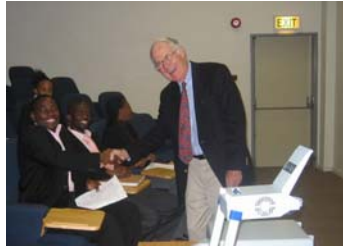


# International Senior Lawyers Project

*Serving the World Community*



Volunteer Dan Byron (c) with lawyers Akoto Ampaw of Ghana (l) and Femi Falana of Lagos in the ECOWAS court in Abuja, Nigeria



Volunteer Kevin Salisbury with participants in the Commercial Law Training Program in South Africa



Staff of the Center for Human Rights and Development (CHRD) in Mongolia

## 2007 Project Report

### Mission and Background

The mission of the International Senior Lawyers Project (ISLP) is to advance the rule of law, human rights and equitable economic development worldwide by providing highly skilled *pro bono* legal services from experienced lawyers and distinguished law firms to nongovernmental organizations (NGOs), developing country governments and other institutions that share its goals. ISLP was founded in 2000 and began active programming in the fall of 2001. During its first five years of active operations, ISLP operated with a paid staff that grew from one to two, occasional paid consultants, and substantial volunteer contributions of time by Board members and other lawyers. In late 2006 and early 2007, ISLP received significant general operating grants from the Open Society Institute, an anonymous donor-advised fund and an individual anonymous donor. These grants, together with continuing support from individual lawyers, law firms and other foundations enabled ISLP to grow in 2007 from a staff of two to a staff of five, to expand its work, and to begin to reach out to volunteers outside of the United States, particularly Canada and continental Europe.

### Program Developments

#### *Overview*

With the expansion of its staff from two to five, ISLP was able to achieve a significant increase in 2007 over the previous year in the total number of projects implemented or substantially developed, from 34 to 54. The increase was also due, we believe, to ISLP's growing international reputation for providing extremely high quality volunteers, whether individuals who go abroad to work onsite or conduct training programs, or law firms that provide services from their home offices.

A second significant trend in 2007 was the growth in projects that built on prior ISLP initiatives, to broaden and deepen the impact of our work. For example, ISLP leveraged the success of its 2006 work on behalf of the government of Liberia in the Mittal Steel negotiations to develop a six-week project with the Ministry of Justice that placed a senior lawyer from Blake Cassels & Graydon LLP with the Solicitor General for general assistance and training. From the success of that and other work for Liberia, we began to develop several more projects with the Ministries of Justice, Health and Commerce that will be

implemented in 2008. We followed up a highly successful first assignment with the Centre for Human Rights and Development in Mongolia with a second volunteer placement; we planned a new project with the Czech League of Human Rights for a volunteer who worked with the League previously; we broadened the impact of our Media Law Working Group by sending a volunteer to work with the Media Foundation for West Africa for two months; we expanded our commercial law education program in Africa to include Botswana and Tanzania, as well as South Africa; and we not only conducted a second trade negotiation training, this time in Rwanda, but we worked with a major trade firm based in Washington to design a program of continuing mentoring and assistance to Rwanda in the area of international trade.

In 2007 law firms continued to play a significant role in ISLP projects. They provided assistance ranging from sending *pro bono* attorneys to monitor the trial of Charles Taylor in The Hague to advising the Government of Liberia in its negotiations with Firestone Rubber to negotiating a joint venture agreement between a major international NGO and Wal-Mart for the purchase by Wal-Mart of locally grown produce in Guatemala. Law firms also undertook smaller projects that someday may well pay large dividends, such as providing organizational assistance to a start-up NGO that will provide children in Pakistan and other developing countries with state-of-the-art educational tools and to another that will provide members of Rotary Clubs worldwide with the means to evaluate, reduce and offset their carbon dioxide emissions.

### *Project Highlights*

We find it hard to single out any projects for special mention, as so many of them seem important to us. Nonetheless, writing adequately about the 54 implemented or substantially developed projects would diminish all of them with an overload information. Therefore, we describe three below at somewhat greater length, and provide briefer descriptions of the entire portfolio in Attachment A.

***Media Foundation for West Africa:*** Responding to a request from the Open Society Justice Initiative and its partner, the Media Foundation for West Africa (MFWA), for a seasoned media litigator, ISLP sent volunteer Dan Byron to Ghana for two months to assist MFWA's efforts to end governments' impunity for violence against journalists and to challenge laws aimed at silencing free expression. Dan is a partner in the Indianapolis law firm Bingham McHale; he has tried many jury and court trials and has briefed and argued appellate cases before the Indiana Court of Appeals, the Indiana Supreme Court, the 7th U.S. Circuit Court of Appeals and the Supreme Court of the United States. A number of his trials have involved civil rights litigation and media law cases representing print and broadcast companies. He is also general counsel for the Indiana Broadcasters' Association.

MFWA, based in Accra, has organized a network of dedicated lawyers in countries throughout West Africa to represent journalists and media organizations. Prof. Kwame Karikari, the Foundation's Executive Director, asked for an experienced media litigator to help on selected cases, speak to its members about media law and litigation, help draft a comprehensive litigation strategy and help select and train a permanent staff member being hired to manage MFWA's legal activities.

