



The ISLP News

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Dear Friends:

It has been a very busy and productive year at ISLP. During the first five months of 2008, we implemented 30 projects and worked on the development of another 16. We sent 22 volunteers abroad and selected another 20 whose overseas assignments are in the advanced stages of planning, while 17 law firms worked on ISLP projects. These figures represent significant growth compared to the same time period last year.

The breadth and depth of our work is also growing. We have recently added 10 countries to our geographic scope, from Afghanistan to Zambia. At the same time, we are deepening the impact of our work in certain geographic and substantive areas. Our support to the government of Liberia continues to grow, through advice on several major government contracts and through onsite volunteers working with the Ministry of Justice and other ministries. Our trade negotiation training program is taking deeper root; this year it includes two workshops in Rwanda and two in Zambia. Our commercial law training program was significantly enhanced and informed by a conference in Johannesburg on opportunities for black lawyers in South Africa, which we jointly organized with the Black Lawyers

Association. And we are building stronger collaborations with selected NGO partners by sending volunteers on second and third assignments with them.

Our staff has worked hard in organizational areas as well. In particular, our first ever Annual Report was produced, to general acclaim; I encourage you to look for it on our website.

Finally, we are moving forward with the establishment of a European office. In March, I met with interested lawyers in Amsterdam, Barcelona, London and Paris. ISLP Board member Ramon Mullerat hosted important meetings in Barcelona and went to Paris with me. As a result, several Spanish and other Europeans registered as volunteers. We will soon be hiring a European Coordinator to head up our efforts there and are optimistic and excited about the outstanding European colleagues who will be joining our roster of amazing volunteers. As always, we welcome your thoughts on all of this!

Sincerely,

Jean C. Berman

*Jean Berman with
ISLP Board Member
Ramon Mullerat near
Barcelona, Spain*



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Guiding the Next Generation of African Human Rights Lawyers

- By Joel Martin, Volunteer in South Africa Feb-May 2008

In early 2007 I was doing some consulting work but no longer practicing law when several friends from Maine recommended ISLP to me because of their experience with the organization from assignments in India, Asia, and Africa. I had spent five years working in an international ABA rule of law program and ISLP sounded interesting. So I applied, and when I talked with ISLP staff I said, in essence, Put me in, coach, wherever needed.

That turned out to be at the Centre for Human Rights of the University of Pretoria, South Africa. 32 students from across Africa come to the Centre each year for a two-semester course of study leading to an LLM in human rights law. The courses they take emphasize African law, particularly the African Charter on Human and People's Rights; but their studies range beyond Africa to consider structures and problems of the international community.

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The students are bright, inquisitive, and ambitious. Some of them will return to their home countries to practice law or join government or NGO groups concerned with human rights. Some will work for international agencies, in Africa and elsewhere. Some will continue their studies, with the aim of teaching law.



Joel Martin with Centre students working on advisory reports to the African Commission

The program is challenging. All classes and readings are in English, and they run from early morning to late afternoon; then there is homework. This lasts for the first semester; in the second the students go to various African nations to work with human rights organizations and simultaneously continue their studies in universities nearby. At the end of the academic year everyone returns to the Centre for summaries, reports, and the awarding of degrees.

I was at the Centre for three months, most of the first semester. During that time I worked with a tutorial group on issues sent to the Centre for analysis by the African Commission on Human and People's Rights. I met with students and commented on drafts of papers. Most of my time, however, was spent on creating and administering a trial practice course, the first in the Centre's history.

Like most law students, the students at the Centre love the law but aren't nearly so enthusiastic about the facts, those slippery and ambiguous intruders from the outside world. And their law schools have done little or nothing to teach them how to present a factual case. So we began the work free from preconceptions, but also without useful experience.

We worked on a hypothetical human rights case which involved the African Charter, other covenants, and some oppressive decrees issued by a national government during a crisis. The facts were complicated: witnesses and defendants did not always tell the same story; some had hidden motives; some lied; the documents were not always reliable. Teams of prosecutors and defense counsel were to extract from this a case that would stand up to the scrutiny of the courtroom.

In order to involve everyone, we had three trials. Each of them was better than the one before it – not, I think, because the teams had more inherent skill, but because they had learned from watching their colleagues. The last trial was a real pleasure to watch.

