and Afghanistan – are fully accessible to both individuals and the wider human rights community.

Additional changes include a "news bar" on the front page of the site enabling visitors to easily access information about current events and projects. A number of photographs displaying the work of BHRC have also been uploaded as well as new useful links to those working in the field of human rights. It is not just the front of house that has experienced changes; the back-end of the website has also received a thorough re-development. The many technical changes mean that the website can be easily updated and expanded as the Committee's work also expands and develops. To this end, we are currently inviting members to submit ideas and suggestions for adding new features and resources to the site.

# Monthly Meetings 2006 and 2007

The BHRC would like to sincerely thank all those speakers who addressed BHRC members over the past two years.

## 2006 Meetings:

### January:

*Michael Birnbaum QC and Sudhanshu Swaroop* on the BHRC training and scoping mission to Sudan in November 2005. *Tim Otty* on the amicus brief submitted by BHRC to the US Supreme Court in the case of *Hamdan v Rumsfeld*.

### February:

*Theodora Christou and Udo Jude Ilo* on the launch of the joint BHRC/BICCL Human Rights Manual and Sourcebook for Africa.

### March:

*Clive Stafford Smith* on Guantanamo Bay

### April:

*Ajanta Kaza and Michael Ivers* on a recent fact finding mission in Turkey

### May:

*Sarah Poland*, Lawyer from International Lawyers Project  
*Samantha Knights, Fouzia Khan and Mark Muller QC* on BHRC's recent mission in Afghanistan.

### June:

*Marc Willer and David Watkinson* on Gypsy and Traveller Rights

*Smita Shah*, barrister at Garden Court Chambers, on her recent human rights visit to Colombia

### July:

*Sundus Abass*, IRAQ, leading Human Rights Activist for Women's Rights and Director of the Women's Leadership Institute

### September:

*Abdul Rauf Al-Sahyeb*, President of the National Committee for Martyrs and Victims of Torture in Bahrain on the Terrorism Code in Bahrain

*Anna Louise Pfarras*, Zimbabwe Defence and Aid Fund on the human rights situation in Zimbabwe

### October:

*Mr Paddy Hill*, was one of the men who become known as the 'Birmingham Six'. He was wrongly convicted of planting the pub bombs that killed 21 people in 1974 and spent 17 years in prison for a crime he did not commit.

### November:

*Kirsty Brimelow*, 187 Fleet Street, on the Death Penalty in Jamaica

*Alex Glassbrook*, 1 Temple Gardens, on the Law Society Conference in Zimbabwe

### December:

Freedom of Expression in Turkey/ Fundraiser: *Mark Thomas, Ragıp Zarakolu, Maureen Freely, Judith Vidal-Hall, Celallettin Can, Richard McKane, Desmond Fernandes, Murat Aktas.*



## 2007 Meetings:

### January:

*Naoimh Hughes*, Coordinator of the Bar Human Rights Committee, on the Mission of the UN Special Rapporteur on Torture to China

*Jo Wilding*, Pupil at Garden Court Chambers, IRAQ: Don't shoot the clowns – a personal account of her time in Occupied Iraq.

### February:

*Hannah Rought-Brooks*, Barrister, Toops Chambers, on her recent two month barrister BHRC placement in Ramallah

*Rachel Bernu*, Deputy Director of the Kurdish Human Rights Project, on her recent fact finding mission to Kurdish regional governates in Iraq.

*Rupert Skilbeck*, Extraordinary Chambers in the Courts of Cambodia (ECCC), Update on the Khmer Rouge Trials

### March:

*Stephanie T. Kleine-Ahlbrandt*, Office of the United Nations High Commissioner for Human Rights (OHCHR) in Geneva, on the human rights implications of China's deepening engagement with the African continent.

*Annie Yang*, Falun Gong Practitioner who was imprisoned in a Re-Education through Labour Camp in Beijing, China

*Reza Yazdi*, Chevening Fellow and Iranian Advocate, on the situation of Lawyers in Iran

### April:

*Mr Hassan Moshama*, Chairman of Al-Haq, on the human rights situation in Bahrain

*Mr Ian MacDonald QC*, on his participation in a recent Conference on International Law in the Age of Conflict in Damascus, Syria, jointly organised by the BHRC and the British Council (Syria)

### May:

*Brenda Campbell*, Barrister, Garden Court Chambers and *Naina Patel*, Barrister, Blackstone Chambers on BHRC's recent mission to Afghanistan

### June:

FILM - Outlawed: Rendition, torture & disappearances in the 'war on terror'

### July:

*Blinne Ní Ghrálaigh*, Barrister, Matrix Chambers on her recent three month barrister placement in Ramallah, Palestine, organised by the Bar Human Rights Committee

*Upali Cooray* and *Zaheer Ahmad*, Barristers, Mitre House Chambers on the situation of the Chief Justice of Pakistan and the submission of the BHRC amicus curiae brief

*Penelope Draffan*, Barrister, update on the human rights situation in the countries of Francophone West Africa.

**September:**

Book launch of leading Chinese Human Rights lawyer  
*Gao Zhisheng*

*Brad Adams* – Human Rights Watch - Executive  
Director of Asia Division

*Sarah Cook* – Co-editor Broad Press Publishing

*Naoimh Hughes* – Bar Human Rights Committee

**October:**

*Eduardo Carreno* of the CCAJAR lawyer's Collective,  
Colombia

*Susi Bascon*, on the work of Peace Brigades  
International in Colombia

*Sarah Lucy Cooper*, Thomas More Chambers, on the  
situation of human rights lawyers in Colombia

**November 1:**

*Hina Jilani* - UN Special Representative of the  
Secretary General on the situation of Human Rights  
Defenders, Advocate of the Supreme Court of  
Pakistan, on the situation of judges and lawyers in  
Pakistan

**November 2:**

*Tim Otty* QC of 20 Essex Street Chambers on the  
legal issues surrounding Guantanamo Bay and the  
Supreme Court litigation to date including the  
forthcoming hearing in *Boumediene v George W Bush*.

*Moazzam Begg* former Guantanamo Bay detainee

*William Kuebler* and *Rebecca Snyder*, Commission  
appointed Military Lawyers in the case of Omar  
Kahadr, 21 –year-old Canadian citizen - the last  
westerner detained in Guantánamo Bay

**December:**

*Professor Bill Bowring*, Birkbeck College and BHRC  
Executive member on Human Rights in Putin's Russia

*Federica Prina*, Programme Officer Article 19 on  
freedom of expression in Russia

## **BHRC Executive Committee 2006**

### **Chairman**

Mark Muller QC

### **Vice Chair**

Tim Otty QC

### **Treasurer**

Brendan Finucane QC

### **Executive Committee**

Nadeem Ahmad

Zubair Ahmad

Michael Birnbaum QC

Professor Bill Bowring

Sarah Lucy Cooper

Rufus D'Cruz

Alex Glassbrook

Samantha Knights

Sara Mansoori

Sudhanshu Swaroop

### **Project Coordinator**

Naoimh Hughes

## **BHRC Executive Committee 2007**

### **Chairman**

Mark Muller QC

### **Vice Chair**

Tim Otty QC

### **Treasurer**

Brendan Finucane QC

### **Executive Committee**

Nadeem Ahmad

Zubair Ahmad

Michael Birnbaum QC

Professor Bill Bowring

Kirsty Brimelow

Sarah Lucy Cooper

Alex Glassbrook

Edward Grieves

Samantha Knights

Sudhanshu Swaroop

### **Project Coordinator**

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### **Intern**

Andrew Sanger



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