Dan spent the months of October and November 2007 with MFWA. In two short months, his accomplishments were impressive. They included: (1) assisting MFWA with the preparation of witnesses and the presentation of the first human rights case heard in the Court of Justice of the Economic Community of West African States (ECOWAS), a case involving the disappearance and presumed murder by the government of The Gambia of an editor; (2) filing a second case in the ECOWAS Court of Justice involving the torture of a journalist by The Gambia; (3) helping to strategize about a class action that may be brought in the ECOWAS court on behalf of the families of all journalists who have disappeared in The Gambia since 2005; (4) conceptualizing and helping to draft papers in an action in the Supreme Court of Sierra Leone challenging the constitutionality of its criminal libel and sedition law; (5)

drafting a comprehensive litigation strategy covering all of MFWA's ongoing cases; (6) helping to hire the new Litigation Director; and (7) speaking to journalists, journalism students and lawyers in Ghana, Nigeria and Sierra Leone about freedom of the press and media law issues and strategies. After the conclusion of Dan's stay, MFWA Executive Director Kwame Karikari wrote: "*MFWA has benefited greatly from the ISLP volunteer. He provided the professional advice required on a daily basis to run the Legal Defense project and contributed very much to our overall planning for implementation of a successful project.*"

Dan plans to continue to provide assistance to MFWA via Internet and telephone, and hopes to return to Ghana in the fall of 2008 to attend a symposium and assess the effectiveness of the litigation plan.

***Centre for Human Rights and Development, Mongolia:*** Following the success of ISLP volunteer Dick Spencer with the Centre for Human Rights and Development (CHRD) in 2006, CHRD requested another onsite volunteer to assist with its work on environmental protection and combating trafficking in human beings. ISLP selected Mary Davis, who served as an Acting Justice of the Supreme Court of the State of New York from 1986-1998. After her retirement from the bench, Mary became involved in a variety of matters relating to transitional justice and human rights law. For much of 2004-2005, she worked in Afghanistan's first full-service public defender office, where she mentored Afghan lawyers representing detainees in the local prisons and worked to hone their analytical and trial advocacy skills. While in Kabul, she participated in workshops designed to educate lawyers and judges about the new Afghan Constitution and Interim Code of Criminal Procedure. Additionally, she has undertaken projects in Sierra Leone, Cambodia and Rwanda related to the establishment of special courts to try war criminals. In addition, she was a Senior Visiting Attorney in the New York office of Legal Momentum – Advancing Women's Rights (formerly the NOW Legal Defense & Education Fund) until her move to Paris in 2006.

Mary spent two months in Ulaanbaatar from mid-May through mid-July 2007. She advised CHRD to adopt a strategic approach to combating human trafficking that included pushing for the adoption of relevant international conventions and the enactment of an omnibus anti-trafficking statute, rather than the piecemeal legislative approach they had in mind. CHRD adopted the suggested strategy, and, with Mary's assistance, formed the nucleus of an advocacy coalition, and began to lobby government officials. Mary also worked with the lawyers handling CHRD's docket of environmental cases, developing their trial advocacy skills. Drawing on her extensive contacts, Mary was also able to provide CHRD with some cutting-edge research on the valuation of environmental damage, which CHRD intends to deploy in future environmental litigation. CHRD has asked ISLP to send an environmental litigator for a three-month assignment in 2008, and to recruit a law firm to produce research to be used as part of CHRD's comprehensive environmental advocacy campaign.

***Onsite Work with the Ministry of Justice, Liberia:*** In April, Jim Dubé, a partner in the Canadian firm of Blake Cassells & Graydon LLP, undertook a six week assignment to work with the Liberia Ministry of Justice on cases and matters with which it was dealing. Perhaps the words of the Solicitor General, Tiawan S. Gongloe, in a thank you letter to the partners of Blakes, describe Jim's accomplishments most effectively:

"I can say without any fear of contradiction that for allowing Mr. Dubé to assist the Ministry of Justice, we at the Ministry stand in an unending debt of gratitude to your firm. Mr. Dubé's six weeks of legal service to the Ministry of Justice appeared like several months, considering the amount of work he did. Mr. Dubé reviewed several files of important cases and advised us in each case on what course of action was legally sensible. He helped us review contracts and drafted legislations and regulations for the strengthening the rule of law. Mr. Dubé also did some mentoring of our prosecutors, both senior and junior, including me. Furthermore, Mr. Dubé participated in a three day consultative meeting of all prosecutors in Liberia, thereby providing a rare occasion for

Liberian prosecutors to learn from the experiences of a senior lawyer from North America. All the prosecutors that attended the meeting have told me that having an opportunity to learn from Mr. Dubé was the best continuing education opportunity they have ever had. They hope Mr. Dubé will return to Liberia to assist us, again. I hope so too...Once again I want to thank you for allowing Jim to come to Liberia to assist us in rebuilding the rule of law so that peace and stability can prevail in Liberia forever. Please send back Jim and many more like him.”

Jim Dubé will return to Liberia for six weeks in April-May 2008.

Beyond his outstanding legal work, Jim clearly also helped advance the unique bond that ISLP has developed with the Ministry of Justice in Liberia. Recognizing the level of expertise that ISLP volunteers provide and their willingness and ability to access the additional legal resources of their firms and colleagues at home, the Ministry has extended an invitation for three additional senior-level legal advisors to work within the Ministry in 2008. One volunteer will serve in the office of the Minister, assisting with the overall management of the Ministry and, especially, with the systems for managing and monitoring its caseload. A second volunteer will work with the Deputy Minister for Economic Affairs on issues related to investment and finance. The third will work with the Solicitor General, focusing on the present government’s efforts to hold members of the transitional regime – including the former head of state – accountable for corruption.

#### *Conclusion*

While clearly understating the talents that ISLP has mobilized, including his own, volunteer Jim Dubé’s words reflect the spirit and work of ISLP in 2007 and its vision for the future:

*The truth is that, with good minds and a preparedness to venture beyond our comfort boundaries, our generation of lawyers has an enormous capacity to make a difference. And, it is organizations like the International Senior Lawyers Project that enable us to do so.*

## ATTACHMENT A

### 2007 PROJECT DESCRIPTIONS

Below are brief descriptions of the 54 projects undertaken or substantially advanced during 2007.