In fact, all of my time at the Centre was a pleasure. I enjoyed the vitality and optimism of the students, the collegiality of the faculty and staff, and (not least) the contrast between a South African summer and a Maine winter. My thanks to ISLP for the opportunity, and my congratulations to its staff and sponsors for their vision and their commitment.

Mr. Martin, an attorney from Portland, ME, previously led a rule of law project in the West Bank and Gaza and served as Executive Director of the ABA's CEELI Institute in Prague.

Anti-Corruption Training Takes Off in Liberia

ISLP Volunteer Bill Gardner, who retired last year from his white collar crime defense practice at Morgan, Lewis & Bockius LLP in Washington DC, spent the month of February in Liberia within the Ministry of Justice. Bill's initial mission was to mentor several young Liberian lawyers from the American diaspora who had been recruited by the Center for Global Development to spend a year in Monrovia. However, upon reviewing Bill's resume and seeing that his background included a number of years as a federal prosecutor, the Ministry asked that his responsibilities be expanded to include advising the Ministry on anti-fraud and anti-corruption investigations and prosecutions.

Bill reported an extraordinarily rewarding experience working with the Ministry. He met initially with Justice Minister Philip Banks to work out a strategy for his time in Monrovia. Thereafter, Bill spent a good deal of time with Solicitor General Tiawan Gongloe, whose responsibilities include not only representing the Liberian Government in cases before the Liberian Supreme Court, but supervising all the criminal prosecutions in the country.

Bill provided valuable training to several Liberian agencies involved in anti-corruption matters.

For example, he lectured extensively to criminal investigators from the Liberian National Police and the National Bureau of Investigation. He discussed specific techniques and strategies for effective fraud investigations and met with a number of senior investigators to review their pending cases. Given the similarity between the American and Liberian criminal codes, Bill was able to guide his classes in determining the most legally effective investigative techniques. He said he particularly enjoyed interacting with smaller groups of investigators and a group of forensic auditors attached to the Office of the General Auditor and dedicated to anti-fraud audits across various ministries. "The Liberians were a delight to work with - their enthusiasm for reform and honest government is palpable, as is their work ethic. They truly need all the help the international community can provide, because their resources are so few."

Working with the prosecutors, however, was where Bill felt he made the greatest contribution. During his visit, the Ministry was preparing the fraud case against Interim Government President Charles Gyude Bryant. Bill met with the prosecution team numerous times, helped devise strategies for the presentation of the prosecution's case in

chief and was able to suggest several theories of proof that proved valuable to the trial team.



Bill Gardner with Stephen Zargo, Commissioner of Criminal Investigation and Liberian investigators

The Ministry has asked Bill to return in July to assist with the creation of an anti-fraud task force that will help to institutionalize the Ministry's efforts in the anti-corruption area. Even after being reminded that July is Liberia's rainy season, Bill is eager to return. A true ISLP volunteer!

Report from Kabul: Legal Aid for Afghan Human Rights Victims

- By Allen Keesee, ISLP Volunteer in Afghanistan, Feb-March 2008



Volunteer Allen Keesee in Kabul, Afghanistan

In February I had the good fortune to represent ISLP on a 5-week trip to Afghanistan to assess the operations of one of that country's leading human rights/legal aid NGOs, the Afghanistan Human Rights Organization (AHRO).

The impressions that trip produced included:

- The condition of society is deteriorating. Unemployment is endemic and rising. Afghans who have contact with the formal "justice system" - the police, prosecutors, and judges, as opposed to the village-based

"shura" (council of village elders) system - generally feel ill-used by it.

- Dissatisfaction with the Karzai government is pervasive. It is seen as having failed to provide health care, electricity, education, roads, decent courts, jobs, or any benefits to the population, and as unable to prevent a decline in security.
- The Coalition effort is being run without sufficient attention to the concerns and views of the general population. The civilian effort, for example, is run from the capital, with little contact with the population, virtually no language capability, and hence little concept of what that population thinks - all despite the many claims that winning over the population is essential to achieving both the political and quality of life goals of the Coalition.

