



The ISLP News

The Newsletter of the
International Senior Lawyers Project

Volume 2 Issue 2

Nov 2005

Dear Friends,

Reports of American violations of international law and standards regarding the treatment of prisoners are once again in the headlines. The New York Times, Washington Post, and other papers have disclosed that the CIA is operating secret prisons, some in Eastern Europe, and NPR has reported that the European Union is investigating these claims.

As an organization whose mission includes the protection of human rights globally, our government's treatment of prisoners in Iraq, Guantanamo Bay and elsewhere has long concerned us. I was most gratified when Michael Ratner, the President of the Center for Constitutional Rights, said at an awards dinner this week at Clifford Chance that it was ISLP's recruitment of Clifford Chance to represent Guantanamo detainees that turned the tide in its efforts to secure pro bono help for the detainees from major law firms. In addition to its in-house work, Clifford Chance gave one of its associates a six-month leave of absence to organize a massive pro bono effort for CCR. Now about 450 lawyers from many firms are participating in this effort.

Nonetheless, I ask myself every day whether the legal community shouldn't be doing more to express our deep concern about our government's violations of human rights. I have heard from many colleagues abroad that they feel the American legal community is not speaking out, and they wonder why. Today's New York Times contains a letter decrying the use of torture from the presidents of the American College of



Physicians, the American Psychiatric Association and the American Psychological Association, but nothing from any bar associations or lawyers.

As senior members of the legal community, our voices command some respect. I believe we should be speaking out more on these issues of great national concern, and welcome your suggestions on how we might do that.

Sincerely,

Jean C. Berman

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Volunteering With the European Roma Rights Centre

By Cynthia Rollings

(Cynthia Rollings is a partner in the New York firm of Beldock, Levine & Hoffman, LLP. She specializes in discrimination and civil rights litigation, and also has a Masters Degree in Public Health).

On Friday afternoon, July 16, 2005, ISLP Executive Director Jean Berman called to ask whether I

would be interested in working with the European Roma Rights Centre (ERRC) in Budapest on a case involving lead poisoning in Kosovo, which needed immediate assistance. She emailed some relevant documents, on Sunday morning I spoke to Dianne Post, the Legal Director of the ERRC, and by Sunday night I had de-

cidated to go. On Wednesday, July 20, I was en route to Budapest, where I spent my summer vacation working intensely for the ERRC.

I was greeted at the Budapest airport by an ERRC paralegal. We dropped off my things at a guesthouse, and two buses later we arrived (*continued on page 2*)

Volunteering With the European Roma Rights Centre *continued..*



Roma Children at IDP camps in Kosovo

(*continued from page 1*) at the ERRC office. Dianne was out at a course in European law, so I introduced myself to the two summer interns with whom I would be sharing an office, connected my laptop to the Internet and started work.

The ERRC is an international public interest law organization active in combating human rights abuses of the Roma people. The case I worked on arose from the UN's placement of Roma families in camps for internally displaced people (IDP's) erected near the Trepca lead smelting plant and toxic waste dump in North Mitrovica, after the Roma were burned out of their homes in South Mitrovica in the 1999 Kosovo conflict. The camps were intended for short term residence, but the Roma families who were placed in these camps are still there six years later, living on the contaminated land. The issue for the ERRC is the severe lead poisoning of the Roma, particularly the children, who remain trapped in these camps, notwithstanding years of discussion about rebuilding and relocating them to their homes.

As early as November 2000 epidemiological studies were conducted by the World Health Organization (WHO) in Mitrovica which confirmed the high blood lead concentrations among the Roma children living in the toxic conditions in the camps. WHO issued additional reports starting in July 2004, confirming the medical emergency and recommending immediate evacuation. One of the WHO experts has referred to the situation in North Mitrovica as one of the most serious lead-related environmental health disasters in history. Yet the public authorities have not acted.