#### HUMAN RIGHTS

##### Africa

*African Court of Human and Peoples' Rights, Tanzania, Amicus Brief:* On behalf of two media organizations, Clifford Chance lawyers researched the procedural rules for filing an amicus brief in the African Court of Human and Peoples' Rights in Arusha, Tanzania, a regional court established to rule on African Union states' compliance with the African Charter on Human and Peoples' Rights. In this case, the media organizations wish to file amicus briefs in support of a deported journalist who contests his deportation as a violation of various human rights guaranteed in the African Charter.

*Chad Human Rights Law Centre:* Delphine Djirabe, a leading Chadian human rights lawyer and RFK Memorial Human Rights Laureate, requested assistance from ISLP in setting up a human rights law center in Chad. ISLP recruited an Italian lawyer who has practiced law in France for the past fifteen years, who will be working with Ms. Djirabe in 2008.

*Civicus, Johannesburg, South Africa:* Civicus, a Johannesburg-based international NGO focusing on civil society and the right to freedom of expression, requested a long-term on-site volunteer to research and analyze domestic laws threatening civil society and the right to assembly, and to work with Civicus to develop campaigns in response to those laws. Joe Hahn, a retired partner in the Portland, Maine firm of Bernstein, Shur, Sawyer & Nelson with previous experience in First Amendment litigation, provided on-site support for four months (March-June 2007) to help develop advocacy efforts for Civil Society Watch, a Civicus program that identifies and responds to threats on civil society's fundamental rights to collectively speak out, associate and organize throughout the world.

*Clinical Drug Trials in Developing Countries:* ISLP has assembled a team of prominent attorneys with extensive experience in the pharmaceutical sector, and has established a partnership with the Government of Malawi. The Government is in the process of developing a comprehensive bioethics policy, and has requested ISLP to hold a five-day workshop for 30-40 participants from the health sector. The workshop will focus generally on the legal, regulatory, and ethical aspects of the negotiation and implementation of clinical drug trial agreements. The specific topics to be covered will be decided during a preparatory visit to be undertaken in the spring, pending funding. The workshop will take place in early summer, also pending funding, and ISLP's team will provide ongoing advice if and as requested.

*Disability Rights Clinic, Nairobi, Kenya:* ISLP is working with Bob Golten, a senior lawyer who is the Director of the International Human Rights & Law Advocacy Center at Denver University, to support the development of a project to establish the first disability rights clinic in Kenya. This summer Mr. Golten, together with senior lawyer Victoria Donovan, traveled to Nairobi to develop the organizational strategy and proposal for the clinic, which will operate under the aegis of the law faculty at Moi University and the Center for Disability Rights, Education, and Advocacy. A Letter of Intent has now been drafted, agreed

to by all the stakeholders in Kenya, and circulated to potential financial supporters. It is anticipated that ISLP will play an ongoing role in the development and operation of the clinic.

*Hissein Habré Prosecution:* Human Rights Watch requested ISLP's assistance in moving forward the prosecution in Senegalese courts of Hissein Habré, the former dictator of Chad. The project involves advocating with the US government and researching some of the legal issues that will be at stake in the trial. ISLP has recruited a global law firm to undertake this project.

*Institute for Human Rights and Development in Africa:* The Institute for Human Rights and Development in Africa (the Institute) was founded and established in 1997 in Banjul, The Gambia (where the African Commission on Human and Peoples Rights is located). It is a Pan-African non-governmental organization with the specific objective of advancing the respect for human rights in Africa by increase the effectiveness and accessibility of the human rights protection mechanisms of the African Union. Among the Institute's core activities is acting as *pro bono* counsel to individuals and NGOs bringing cases before the Commission. ISLP has had preliminary discussions with the Institute's former founding director and current board member Julia Harrington and with board member David Padilla about providing volunteers to help with the Institute's case management system, and to do substantive research and drafting on specific cases.

*Liberia, ZODWOCA project:* ISLP partner Global Rights requested an on-site volunteer to work in Liberia with the women's advocacy organization ZODWOCA on an awareness-raising project related to the country's new rape law. ISLP Volunteer Doug Mooney, a Seattle-based lawyer, went to Liberia in March to help ZODWOCA plan and develop a demonstration project, focusing on raising public awareness and providing training for police and peer-counselors on the protections afforded victims under the country's newly enacted rape law. The demonstration project was successfully launched across an entire county in September 2007, and resulted in the receipt of a UNICEF grant to support an additional ZODWOCA gender-based violence project. Mr. Mooney continues to work with ZODWOCA from Seattle. The Executive Director of ZODWOCA recently wrote to him: "I'm excited to report we have received a project from UNICEF on Gender Based Violence for Lofa and Bong County. This project came as a direct result of your negotiation with them. Thank you!"

*Liberian Labor Laws:* While in Liberia on a separate project, ISLP volunteer Doug Mooney met with the ABA Africa, which was preparing comments on Liberia's new draft labor law. An experienced labor lawyer, Doug assisted their effort by enlisting the help of over a dozen colleagues from his firm, Littler Mendelson, to review the existing law and provide comments on areas where employment law could positively impact and encourage international investment in Liberia. The ABA/Littler comments are currently being reviewed by the Liberian government, which has also invited Doug to speak at an upcoming symposium addressing these issues.

*Liberian Ministry of Health:* In 2007, ISLP was asked to assist the Ministry of Health of Liberia in reviewing the health laws of Liberia, providing research, analysis, and drafting on issues within the regulatory authority of the Ministry, and providing an on-site senior lawyer who would make a series of 2-3 week visits throughout the year to train the Ministry's in-house counsel and to support the activities of the global law firms. Clifford Chance and Hogan & Hartson took on the research and analysis aspect of this project. Each sent a senior partner on a joint site visit in November, during which they met with the Minister of Health, familiarized themselves with the legal and regulatory issues at stake and agreed to a set of immediate priorities with senior Ministry staff. ISLP will select an experienced attorney to work with in-house counsel and coordinate the project in early 2008.