But on a more positive note was the further impression that while in some countries dedicated legal aid/human rights activists have to "swim" in a sea of official indifference, Afghanistan is not such an environment. Despite the poor performance of many police, prosecutors, and judges, many officials are in fact amenable to guidance and reasoned argument (e.g., how human rights

principles are quite consistent with those of Shari'a law) from legal aid attorneys, and good outcomes can be had *provided that there are indeed legal aid practitioners available to make those arguments.*

And therein lies the rub: for legal aid to make headway, there has to be both external support and internal cooperation. In many countries, the former is present and the latter absent. In Afghanistan, it is the opposite. In my short time there I was told repeatedly by AHRO clients, chief prosecutors, prison directors, heads of provincial women's affairs departments, and other officials who had worked with AHRO how much they valued their legal aid assistance and how such intervention in specific cases had helped clients to a just outcome and officials to make a right decision.

But the ranks of defense lawyers - those that take on pro bono HR work - are thin, perhaps 100 in a nation of 25 million. And the reason they are scarce is that the funds available to NGOs to hire them are scarce. The US, for example, in 2006 provided \$19 billion in military aid, but

over the six years of 2002-2007 provided only \$6 million in total to some 200 small NGOs across the country - of which only a small slice would, of course, have gone to legal aid/human rights support.

Thus, whether Afghanistan is "won" or "lost" may to a surprisingly large extent turn on whether private legal aid NGOs like the Afghanistan Human Rights Organization, operating on shoe-string budgets but in an environment in which many officials are receptive to their arguments and intervention and welcome their help (the domestic cooperation component necessary for human rights progress), will or will not be given the financial support needed to carry on their operations (the external HR progress component). And on the answer to that question may depend, to a large extent, how goes Afghanistan.

Mr. Keesee is an attorney based in Herndon, VA who has worked on behalf of international human rights organizations in Cambodia, Haiti, South Africa and Mozambique.

Journeying Together - A Return Visit Helps Czech NGO Consider New Directions

- By Mike Haroz, ISLP Volunteer in the Czech Republic March, 2008

Sometimes you have to go backward to help others move forward. That was my experience with a recent volunteer assignment for ISLP.



Mike Haroz (2nd from left) and Richard W. Graber, US Ambassador to Czech Rep. (on his left) lead a discussion on pro bono at an event hosted by LIGA, CEELI Institute and the Public Interest Lawyers Association in Prague

This past March I packed my bags and headed off to the Czech Republic to spend four weeks working with the Czech League of Human Rights (LIGA). This was a return assignment, as I had worked with the League (www.llp.cz) as an ISLP volunteer in 2006.

LIGA is essentially a civil legal assistance NGO that focuses on discrimination cases related to the minority

Roma population, police misconduct, mental health incarcerations, and patient rights - all areas that resonate with my past experience as a legal aid attorney in Boston. My ISLP volunteer assignment this time involved: (a) promoting the concept of pro bono activities; (b) consultation on particular cases being handled by LIGA in the courts; and (c) assessment of organizational and management issues confronting LIGA.

"Mike played a role also of a great ambassador with his empathy towards everyone and will also be famous as a kind of founding father of pro bono culture in a totally different part of the world."

-Jiri Kopal, Chair

Liga lidskych prav / League of Human Rights

My work with the League required a bit of dusting off the cobwebs from my prior experience as well as bringing to bear my more recent experience as a member and the former managing partner of a major private law firm. The League's lawyers are young, smart, idealistic and very hard working; they were very open to learning from my history as well as great teachers of their own history. Together we were able to identify steps for organizational improvements built upon "best practices" in training,

recruitment, fund raising and case preparation in a manner practically sensitive to their culture and resources.

Part of my past work in the US has also involved development of pro bono programs for law firms and helping non-profits here learn how best to attract and utilize pro bono resources. This, too, was a subject of my collaboration with the League. Together we organized, with other Czech NGOs, three pro bono seminars for private Czech law firms and law schools. As a practicing private firm attorney and former managing partner, I was able to make the “business case” for private firm pro bono work.

These efforts, aided greatly by the participation of the US Ambassador to the Czech Rep. in the Prague seminar, stimulated a great deal of interest among the private bar in

the CR and planted important seeds for the emergence of a viable pro bono culture in the country.

It was a wonderful experience. I learned more than I probably taught. I made new and renewed old friendships. I circled back to my prior experiences and found, to my delight, that these experiences could add present day value to the world, a finding that, when you think about it, clearly confirms the basic conceptual concept of ISLP.