The most pressing issue for the ERRC was and remains prompt relief for the Roma children suffering from lead poisoning. Longer term goals include relocation of all

the Roma from these camps together with appropriate health care and financial compensation.

My first week at the ERRC I reviewed and analyzed existing files and prepared a first draft of a complaint for the European Court of Human Rights, focusing on the factual and historical allegations and documentation. Analysis of legal rights and remedies required identification of relevant law, responsible parties and available legal forums. I was assisted by a law student at the ERRC, who had just finished an internship with European Court, who added case citations and legal analysis.

The second week I traveled with Dianne to Kosovo. There we visited the four IDP camps in Mitrovica and Leposavic and met with Roma families in the camps, as well as with the camp leaders. These are people who have been living in the shadow of lead tailings on highly contaminated soil for six years with years of sickness, promises and no action. They have been given conflicting information about relocation plans and the source of their children's illnesses. Many of them are understandably confused and distrustful. In Pristina, we met with personnel from the UN Mission in Kosovo (UNMIK), the titular governing authority in Kosovo, including the Legal Officer and Minority Rights Officer, interviewed local lawyers to assist with local action, visited the Trepca mine (a Michael Moore-type visit) to try to determine the validity of rumors of its imminent start-up, and met with representatives of local NGOs. Later we spoke to World Health Organization personnel who authored the WHO reports recommending immediate evacuation of the camps. The trip confirmed not only the truly life-threatening situation for families whose children are gravely ill from the effects of lead poisoning, but the apparent inability of the UN to take action everyone knows is necessary and appropriate.

During the third week, I researched new issues, including "parallel structures" with Serbia, the history and current status of the mine, and the applicability of the 9/11 Fund Settlement procedures to a UN-brokered settlement of the Roma claims; followed up with WHO personnel, epidemiologists knowledgeable about lead poisoning in Mitrovica and doctors expert in the field; and redrafted the complaint.

Together with Dan Margolis, a Washington lawyer experienced in complex litigation, I have

Volunteering With the European Roma Rights Centre continued..

continued to advise Dianne on issues in connection with this case. Whether a litigation approach will be adopted or not, I believe that our work has been valuable in helping the ERRC to formulate arguments and develop strategies. I am hopeful that ISLP volunteers can continue to participate on a longer-term basis in assisting ERRC's legal staff in addressing the complex legal issues in this and other matters.

Post Script: In an email to ISLP following Cynthia's onsite assignment, Dianne Post wrote: It was incredibly valuable having Cynthia on ground in terms of the work she did-- i.e. research, interviewing -- and in terms of someone to bounce ideas off-- i.e. strategizing, arguing, and in terms of framing arguments in the best manner. . . . So much was accomplished when she was here that I am months ahead of where I would have been without her.



Meet Anna Gekht!

ISLP is pleased to welcome Ms. Anna Gekht as our new Director of Programs and Development. Prior to joining ISLP in August of 2005, Anna served as the Program Officer for Sustainable Development and Population at an international non-governmental organization, Parliamentarians for Global Action (PGA). At PGA she

developed and implemented programs to strengthen reproductive health and rights, promote women's rights and implement parliamentary campaigns to combat and prevent HIV/AIDS in South Asia and Russia/CIS. In her career, Anna also worked with international not-for-profit organizations in the United States and in Belgium. Ms. Gekht holds a Masters Degree in International Relations from the University of Kent at Canterbury Brussels School for International Studies and a Bachelors Degree in History from New York University. She has lived in Russia, Ukraine, Belgium and the United States and has traveled extensively.