*Liberia Ministry of Justice Legislative Review:* The Parliament of Liberia is expected this session to pass the Law Reform Commission Act, which will initiate a comprehensive review of Liberia's laws – most of which have not been updated since the mid-1970's. In 2007, the Ministry of Justice met with ISLP staff

and requested law firms to provide ongoing research and analysis once the first legislative priorities have been identified.

*Liberian Law Fellows Project:* ISLP is partnering with the Ministry of Justice and the Center for Global Development (CGD) in Washington, D.C., to send a total of three lawyers to the Ministry for three visits of 3-4 weeks each. They will simultaneously assist the Ministry in its work and mentor young Liberian lawyers recruited by CGD. One volunteer will serve in the office of the Minister, assisting with the overall management of the Ministry and, especially, with the systems for managing and monitoring its caseload. A second volunteer will work with the Deputy Minister for Economic Affairs, on issues related to investment and finance. The third will work with the Solicitor General, focusing on the present government's efforts to hold members of the transitional regime – including the former head of state – accountable for corruption. To date, ISLP has recruited William Gardner to work with the Solicitor General. Mr. Gardner retired from the global firm Morgan, Lewis & Bockius, where he founded and chaired the firm's white collar criminal practice. Before that, he spent ten years at the Department of Justice, three as chief of the Criminal Civil Rights Section.

*Trial of Charles Taylor, The Hague, Netherlands:* The Open Society Justice Initiative requested ISLP's assistance in monitoring the ongoing trial of Charles Taylor in The Hague and providing timely information about the proceedings to constituencies in Liberia and Sierra Leone, as well as to journalists and professionals. Clifford Chance has undertaken the assignment through its Washington, Amsterdam and London offices and has put together a monitoring team to cover every session of the trial. To facilitate broad and rapid dissemination of trial developments, ISLP led in the way in the establishment of a live blog, which may be accessed at [www.charlestaylortrial.org](http://www.charlestaylortrial.org).

*University of Pretoria Centre for Human Rights:* In the summer of 2007, Christof Heyns, dean of the University of Pretoria Faculty of Law, former founding director of its Centre for Human Rights, and a prominent African human rights activist with strong connections to the African Commission and Court of Human and Peoples Rights, approached ISLP with a request for a volunteer to work with the Centre's prestigious human rights LL.M program. Joel Martin, an ISLP volunteer with extensive experience – including teaching trial advocacy skills in the West Bank and Gaza, and serving as the Executive Director of the CEELI Institute in Prague – was selected for this assignment. Mr. Martin will teach general international human rights and trial advocacy in the 2008 fall semester (spring in the U.S.) and will run a specialized clinic for a small group of selected LL.M students from various African countries. The clinic will prepare petitions based on fact patterns that have already been developed by the students in their home countries, and will submit those petitions to the Commission in its May session. Joel will also explore ways for ISLP to link its activities at the University of Pretoria to its projects in development with the Institute of Human Rights and Development in Africa (see below) and with the Commission itself (see below).

## **Asia**

*Afghan Human Rights Organization (AHRO), Kabul:* AHRO is dedicated to the protection and promotion of human rights in Afghanistan. Among other activities, AHRO operates several legal aid clinics that have provided legal assistance to more than 4,000 victims of human rights violations, most of them women. AHRO has asked for a volunteer to complete a detailed, independent evaluation of their legal aid program in order to highlight strengths as well as gaps which need to be filled. Allen Keese, a volunteer with extensive expertise assessing NGO programs, will travel to Kabul in February 2008 to complete the study.

*Centre for Human Rights and Development Mongolia:* Following the success of ISLP volunteer Dick Spencer with the Centre for Human Rights and Development (CHRD) in 2006, CHRD requested another onsite volunteer to assist with its work on environmental protection and combating trafficking in human

beings. ISLP selected Mary Davis, a retired New York State Supreme Court Judge with significant international human rights experience. Judge Davis spent two months in Ulaanbaatar from mid-May through mid-July 2007. She advised CHRD to adopt a strategic approach to combating human trafficking that included pushing for the adoption of relevant international conventions and the enactment of an omnibus anti-trafficking statute, rather than the piecemeal legislative approach they had in mind. CHRD adopted the suggested strategy, and, with Judge Davis' assistance, formed the nucleus of an advocacy coalition, and began to lobby government officials. Judge Davis also worked with the lawyers handling CHRD's docket of environmental cases, developing their trial advocacy skills. Drawing on her extensive contacts, Judge Davis was also able to provide CHRD with some cutting-edge research on the valuation of environmental damage, which CHRD intends to deploy in future environmental litigation. CHRD has asked ISLP to send an environmental litigator for a three-month assignment in 2008, and to recruit a law firm to produce research to be used as part of CHRD's comprehensive environmental advocacy campaign.

*China Freedom of Expression:* The ISLP Media Law Working Group cooperated in the planning of a conference held in January 2008 that explored China's role in establishing global Internet norms and standards. It is well known that China filters web content for their citizens. China is able to crack down on online journalists and bloggers largely due to their elaborate and sophisticated filtering, surveillance and blocking technology--popularly referred to as the Great Firewall of China. The conference focused on China's role both as a model for other regimes seeking to impose internal and external information controls on news and information, and as an exporter of the technologies and technical assistance that enable that level of regulation, particularly for repressive regimes in developing countries.

*Human Rights Law Network (HRLN), India:* HRLN, with which ISLP has worked closely in the past, is a network of lawyers and social activists dedicated to the use of the legal system to advance human rights. At the request of HRLN, ISLP has recruited Steven Stark, a lawyer who specializes in teaching trial advocacy skills internationally, to travel to India in the summer of 2008 for a multi-city teaching tour.