Mr. Haroz is the former Managing Partner of the Boston law firm of Goulston & Storrs, P.C. and a long-term member of the firm's pro bono and associate development committees. He has also completed 6 Boston Marathons.

Liberian President Thanks ISLP for Volunteer Work

ISLP was honored and privileged to be invited to meet with Liberian President Ellen Johnson-Sirleaf on April 29th in Washington, DC. The ISLP delegation was headed by Hogan & Hartson partner Joseph Bell, a member of our Board of Directors and an expert on natural resource concession agreement negotiations for developing countries. Joe develops, coordinates and participates as a volunteer in ISLP's work with Liberia. Also in attendance were Co-Presidents Anthony Essaye and Robert Kapp and Executive Director Jean Berman. The purpose of the meeting was to review the current ISLP work for Liberia, set priorities, and discuss anticipated future work. President Sirleaf noted the



ISLP meets with Liberian President Ellen Johnson-Sirleaf in Washington, DC

importance of ISLP's contributions to her government and expressed her gratitude for the outstanding work of our volunteers and for ISLP's ongoing support.

Assessing the Threat to Media Freedoms in Russia

Responding to a request from partner organization the Open Society Institute (OSI) Media Network Program, ISLP recruited Edward DeLaney, a highly experienced media lawyer from Indianapolis who is fluent in Russian, to spend one week in Moscow working on-site at the Center for Journalism in Extreme Situations (CJES). CJES was founded in 2000 as a human rights organization by the Russian Union of Journalists to defend media freedoms in the Russian Federation, especially in the criminal law arena. One of CJES' principal activities is to monitor government abuse of the media and help locate effective counsel for organizations that appear to have been unfairly targeted.

Ed's mission was to conduct an assessment of the organization for OSI's Media Network and provide recommendations on how CJES might more effectively provide legal



Volunteer Ed DeLaney with a CJES staff lawyer

assistance to journalists throughout the former Soviet Union. This support is seen as critical, especially in

light of new laws against so-called “extremist” speech, increased threats against journalists - a February 2008 report by the Center for the Protection of Journalists calls Russia one of the most dangerous countries in the world for journalists, behind Iraq - and growing risks to news organizations of forced closure for trivial code or registration violations.

Having spent weeks preparing for the assignment, Ed was able to hit the ground running. As soon as he arrived in Moscow, he met with CJES Director Oleg Panfilov and the organization’s in-house lawyers. The week was then filled with meetings with Russian lawyers actively involved in media cases and with journalists who have been beneficiaries of CJES’ work. Now back, Ed is preparing his recommendations for OSI and ISLP.

Volunteer Trip Kicks Off Malawian Clinical Drug Trials Program

The Government of Malawi invited a team from ISLP to the country this May to advance a project designed to help elaborate and implement a national policy on the conduct of clinical drug trials. The team included Stuart



ISLP’s project development team with government officials in Blantyre, Malawi

Land, a pharmaceutical industry lawyer retired from Arnold & Porter; Adam Sonnenschein, an attorney whose practice, formerly with Foley Hoag LLP and now with the Feinberg Law Group in Boston, includes negotiating clinical drug trial agreements; and Nathan Miller, ISLP’s Human Rights Program Officer.

Government officials and members of the medical research community were generous with their time, providing the team with a wealth of perspectives and information on the central concerns driving the effort to establish a new policy.

Clinical drug trials bring considerable benefits to developing countries – economic benefits, to be sure, but also training for the medical community, advanced equipment, and the possibility of free or low-cost drugs in the future. But the trials also bring the potential for exploitation. Hence the international consensus that the bedrock foundation of any trial regime must be respect for the dignity of the human beings who will ultimately be the subjects of research. The team came away from the trip with a clear mandate: help the government to draft an enforceable policy that will attract more research to Malawi while protecting human participants and ensuring that the maximum benefits accrue to the communities hosting the research and to Malawi in general.

With this in mind, the team is preparing to move forward on the Government’s request for a five-day workshop for 30-40 participants from the health sector that will focus on legal, regulatory, and ethical aspects of the negotiation and implementation of clinical drug trial agreements.