ISLP in the News

The November 7 issue of Time Magazine that went to subscribers over the age of 50 made us proud with its story "Giving Expertise: The New Volunteers – More than Envelope Stuffers." Author Francine Russo featured ISLP volunteer Bob Kinney, who volunteered with the new Public Defender Office in Bulgaria (see Bob's article in The ISLP News, Vol. 1, Issue 1, p.2). Russo wrote: "When the slot fits the volunteer perfectly, the experience may even help answer the eternal question: What do I do with the rest of my life? Robert Kinney, 58, head of the Federal Public Defender's Office in Las Cruces, N.M., may have found his answer when he agreed to a stint for the International Senior Lawyers Project, which uses experienced attorneys to promote the rule of law around the world." After briefly describing Bob's work in Bulgaria and Mongolia, she concluded: "Kinney had not looked forward to retiring, but now he says, 'I'd love to retire if I could do this kind of work and not just lie in a beach chair.'"

Project Finance Team Advises Government of Rwanda by Jean Berman



More than ten years after its horrific genocide, Rwanda appears to have a stable government, with a constitution overwhelmingly approved by the electorate in 2003. But the country, the most densely populated in Africa, is extremely poor; annual per capital income averages about \$1300. One major hope for an improved economy is a proposed methane-fired power plant on Lake Kivu, in the West of Rwanda. Lake Kivu is a unique natural resource, because its deep waters contain an enormous quantity of dissolved methane gas.

The Government of Rwanda (GoR) has been negotiating the terms of the development of the Lake Kivu power plant with investors, lenders and developers, and the World Bank has been asked to provide a partial guarantee of the contemplated loans. In August 2005, the Bank approached ISLP with a request to provide a high level team of project finance lawyers to advise the GoR, on a pro bono basis, on the project documents. ISLP was fortunate to have among its pro-

spective volunteer pool two retired project finance lawyers, Stephen Stein, a retired partner at Kelley Drye & Warren LLP in New York City, and Stuart Steingold, a retired partner in the Washington, D.C. office of Paul, Weiss, Rifkind, Garrison & Wharton LLP. Both Steve and Stuart agreed to come on board. But we knew that the scope of this project would also require the resources, both human and technological, of a law firm. Board member Joe Bell, a senior partner at Hogan & Hartson LLP and a major participant in the development of the project, decided to approach members of his firm's project finance practice. ISLP hit a home run when partner Claudette Christian agreed to join Steve and Stuart and to serve as team leader.

In October, a first meeting was held via teleconference among the ISLP volunteers and senior officials of the Rwandan Ministry of Infrastructure. That meeting confirmed the engagement of the ISLP team by Rwanda to advise it with respect to issues that must be resolved for the project to go forward to closing, particularly issues raised by the potential lenders or loan guarantors.

It is hard to imagine that a more highly qualified group of lawyers could have been made available to the Government of Rwanda at any price. We believe that the counsel provided by Claudette, Steve and Stuart, as well as the contributions of dedicated Hogan & Hartson associates, will help Rwanda secure the best possible terms for this development and assure the project's successful completion and operation for many years to come.



(left to right) ISLP Volunteers: Stephen Stein, retired partner at Kelley Drye & Warren LLP, Stuart Steingold, retired partner at Paul, Weiss, Rifkind, Garrison & Wharton LL, and Team Leader Claudette Christian, partner at Hogan & Hartson LLP.

ISLP Collaborates with British Pro Bono Group by Jean Berman

We are pleased to announce our collaboration with a new British organization called the International Lawyers Project (ILP). This collaboration has grown out of discussions begun some time ago with the Solicitors Pro Bono Group (SPBG), based in London, after it launched a new program to involve senior British lawyers in international pro bono projects. In the past few months, these initial conversations have begun to bear fruit. This past summer, ISLP invited the SPBG to select two lawyers to participate in our commercial law education project in South Africa. As a result, Charles Randell, a senior partner at Slaughter and May, and Dan Mace, a senior partner with Lovells, joined six American volunteers (and many South African lawyers) in our three-month program in Johannesburg and Durban.