*Justice Ventures International (JVI), Free the Slaves (FTS), and HRLN:* FTS, headquartered in Washington, DC, works on issues related to bonded labor and child labor in India. JVI – which mobilizes and delivers information, professional services and financial resources to strengthen and support public and private ventures that promote freedom, justice and development at the local level in developing countries – has teamed up with FTS and HRLN to provide specialized legal services related to bonded labor through HRLN's offices in the neighboring provinces of Uttar Pradesh and Bihar. ISLP has been invited to send a volunteer in the second quarter of 2008 to support the work in both offices.

## **Eastern Europe and Russia**

*We thank the Ernst C. Stiefel Foundation for its generous support which made possible much of our work in Eastern Europe and Russia.*

*European Roma Rights Center (ERRC):* ISLP volunteers assisted ERRC effort's to develop a survey of European law on segregation in schools. ERRC has several cases pending in national courts involving the discriminatory segregation of Roma children from school and plans eventually to file a number of cases with the European Court of Human Rights. Hogan & Hartson's Brussels office completed legal research for this survey and has now begun research on a case of housing discrimination against Roma people in Slovakia that ERRC hopes to bring before the European Court of Justice.

*International Protection Centre, Russia:* Karinna Moskalenka, a leading Russian human rights lawyer, has an office in Strasbourg, France, from which she coordinates and supervises nearly 200 cases against Russia in the European Court of Human Rights. ISLP volunteer Natasha Lisman spent four weeks in Strasbourg working with Ms. Moskalenka and training staff. While there, Ms. Lisman, a Russian-

speaking litigator with a Boston law firm, worked on an emergency action brought on behalf of political dissident Gary Kasparov after his arrest during a demonstration in advance of parliamentary elections, a case brought by the families of Chechens who disappeared during the war in Chechnya, and a media law case. She also worked with Ms. Moskalenka to design a continuing program of assistance from ISLP volunteers.

*League of Human Rights (LIGA), Czech Republic:* LIGA is one of the few human rights organizations in the Czech Republic with lawyers on staff who handle litigation for victims of rights abuses and promote law reform. ISLP volunteer Mike Haroz, a Boston lawyer who spent three weeks with LIGA in 2006, will spend four weeks on-site in February/March 08 to further the organizational and training efforts initiated by ISLP volunteers in 2006.

*Mental Disability Advocacy Center (MDAC), Russia.* In August, MDAC, which is based in Budapest, Hungary requested assistance from ISLP in connection with its representation of Larisa Arap, a journalist and opposition party member, who was arrested and forcibly detained and "treated" in a psychiatric institution in Murmansk, Russia. Reports suggested that Ms. Arap was probably detained as a result of an article she wrote criticizing the treatment received by children in the local psychiatric hospital. Although Ms. Arap has since been released from psychiatric detention, MDAC is representing her in her challenge of the legality of the detention and in seeking damages for human rights violations she endured. The global firm Weil Gotshal & Manges is conducting comparative legal research and preparing a memorandum of law on a number of issues raised in the case.

*Human Rights Work in Russia Generally:* From May 24<sup>th</sup> through May 29<sup>th</sup>, Jean Berman and Natasha Lisman met with five major human rights NGOs in Moscow, as well as with the ABA Rule of Law Initiative (ABA/ROLI) Russia Director and the legal director of USAID, to discuss ways in which ISLP might assist Russian NGOs and promote access to justice in Russia. Jean and Natasha also met with the Moscow offices of four global law firms to explore their interest in assisting NGOs and working with ISLP. Projects for JURIX, the International Protection Centre, the Centre for the Protection of Extreme Journalism, the International Center for Nonprofit Law and the Centre for the Protection of Democracy and Human Rights were discussed, with some specific requests made.

## **Latin America**

*Fujimori Trial Monitoring Project:* ISLP is partnering with the Praxis Institute for Social Justice – a non-profit organization focusing on transitional justice, legal reform, mental health and community reconstruction in conflict and post-conflict societies – to monitor the trial of Alberto Fujimori, the former President of Peru. This trial is part of the growing trend for holding former heads of state accountable for crimes they may have committed while in office, and is the first wholly national trial of its kind – taking place in Peruvian courts applying domestic Peruvian law. With funding from OSI, the project created a bilingual liveblog Web site that is maintained by a professional bilingual team based in Lima. ISLP designed the Web site (<http://fujimoriontrial.org>), and selected volunteer Jim Manahan, a practicing lawyer from Minnesota with extensive experience in Latin America, including four appointments as a Fulbright Senior Scholar to teach trial advocacy skills at universities throughout South America. Mr. Manahan arrived in Lima in January and will remain until May 2008 monitoring the trial, posting daily blog entries, and training the team on trial advocacy and monitoring.

*NGO Project in Peru on Behalf of Victims of Forced Sterilization:* Working together with the International Human Rights Law and Advocacy Center (IHRAC) at the University of Denver, ISLP sent volunteer Robert Koehler to Lima, Peru for 10 days in August 2007 to explore the feasibility of assisting Peruvian NGOs seeking reparations for Peruvian indigenous women who were involuntarily sterilized under the Fujimori regime. The goal of the project is to identify as many of the victims as possible (perhaps up to 300,000 women), learn the nature and magnitude of the harm done to them, attempt to put

together a reparations package, identify the Peruvian agencies and officials presently involved in addressing the issue of reparations, determine what local (Peruvian) remedies are available to these victims, and if none are available, file an action with the Inter-American Commission on Human Rights claiming the right to reparations. IHRAC, with assistance from ISLP, is in the process of developing a proposal in order to seek funding to carry out the investigation and subsequent, likely litigation. The proposal will include a request to ISLP for both on-site volunteers and law firm assistance.