Summit on Commercial Law Practice in South Africa

From March 3-5 2008, ISLP, the Legal Education Centre of the Black Lawyers Association and the Senior Lawyers Division of the American Bar Association, working with the Mandela Institute at the University of Witwatersrand in Johannesburg presented a three-day conference entitled “Summit on Opportunities for Black Lawyers in South Africa to Practice Commercial Law.” The goal of the Conference was to examine the barriers confronted by black lawyers to active participation in the commercial law practice of their country. Additionally, the Summit was designed to assess the past four years of an annual 12-week commercial law education training



Dr. Mathews Phosa, Keynote Speaker at the Johannesburg Summit

presented by ISLP in South Africa, its impact on the 250 participants, and its role in helping foster commercial law opportunities. Conference attendance was full-capacity, including instructors and certificate recipients from past ISLP commercial law education programs; South African government officials; commercial law practitioners; and business and financial sector leaders. The keynote address was given by Dr. Mathews Phosa, a South African attorney, civil society leader and former anti-apartheid activist.

The first day of the conference focused on an evaluation of ISLP's commercial law training by instructors, administrators, and graduates of the program. Day two involved a broader-based review of the opportunities and challenges for historically-disadvantaged South African attorneys to practice commercial law or to expand their practice. The final day of the conference included a roundtable discussion to brainstorm initiatives on making affordable commercial law legal services available to small and medium-sized businesses and entrepreneurs of limited means.

The conference produced several important results. It focused the attention of key players on the opportunities and obstacles to participation by black attorneys in the practice of commercial law in South Africa. It laid the groundwork for continued emphasis on this important subject by the South African legal and business communities and government. It provided a valuable opportunity to bring together a sizeable number of past participants in the commercial law training program to share their longer term views on the benefits of the program and their suggestions for possible improvements as we move for-

ward. We are very grateful to the W.K. Kellogg Foundation for providing the funding to support this review.



ISLP Aids ECOWAS in Draft Mining Code

Responding to a request from Oxfam America, ISLP volunteers from Arnold & Porter's Washington, DC and Brussels offices prepared an analysis of aspects of a draft Convention on Mining for the member nations of the Economic Community of West African States (ECOWAS). The draft mining code is the centerpiece of a region-wide effort to impose more transparent financial practices and strict environmental standards upon the extractive industries and to assure that more revenue reverts to local African communities. According to Oxfam, top West African gold-producing countries recoup only about 5% of mining revenues, amounting to just 1% of their national annual budgets.

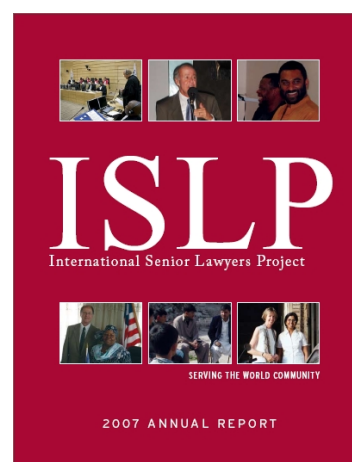
The ISLP team, led by retired Arnold & Porter partner Jack Lipson, focused its analysis of the draft code on proposed recordkeeping and reporting obligations that would ensure greater transparency and accountability in the mining companies' dealings with West African governments. This contribution helped make it possible to launch the draft code at a meeting of civil society and ECOWAS stakeholders in Dakar, Senegal on April 17th. Attorneys Blake Biles, Marleen Van Kerckhove, Francis Franze-Nakamura and Niels Ersobell participated actively and shared responsibility for the project.

Welcome, Joseph!



ISLP is pleased to welcome Joseph Lin to our offices as an intern assisting the Human Rights program this summer. Joseph is pursuing a Master of International Affairs degree from Columbia's School of International and Public Affairs with a concentration in economic and political develop-

ment. Before moving to New York, Joseph was a fellow with the International Justice Mission in Cambodia and was a graduate political intern with the U.S. State Department. Joseph received his B.A. in psychology from Boston College and his J.D. from the John Marshall Law School and is admitted to the Illinois Bar.



ISLP's 2007 Annual Report is Online!
www.islp.org

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The International Law Section of the Washington, DC Bar Association recognized the International Senior Lawyers Project on May 20th with its 2007 Public Service Award. The award honors public service in international law and was presented at the association's annual luncheon in Washington, DC.

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.