ILP was recently chartered as an independent charity in Britain. In September, ISLP and ILP co-hosted a breakfast discussion at the International Bar Association's annual meeting in Prague, with the goal of encouraging European, particularly British, lawyers to become involved in international pro bono work. ISLP Executive Director Jean Berman spoke at the breakfast about the many ways in which skilled and experienced lawyers can help governments, nongovernmental



Sarah Poland Michael Smyth & Tony Williams

organizations, bar associations and other institutions promote the rule of law, human rights and economic development around the world.

This collaboration is a major step forward in furthering ISLP's goal of creating a global network of experienced lawyers to serve the world community. We also believe it will expand our opportunities to develop valuable projects. We look forward to the participation of a growing number of British lawyers in our initiatives and of American lawyers in the ILP's projects.

Developing Projects: Volunteers Needed!

If you are interested in spending at least three months abroad working with nongovernmental organizations, please let Jean Berman know via email at jberman@islp.org. Several projects are in the development stage and will be needing volunteers in the next couple of months. In addition, we expect to be developing a number of similar projects in the coming year and would like to know who among our potential volunteers is interested in and able to work abroad for three or more months.

Our developing projects include:

- ◆ Working with the Public Interest Law Initiative in Budapest to work with Hungarian and global law firms to implement organized pro bono programs assisting nongovernmental organizations;
- ◆ Working with the European Roma Rights Centre in Budapest to mentor and train local staff and assist on specific cases;
- ◆ Working with the Czech League of Human Rights to mentor and train staff and work on specific cases; and
- ◆ Working with Ashoka: Innovators for the Public, in Bangalore to help implement their new "Advocates for Social Entrepreneurs" program, which, like the project in Budapest, seeks to recruit indigenous law firms to provide pro bono assistance to nongovernmental organizations.

We'd love to hear from you if these or other similar projects might be of interest.

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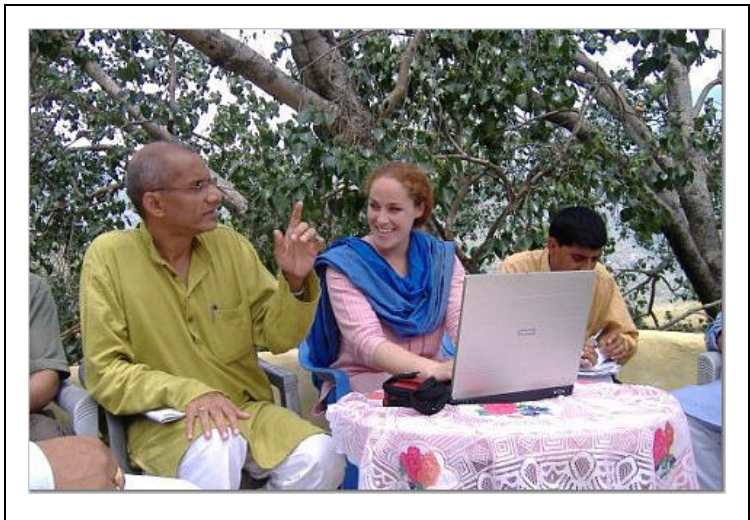
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Mission

The International Senior Lawyers Project provides volunteer legal services by skilled and experienced attorneys to advance democracy and the rule of law, protect human rights and promote equitable economic development worldwide. Through the *pro bono* work of retired and active practitioners, ISLP helps governments and citizens develop and implement legal reforms, assists programs that advance the social and economic well-being of people in developing countries, and builds the capacity of local organizations and professionals to meet the needs of their communities.

PLEASE SUPPORT ISLP

ISLP depends largely on the support of the legal community and other individuals who understand the importance of the rule of law and sound legal institutions in addressing poverty, repression, corruption and despair. Please include ISLP in your year-end giving plans so we can sustain our work and provide more opportunities for you to serve the world community. Please be as generous as possible and send your donations to Jean Berman, International Senior Lawyers Project, 31 W. 52nd St, 3rd Fl., New York, N.Y. 10019.



Former ISLP Program Assistant, Mia Sussman, works with HRLN Executive Director Colin Gonsalves in India, Summer 2005