*Friends of FOKAL, Haiti:* Friends of FOKAL is the fundraising arm of the Haitian organization, Fondasyon Konesans Ak Libète (in French, “Fondation Connaissance & Liberté”). The mission of FOKAL is to promote the development of programs and institutions to establish and sustain a democratic society. Currently, FOKAL serves approximately 300,000 Haitians through a number of initiatives, including a cultural center in Port-au-Prince that provides a rare opportunity for poor youth and women to interact with each other and with representatives of civil society on topics such as education, the environment, culture and democracy. Another significant project of FOKAL is a water systems program that provides drinking water, irrigation systems and preservation and rehabilitation of water sources. Friends of FOKAL approached ISLP for organizational assistance, including incorporating as a not-for-profit and securing tax exempt status in the United States. The law firm Shearman & Sterling is handling this matter.

## **The Middle East**

*Media Law in the Gulf:* ISLP Board member and volunteer Dick Winfield participated in the IREX Media Law Conference for the Gulf in Kuwait City beginning on June 8. The conference covered the application of media law in the Gulf countries of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, the United Arab Emirates, and Yemen. Mr. Winfield served as a panelist presenting Global Models from the US and Europe, and spoke on the growing international consensus for decriminalization of defamation and insult of public officials. He covered jurisprudence of the European Court on Human Rights as well as the Inter-American Court on Human Rights in his presentation to journalists, lawyers and judges from the Gulf countries about the importance of decriminalization of these offenses for a freer press, which in turn supports greater government transparency and democratic participation. ISLP summer intern Kristen Mendoza of Clifford Chance US assisted Dick in preparing for the conference, particularly with research and analysis on Islamic sources of the right to freedom of expression.

*Children of Tomorrow (COT):* Morrison & Foerster is providing 501(c)(3) work assistance with incorporation and other issues to this organization whose aim is to provide primary education through technology to communities in developing countries where children have little access to tools for academic advancement. COT’s pilot program is underway in Pakistan; an elementary school with 350 students has been identified and COT will deliver its first computers and begin trainings by April, 2008.

## **Multi-Country**

*Media Law Assistance Web Site:* ISLP initiated a partnership with the Center for International Media Assistance and the Center for Global Communications Studies of the Annenberg School for Communication at the University of Pennsylvania on the development of a website that will both provide up-to-date legal authorities and other resources in the area of media law, and foster a dialogue among media law practitioners wherever they are located. The goal of the site is to create a “one stop” resource in the developing world for the twenty-first century media law practitioner interested in accessing leading authorities from around the globe. The site will benefit its users and those whom they serve by bolstering the resources available to media law practitioners in the developing world, with special emphasis on attorneys working in jurisdictions encumbered by the greatest restraints on freedom of expression, and by strengthening and expanding upon cooperation among proponents of freedom of expression.

*Nonprofit Organizations Knowledge Initiative (“NPOKI”)*: The mission of NPOKI is to provide significant assistance to the many providers of safe and affordable health care services in developing countries around the world by developing and providing them with the computer technology that will enable them to better and more efficiently manage their resources and implement their projects. NPOKI approached ISLP with a request for organizational assistance, including incorporating as a not-for-profit, membership organization, securing tax exempt status, and, significantly, developing appropriate internal management/decision-making processes, and eventual assistance with intellectual property and other complex legal issues. Weil Gotshal & Manges has undertaken this pro bono work.

*Standing up for the Rule of Law in the “War on Terror”*: In May, ISLP joined the Association of the Bar of the City of New York, the Boston Bar Association, the Beverly Hills Bar Association, the Association of Professional Responsibility Lawyers, and distinguished law school professors as *amici curiae* opposing a request by the U.S. Department of Justice to further curtail communication between Guantánamo Bay detainees and their attorneys.

## **ECONOMIC DEVELOPMENT**

### **Africa**

*Botswana Commercial Law Training Program*: This year ISLP offered its commercial law training program for the first time in Botswana. The program included five weeks of instruction for about 50 lawyers, as well as an additional week working with the staff of the Botswana Law Society.

*COMESA Trade Negotiation Training Program*: Following the highly successful trade negotiation training programs conducted by ISLP and its partner, the African Centre for the Constructive Resolution of Disputes (ACCORD) in 2006 in Botswana and in 2007 in Rwanda, ISLP and ACCORD will conduct a trade negotiation training program for the Common Market for Eastern and Southern Africa (COMESA). With nineteen members, COMESA is one of the most active regional trade organizations in Africa. Among other activities, it provides training and advice to its members on trade negotiations. The five-day program is expected to take place in September 2008 and will train 20-25 senior lawyers and officials from the member governments. ISLP trade consultant Patrick Macrory has arranged a number of meetings with COMESA trade officials for January 2008 to develop the specific content of the program.

*Democratic Republic of Congo Mining Agreements*: ISLP was asked by the Carter Center to assist in conducting a review and analysis of a number of mining contracts to which the government of the Democratic Republic of the Congo is a party, with particular attention being paid to revenue streams, transparency and citizen participation. ISLP’s team was led by senior partner John Reboul of Ropes & Gray and included associates from several Ropes & Gray international offices. The team reviewed and evaluated five key mining contracts and submitted a memorandum to the Minister of Mines and relevant civil society entities in both French and English. The team is ready to continue on the project following review by civil society and the DRC.

*Liberia Firestone Concession Agreement*: ISLP volunteer Joe Bell and several colleagues at the firm of Hogan & Hartson assisted the Ministry of Agriculture and the Office of the President in a 12 month renegotiation of the Firestone Rubber concession agreement. Firestone began its activity in Liberia in 1926 and is the largest private employer in the country. The renegotiated agreement is expected to be the baseline for the negotiation and renegotiation of other agreements in the agricultural sector.

*Liberia Model Mining Agreement*: Robert Hillman, Fair Business Practices Distinguished Professor of Law at the University of California at Davis Law School, Professor Louis Wells of the Harvard Business School, and Joe Bell of Hogan & Hartson have assisted the government of Liberia in the development of

a model mining agreement for future use by the government. This is based on the prior work of Bob Hillman and Lou Wells in 2006 when they assisted the government in the renegotiation of the Mittal iron ore agreement.

*Liberian International Ship & Corporate Registry Agreements:* Michael Cheroutes, a retired Hogan & Hartson partner and long-time ISLP volunteer, together with associates from Hogan and assistance from the New York-based maritime law firm of Hill Betts & Nash LLP, advised the government of Liberia in reviewing and renegotiating agreements made with the Liberian International Ship & Corporate Registry (LISCR), a Delaware corporation that manages the Registry under an Operating Agreement with Liberia. The team undertook a comprehensive due diligence review designed to explore LISCR and its management of the Registry since 2000. On the basis of that review, they prepared a detailed Due Diligence Report for the Minister of Commerce and went over it with her during a full-day meeting in Washington. The second phase of the project will be the negotiation of a Memorandum of Understanding between Liberia and LISCR. The Memorandum will, among other things, clarify key points in the existing Operating Agreement and introduce a new revenue allocation formula, enhancing revenues to Liberia.

*Liberian Ministry of Commerce:* A request for an onsite volunteer to mentor in-house legal staff was made to ISLP by the Liberian Ministry of Commerce and Industry. Significant progress was made in developing the project, recruiting a major firm and identifying a senior lawyer to undertake the onsite visits.

*Rwanda Trade Negotiation Training and Follow-Up Assistance:* Together with trainers from the African Centre for the Constructive Resolution of Disputes (ACCORD), ISLP volunteers conducted a week long trade negotiation training program for approximately 20 members of the Rwandan government trade office. Rwanda was selected as the second forum for this training program because it is a member of several regional trade agreements and has assumed an important role in international trade negotiations, particularly the Economic Partnership Agreements between the Eastern and Southern Africa countries and the European Union, and its government had expressed an urgent need for such technical assistance. The evaluations of the program by the participants were very enthusiastic. Since the training, ISLP has been working with Rwandan officials and a leading Washington law firm with a highly regarded trade practice to implement an ongoing mentoring and assistance program by the firm to Rwanda's trade negotiators.

*South Africa Commercial Law Training Program:* For the fourth year, ISLP presented a 12-week commercial law training program for historically disadvantaged lawyers in Johannesburg and Cape Town. Nine ISLP volunteers participated in this year's program, which trained about 90 lawyers. This and our 2008 program are being funded from a major grant of \$221,000 received in the spring of 2007 from the W.K. Kellogg Foundation..

*South Africa Conference on the Integration of Black Lawyers into the Corporate Legal Profession:* ISLP, the South Africa Black Lawyers Association, the Senior Lawyers Division of the American Bar Association, the Johannesburg law firm Brink Cohen Le Roux and the Mandela Centre at the University of Witwatersrand in Johannesburg are coordinating to present a three-day conference March 3-5, 2008. The first day of the conference will focus on an evaluation of the past four years of an annual 12-week commercial law education training presented by ISLP in South Africa and its role in helping foster commercial law opportunities. The conference's second day will involve a broader-based exploration of the opportunities and challenges for historically-disadvantaged South African attorneys to practice commercial law, while the third day will convene a roundtable discussion on initiatives to make commercial law legal services by black attorneys available to small and medium-sized businesses in historically-disadvantaged communities. Conference participants will include: instructors and certificate

recipients from past ISLP commercial law education programs, South African government officials; commercial law practitioners; business and financial sector leaders.

*Zambia Trade Negotiation Training Program:* Following the highly successful trade negotiation training programs conducted by ISLP and its partner, the African Centre for the Constructive Resolution of Disputes (ACCORD) in 2006 in Botswana and in 2007 in Rwanda, ISLP and ACCORD will undertake a training program in 2008 for lawyers and trade officials of the Zambian government in the skills and substantive law required for effective participation in bilateral and multilateral trade negotiations. The training will be conducted by two highly experienced and skilled ISLP volunteer professionals and one trainer of similar caliber from ACCORD; it will take place over three days in late April 2008 and will accommodate 20-25 participants. ISLP trade consultant Patrick Macrory will meet with Zambian government officials in January in order to custom design the program's curriculum to reflect Zambia's specific needs and trade issues.

*Tanzania Commercial Law Training Program:* In February 2007, ISLP volunteers Kevin Salisbury and Perry Irvine conducted an intensive, one-week training on commercial law for Tanzanian lawyers. ISLP partnered with the Tanganyika Law Society on this project. Twenty five lawyers received about 40 hours of instruction during this training, and the feedback from both instructors and students was highly positive.

### **Eastern Europe and Russia**

*Small and Medium Business Legal Support Project, Russia:* ISLP Executive Director Jean Berman and ISLP board member Natasha Lisman traveled to Russia in May 2007 to meet with potential partners, lawyers, representatives of small business and relevant governmental entities to assess the viability of Tomsk and Samara as locales for developing the small and medium business legal support project. As a result of this trip, the Tomsk Chamber of Commerce and ISLP will enter into a cooperation agreement to establish a Small and Medium Business Legal Training and Support Centre, which will train lawyers and conduct seminars for small businesses in the ways in which legal advice can help them achieve their goals.

### **Latin America**

*Mercy Corps Guatemala Project:* Mercy Corps is a major American nonprofit organization operating worldwide, whose mission is "to alleviate suffering, poverty and oppression by helping people build secure, productive and just communities." Mercy Corps, asked ISLP to provide it with legal assistance in negotiating a memorandum of understanding among Mercy Corps, USAID and Wal-Mart in connection with a ground-breaking initiative in Guatemala to work with local farmers to enable them to market their products to Wal-Mart-owned supermarkets. This was new territory for Mercy Corps, which sees strong potential in this partnership model, and it was especially concerned with securing highly skilled legal representation to establish the best possible model documents. ISLP recruited Latham & Watkins to represent Mercy Corps in developing the necessary memorandum of understanding and other documents, a project that was successfully completed in September 2007. Latham & Watkins will continue to advise Mercy Corps as the project moves forward. Following the signing of the agreement, Mercy Corps General Counsel Mary Chaffin wrote to our volunteers "I wanted to let you know that we have signed the Grant Agreement for the GDA with Wal-Mart. Getting our first GDA grant is a tremendous achievement and one that we couldn't have managed without your expert help."

### **Multi-Country**

*Central Advisory Service on Intellectual Property (CAS-IP):* CAS-IP is an advisory affiliate of the Consultative Group for International Agricultural Research (CGIAR), a strategic partnership of countries,

international and regional organizations and private foundations that supports the work of 15 international centers. Each Center aims to achieve sustainable food security and reduce poverty in developing countries through scientific research and research-related activities in the fields of agriculture, forestry, fisheries, policy, and the environment. The objective of CAS-IP is to enable access to and use of CGIAR products for the benefit of the poor through effective IP and technology transfer management. CAS-IP seeks to assist the Centers, their partners and the CGIAR system as a whole to implement a comprehensive approach to management of the intellectual assets of the Centers as public goods. To do this CAS-IP provides transactional support, capacity building and facilitation of the sharing of experiences across the Centers. CAS-IP asked ISLP for highly experienced *pro bono* counsel to strategize and “think-out-of-the-box” in providing legal advice on a number of innovative initiatives with respect to agricultural products. Morrison & Foerster’s San Francisco office has taken on this project, with Michael Ward, a partner and founder of the firm’s Plant IP group, leading the group.

*LeapFrog Investment Fund:* LeapFrog Investments was founded by a former Ashoka staff person to provide financing to businesses in emerging markets that deliver essential goods and services in high volumes and at low cost, on a socially responsible basis, to low income consumers. Consistent access to capital and related support poses the greatest obstacle to the success and sustainability of social enterprises in poor countries. LeapFrog aims to alleviate that obstacle. The law firms of Akin Gump and Wiley Rein are working with the LeapFrog Investment Fund to develop an appropriate legal structure to meet its goals and needs.

## **ACCESS TO JUSTICE**

### **Africa**

*Ministry of Justice, Liberia:* In May 2007, Jim Dube, a partner in the Canadian firm of Blake Cassells & Graydon LLP, completed a six week assignment advising the Liberia Ministry of Justice on cases and matters with which it was dealing. The highlight of his trip was helping to elaborate the arguments used by the government against the claim of head-of-state immunity raised by Gyude Bryant in his trial on charges of economic sabotage. Jim also participated in a three-day conference of prosecutors from all of Liberia’s fifteen counties, and conducted ongoing trial advocacy training for the prosecutors. He will return to Liberia for six weeks in April-May 2008.

### **Asia**

*International Bridges to Justice (IBJ):* ISLP is partnering with IBJ to assist it in its public defender program in China. IBJ works to guarantee all citizens the right to competent legal representation, the right to be protected from cruel and unusual punishment, and the right to a fair trial. IBJ is headquartered in Geneva, Switzerland and has two offices in China and two Fellows in Cambodia and Burundi. ISLP will deploy at least three volunteers in 2008, for a minimum of ten weeks each, to work on three separate projects - two based in Beijing and one in Xi’An - designed to improve the prompt access to counsel by detainees, to better protect the legal rights of children, and to enhance the advocacy skills of criminal defenders.

### **Eastern Europe and Russia**

*Development of Legal Services Programs in Russia:* The Country Director of the Russia office of ABA/ROLI requested a volunteer to participate in a roundtable conference with Russian NGOs on legal services for the poor that ROLI held beginning June 8<sup>th</sup>. ISLP recruited Russell Neufeld for this assignment, formerly the chief public defender for New York City. He started the Legal Aid Society’s death penalty project in 1995 and has significant supervision, trial and appellate experience.

*Promotion of Pro Bono in Russia:* The Public Interest Law Institute (PILI) requested a volunteer to work with PILI in developing an organized pro bono program for the larger law firms in Moscow, similar to the work done by Michael Cheroutes in Budapest and Barbara Putta in India in 2006. ISLP recruited Eugene Sullivan, a retired partner from the global firm Chadbourne & Parke, who opened and managed the firm's Moscow office in the 1990s. Mr. Sullivan spent three months in Moscow from mid-September to mid-December. He helped PILI to recruit over a dozen law firms in Moscow to participate in the pro bono initiative, helped develop materials to be used by a pro bono clearinghouse, and advised on how the movement could approach NGOs that might benefit from pro bono assistance. Following his assignment, which was funded by USAID, the USAID Regional Legal Advisor in Moscow wrote: "I just wanted to drop a personal note to let you know how pleased I was with Gene Sullivan's efforts on the pro bono project. The project seems to be getting serious legs and I know he played an important role in that process."

## **OTHER**

*CO2 Offset Trust:* ISLP assistance was sought to establish a U.S. based affiliate of the CO2 Offset Trust, an International Rotary Club-to-Club Project administered by ten local community-based Rotary Clubs. The goal of the Trust is to enlist Rotarians worldwide in combating the effects of carbon dioxide emissions on climate change and to encourage them to make donations to offset the CO2 created by their activities. ISLP recruited the firm of Fried Frank Harris Shriver & Jacobson to undertake this project.

*Independent Diplomat:* ISLP was approached by Independent Diplomat, an organization founded by former senior British foreign service officers that provides diplomatic training and assistance to least developed countries and regions, to discuss assistance with its work with Somaliland and other potential clients on a range of issues. ISLP board member Ruth Bell gave preliminary advice in connection with a potential project relating to small island countries and climate change. ISLP volunteers continue to work with Independent Diplomat on its Western Sahara project, which involves advocating on behalf of Western Sahara for the enforcement of its rights in the waters off its shores.